



Legislation Details (With Text)

File #: 0459-2011 **Version:** 1

Type: Ordinance **Status:** Defeated

File created: 3/14/2011 **In control:** Rules & Reference Committee

On agenda: 7/30/2012 **Final action:** 7/30/2012

Title: To authorize the City Attorney to file the necessary complaints for the appropriation of permanent easements in and to real estate necessary for the Alum Creek Trail-Mock Road to I-670 Project, and to declare an emergency.

Sponsors: Andrew Ginther

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/30/2012	1	Columbus City Council	Taken from the Table	Pass
7/30/2012	1	Columbus City Council	Defeated	Fail
4/4/2011	1	Columbus City Council	Tabled Indefinitely	Pass
3/24/2011	1	CITY ATTORNEY	Reviewed and Approved	
3/24/2011	1	Atty Drafter	Sent to Clerk's Office for Council	
3/23/2011	1	Rec & Parks Drafter	Sent for Approval	
3/23/2011	1	Atty Drafter	Sent for Approval	
3/21/2011	1	REC & PARKS DIRECTOR	Reviewed and Approved	
3/17/2011	1	Atty Drafter	Sent for Approval	
3/17/2011	1	Rec & Parks Drafter	Sent for Approval	
3/16/2011	1	Atty Reviewer	Reviewed and Approved	
3/14/2011	1	Atty Drafter	Sent for Approval	

Background: The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of permanent easements in and to real estate necessary for the Alum Creek Trail-Mock Road to I-670 Project.

Fiscal Impact: Funding for this project is from the Recreation and Parks Department Voted 1999/2004 Recreation and Parks Bond.

Emergency Justification: Emergency action is requested by the Recreation and Parks Department as not to delay the increased non-motorized transportation alternatives and health benefits related to walking and cycling that the project will provide.

To authorize the City Attorney to file the necessary complaints for the appropriation of permanent easements in and to real estate necessary for the Alum Creek Trail-Mock Road to I-670 Project, and to declare an emergency.

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the Alum Creek Trail-Mock Road to I-670 Project; and

WHEREAS, the easements needed for this project will create non-motorized transportation alternatives for the public and promote the health benefits related to walking and cycling; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0005X-2011, on the 24th day of January, 2011, declaring the necessity and intent to appropriate the real property interests hereinafter described and the purpose of the appropriation, and notice of such adoption of said resolution has been served in accordance with Columbus City Code Sec. 909.03; and,

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is necessary to appropriate such real property interests so that there will be no delay in the aforementioned project, and for the immediate preservation of the public peace, property, health and safety; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the Alum Creek Trail-Mock Road to I-670 Project, # 510316, pursuant to the power and authority granted to a municipal corporation by the Constitution of the State of Ohio, the Ohio Revised Code, Sec. 715.01, Sec. 717.01, Sec. 719.01 through Sec. 719.02; the Charter of the City of Columbus; and the Columbus City Code (1959), Chapter 909:

PARCEL 3P

The land herein described is situated in Franklin County, The City of Columbus, Original Mifflin Township, Quarter Township 3, Township 1, Range 17, United States Military Lands, and being within that 30.91-acre tract of land conveyed to Only Just an LLC by deed recorded in Instrument Numbered 200312230402074 and being located within the following described points in the boundary thereof;

Commencing at a point on the existing easterly right-of-way line of Sunbury Road, on the northerly property line of that 11.5-acre tract of land conveyed to The Arlington Company by deed recorded in Official Record 02773C09, the southerly property line of that 5.796-acre tract of land conveyed to Sandra Ackley Kirk by deed recorded in Deed Book 3452, Page 126 and conveyed to Sandra Ackley Kirk, Sandra Ackley Kirk and Gilman D. Kirk, Jr. as co-trustees of the Amended and Restated Trust created by Irma L. Ackley dated July 30, 1990, as last amended and restated May 16, 1996 by deed recorded in Instrument Numbered 200004280083166, said point shown upon QUEENSLAND SUBDIVISION, Plat Book 42, Page 124 as the intersection of the existing easterly right-of-way line of Sunbury Road with the southerly property line of a 0.83-acre tract of land owned by Wallace F. Ackley;

