

ORDINANCE NO. 38-2021

Authorizing the Appropriation of Private Property for the Public Purpose of a Sanitary Sewer Project, Specifically the Northbrook Relief Sewer Phase II Improvements.

WHEREAS, the Department of Service and Engineering is planning to make certain sanitary sewer improvements as part of the Northbrook Relief Sewer Phase II Improvements. Project 656-17 (the “Project”); and,

WHEREAS, the Northbrook Relief Sewer is part of the City’s original sanitary sewer system that was installed almost one hundred years ago; and,

WHEREAS, the sanitary sewerage from a significant portion of the City flows through the Northbrook Relief Sewer; and,

WHEREAS, the Project is designed to eliminate sewer surcharges as mandated by the Ohio Environmental Protection Agency; and,

WHEREAS, Council previously passed Ordinance No. 29-2017, Ordinance No. 44-2019, and Ordinance No. 06-2020 appropriating funds and determining to proceed with the Project; and,

WHEREAS, the City has acquired all but one of the sanitary sewer easements and temporary easements necessary to proceed with the Project; and,

WHEREAS, the Project requires that the City obtain a 0.095-acre Sanitary Sewer Easement and a 0.065-acre Temporary Easement from Mark R. Gideon who owns the property at 91 Chaucer Court, Worthington, Ohio (Parcel ID #100-003966); and,

WHEREAS, a copy of Resolution 50-2020 declaring Council’s intention to appropriate the easements was served on Mr. Gideon; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Council considers it necessary and declares its authorization to appropriate, for the public purpose of constructing certain sanitary sewer improvements, a 0.095-acre Sanitary Sewer Easement and a 0.065-acre Temporary Easement from Mark R. Gideon as described in the attached Exhibit A.

SECTION 2. That Council hereby authorizes and directs such appropriations to proceed and the Law Director is hereby authorized to file or cause the filing of a petition for appropriation in the Franklin County Court of Common Pleas should it become necessary.

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SECTION 3. Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to take any other lawful actions necessary to appropriate or acquire the properties identified in Section 1, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interests in an amount greater than the City's appraised value without further Council action required unless additional funds need to be appropriated.

SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed July 19, 2021

/s/ Bonnie D. Michael
President of Council

Attest:

/s/ D. Kay Thress
Clerk of Council

Introduced July 12, 2021
P.H. July 19, 2021
Effective August 11, 2021



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EASEMENT EXHIBIT
 LOT 24, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 18
 UNITED STATES MILITARY LANDS
 CITY OF WORTHINGTON, COUNTY OF FRANKLIN, STATE OF OHIO

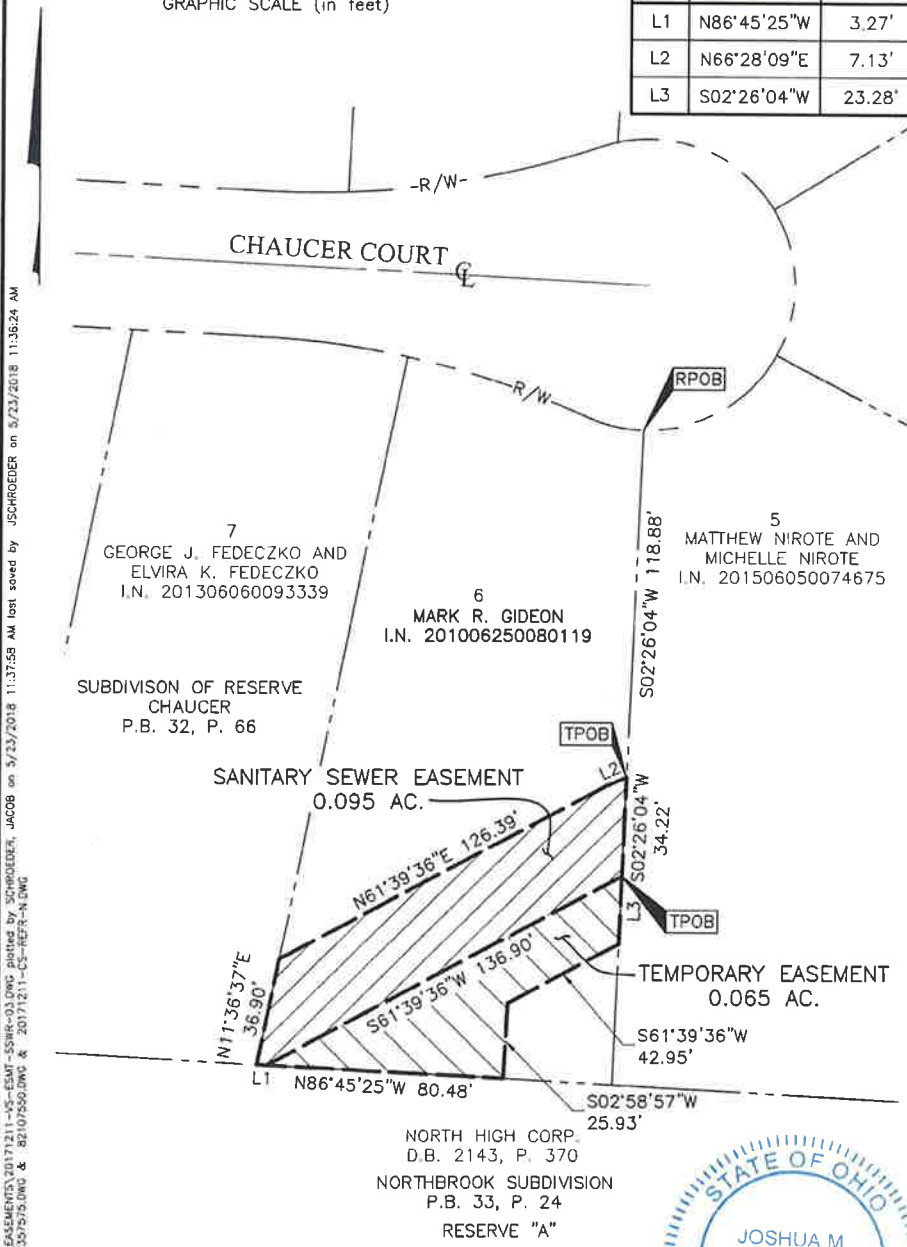
Date: May 23, 2018

Job No: 2017-1211

Scale: 1" = 50'



