



## Legislation Details (With Text)

**File #:** 0902-2005      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/11/2005      **In control:** Safety Committee  
**On agenda:** 6/6/2005      **Final action:** 6/9/2005  
**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 Leland Ditch Storm Sewer Project, and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/9/2005	1	CITY CLERK	Attest	
6/8/2005	1	MAYOR	Signed	
6/6/2005	1	Columbus City Council	Approved	Pass
6/6/2005	1	COUNCIL PRESIDENT	Signed	
5/19/2005	1	Atty Drafter	Sent to Clerk's Office for Council	
5/18/2005	1	Atty Drafter	Sent for Approval	
5/18/2005	1	CITY ATTORNEY	Reviewed and Approved	
5/16/2005	1	Atty Reviewer	Reviewed and Approved	
5/11/2005	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 **Leland Ditch Storm Sewer Project**.

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

**Emergency Justification:**

Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay, thus facilitating the immediate commencement of construction necessary to the project.

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 **Leland Ditch Storm Sewer 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 **Leland Ditch Storm Sewer Project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No.237X-2004, on the 1st day of November, 2004, 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, 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 **Leland Ditch Storm Sewer Project, #610863**, 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:

**PERMANENT SEWER EASEMENT  
THOMAS PROPERTY, PARCEL NO. 8-1  
0.170 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being conveyed to Thomas M. Thomas by Official Record Volume 00514 H02, all references refer to Recorder's Office, Franklin County, Ohio. Beginning at the Grantor's southeast corner, said point being the TRUE POINT OF BEGINNING: thence South 89° 54' 54" West, along Grantor's south line, a distance of 263.54 feet to a point; thence North 00° 05' 06" West, a distance of 15.00 feet; thence North 89° 54' 54" East, a distance of 241.37 feet; thence North 01° 11' 23" West, a distance of 150.58 feet to a point, said point being on the Grantor's north line; thence North 89° 54' 42" East, along Grantor's north line a distance of 23.73 feet to a point, said point being on the Grantor's northeast corner; thence South 00° 32' 54" East, along Grantor's east line, a distance of 165.55 feet to a point, said point being the TRUE POINT OF BEGINNING, containing 0.170 acres more or less. Subject to all legal highways, easements and restrictions of record. Basis of Bearings are N 00° 20' 20" East for North High Street from a centerline survey made by Paul K. Moore and Associates, Registered Surveyor No. 5883, on 12/21/93. The plans are on file with the City of Columbus Division of Engineering and Construction, Drawing 1476-E. This description was prepared by Edward P. Ferris, Registered Surveyor No. 6027, E. P. Ferris & Associates, Inc. on October 13, 2003.

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Edward P. Ferris, P.E., P.S.  
Registered Surveyor No. 6027

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Date

**TEMPORARY CONSTRUCTION EASEMENT  
THOMAS PROPERTY, PARCEL NO. 8-2  
0.028 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being conveyed to Thomas M. Thomas by Official Record Volume 00514 H02, all references refer to Recorder's Office, Franklin County, Ohio. Beginning at the Grantor's southeast corner, thence South 89° 54' 54" West, along Grantor's south line, a distance of 263.54 feet to a point, said point being the TRUE POINT OF BEGINNING: thence South 89° 54' 54" West, a distance of 5.00 feet; thence North 00° 05' 06" West, a distance of 20.00 feet; thence North 89° 54' 54" East, a distance of 225.42 feet; thence South 00° 05' 06" East, a distance of 5.00 feet; thence South 89° 54' 54" West, a distance of 220.42 feet; thence South 00° 05' 06" East, a distance of 15.00 feet to a point, said point being the TRUE POINT OF BEGINNING, containing 0.028 acres more or less. Subject to all legal highways, easements and restrictions of record.

Basis of Bearings are N 00° 20' 20" East for North High Street from a centerline survey made by Paul K. Moore and Associates, Registered Surveyor No. 5883, on 12/21/93. The plans are on file with the City of

Columbus Division of Engineering and Construction, Drawing 1476-E.

The above described temporary construction easement shall remain in full force and effect until the proposed storm sewer in the adjacent permanent easement is accepted by the City of Columbus, Ohio.

This description was prepared by Edward P. Ferris, Registered Surveyor No. 6027, E. P. Ferris & Associates, Inc. on April 6, 2003.

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Edward P. Ferris, P.E., P.S.  
Registered Surveyor No. 6027

Date

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 to be Ten Thousand Six Hundred Ten Dollars (\$10,610.00).

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.