Thence South 85 degrees 46 minutes 31 seconds East for a distance of 113.47 feet, with a northerly property line of said 11.5-acre tract, a southerly property line of said 5.796-acre tract, to a point in Alum Creek;

Thence South 10 degrees 02 minutes 24 seconds West for a distance of 23.00 feet, down Alum Creek, with a westerly property line of said 5.796-acre tract, an easterly property line of said 11.5-acre tract, to a northwesterly property corner of said 30.91-acre tract, a southwesterly property corner of said 5.796-acre tract;

Thence South 85 degrees 48 minutes 27 seconds East for a distance of 133.33 feet, with a northerly property line of said 30.91-acre tract, a southerly property line of said 5.796-acre tract to the True Place of Beginning of the herein described PARCEL 3;

Thence South 85 degrees 48 minutes 27 seconds East for a distance of 25.23 feet, with a northerly property line of said 30.91-acre tract, a southerly property line of said 5.796-acre tract to a point;

Thence crossing said 30.91-acre tract the following 9 courses and distances:

1. South 03 degrees 36 minutes 27 seconds East for a distance of 230.74 feet, to a point of curvature;
2. South 24 degrees 22 minutes 01 seconds East for a chord distance of 97.47 feet, with an arc length of 99.64 feet curving to the left, having a radius of 137.50 feet, a central angle of 40 degrees 31 minutes 04 seconds, to a point of tangency;
3. South 45 degrees 07 minutes 35 seconds East for a distance of 112.99 feet, to a point of curvature;
4. South 15 degrees 04 minutes 06 seconds East for a chord distance of 212.87 feet, with an arc length of 222.96 feet curving to the right, having a radius of 212.50 feet, a central angle of 60 degrees 06 minutes 55 seconds, to a point of tangency;
5. South 14 degrees 59 minutes 22 seconds West for a distance of 132.94 feet, to a point of curvature;
6. South 25 degrees 25 minutes 36 seconds West for a chord distance of 76.99 feet, with an arc length of 77.42 feet curving to the right, having a radius of 212.50 feet, a central angle of 20 degrees 52 minutes 29 seconds,

to a point of tangency;

7. South 35 degrees 51 minutes 51 seconds West for a distance of 98.58 feet, to a point of curvature;
8. South 44 degrees 11 minutes 21 seconds West for a chord distance of 32.58 feet, with an arc length of 32.70 feet curving to the right, having a radius of 112.50 feet, a central angle of 16 degrees 39 minutes 05 seconds, to a point of tangency;
9. South 52 degrees 30 minutes 51 seconds West for a distance of 137.25 feet, to a point on a southerly property line of said 30.91-acre tract, a northerly property line of that 37.38-acre tract of land conveyed to City of Columbus by deed recorded in Official Record 21179C16;

Thence North 86 degrees 54 minutes 01 seconds West for a distance of 38.43 feet, with a southerly property line of said 30.91-acre tract, a northerly property line of said 37.38-acre tract to point;

Thence crossing said 30.91-acre tract the following 9 courses and distances:

1. North 52 degrees 30 minutes 51 seconds East for a distance of 166.43 feet, to a point of curvature;
2. North 44 degrees 11 minutes 21 seconds East for a chord distance of 25.34 feet, with an arc length of 25.43 feet curving to the left, having a radius of 87.50 feet, a central angle of 16 degrees 39 minutes 05 seconds, to a point of tangency;
3. North 35 degrees 51 minutes 51 seconds East for a distance of 98.58 feet, to a point of curvature;
4. North 25 degrees 25 minutes 36 seconds East for a chord distance of 67.94 feet, with an arc length of 68.32 feet curving to the left, having a radius of 187.50 feet, a central angle of 20 degrees 52 minutes 34 seconds, to a point of tangency;
5. North 14 degrees 59 minutes 22 seconds East for a distance of 132.94 feet, to a point of curvature;
6. North 15 degrees 04 minutes 06 seconds West for a chord distance of 187.83 feet, with an arc length of 196.73 feet curving to the left, having a radius of 187.50 feet, a central angle of 60 degrees 06 minutes 59 seconds, to a point of tangency;
7. North 45 degrees 07 minutes 35 seconds West for a distance of 112.99 feet, to a point of curvature;
8. North 24 degrees 22 minutes 01 seconds West for a chord distance of 115.19 feet, with an arc length of 117.75 feet curving to the right, having a radius of 162.50 feet, a central angle of 41 degrees 31 minutes 02 seconds, to a point of tangency;
9. North 03 degrees 36 minutes 27 seconds West for a distance of 234.16 feet, to the Place of Beginning, and containing 0.660 Acres of Land, more or less.;

It is understood that the above described area contains a total of 0.660 acres, more or less, a part of Auditor's Parcel Number 010-258021-00.

