



Legislation Details (With Text)

File #: 1270-2009 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 9/22/2009 **In control:** Public Service & Transportation Committee
On agenda: 10/19/2009 **Final action:** 10/20/2009

Title: To authorize the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary for the Parsons/Livingston Avenue Roadway Improvement Project, to authorize the expenditure of \$220,924.00 from the Department of Public Service, Fed-State Highway Engineering Fund; and to declare an emergency. (\$220,924.00).

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/20/2009	1	MAYOR	Signed	
10/20/2009	1	CITY CLERK	Attest	
10/19/2009	1	Columbus City Council	Taken from the Table	Pass
10/19/2009	1	Columbus City Council	Approved	Pass
10/19/2009	1	COUNCIL PRESIDENT	Signed	
10/5/2009	1	Columbus City Council	Tabled to Certain Date	Pass
9/25/2009	1	Service Drafter	Sent for Approval	
9/25/2009	1	CITY ATTORNEY	Reviewed and Approved	
9/25/2009	1	Service Drafter	Sent for Approval	
9/25/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
9/24/2009	1	FINANCE DIRECTOR	Reviewed and Approved	
9/24/2009	1	Service Drafter	Sent for Approval	
9/24/2009	1	Auditor Reviewer	Reviewed and Approved	
9/24/2009	1	CITY AUDITOR	Reviewed and Approved	
9/23/2009	1	Service Drafter	Sent for Approval	
9/23/2009	1	SERVICE DIRECTOR	Reviewed and Approved	
9/23/2009	1	Finance Reviewer	Reviewed and Approved	
9/23/2009	1	Finance Reviewer	Reviewed and Approved	
9/22/2009	1	Atty Drafter	Sent for Approval	
9/22/2009	1	Atty Reviewer	Reviewed and Approved	
9/22/2009	1	Atty Drafter	Sent for Approval	

Background: The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation

of fee simple title and lesser interests in and to real estate necessary for the Parsons/Livingston Avenue Roadway Improvement Project.

Fiscal Impact: It has been determined that Funding for this project will come from the Department of Public Service, Division of Design and Construction, Fed-State Highway Engineering Fund.

Emergency Justification: Emergency action is requested to allow appropriation actions to proceed without delay thereby allowing this project to meet it acquisition schedule.

To authorize the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary for the Parsons/Livingston Avenue Roadway Improvement Project, to authorize the expenditure of \$220,924.00 from the Department of Public Service, Fed-State Highway Engineering Fund; and to declare an emergency. (\$220,924.00).

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the Parsons/Livingston Avenue Roadway Improvement Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0142X-2009, on the 21st day of September, 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 Service, Division of Design and Construction, 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 fee simple title and lesser interests in and to the following described real property, be appropriated for the public purpose of the Parsons/Livingston Avenue Roadway Improvement Project, Project # 598091, 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:

12WD
DESCRIPTION OF 0.008 ACRE
South of Livingston Avenue
West side of Parsons Avenue

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being part of the tracts conveyed to The Bobb Chevrolet Company of record in Deed Book 3535, Page 13, Deed Book 1397, Page 361, and Deed Book 807, Page 499, being part of Lots 4 through 6, inclusive, of Joseph, Benjamin and Siron Fisher's Subdivision of record in Plat Book 3, Page 93, and described as follows:

Beginning at the southeasterly corner of said Lot 5, the northeasterly corner of said Lot 6, the southernmost corner of the tract conveyed to the City of Columbus of record in Official Record 13007E20, and in the westerly right-of-way line of Parsons Avenue (width varies);

thence South 03° 37' 59" West, with said westerly right-of-way line and the easterly line of said Lot 6, a distance of 5.02 feet, to an iron pin set;

thence North 05° 01' 42" West, across said Lots 6, 5, and 4, a distance of 79.74 feet, to an iron pin set in the northerly line of said The Bobb Chevrolet Company tract and the south line of the 1.995 acre tract conveyed to JMM Real Estate, LLC of record in Instrument Number 200906040080458;

thence South 86° 17' 22" East, across said Lot 4 with the line common to said The Bobb Chevrolet Company tract and said 1.995 acre tract, a distance of 8.60 feet, to a common corner thereof in said westerly right-of-way line and

in the west line of said City of Columbus tract;
thence South 00° 59' 30" West, with said westerly right-of-way line and the westerly line of said City of Columbus tract, a distance of 73.87 feet, to the *Point of Beginning*, containing 0.008 acre (347.6 square feet), more or less, from Auditor's Parcel Number 010-054279.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments Frank 43 & Frank 143, having a bearing of South 87° 56' 16" East, established by the Franklin County Engineering Department.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Edward J. Miller Date

