



Legislation Details (With Text)

File #: 0427-2009 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/12/2009 **In control:** Judiciary And Court Administration Committee

On agenda: 5/4/2009 **Final action:** 5/6/2009

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 the Alum Creek Drive Improvement Project, to authorize the expenditure of \$55,415.00 from the Federal-State Highway Engineering Fund; and to declare an emergency. (\$55,415.00).

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/6/2009	1	MAYOR	Signed	
5/6/2009	1	CITY CLERK	Attest	
5/4/2009	1	Columbus City Council	Approved	Pass
5/4/2009	1	COUNCIL PRESIDENT	Signed	
4/21/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
4/20/2009	1	CITY AUDITOR	Reviewed and Approved	
4/20/2009	1	Atty Drafter	Sent for Approval	
4/20/2009	1	CITY ATTORNEY	Reviewed and Approved	
4/17/2009	1	Auditor Reviewer	Reviewed and Approved	
4/16/2009	1	Finance Reviewer	Reviewed and Approved	
4/16/2009	1	Finance Reviewer	Reviewed and Approved	
4/16/2009	1	FINANCE DIRECTOR	Reviewed and Approved	
4/16/2009	1	Atty Drafter	Sent for Approval	
4/14/2009	1	SERVICE DIRECTOR	Reviewed and Approved	
3/19/2009	1	Atty Reviewer	Reviewed and Approved	
3/19/2009	1	Atty Drafter	Sent for Approval	
3/12/2009	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 Alum Creek Drive Improvement Project.

Fiscal Impact: Funding for this project is from the Department of Public Service, Division of Design and Construction, Federal-State Highway Engineering Fund.

Emergency Justification: Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay in order that the project may meet its deadline.

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 the Alum Creek Drive Improvement Project, to authorize the expenditure of \$55,415.00 from the Federal-State Highway Engineering Fund; and to declare an emergency. (\$55,415.00).

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the Alum Creek Drive Improvement Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0030X-2008, on the 25th day of February, 2008, 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 health, peace, property, safety and welfare; 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 Alum Creek Drive Improvement Project, #561004, 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:

161WDV

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 1, Township-4-North, Range -22-West, Mathew's Survey of Congress Lands of 1795-1802, and being a part of that 1.5 acre tract as conveyed to George C. Smith and George S. Smith by deed of record in Instrument Number 200610040198313, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land located on the right side of the Plat of the Centerline of Right-of-Way of FRA-C.R. 122-4.14, as recorded in Plat Book ___, Page ___;

Beginning for reference at Franklin County Monument #8840, at the intersection of the existing right-of-way centerline of Watkins Road (East), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), being 0.00 feet right of Alum Creek Drive station 142+58.23;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 2054.47 feet along the existing right-of-way centerline of said Alum Creek Drive, and along the easterly line of said Section 1, Township 4, Range 22, to an angle point in said centerline, at the south corner of said Smith 1.5 acre tract, being 0.00 feet right of Alum Creek Drive station 163+12.70, and being the Point of True Beginning;

Thence North 32 degrees 15 minutes 32 seconds West, a distance of 408.57 feet along the existing right-of-way centerline of said Alum Creek Drive, and along a westerly line of said Smith 1.5 acre tract, to an angle point in said centerline, being 0.00 feet right of Alum Creek Drive station 167+21.27;

Thence North 26 degrees 29 minutes 32 seconds West, a distance of 110.11 feet along the existing right-of-way centerline of said Alum Creek Drive, and along a westerly line of said Smith 1.5 acre tract, to a point in said centerline, at the northwest corner of said Smith 1.5 acre tract, being 0.00 feet right of Alum Creek Drive station 168+31.38;

Thence South 86 degrees 35 minutes 26 seconds East, a distance of 86.52 feet along the northerly line of said Smith 1.5 acre tract, and along the southerly line of Lot 17E of McDowell's Lawndale Avenue Block of Lots in Alumcrest Acres (An Unrecorded Subdivision Plat), as conveyed to Watt Khmer Puthipreak by deed of record in Instrument Number 199707180050341, to an iron pin set at the intersection with the proposed easterly right-of-way line of said Alum Creek Drive, being 75.00 feet right of Alum Creek Drive station 167+88.25;

