

Ordinance 2002-61

Passed: December 3, 2002

AN ORDINANCE RELEASING THE CLAIM OF THE MUNICIPALITY OF POWELL TO A PORTION OF A PLATTED DRAINAGE EASEMENT ON LOT 4268, GOLF VILLAGE SECTION 7 PHASE A, PLAT CABINET 3, SLIDES 3-3B DELAWARE COUNTY, OHIO RECORDS.

WHEREAS, Council has determined that the plat of Golf Village Section 7 Phase A reflects a platted drainage easement on Lot 4268 in said subdivision as reflected upon the attachment hereto as Exhibit A, and

WHEREAS, ADR & Associates, Ltd. has determined a survey control point error has caused the single-family structure on said Lot to be constructed within the platted drainage easement, and

WHEREAS, the City Engineer has determined that the portion of the drainage easement herein released is not necessary for proper drainage purposes.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the Municipality of Powell, for itself and its successors in interest, hereby releases any claim to that portion of a platted drainage easement on Lot 4268 in Golf Village Section 7 Phase A, Plat Cabinet 3, Slides 3-3B Delaware County, Ohio records as reflected upon the attachment hereto as Exhibit A.

Section 2: That the City Manager is hereby authorized to execute a deed on behalf of the city transferring its interest back to the developer.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 4: That this Ordinance shall take effect at the earliest date permitted by law.

VOTE ON RULE SUSPENSION: Y 7 N 0

VOTE ON ORDINANCE 2002-61: Y 7 N 0

Art Schultz
Art Schultz
Mayor Date 12/17/02

Dawn Nauman
Dawn Nauman
Clerk of Council Date 12/16/02
on this date 04-11 4-3-94
12/20/02

Dawn Nauman
Clerk of Council



DESCRIPTION OF ORDINANCE REQUEST

GOLF VILLAGE 7, PHASE A
LOT # 4268

DESCRIPTION OF REQUEST

- We are requesting approval of an ordinance to vacate a 2' wide strip of the easement along the north property line. The house has been constructed 1.6' into the 15' easement. We wish to reduce the width of the easement from 15' down to 13'

BACKGROUND HISTORY

- ADR & Associates provided all civil engineering design for this section of Golf Village, including construction plans, final plat, and survey staking for the construction of the streets, utilities, and property corners. All house plot plans and house stakings have been performed by other surveying companies in contract with the home builders.

WHY THE ERROR OCCURRED

- As with all construction projects, survey crews utilize the same survey control points to construct the subdivision as was used to provide the original topographic survey. One of these survey control point coordinates was in error by a small amount versus its actual location. This small distance error in survey control at one end of the project became a much larger distance error at the other end of the project, a half mile away. This caused the property pins to be set in the wrong location (approximately 1.5' on this lot).

HOW THE ERROR WAS FOUND

- The error was not obvious to anyone visiting or constructing on the site. This is because all of the property pins were set in exact relation to each other, as shown on the plat, but they were all shifted slightly. This error was only found when ADR and another engineering consultant were comparing survey information on similar locations. Both firms spent considerable time and effort to locate the problem. We soon determined that we (ADR) had a survey control problem and that all of the property pins set on the lots were in error to varying degrees.

HOW THE PROBLEM WAS HANDLED

- At the time when it was determined that the property pins were in error, 5 homes were under construction within the subdivision. Lots 4268 and 4291 require an Ordinance from City Council to vacate a 2' wide section of an easement. We immediately contacted all home builders and surveyors to halt any new construction until the problem could be rectified. Within one week, ADR had removed all erroneous property pins and re-set new pins in the proper location. All homes being built, other than the original 5, will be staked using correct property pins. We also immediately contacted City of Powell Officials and have been working through the proper procedures with them to mitigate any problems.

We clearly made an error on this project which has affected many people. We ask for your understanding and approval of our request.

See the attached exhibit for additional details.

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NEWARK, OHIO 43055
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DRAWN BY: GCS

DATE: 21 NOV 2002

EXHIBIT FOR LOT 4268
GOLF VILLAGE SECTION 7, PHASE A
POWELL, OHIO

