



## Legislation Details (With Text)

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**File #:** 0246X-2011    **Version:** 1  
**Type:** Resolution    **Status:** Passed  
**File created:** 9/13/2011    **In control:** Public Safety & Judiciary Committee  
**On agenda:** 9/26/2011    **Final action:** 9/27/2011  
**Title:** To declare the necessity and intent to appropriate construction easements in, over, under and through real estate in connection with the Fifth Avenue Streetscapes Improvements Project (within the Milo-Grogan Neighborhood), and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
9/27/2011	1	MAYOR	Signed	
9/27/2011	1	CITY CLERK	Attest	
9/26/2011	1	COUNCIL PRESIDENT	Signed	
9/26/2011	1	Columbus City Council	Adopted	Pass

**Background:**

The following is a resolution to declare the necessity and intent to appropriate construction easements in, over, under and through real estate in connection with the Fifth Avenue Streetscapes Improvements Project (within the Milo-Grogan Neighborhood).

**Fiscal Impact:**

N/A

**Emergency Justification:** The roadway, and pedestrian improvements contemplated by this project are essential to safety of those individuals traveling within this area and to future redevelopment of this area. Failure to complete right-of-way acquisition in a timely manner will delay the current construction schedule. Emergency action is requested to allow right-of-way acquisition and this project to remain on schedule.

To declare the necessity and intent to appropriate construction easements in, over, under and through real estate in connection with the Fifth Avenue Streetscapes Improvements Project (within the Milo-Grogan Neighborhood), and to declare an emergency.

WHEREAS, the City of Columbus is engaged in the Fifth Avenue Streetscapes Improvements Project (within the Milo

-Grogan Neighborhood); and,

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Design and Construction in that it is immediately necessary to declare the necessity and intent to appropriate construction easements in, over, under and through the hereinbefore described real estate necessary for the aforementioned project so that there will be no delay in the project thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

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

Section 1. That this Council hereby declares the necessity and intent to appropriate construction easements in, over, under and through the following described real estate necessary for the Fifth Avenue Streetscapes Improvements Project (within the Milo-Grogan Neighborhood), Project # 530058, pursuant to and in accordance with the Charter of the City of Columbus, Columbus City Code (1959) Revised, Chapter 909, the Constitution of the State of Ohio and Ohio Revised Code, Chapter 719; to-wit:

PARCEL 27-T  
TEMPORARY EASEMENT  
FIFTH AVENUE STREETSCAPE IMPROVEMENTS

Situated in the State of Ohio, County of Franklin, City of Columbus and being part of a 0.27 acre tract of land conveyed to Brenda Barnes by deed of record in Inst. # 200502070023071 of the Recorders office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a point 33.53 feet right of station 45+34.08;

Thence N 4°00'22" E a distance of 89.64 feet to a point, said point being 36.24 feet right of station 46+23.68;

Thence S 85°59'38" E a distance of 2.15 feet to a point, said point being 38.39 feet right of station 46+23.61;

Thence S 3°09'32" W a distance of 89.65 feet to a point, said point being 37.00 feet right of station 45+33.98;

Thence N 85°59'38" W a distance of 3.48 feet to the point of beginning;

The above described area is contained within the Franklin County Auditor's Parcel Numbers 010-022131, 010-562621 and 010-028725. Within said boundary is 0.006 acres, more or less,

This description and survey was prepared and reviewed on December 3, 2010 by Robert A. Hock, Registered Surveyor #5674.

The basis of bearings in this description area based on the State Plane Coordinate System, Ohio South Zone, NAD83 (1986 adjustment), which were determined by GPS observations conducted by the Franklin County Engineer's Office occupying Franklin County Geodetic Survey Monuments Designation Frank 62 and Frank 162. Robert A. Hock, P.S. Reg. Surveyor No. 5674

Section 2. That the City Attorney be and hereby is authorized to cause a written notice of the adoption of this resolution to be served upon the owners, persons in possession of or persons having a real or possible interest of record in the above described premises in the manner provided by law.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor, or ten days after adoption if the Mayor neither approves nor vetoes the same.