Thence South 26 degrees 29 minutes 32 seconds East, a distance of 80.79 feet across said Smith 1.5 acre tract, and along the proposed easterly right-of-way line of said Alum Creek Drive, to an iron pin set at an angle point in the proposed easterly right-of-way line of said Alum Creek Drive, being 73.23 feet right of Alum Creek

Drive station 167+00.00;

Thence South 20 degrees 37 minutes 33 seconds East, a distance of 214.40 feet across said Smith 1.5 acre tract, and along the proposed easterly right-of-way line of said Alum Creek Drive, to an iron pin set at the intersection with the existing easterly right-of-way line of said Alum Creek Drive, being 30.00 feet right of Alum Creek Drive station 164+90.00;

Thence South 32 degrees 15 minutes 32 seconds East, a distance of 135.58 feet across said Smith 1.5 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to the intersection with the easterly line of said Smith 1.5 acre tract, being 30.00 feet right of Alum Creek Drive station 163+54.42;

Thence South 03 degrees 27 minutes 52 seconds West, a distance of 51.38 feet along the easterly line of said Smith 1.5 acre tract, and along the westerly line of that 1.910 acre tract as conveyed to the Boots Fulton Partnership by deed of record in Instrument Number 199803190063761, to the Point of True Beginning, containing 0.539 acres, more or less, of which 0.361 acres, more or less, lies within the present road occupied;

Of the above described area, 0.539 acres is contained within the Franklin County Auditor's Parcel 010-113244;

The bearing datum of the afore-described parcel is based on the bearing of North 04 degrees 02 minutes 12 seconds East, for the centerline of Alum Creek Drive, from an adjusted field survey using G.P.S. methods using Franklin County Monuments #8819, #8820 and #8840, based on the Ohio State Plane Coordinate System, South Zone, NAD 83.

This description was based upon a survey of Alum Creek Drive and Williams Road by R.D. Zande & Associates, Inc., in March 1999, and prepared on February 8, 2007 by Tim A. Baker, Registered Surveyor 7818.

Iron pins set are 3/4 inches in diameter by 30 inches long with a 1-1/2 inch aluminum cap placed on top, bearing the name "ODOT R/W" and "R D ZANDE & ASSOC". Grantor claims title by instrument of record in Instrument Number 200610040198313, of the Recorder's Office, Franklin County, Ohio.

R.D. ZANDE AND ASSOCIATES, INC., Registered Surveyor No. 7818

161-T

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 1, Township-4-North, Range-22-West, Mathew's Survey of Congress Lands of 1795-1802, and being a part of that 1.5 acre tract as conveyed to George C. Smith and George S. Smith by deed of record in Instrument Number 200610040198313, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land located on the right side of the Plat of the Centerline of Right-of-Way of FRA-C.R. 122-4.14, as recorded in Plat Book ____, Page ____;

Beginning for reference at Franklin County Monument #8840, at the intersection of the existing right-of-way centerline of Watkins Road (East), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), being 0.00 feet right of Alum Creek Drive station 142+58.23;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 2054.47 feet along the existing right-of-way centerline of said Alum Creek Drive, and along the easterly line of said Section 1, Township 4, Range 22, to an angle point in said centerline, at the south corner of said Smith 1.5 acre tract, being 0.00 feet right of Alum Creek Drive station 163+12.70;

Thence North 32 degrees 15 minutes 32 seconds West, a distance of 257.30 feet along the existing right-of-way centerline of said Alum Creek Drive, and along a westerly line of said Smith 1.5 acre tract, to a point in said centerline, being 0.00 feet right of Alum Creek Drive station 165+70.00.;

Thence North 57 degrees 44 minutes 28 seconds East, a distance of 46.47 feet perpendicular to the existing right-of-way centerline of said Alum Creek Drive, and across said Smith 1.5 acre tract, to a point in the proposed easterly right-of-way line of said Alum Creek Drive, being 46.47 feet right of Alum Creek Drive station 165+70.00 and being the Point of True Beginning;