Professional Surveyor No. 8250

12 T
TEMPORARY EASEMENT
0.007 ACRE
South of Livingston Avenue
West side of Parsons Avenue

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being part of the tracts conveyed to The Bobb Chevrolet Company of record in Deed Book 3535, Page 13, Deed Book 1397, Page 361, and Deed Book 807, Page 499, being part of Lots 4 through 6, inclusive, of Joseph, Benjamin and Siron Fisher's Subdivision of record in Plat Book 3, Page 93, and described as follows:

Beginning, for reference, at the southeasterly corner of said Lot 5, the northeasterly corner of said Lot 6, the southernmost corner of the tract conveyed to the City of Columbus of record in Official Record 13007E20, and in the westerly right-of-way line of Parsons Avenue (width varies);

thence South 03° 37' 59" West, with said westerly right-of-way line and the easterly line of said Lot 6, a distance of 5.02 feet, to the *True Point of Beginning*;

thence North 86° 22' 01" West, across said Lot 6, a distance of 4.05 feet, to a point;

thence North 05° 01' 42" West, across said Lots 6, 5, and 4, a distance of 79.74 feet, to a point set in the northerly line of said The Bobb Chevrolet Company tract and the south line of the 1.995 acre tract conveyed to JMM Real Estate, LLC of record in Instrument Number 200906040080458;

thence South 86° 17' 22" East, across said Lot 4 with the line common to said The Bobb Chevrolet Company tract and said 1.995 acre tract, a distance of 4.05 feet, to a point;

thence South 05° 01' 42" East, across said Lots 4, 5, and 6, a distance of 79.74 feet, to the *True Point of Beginning*, containing 0.007 acre (319 square feet), more or less, from Auditor's Parcel Number 010-054279.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Edward J. Miller Date

Professional Surveyor No. 8250

Section 2. That fee simple title and lesser interests in and to the following described real property, be appropriated for the public purpose of the Parsons/Livingston Avenue Roadway Improvement Project, Project # 598091, 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:

13WD
DESCRIPTION OF 0.148 ACRE
South side of Livingston Avenue
West side of Parsons Avenue

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being part of the 1.955 acre tract conveyed to JMM Real Estate, LLC of record in Instrument Number 200906040080458, being part of Lots 5 through 8, inclusive, of William F. Lehman's Executors Subdivision, of record in Plat Book 3, Page 201, Lots 1 through 4, inclusive, of Joseph, Benjamin and Siron Fisher's Subdivision, of record in Plat Book 3, Page 93, and the 20 foot wide alley vacated in Ordinance Number 774-69,

and described as follows:

Beginning at the intersection of the southerly right-of-way line of Livingston Avenue (60 feet wide) and the easterly right-of-way line of Lehman Street (40 feet wide), being the northwesterly corner of said Lot 5 (Lehmans), being South 03° 45' 33" West, a distance of 0.81 feet from a 3/4 inch pipe found;

thence South 86° 17' 08" East, with said southerly right-of-way line, a distance of 302.80 feet, to a point at the intersection of said southerly right-of-way line and the westerly right-of-way line of Parsons Avenue, being the northwesterly corner of the tract conveyed to City of Columbus of record in Official Record 13007E18;

thence with said westerly right-of-way line, said City of Columbus tract, and the tracts conveyed to City of Columbus of record in Official Records 13007E20 and 13007F02, the following courses:

with a curve to the right, having a central angle of 78° 16' 56", a radius of 36.50 feet, an arc length of 49.87 feet, a chord bearing and distance of South 38° 09' 20" East, 46.08 feet, to a point of tangency;

South 00° 59' 30" West, a distance of 218.91 feet, to a point at the southeasterly corner of said 1.995 acre tract and a northeasterly corner to the remainder of the tract conveyed to The Bobb Chevrolet Company of record in Deed Book 3535, Page 13;

thence North 86° 17' 22" West, with the line common to said 1.995 acre tract and said The Bobb Chevrolet Company tract, a distance of 8.60 feet, to an iron pin set;

thence across said 1.995 acre tract, the following courses:

North 05° 01' 42" West, a distance of 74.05 feet, to an iron pin set;

North 02° 45' 57" West, a distance of 162.02 feet, to an iron pin set;

North 42° 17' 02" West, a distance of 19.16 feet, to an iron pin set;

North 86° 17' 09" West, a distance of 292.02 feet, to an iron pin set in the easterly right-of-way line of said Lehman Street;

thence North 03° 37' 59" East, with said easterly right-of-way line, a distance of 5.50 feet, to the *Point of Beginning*, containing 0.148 acre (6457 square feet), more or less, being from Auditor's Parcel Number 010-288104.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments Frank 43 & Frank 143, having a bearing of South 87° 56' 16" East, established by the Franklin County Engineering Department.