Grantor claims title by Instrument Numbered 200312230402074 (for Auditor's Parcel Number 010-258021-00) of the Franklin County Recorder's Office.

The Basis of Bearing in this description is the Ohio State Plane Coordinate System, South Zone.

Description prepared from and actual field survey and from records obtained from the Offices of the Franklin County Engineer and Auditor, under the supervision of Dwight D. Stuckey, Ohio Registered Surveyor Number 4992.

Dwight D. Stuckey, P.S. No. 4992

Section 2. That permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the Alum Creek Trail-Mock Road to I-670 Project, # 510316, pursuant to the power and authority granted to a municipal corporation by the Constitution of the State of Ohio, the Ohio Revised Code, Sec. 715.01, Sec. 717.01, Sec. 719.01 through Sec. 719.02; the Charter of the City of Columbus; and the Columbus City Code (1959), Chapter 909:

PARCEL 4P

The land herein described is situated in Franklin County, The City of Columbus, Original Mifflin Township, Quarter Township 3, Township 1, Range 17, United States Military Lands, part of Farm Lot Survey in Plat Book 4, Page 353, and being within that 5.796-acre tract of land conveyed to Sandra Ackley Kirk by deed recorded in Deed Book 3452, Page 126 and conveyed to Sandra Ackley Kirk, Sandra Ackley Kirk and Gilman D. Kirk, Jr. as co-trustees of the Amended and Restated Trust created by Irma L. Ackley dated July 30, 1990, as last amended and restated May 16, 1996 by deed recorded in Instrument Numbered 200004280083166, Auditor's Parcel Number 010-166722-00 containing 0.83 acres being a part of said 5.796-acre tract and now containing 0.796 acres by a new survey REVISED 1-28-91 on file in the office of The Franklin County Engineer, and being located within the following described points in the boundary thereof;

Commencing at a point on the existing easterly right-of-way line of Sunbury Road, on the northerly

property line of said 5.796-acre tract, the southerly property line of that 8.92-acre tract of land conveyed to the City of Columbus by deed recorded in Instrument Numbered 200108100185368, said point shown upon QUEENSLAND SUBDIVISION, Plat Book 42, Page 124 as the intersection of the existing easterly right-of-way line of Sunbury Road with the northerly property line of a 0.83-acre tract of land owned by Wallace F. Ackley;

Thence South 85 degrees 46 minutes 38 seconds East for a distance of 35.75 feet, with a northerly property line of said 5.796-acre tract and northerly line of said Auditor's Parcel 010-166722-00, the southerly property line of said 8.92-acre tract, to the True Place of Beginning of the herein described PARCEL 4;

Thence South 85 degrees 46 minutes 38 seconds East for a distance of 28.17 feet, with a northerly property line of said 5.796-acre tract and northerly line of said Auditor's Parcel 010-166722-00, the southerly property line of said 8.92-acre tract, to a point;

Thence South 09 degrees 26 minutes 47 seconds West for a distance of 46.26 feet, crossing said 5.796-acre tract and said Auditor's Parcel 010-166722-00, to a point on the end of a curve, not tangent;

Thence South 06 degrees 36 minutes 57 seconds East for a chord distance of 24.79 feet, crossing said 5.796-acre tract and said Auditor's Parcel 010-166722-00 with an arc length of 26.74 feet curving to the left, having a radius of 20.00 feet, a central angle of 76 degrees 35 minutes 45 seconds, to a point of tangency;

Thence South 44 degrees 54 minutes 27 seconds East for a distance of 161.91 feet, crossing said 5.796-acre tract and said Auditor's Parcels 010-166722-00 and 010-258016-00, to a point of curvature within said Auditor's Parcel 010-258016-00;