Thence North 20 degrees 37 minutes 33 seconds West, a distance of 71.47 feet across said Smith 1.5 acre tract, and along the proposed easterly right-of-way line of said Alum Creek Drive, to a point being 60.88 feet right of Alum Creek Drive station 166+40.00;

Thence South 87 degrees 46 minutes 35 seconds East, a distance of 35.33 feet across said Smith 1.5 acre tract to a point being 90.00 feet right of Alum Creek Drive station 166+20.00;

Thence South 32 degrees 15 minutes 32 seconds East, a distance of 50.00 feet across said Smith 1.5 acre tract to a point being 90.00 feet right of Alum Creek Drive station 165+70.00;

Thence South 57 degrees 44 minutes 28 seconds West, a distance of 43.53 feet across said Smith 1.5 acre tract to the Point of True Beginning, containing 0.052 acres, more or less;

Of the above described area, 0.052 acres is contained within the Franklin County Auditor's Parcel 010-113244;

The bearing datum of the afore-described parcel is based on the bearing of North 04 degrees 02 minutes 12 seconds East, for the centerline of Alum Creek Drive, from an adjusted field survey using G.P.S. methods using Franklin County Monuments #8819, #8820 and #8840, based on the Ohio State Plane Coordinate System, South Zone, NAD 83.

This description was based upon a survey of Alum Creek Drive and Williams Road by R.D. Zande & Associates, Inc., in March 1999, and prepared on January 15, 2007 by Tim A. Baker, Registered Surveyor 7818.

Iron pins set are 3/4 inches in diameter by 30 inches long with a 1-1/2 inch aluminum cap placed on top, bearing the name "ODOT R/W" and "R D ZANDE & ASSOC".

Grantor claims title by instrument of record in Instrument Number 200610040198313, of the Recorder's Office, Franklin County, Ohio.

R.D. ZANDE AND ASSOCIATES, INC., Registered Surveyor No. 7818

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 Alum Creek Drive Improvement Project, #561004, 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:

166WDV

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 1, Township-4-North, Range -22-West, Mathew's Survey of Congress Lands of 1795-1802, and being a part of that 14.766 acre tract (Auditor's Acreage), as conveyed to George C. Smith and George S. Smith by deed of record in Official Records 28925 A04 and 29032 H20, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land located on the right side of the Plat of the Centerline of Right-of-Way of FRA-C.R. 122-4.14, as recorded in Plat Book ___, Page ___;

Beginning for reference at Franklin County Monument #8840, at the intersection of the existing right-of-way centerline of Watkins Road (East), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), being 0.00 feet right of Alum Creek Drive station 142+58.23;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 2054.47 feet along the existing right-of-way centerline of said Alum Creek Drive, and along the easterly line of said Section 1, Township 4, Range 22, to an angle point in said centerline, being 0.00 feet right of Alum Creek Drive station 163+12.70;

Thence North 32 degrees 15 minutes 32 seconds West, a distance of 408.57 feet along the existing right-of-way centerline of said Alum Creek Drive (1956 Roadway) to an angle point in said centerline, being 0.00 feet right of Alum Creek Drive station 167+21.27;

Thence North 26 degrees 29 minutes 32 seconds West, a distance of 432.12 feet along the existing right-of-way centerline of said Alum Creek Drive (1956 Roadway), to a point in said centerline at the southwest corner of that 2.514 acre tract as conveyed to the City of Columbus by deed of record in Deed Book 3782, Page 707, being 0.00 feet right of Alum Creek Drive station 171+53.39;

Thence South 86 degrees 35 minutes 26 seconds East, a distance of 34.61 feet along the southerly line of said Columbus 2.514 acre tract, and along the northerly line of Lot 17E of McDowell's Lawndale Avenue Block of Lots in Alumcrest Acres (An Unrecorded Subdivision Plat), as conveyed to Watt Khmer Puthipreak by deed of record in Instrument Number 199707180050341, to an iron pin found at the intersection with the existing easterly right-of-way line of said Alum Creek Drive, at the southwest corner of said Smith 14.766 acre tract, being 30.00 feet right of Alum Creek Drive station 171+36.14, and being the Point of True Beginning;

