



Legislation Details (With Text)

File #: 1750-2005 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 10/11/2005 **In control:** Public Service & Transportation Committee

On agenda: 10/24/2005 **Final action:** 10/26/2005

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 Hard Road Phase C Project, to authorize the expenditure of \$15,825.00 from the Federal-State Highway Engineering Fund, and to declare an emergency. (\$15,825.00).

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/26/2005	1	ACTING CITY CLERK	Attest	
10/25/2005	1	MAYOR	Signed	
10/24/2005	1	Columbus City Council	Approved	Pass
10/24/2005	1	COUNCIL PRESIDENT	Signed	
10/13/2005	1	Atty Drafter	Sent for Approval	
10/13/2005	1	CITY ATTORNEY	Reviewed and Approved	
10/13/2005	1	Atty Drafter	Sent to Clerk's Office for Council	
10/12/2005	1	SERVICE DIRECTOR	Reviewed and Approved	
10/12/2005	1	Finance Reviewer	Reviewed and Approved	
10/12/2005	1	FINANCE DIRECTOR	Reviewed and Approved	
10/12/2005	1	Atty Drafter	Sent for Approval	
10/12/2005	1	Auditor Reviewer	Reviewed and Approved	
10/12/2005	1	CITY AUDITOR	Reviewed and Approved	
10/11/2005	1	Atty Drafter	Sent for Approval	
10/11/2005	1	Atty Reviewer	Reviewed and Approved	
10/11/2005	1	Atty Drafter	Sent for Approval	

Background: The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary for the **Hard Road Phase C Project**.

Fiscal Impact: Funding for this project is from the 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 begin construction in early 2006 requiring right-of-way acquisition to be complete by November 1, 2005.

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 **Hard Road Phase C Project**, to authorize the expenditure of \$15,825.00 from the **Federal-State Highway Engineering Fund**, and to declare an emergency. (\$15,825.00).

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the **Hard Road Phase C Project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted **Resolution No. 235X-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 Public Service Department, Transportation Division, 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 **Hard Road Phase C Project, #561101**, 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:

PARCEL 179WD

Situated in the State of Ohio, County of Franklin, Township of Sharon, being located in Section 2, Township 2 North, Range 18 West, United States Military Lands, lying on the north side of Hard Road (County Route 61) east of Linworth Road County Route (County Route 63) and being part of the property conveyed to Phyllis A. James Tr. and George L. James Tr. (fee) and Barbara I. Bowers (land contract) by Official Record 34386 C08 and Instrument Number 200106120132238 of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning for Reference at a railroad spike found and to be reset upon completion of construction, at the centerline intersection of Hard Road (Station 250+65.86) and the Hidden Hollow Drive centerline, as delineated on the Centerline Plat prepared by URS Corporation for said improvement to Hard Road, on record in the Franklin County Engineer's Office;

Thence S 87° 06' 01" E, along the centerline of said Hard Road, a distance of 297.28 feet to the Grantor's southwest corner at Station 253+63.14, being the **TRUE POINT OF BEGINNING**;

Thence N 03° 56' 13" E, along the Grantor's westerly line and the easterly line of the property conveyed to Phyllis A. James Tr. and George L. James Tr. by Official Record 34386 C11, a distance of 30.00 feet, to the existing Hard Road northerly right-of-way line, being 30.00 feet left of centerline Station 253+63.68;

Thence S 87° 06' 01" E, along the existing Hard Road northerly right-of-way line a distance of 223.14 feet, to the intersection of the Hard Road and Olentangy River Road right-of-way lines, being 30.00 feet left of centerline Station 255+86.82;

Thence along the curve to the left in the Olentangy River Road westerly right-of-way line, said curve with radius of 7131.97 feet, a length of 90.24 feet, a delta of 00° 43' 30", and a chord that bears N 01° 23' 00" W, with a distance of 90.24 feet, to a point of tangent, being 30.00 feet left of Station 23+30.32;

Thence N 01° 44' 53" W, along the said right-of-way line a distance of 166.45 feet to a point in the Grantor's northerly line, and the southerly line of the property conveyed to the City of Columbus by Official Record 199711170145247, being 30.00 feet left of centerline Station 24+96.77;

Thence S 86° 02' 01" E, along the Grantor's northerly line and the southerly line of said City of Columbus property, a distance of 30.15 feet, to the Grantor's northeast corner and centerline of Olentangy River Road, being 0.00 feet left of centerline Station 24+93.76;

Thence S 01° 44' 53" E, along the Grantor's easterly line and the said centerline a distance of 163.45 feet to a point of curvature in the Grantor's easterly line and the said centerline, being 0.00 feet left of centerline Station 23+30.32;

Thence along the curve to the right, in Grantor's easterly line and the Olentangy River Road centerline, said curve having a radius of 7161.97 feet, a length of 122.74 feet, a delta of 00° 58' 55", and a chord that bears S 01° 15' 17" E, with a distance of 122.74 feet, to a corner said corner being a the Grantor's southeast corner and the point of intersection with the centerline of Hard Road, being 0.00 feet left of

centerline Station 22+07.58 (Olentangy River Road) or 0.00 feet left of centerline Station 256+18.87 (Hard Road); Thence N 87° 06' 01" W, along the Grantor's southerly line and said Hard Road centerline a distance of 255.74 feet, to the Grantor's southwest corner, being 0.00 feet left of centerline Station 253+63.14; and the **TRUE POINT OF BEGINNING**;

Containing 0.352 acres of land, more or less, of which the present road occupies 0.352 acres, more or less. This take is from Franklin County Auditor's Parcel 250-000003.

