



## Legislation Details (With Text)

**File #:** 1049-2009      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 7/14/2009      **In control:** Utilities Committee

**On agenda:** 7/27/2009      **Final action:** 7/29/2009

**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 Cleveland Avenue Area Water Line Improvements Project, and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/29/2009	1	CITY CLERK	Attest	
7/28/2009	1	MAYOR	Signed	
7/27/2009	1	Columbus City Council	Approved	Pass
7/27/2009	1	COUNCIL PRESIDENT PRO-TEM	Signed	
7/15/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
7/14/2009	1	Atty Drafter	Sent for Approval	
7/14/2009	1	Atty Reviewer	Reviewed and Approved	
7/14/2009	1	Atty Drafter	Sent for Approval	
7/14/2009	1	UTILITIES DIRECTOR	Reviewed and Approved	
7/14/2009	1	Atty Drafter	Sent for Approval	
7/14/2009	1	CITY ATTORNEY	Reviewed and Approved	

**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 Cleveland Avenue Area Water Line Improvements Project.

**Fiscal Impact:** N/A

**Emergency Justification:** Emergency action is requested to allow the acquisition of the parcels 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.

To authorize the City Attorney to file the necessary complaints for the appropriation of permanent easements in and to real estate necessary for the Cleveland Avenue Area Water Line Improvements 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 Cleveland Avenue Area Water Line Improvements Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0048X-2009, on the 13th day of April, 2009, 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 Water, 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 certain permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the Cleveland Avenue Area Water Line Improvements Project, Project 690236 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:

1P

DESCRIPTION OF A  
WATERLINE EASEMENT  
FOR THE CITY OF COLUMBUS  
East side of Westerville Road

Situate in the State of Ohio, County of Franklin, Township of Clinton, lying in Quarter Township 1, Township 1, Range 18, United States Military Lands and being a easement 10 feet in width lying on, over and across a 0.185 acre tract conveyed to Richard J. Chrysler by deed of record in Official Record 715, Page C18 and Richard J. Chrysler, Trustee (an undivided one-half interest) by deed of record in Instrument 200505270102114, all records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point on the northerly line of said 0.185 acre tract at the intersection with the easterly right-of-way line of Westerville Road (width varies), said point being 30 feet easterly and perpendicular to the centerline of said Westerville Road;

Thence the following four (4) courses and distances on, over and across the said 0.185 acre tract:

South 86°31'11" East, a distance of 11.12 feet, along the northerly line of said 0.185 acre tract to a point;

South 29°21'49" West, a distance of 80.01 feet, across the said 0.185 acre tract along a line parallel and 10 feet easterly of the easterly right-of-way line of said Westerville Road to a point on the southerly line of said 0.185 acre tract;

North 86°30'32" West, a distance of 11.11 feet, along the southerly line of said 0.185 acre tract to a point on the easterly right-of-way of said Westerville Road, being 30 feet easterly and perpendicular to the centerline of said Westerville Road;

North 29°21'49" East, a distance of 80.01 feet, along the easterly right-of-way line of said Westerville Road to the Point of Beginning, containing 0.018 acres, or 800.08 square feet, more or less.

Of the above described area, all 0.018 acres is contained within Franklin County Auditors Parcel Number 130-001513.

The bearings herein are based on, as determined by a GPS network of field observations, performed in August 2005, (Ohio State Plane Coordinate System, South Zone, 1986 adjustment).

STANTEC CONSULTING SERVICES, INC.

Robert J. Sands Date

Registered Surveyor No. S- 8053

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, Ohio, hereby declares the value of the subject real property

interests 1P to be Six Hundred Seventy Dollars (\$670.00).

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 state 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.