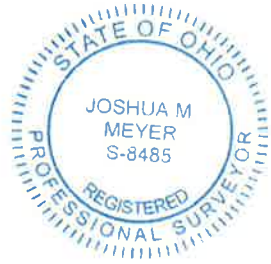
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N86°45'25"W	3.27'
L2	N66°28'09"E	7.13'
L3	S02°26'04"W	23.28'



J:\2017\1211\DWG\045\HEETS\EASEMENTS\20171211-15-ESMT-SSMR-03.DWG plotted by SCHROEDER, JACOB on 3/23/2018 11:37:58 AM last saved by J.SCHROEDER on 5/23/2018 11:36:24 AM
 Xrefs: 82107575.DWG & 82107550.DWG & 20171211-CS-REFR-N.DWG

By Joshua M. Meyer
 Professional Surveyor No. 8485

5-23-2018
 Date



**SANITARY SEWER EASEMENT
0.095 ACRE**

Situated in the State of Ohio, County of Franklin, City of Worthington, lying in Lot 24, Quarter Township 3, Township 2, Range 18, United States Military Lands, being on, over, and across Lot 6 of that subdivision entitled "Subdivision of Reserve Chaucer" of record in Plat Book 32, Page 66 and conveyed to Mark R. Gideon by deed of record in Instrument Number 201006250080119 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the southerly right-of-way line of Chaucer Court, a corner common to Lot 5 and Lot 6 of said "Subdivision of Reserve Chaucer";

Thence South 02° 26' 04" West, with the line common to Lot 5 and Lot 6 of said "Subdivision of Reserve Chaucer," a distance of 118.88 feet to the TRUE POINT OF BEGINNING;

Thence South 02° 26' 04" West, continuing with said common line, a distance of 34.22 feet to a point;

Thence South 61° 39' 36" West, across Lot 6 of said "Subdivision of Reserve Chaucer," a distance of 136.90 feet to a point in the southerly line of Lot 6 of said "Subdivision of Reserve Chaucer," in a northerly line of Reserve "A" of that subdivision entitled "Northbrook Subdivision" of record in Plat Book 33, Page 24;

Thence North 86° 45' 25" West, with the line common to Lot 6 of said "Subdivision of Reserve Chaucer" and Reserve "A" of said "Northbrook Subdivision," a distance of 3.27 feet to a corner common to Lot 6 and Lot 7 of said "Subdivision of Reserve Chaucer";

Thence North 11° 36' 37" East, with the line common to Lot 6 and Lot 7 of said "Subdivision of Reserve Chaucer," a distance of 36.90 feet to a point;

Thence across Lot 6 of said "Subdivision of Reserve Chaucer," the following courses and distances:

North 61° 39' 36" East, a distance of 126.39 feet to a point; and

North 66° 28' 09" East, a distance of 7.13 feet to the TRUE POINT OF BEGINNING, containing 0.095 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

3-26-2019

Joshua M. Meyer
Professional Surveyor No. 8485

Date

**TEMPORARY EASEMENT
0.065 ACRE**

Situated in the State of Ohio, County of Franklin, City of Worthington, lying in Lot 24, Quarter Township 3, Township 2, Range 18, United States Military Lands, being on, over, and across Lot 6 of that subdivision entitled "Subdivision of Reserve Chaucer" of record in Plat Book 32, Page 66 and conveyed to Mark R. Gideon by deed of record in Instrument Number 201006250080119 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the southerly right-of-way line of Chaucer Court, a corner common to Lot 5 and Lot 6 of said "Subdivision of Reserve Chaucer";

Thence South 02° 26' 04" West, with the line common to Lot 5 and Lot 6 of said "Subdivision of Reserve Chaucer," a distance of 153.10 feet to the TRUE POINT OF BEGINNING;

Thence South 02° 26' 04" West, continuing with said common line, a distance of 23.28 feet to a point;

Thence across Lot 6 of said "Subdivision of Reserve Chaucer," the following courses and distances:

South 61° 39' 36" West, a distance of 42.95 feet to a point; and

South 02° 58' 57" West, a distance of 25.93 feet to a point in the southerly line of Lot 6 of said "Subdivision of Reserve Chaucer," in a northerly line of Reserve "A" of that subdivision entitled "Northbrook Subdivision" of record in Plat Book 33, Page 24;

Thence North 86° 45' 25" West, with the line common to Lot 6 of said "Subdivision of Reserve Chaucer" and Reserve "A" of said "Northbrook Subdivision," a distance of 80.48 feet to a point;

Thence North 61° 39' 36" East, across Lot 6 of said "Subdivision of Reserve Chaucer," a distance of 136.90 feet to the TRUE POINT OF BEGINNING, containing 0.065 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

5-23-2018

Joshua M. Meyer
Professional Surveyor No. 8485

Date