Basis of Bearings: The bearings were derived from a GPS survey performed by the Franklin County Engineer's Office occupying FCGS 2218 and FCGS 4427 and are based upon Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment). The Hard Road centerline survey bearing of S 87° 06' 01" E, as delineated on the Centerline Survey Plat by the Franklin County Engineer's Office was used. This bearing is based on the centerline of Hard Road between railroad spikes found at Station 246+42.66 (at Gatestone Lane), being 0.05 feet right of centerline and Station 250+65.86 (at Hidden Hollow Drive), and correspond to the bearing on said Centerline Plat.

Iron pins will be set upon completion of construction and are ¾-inch diameter rebar, thirty inches long with yellow identification caps with URS. Jay A. Muether

PARCEL 179T-2

Situated in the State of Ohio, County of Franklin, Township of Sharon, being located in Section 2, Township 2 North, Range 18 West, United States Military Lands, lying on the north side of Hard Road (County Route 61) east of Linworth Road County Route (County Route 63) and being part of the property conveyed to Phyllis A. James Tr. and George L. James Tr. (fee) and Barbara I. Bowers (land contract) by Official Record 34386 C08 and Instrument Number 200106120132238 of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning for Reference at a railroad spike found and to be reset upon completion of construction, at the centerline intersection of Hard Road (Station 250+65.86) and the Hidden Hollow Drive centerline, as delineated on the Centerline Plat prepared by URS Corporation for said improvement to Hard Road, on record in the Franklin County Engineer's Office;

Thence S 87° 06' 01" E, along the centerline of said Hard Road, a distance of 502.92 feet to a point in the Grantor's southerly line at Station 255+68.78, thence N 02° 53' 59" E, through the Grantor's property, a distance of 30.00 feet, to the existing Hard Road northerly right-of-way line, being 30.00 feet left of centerline Station 255+68.78, being the **TRUE POINT OF BEGINNING**;

Thence along a curve to the left, parallel to the Olentangy River Road westerly right-of-way line, said curve having a radius of 7113.97 feet, a length of 88.78 feet, a delta of 00° 42' 54", and a chord that bears N 01° 23' 18" W, with a distance of 88.78 feet, to a point of tangent, being 48.00 feet left of centerline Station 23+30.32;

Thence N 01° 44' 53" W, through the Grantor's property, a distance of 168.25 feet to a point in the Grantor's northerly line, and the southerly line of the property conveyed to the City of Columbus by Official Record 199711170145247, being 48.00 feet left of centerline Station 24+98.57;

Thence S 86° 02' 01" E, along the Grantor's northerly line and the southerly line of said City of Columbus property, a distance of 18.09 feet, to the intersection of the Grantor's northerly line and the Olentangy River Road westerly right-of-way line, being 30.00 feet left of centerline Station 24+96.77;

Thence S 01° 44' 53" E, along the said westerly right-of-way line, a distance of 166.45 feet to a point of curvature in the said westerly right-of-way line, being 30.00 feet left of centerline Station 23+30.32;

Thence along the curve to the right, in the Olentangy River Road westerly right-of-way line, said curve having a radius of 7131.97 feet, a length of 90.24 feet, a delta of 00° 43' 30", and a chord that bears S 01° 23' 00" E, with a distance of 90.24 feet, to a point of intersection with the Hard Road northerly right-of-way line, being 30.00 feet left of centerline Station 22+39.70 (Olentangy River Road) or 30.00 feet left of centerline Station 255+86.82 (Hard Road);

Thence N 87° 06' 01" W, along said Hard Road right-of-way line, a distance of 18.04 feet, to a point, being 30.00 feet left of centerline Station 255+68.78; and the **TRUE POINT OF BEGINNING**;

Containing 0.106 acres of land, more or less, of which the present road occupies 0.000 acres, more or less. This take is from Franklin County Auditor's Parcel 250-000003.

Basis of Bearings: The bearings were derived from a GPS survey performed by the Franklin County Engineer's Office occupying FCGS 2218 and FCGS 4427 and are based upon Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment). The Hard Road centerline survey bearing of S 87° 06' 01" E, as delineated on the Centerline Survey Plat by the Franklin County Engineer's Office was used. This bearing is based on the centerline of Hard Road between railroad spikes found at Station 246+42.66 (at Gatestone Lane), being 0.05 feet right of centerline and Station 250+65.86 (at Hidden Hollow Drive), and correspond to the bearing on said

Centerline Plat.
Jay A. Muether Ohio Registered Surveyor S-7091

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. 179WD, 179T-2 \$15,825.00

Section 6. That the City Attorney be and he 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 expenditure of \$15,825.00, or so much thereof as may be necessary be and hereby is authorized to be expended from Fund 765, the Federal-State Highway Engineering Fund, Department No. 59-09, Transportation Division, Object Level One Code 06, Object Level Three Code 6601, OCA Code 561101 and Project 561101, Auditor Certificate Number 024754, for acquisition costs related to the aforesaid purpose is hereby authorized.

Section 8. 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.