EVANS, MECHWART, HAMBLETON & TILTON, INC., Edward J. Miller

Date

Professional Surveyor No. 8250, EJM:sg/04Sept2009

13T
TEMPORARY EASEMENT
0.071 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being part of the 1.955 acre tract conveyed to JMM Real Estate, LLC of record in Instrument Number 200906040080458, being part of Lots 5 through 8, inclusive, of William F. Lehmans Executors Subdivision, of record in Plat Book 3, Page 201, Lots 1 through 4, inclusive, of Joseph, Benjamin and Siron Fisher's Subdivision, of record in Plat Book 3, Page 93, and the 20 foot wide alley vacated in Ordinance Number 774-69, and described as follows:

Beginning, for reference, at the intersection of the southerly right-of-way line of Livingston Avenue (60 feet wide) and the easterly right-of-way line of Lehman Street (40 feet wide), being the northwesterly corner of said Lot 5 (Lehmans), being South 03° 45' 33" West, a distance of 0.81 feet from a 3/4 inch pipe found;

thence South 03° 37' 59" West, with said easterly right-of-way line, a distance of 5.50 feet, to the *True Point of Beginning*;

thence across said 1.995 acre tract, the following courses:

South 86° 17' 09" East, a distance of 292.02 feet, to a point;

South 42° 17' 02" East, a distance of 19.16 feet, to a point;

South 02° 45' 57" East, a distance of 162.02 feet, to a point;

South 05° 01' 42" East, a distance of 74.05 feet, to a point in the southerly line of said 1.995 acre tract and the northerly line of the remainder of the tract conveyed to The Bobb Chevrolet Company of record in Deed Book 3535, Page 13;

thence North 86° 17' 22" West, with the line common to said 1.995 acre tract and said The Bobb Chevrolet Company tract, a distance of 4.05 feet, to a point;

thence across said 1.995 acre tract, the following courses:

North 05° 01' 42" West, a distance of 73.52 feet, to a point;
North 02° 45' 57" West, a distance of 160.66 feet, to a point;
North 42° 17' 02" West, a distance of 16.11 feet, to a point;
North 86° 17' 12" West, a distance of 45.38 feet, to a point;
South 03° 42' 48" West, a distance of 11.00 feet, to a point;
North 86° 17' 12" West, a distance of 82.30 feet, to a point;
North 03° 42' 48" East, a distance of 11.00 feet, to a point;
North 86° 17' 12" West, a distance of 162.71 feet, to a point in the easterly right-of-way line of said Lehman Street;
Thence North 03° 37' 59" East, a distance of 4.00 feet, with said easterly right-of-way line, to the *True Point of Beginning*, containing 0.071 acre (3081 square feet), more or less.
All references are to the records of the Recorder's Office, Franklin County, Ohio.
EVANS, MECHWART, HAMBLETON & TILTON, INC.
Edward J. Miller Date Professional Surveyor No. 8250 EJM:sg/04Sept2009

Section 3. 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 4. That the Council of the City of Columbus hereby declares its intention to obtain immediate possession of the real property interests described herein.

Section 5. That the Council of the City of Columbus hereby declares the value of said fee simple title and lesser interests as follows:

1.	12WD, T	The Bobb Chevrolet Company	\$8,728.00
2.	13WD, T	JMM Real Estate LLC	\$212,196.00

Section 6. That the City Attorney be and he hereby is authorized to file complaints for appropriation of real property, in the Franklin County Court of Common Pleas, 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 7. That the expenditure of \$220,924.00, or so much thereof as may be necessary from the Fed-State Highway Engineering Fund, Dept./Div. 59-12; Project No. 598091; OCA Code 598091; Object Level Three 6601, Auditor Certificate(s) #AC030040 for acquisition costs related to the aforesaid purpose is hereby authorized.

Section 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, as amended.

Section 9 That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

Section 10. 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.