



Legislation Details (With Text)

File #: 0413-2007 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 3/6/2007 **In control:** Judiciary And Court Administration Committee
On agenda: 4/2/2007 **Final action:** 4/5/2007
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 Petzinger Road Storm Sewer Improvement Project and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/5/2007	1	CITY CLERK	Attest	
4/3/2007	1	MAYOR	Signed	
4/2/2007	1	Columbus City Council	Approved	Pass
4/2/2007	1	COUNCIL PRESIDENT	Signed	
3/15/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
3/14/2007	1	Utilities Reviewer	Reviewed and Approved	
3/14/2007	1	Atty Drafter	Sent for Approval	
3/14/2007	1	CITY ATTORNEY	Reviewed and Approved	
3/7/2007	1	UTILITIES DIRECTOR	Reviewed and Approved	
3/6/2007	1	Atty Drafter	Sent for Approval	
3/6/2007	1	Atty Reviewer	Reviewed and Approved	
3/6/2007	1	Atty Drafter	Sent for Approval	
3/6/2007	1	Utilities Reviewer	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 **Petzinger Road Storm Sewer Improvement Project**.

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

Emergency Justification: Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay in order to meet the Division of Sewerage and Drainage construction schedule.

To authorize the City Attorney to file the necessary complaints for the appropriation of permanent easements in and to real estate necessary for the **Petzinger Road Storm Sewer 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 **Petzinger Road Storm Sewer Improvement Project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0004X-2007, on the 22nd day of January, 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 permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the **Petzinger Road Storm Sewer Improvement Project, #610739**, 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:

33P

Situated in the State of Ohio, County of Franklin, City of Columbus:

Located in Section 29, Half Section 52, Township 12 North, Range 21 West, Refugee Lands, being part of a 0.854 acre tract of land described in Instrument Number 200601090004932 to Willie C. Moore and Ella M. Latham, record references to those of the Recorder's Office, Franklin County, Ohio, and more particularly described as follows;

Commencing for reference at a point in the centerline of Petzinger Road (60') at the southwest corner of Grantor's land;

thence along the Grantor's west line, North 11° 46' 32" East, 30.00 feet to the northerly right-of-way line of Petzinger Road (60'), being the TRUE POINT OF BEGINNING:

thence continuing along the Grantor's west line, North 11° 46' 32" East, 14.70 feet;

thence crossing the Grantor's land, South 77° 19' 46" East, 90.83 feet to the Grantor's east line;

thence with the Grantor's east line, South 11° 25' 48" West, 19.25 feet to the northerly right-of-way line of Petzinger Road;

thence with said northerly right-of-way line, North 74° 10' 15" West, 85.64 feet to an angle point;

thence with said northerly right-of-way line, North 79° 04' 30" West, 5.51 feet to the TRUE POINT OF BEGINNING, containing 0.035 acre more or less.

Basis of Bearings are South 74° 10' 15" East for the South line of Petzinger Road in Lexington Section No. 1 Subdivision recorded in Plat Book 40, Pages 24-25, Records of Franklin County, Ohio.

This description was prepared by Matthew E. Ferris, Registered Surveyor No. 8230, E. P. Ferris & Associates, Inc. on January 20, 2006.

Matthew E. Ferris, P.E., P.S.

Date

Registered Surveyor No. 8230

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 One Thousand Seven Hundred Thirty Five Dollars (\$1,735.00).

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.