Thence North 26 degrees 29 minutes 32 seconds West, a distance of 139.03 feet along a westerly line of said Smith 14.766 acre tract, along an easterly line of said Columbus 2.514 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an angle point in said right-of-way line, being 30.00 feet right of Alum Creek Drive station 172+75.17;

Thence North 75 degrees 45 minutes 34 seconds East, a distance of 10.23 feet along a westerly line of said Smith 14.766 acre tract, along an easterly line of said Columbus 2.514 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an angle point in said right-of-way line, being 40.00 feet right of Alum Creek Drive station 172+73.00;

Thence North 26 degrees 29 minutes 32 seconds West, a distance of 133.00 feet along a westerly line of said Smith 14.766 acre tract, along an easterly line of said Columbus 2.514 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an angle point in said right-of-way line, being 40.00 feet right of Alum Creek Drive station 174+06.00;

Thence North 23 degrees 31 minutes 12 seconds West, a distance of 135.00 feet along a westerly line of said Smith 14.766 acre tract, along an easterly line of said Columbus 2.514 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an angle point in said right-of-way line, being 47.00 feet

right of Alum Creek Drive station 175+40.81;

Thence North 25 degrees 45 minutes 39 seconds East, a distance of 35.41 feet along a westerly line of said Smith 14.766 acre tract, along an easterly line of said Columbus 2.514 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an iron pin set at the intersection with the proposed easterly right-of-way line of said Alum Creek Drive, being 75.00 feet right of Alum Creek Drive station 175+62.49;

Thence South 26 degrees 29 minutes 32 seconds East, a distance of 452.23 feet across said Smith 14.766 acre tract, and along the proposed easterly right-of-way line of said Alum Creek Drive, to an iron pin set in the southerly line of said Smith 14.766 acre tract, being 75.00 feet right of Alum Creek Drive station 171+10.26;

Thence North 86 degrees 35 minutes 26 seconds West, a distance of 51.91 feet along the southerly line of said Smith 14.766 acre tract, and along the northerly line of Lot 17E, to the Point of True Beginning, containing 0.366 acres, more or less, of which 0.000 acres, more or less, lies within the present road occupied;

Of the above described area, 0.366 acres is contained within the Franklin County Auditor's Parcel 010-115118;

The bearing datum of the afore-described parcel is based on the bearing of North 04 degrees 02 minutes 12 seconds East, for the centerline of Alum Creek Drive, from an adjusted field survey using G.P.S. methods using Franklin County Monuments #8819, #8820 and #8840, based on the Ohio State Plane Coordinate System, South Zone, NAD 83.

This description was based upon a survey of Alum Creek Drive and Williams Road by R.D. Zande & Associates, Inc., in March 1999, and prepared on February 24, 2005 by Tim A. Baker, Registered Surveyor 7818.

Iron pins set are 3/4 inches in diameter by 30 inches long with a 1-1/2 inch aluminum cap placed on top, bearing the name "ODOT R/W" and "R D ZANDE & ASSOC".

Grantor claims title by instrument of record in Official Records 28925 A04 and 29032 H20, of the Recorder's Office, Franklin County, Ohio.

R.D. ZANDE AND ASSOCIATES, INC. Registered Surveyor No. 7818

166-T

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 1, Township-4-North, Range -22-West, Mathew's Survey of Congress Lands of 1795-1802, and being a part of that 14.766 acre tract (Auditor's Acreage), as conveyed to George C. Smith and George S. Smith by deed of record in Official Records 28925 A04 and 29032 H20, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land located on the right side of the Plat of the Centerline of Right-of-Way of FRA-C.R. 122-4.14, as recorded in Plat Book ____, Page ____;

Beginning for reference at Franklin County Monument #8840, at the intersection of the existing right-of-way centerline of Watkins Road (East), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), being 0.00 feet right of Alum Creek Drive station 142+58.23;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 2054.47 feet along the existing right-of-way centerline of said Alum Creek Drive, and along the easterly line of said Section 1, Township 4, Range 22, to an angle point in said centerline, being 0.00 feet right of Alum Creek Drive station 163+12.70;

