



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Details (With Text)

File #: 1608-2009 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/17/2009 **In control:** Judiciary And Court Administration Committee

On agenda: 12/7/2009 **Final action:** 12/9/2009

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 Big Walnut Augmentation Rickenbacker Interceptor (BWARI) Lockbourne Intermodal Subtrunk Project, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/9/2009	1	CITY CLERK	Attest	
12/8/2009	1	MAYOR	Signed	
12/7/2009	1	Columbus City Council	Approved	
12/7/2009	1	COUNCIL PRESIDENT	Signed	
11/17/2009	1	Atty Drafter	Sent for Approval	
11/17/2009	1	Atty Drafter	Sent for Approval	
11/17/2009	1	Atty Drafter	Sent for Approval	
11/17/2009	1	CITY ATTORNEY	Reviewed and Approved	
11/17/2009	1	Atty Drafter	Sent to Clerk's Office for Council	

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 Big Walnut Augmentation Rickenbacker Interceptor (BWARI) Lockbourne Intermodal Subtrunk 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 acquisition activities to begin as soon as possible in order to maintain the division project time line.

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 Big Walnut Augmentation Rickenbacker Interceptor (BWARI) Lockbourne Intermodal Subtrunk 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 Big Walnut Augmentation Rickenbacker Interceptor (BWARI) Lockbourne Intermodal Subtrunk Project, # 650491; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0009X-2008, on the 4th day of February 2008,

and Resolution No. 0018X-2009 on 6th day of April, 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 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 construction and permanent easements in and to the following described real property, be appropriated for the public purpose of the Big Walnut Augmentation Rickenbacker Interceptor (BWARI) Lockbourne Intermodal Subtrunk Project, #650491, 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 5A
PERMANENT SANITARY SEWER EASEMENT
BELOW ELEVATION 682.00 FEET (NAVD88)
0.135 ACRE
across the lands of
VILLAGE OF LOCKBOURNE
for the
CITY OF COLUMBUS LOCKBOURNE INTERMODAL SUBTRUNK
C.I.P. 650491.2

Situated in the State of Ohio, County of Franklin, Township of Hamilton, located in Section 10, Township 3, Range 22, Matthews Survey of Congress Lands East of the Scioto, being on, over, and across that 7.6128 acre tract conveyed to the Village of Lockbourne by deed of record in Official Record 6800J08 (all references refer to the records of the Recorder's Officer, Franklin County, Ohio) and described as follows:

BEGINNING at the northwesterly corner of that 0.108-acre tract conveyed to Troy M. Brenton by deed of record in instrument Number 200703290054302, being on the southerly line of said 7.6128-acre tract;

thence South 55°33'23" West, with the southerly line of said 7.6128-acre tract, a distance of 19.67 feet to a point on a curve to the left;

thence across said 7.6128-acre tract, with the arc of said curve, having a central angle of 04°48'24", a radius of 1170.00 feet, an arc length of 98.16 feet, a chord bearing and distance of North 17°22'32" West, 98.13 feet to a point on the southerly line of that 249.67-acre tract conveyed to Pickaway Properties, LLC by deed of record in Instrument Number 200712110212437;

thence North 55°50'35" East, with said southerly line, a distance of 61.84 feet to a point on a curve to the right.

Thence across said 7.6128-acre tract with the arc of said curve, having a central angle of 04°32'13", a radius of 1230.00 feet, an arc length of 97.40 feet, a chord bearing and distance of South 18°13'33" East, 97.37 feet to a point on the northerly line of said 0.108-acre tract;

Thence South 55°33'23" West, with said northerly line, a distance of 43.77 feet to the POINT OF BEGINNING and containing 0.135- acre of land, more or less.

The bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse, which was referenced to said coordinate system by GPS observations of Franklin County Geodetic Survey Monuments, Smith and FCGS 9926. The grid bearing between said monuments being N 71°52'56" W. Distances shown hereon are ground distances.

The perpetual sub-surface easement rights (Parcel No. 5A) granted herein are "exclusive" as to all except any previously granted rights of record. Grant/Defendant, his heirs, executors, administrators and assigns, shall not in any way, shape or form enter, encroach, infringe, or penetrate into three dimensional perpetual easement described below as Parcel 5A, and Grantor/Defendant, his heirs, executors, administrators, and assigns, shall not cause or allow any pressure exceeding 3,300 pounds per square foot to be exerted upon the top of the tunnel.

PARCEL 5B-P

Situated in the State of Ohio, County of Franklin, Township of Hamilton, located in Section 10, Township 3, Range 22, Matthews Survey of Congress Lands East of the Scioto, being on, over, and across that 0.066 acre tract conveyed to Village of Lockbourne by deed of record in Deed Book 3059, Page 87 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and described as follows:

BEGINNING in the westerly right-of-way line of Lockbourne Road, at a common corner of said 0.066 acre tract and the 25.00 acre tract conveyed to Doersam Properties, Ltd. by deed of record in Instrument Number 199905110119153;

thence North 03° 35' 07" East, with the line common to said 0.066 and 25.00 acre tracts, a distance of 231.57 feet to a point;

thence with a curve to the right, having a central angle of 02° 01' 42", a radius of 1230.00 feet, an arc length of 43.55 feet, a chord bearing and distance of South 09° 41' 30" East, 43.54 feet, across said 0.066 acre tract, to a point in the westerly right-of-way line of a 33 foot alley;

thence South 03° 35' 07" West, with said westerly right-of-way line, a distance of 181.52 feet to a point in the westerly right-of-way line of said Lockbourne Road;

thence South 56° 05' 07" West, with the westerly right-of-way line of said Lockbourne Road, a distance of 12.60 feet to the POINT OF BEGINNING and containing 0.048 acre of land, more or less.

The bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse, which was referenced to said coordinate system by GPS observations of Franklin County Geodetic Survey Monuments, Smith and FCGS 9926. The grid bearing between said monuments being N 71° 52' 56" W. Distances shown hereon are ground distances. EVANS, MECHWART, HAMBLETON, & TILTON, INC. James M. Pearsall, Registered Surveyor No. 7840

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

1.	5A; 5B	\$550.00
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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 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.