



Legislation Details (With Text)

File #: 1889-2007 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 11/7/2007 **In control:** Judiciary And Court Administration Committee
On agenda: 12/3/2007 **Final action:** 12/5/2007
Title: To authorize the City Attorney to file the necessary complaints for the appropriation of construction and permanent easements in and to real estate necessary for the Idlewild Drive Stormwater Improvement Project, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|------------------------------------|--------|
| 12/5/2007 | 1 | CITY CLERK | Attest | |
| 12/4/2007 | 1 | MAYOR | Signed | |
| 12/3/2007 | 1 | Columbus City Council | Approved | Pass |
| 12/3/2007 | 1 | COUNCIL PRESIDENT | Signed | |
| 11/21/2007 | 1 | Atty Reviewer | Reviewed and Approved | |
| 11/21/2007 | 1 | Atty Drafter | Sent for Approval | |
| 11/21/2007 | 1 | CITY ATTORNEY | Reviewed and Approved | |
| 11/21/2007 | 1 | Atty Drafter | Sent to Clerk's Office for Council | |
| 11/14/2007 | 1 | Atty Drafter | Sent for Approval | |

Background: The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of construction and permanent easements in and to real estate necessary for the Idlewild Drive Stormwater Improvement Project.

Fiscal Impact: Funding for this project is from the Department of Public Utilities, Division of Sewerage and Drainage Storm Sewer Bonds Fund .

Emergency Justification: Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay.

To authorize the City Attorney to file the necessary complaints for the appropriation of construction and permanent easements in and to real estate necessary for the Idlewild Drive Stormwater Improvement 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 Idlewild Drive Stormwater Improvement Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0017X-2007, on the 26th day of February, 2007, and adopted Resolution No. 0171X-2007, on the 12th day of November, 2007 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 Department of Public Utilities, Division of Sewerage and Drainage, 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 construction and permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the **Idlewild Drive Storm Sewer Project, #610973**, 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 NO. 7T

Situated in the City of Columbus, County of Franklin, State of Ohio and being a part of Lots 45 and 46 of Idlewild Manor Extension Addition, and recorded in Plat Book 20, Page 15 owned by Phillip A. and Ruby F. Smedley and referenced in Official Record 00595 Page A11, all references being to the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing for reference at the northeast corner of Lot 46 at the intersection of the south right-of-way line of Taylor Road with the westerly right-of-way line of Manor Drive;

Thence along said westerly right-of-way line, South 03°45'25" West 54.00 feet to a point; being the TRUE POINT OF BEGINNING of the parcel herein conveyed;

Thence continuing along said right-of-way, South 03°45'25" West 30.00 feet to a point;

Thence North 86°26' 15" West 5.00 feet to a point;

Thence North 3°45'25" East 30.00 feet to a point;

Thence South 86°26' 15" which is 87.00 square feet being out of Auditor's Parcel Number 550-156184 and 63.00 square feet being out of Auditor's Parcel Number 550-156185 East 5.00 feet to the TRUE POINT OF BEGINNING and containing 0.003 acres (150.00 square feet).

PARCEL NO. 7S

Situated in the City of Columbus, County of Franklin, State of Ohio and being a part of Lot 44 of Idlewild Manor Extension Addition, and recorded in Plat Book 20, Page 15 owned by Phillip A. and Ruby F. Smedley and referenced in Official Record 00595 Page A11, all references being to the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at the southeast corner of Lot 44 on the northerly right of way line of a 16 foot wide alley and on the westerly right of way line of Manor Drive and being the TRUE POINT OF BEGINNING of the parcel herein conveyed;

Thence along said alley right of way line, North 86°26'15" West 29.36 feet to a point;

Thence crossing said Lot 44, North 3°45'25" East 11.78 feet to a point;

Thence crossing said lot, North 57°35'43" East 36.36 feet to westerly right of way line of Manor Drive;

Thence along said right of way line, South 3°45'25" East 33.14 feet to the TRUE POINT OF BEGINNING and containing 0.015 acres (659.29 square feet).

The above take is from Auditor's Parcel Number 550-156183 which contains 0.227 acres.

The grantor reserves the right of ingress and egress to and from the residual area.

The above description was prepared from a survey conducted by Korda/Nemeth Engineering, Inc. under the direction of Nathan W. Anderson, Professional Surveyor No. 8322.

The bearings used herein are based on the centerline of Brice Road being North 3°45'00" East.

Grantor claims title by instrument of record in Official Record Page A11, Recorder's Office, Franklin County, Ohio.

Nathan W. Anderson
Registered Surveyor No. 8322

PARCEL NO. 7C

Situated in the City of Columbus, County of Franklin, State of Ohio and being a part of Lots 44, 45, and 46 of Idlewild Manor Extension Addition, and recorded in Plat Book 20, Page 15 owned by Phillip A. and Ruby F. Smedley and referenced in Official Record 00595, Page A11, Official Record 00595, Page A09, and Deed Book 3753, Page 103, respectively, all references being to the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing for reference from the southeast corner of Lot 44 on the northerly right of way line of a 16 foot wide alley and on the westerly right of way line of Manor Drive, thence along said alley right of way line North 86°26'15" West 29.36 to a point, said point being the TRUE POINT OF BEGINNING of the parcel herein conveyed;

Thence continuing along said right of way line, North 86°26'15" West 40.00 feet to a point;

Thence crossing said Lot 44, North 3°45'25" East 66.70 feet to the northerly line of said lot;

Thence crossing Lot 45, North 21°38'36" West 73.61 feet to the northerly line of said lot;

Thence crossing Lot 46, North 3°45'25" East 66.70 feet to the northerly line of said lot and being on the southerly right of way line of Taylor Road;

Thence along said right of way line, South 86°26'15" East 40.00 feet to a point;

Thence crossing Lot 46, South 3°45'25" West 66.70 feet to the southerly line of said lot;

Thence crossing Lot 45, South 21°38'36" East 73.61 feet to the southerly line of said lot;

Thence crossing Lot 44, South 3°45'25" West 66.70 feet to the TRUE POINT OF BEGINNING and containing 0.184 acres (8000.00 square feet).

The above take is from Auditor's Parcel Numbers 550-156183, 550-156184, and 550-156185, which contain 0.227 acres, 0.226 acres, and 0.227 acres, respectively.

The grantor reserves the right of ingress and egress to and from the residual area.

The above description was prepared from field and record observations conducted by Korda/Nemeth Engineering, Inc. under the direction of Nathan W. Anderson, Professional Surveyor No. 8322.

The bearings used herein are based on the centerline of Brice Road being North 3°45'00" East.

Grantor claims title by instrument of record in Official Record Page A11, Recorder's Office, Franklin County, Ohio.

Nathan W. Anderson

Registered Surveyor No. 8322

Section 2. 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 3. That the Council of the City of Columbus hereby fixes the value of said construction and permanent easements interests as follows:

1. 7 T, C, S \$7,830.00

Section 4. 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 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, 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.