Thence North 32 degrees 15 minutes 32 seconds West, a distance of 408.57 feet along the existing right-of-way centerline of said Alum Creek Drive (1956 Roadway) to an angle point in said centerline, being 0.00 feet right of Alum Creek Drive station 167+21.27;

Thence North 26 degrees 29 minutes 32 seconds West, a distance of 628.73 feet along the existing right-of-way centerline of said Alum Creek Drive (1956 Roadway), to a point in said centerline being 0.00 feet right of Alum Creek Drive station 173+50.00;

Thence North 63 degrees 30 minutes 28 seconds East, a distance of 75.00 feet perpendicular to the existing right-of-way centerline of said Alum Creek Drive, to a point in the proposed easterly right-of-way line of said Alum Creek Drive, being 75.00 feet right of Alum Creek Drive station 173+50.00, and being the Point of True Beginning;

Thence North 26 degrees 29 minutes 32 seconds West, a distance of 212.49 feet across said Smith 14.766 acre tract, and along the proposed easterly right-of-way line of said Alum Creek Drive, to an iron pin set being 75.00 feet right of Alum Creek Drive station 175+62.49;

Thence North 25 degrees 45 minutes 39 seconds East, a distance of 22.05 feet along a westerly line of said Smith 14.766 acre tract and along the existing easterly right-of-way line of said Alum Creek Drive to a point being 92.43 feet right of Alum Creek Drive station 175+76.00;

Thence South 00 degrees 55 minutes 33 seconds East, a distance of 28.81 feet across said Smith 14.766 acre tract to a point being 80.00 feet right of Alum Creek Drive station 175+50.00;

Thence South 26 degrees 29 minutes 32 seconds East, a distance of 75.00 feet across said Smith 14.766 acre tract to a point being 80.00 feet right of Alum Creek Drive station 174+75.00;

Thence North 81 degrees 56 minutes 34 seconds East, a distance of 15.81 feet across said Smith 14.766 acre tract to a point being 95.00 feet right of Alum Creek Drive station 174+70.00;

Thence South 26 degrees 29 minutes 32 seconds East, a distance of 35.00 feet across said Smith 14.766 acre tract to a point being 95.00 feet right of Alum Creek Drive station 174+35.00;

Thence South 13 degrees 15 minutes 06 seconds East, a distance of 87.32 feet across said Smith 14.766 acre tract, to the Point of True Beginning, containing 0.050 acres, more or less;

Of the above described area, 0.050 acres is contained within the Franklin County Auditor's Parcel 010-115118;

The bearing datum of the afore-described parcel is based on the bearing of North 04 degrees 02 minutes 12 seconds East, for the centerline of Alum Creek Drive, from an adjusted field survey using G.P.S. methods using Franklin County Monuments #8819, #8820 and #8840, based on the Ohio State Plane Coordinate System, South Zone, NAD 83.

This description was based upon a survey of Alum Creek Drive and Williams Road by R.D. Zande & Associates, Inc., in March 1999, and prepared on May 22, 2007 by Tim A. Baker, Registered Surveyor 7818.

Iron pins set are 3/4 inches in diameter by 30 inches long with a 1-1/2 inch aluminum cap placed on top, bearing the name "ODOT R/W" and "R D ZANDE & ASSOC".

Grantor claims title by instrument of record in Official Records 28925 A04 and 29032 H20, of the Recorder's Office, Franklin County, Ohio.

R.D. ZANDE AND ASSOCIATES, INC., Registered Surveyor No. 7818

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 fixes the value of said fee simple title and lesser interests as follows:

1.	161WD, T	\$5,575.00
2.	166WD, T	\$49,840.00

Section 6. 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 7. That the City Attorney's Office, Real Estate Division, be and is hereby authorized to expend \$55,415.00, or so much thereof as may be necessary from fund 765, the Federal State Highway Engineering Fund, Department No. 59-12, Division of Design and Construction, Object Level One Code 06, Object Level Three Code 6601, Auditors Certificate #027844, OCA 591294, Grant 597015, to pay those costs relative to the acquisition of the additional rights-of-way required for the Alum Creek Drive Improvement project.

Section 8. 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.