Thence South 24 degrees 15 minutes 27 seconds East for a chord distance of 56.43 feet, crossing said 5.796-acre tract and said Auditor's Parcel 010-258016-00, with an arc length of 57.67 feet curving to the right, having a radius of 80.00 feet, a central angle of 41 degrees 18 minutes 13 seconds, to a point on the end of the curve;

Thence South 33 degrees 52 minutes 34 seconds West for a distance of 28.76 feet, crossing said 5.796-acre tract and said Auditor's Parcel 010-258016-00, to a point on a southerly property line of said 5.796-acre tract and a southerly line of said Auditor's Parcel 010-258016-00, on a northerly property line of that 30.91-acre tract of land conveyed to Only Just an LLC by deed recorded in Instrument Numbered 200312230402074;

Thence North 85 degrees 48 minutes 27 seconds West for a distance of 25.23 feet, with a southerly property line of said 5.796-acre tract and a southerly line of said Auditor's Parcel 010-258016-00, a northerly property line of said 30.91-acre tract to a point;

Thence North 45 degrees 41 minutes 17 seconds West for a distance of 26.11 feet, crossing said 5.796-acre tract and said Auditor's Parcel 010-258016-00, to a point on the end of a curve, not tangent;

Thence North 24 degrees 15 minutes 27 seconds West for a chord distance of 14.11 feet, crossing said 5.796-acre tract and said Auditor's Parcel 010-258016-00, with an arc length of 14.42 feet curving to the left, having a radius of 20.00 feet, a central angle of 41 degrees 18 minutes 41 seconds, to a point of tangency;

Thence North 44 degrees 54 minutes 27 seconds East for a distance of 161.91 feet, crossing said 5.796-acre tract and said Auditor's Parcels 010-258016-00 and 010-166722-00 and Alum Creek, to a point of curvature within said Auditor's Parcel 010-166722-00;

Thence North 06 degrees 36 minutes 57 seconds West for a chord distance of 99.15 feet, crossing said 5.796-acre tract and said Auditor's Parcel 010-166722-00 with an arc length of 106.94 feet curving to the right, having a radius of 80.00 feet, a central angle of 76 degrees 35 minutes 12 seconds, to a point on the end of the curve;

Thence North 62 degrees 03 minutes 43 seconds East for a distance of 34.59 feet, crossing said 5.796-acre tract and said Auditor's Parcel 010-166722-00, to the Place of Beginning, and containing 0.421 Acres of Land, more or less.

It is understood that the above described area contains a total of 0.421 acres, more or less, which is further described as being:

0.184 acres, more or less, including the present road which occupies 0.000 acres, more or less, being in Auditor's Parcel Number 010-166722-00.

0.237 acres, more or less, including the present road which occupies 0.000 acres, more or less, being in Auditor's Parcel Number 010-258016-00.

Grantor claims title by Deed Book 3452, Page 126 and Instrument Numbered 200004280083166 (for Auditor's Parcel Numbers 010-166722-00 and 010-258016-00) of the Franklin County Recorder's Office.

The Basis of Bearing in this description is the Ohio State Plane Coordinate System, South Zone.

Description prepared from and actual field survey and from records obtained from the Offices of the Franklin County Engineer and Auditor, under the supervision of Dwight D. Stuckey, Ohio Registered Surveyor Number 4992.

Dwight D. Stuckey, P.S. No. 4992 Date

Section 3. That the Council of the City of Columbus, Ohio, declares that the appropriation of said real property interests is necessary for the stated public purpose and that the City of Columbus, Ohio, has been unable to agree with the owner(s) as to the just compensation to be paid by the City of Columbus, Ohio.

Section 4. That the Council of the City of Columbus hereby fixes the value of said permanent easements as follows:

- | | | |
|----|----|-------------|
| 1. | 3P | \$14,850.00 |
| 2. | 4P | \$9,473.00 |

Section 5. That the City Attorney be and hereby is authorized to file a complaint for appropriation of real property, in a Court of competent jurisdiction, and to have a jury impaneled to make inquiry into and assess the just compensation to be paid for the foregoing described real property interests.

Section 6. That for the reasons state in the preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.