



Legislation Details (With Text)

File #: 1598-2011 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/22/2011 **In control:** Public Safety & Judiciary Committee

On agenda: 10/17/2011 **Final action:** 10/19/2011

Title: To authorize the City Attorney to file the necessary complaints for the appropriation of temporary construction easements in and to real estate necessary for the Leonard Avenue and Wildwood Avenue Stormwater System Improvements Project, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|----------|--------|
| 10/19/2011 | 1 | ACTING CITY CLERK | Attest | |
| 10/18/2011 | 1 | MAYOR | Signed | |
| 10/17/2011 | 1 | COUNCIL PRESIDENT | Signed | |
| 10/17/2011 | 1 | Columbus City Council | Approved | Pass |

Background: The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of temporary construction easements in and to real estate necessary for the Leonard Avenue and Wildwood Avenue Stormwater System Improvements Project.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested to allow for the immediate acquisition of real property necessary to the project's completion, thereby allowing this project to maintain its acquisition schedule forward without delay.

To authorize the City Attorney to file the necessary complaints for the appropriation of temporary construction easements in and to real estate necessary for the Leonard Avenue and Wildwood Avenue Stormwater System Improvements 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 Leonard Avenue and Wildwood Avenue Stormwater System Improvements Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0119X-2011, on the 18th day of July, 2011, 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 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 temporary construction easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the Leonard Avenue and Wildwood Avenue Stormwater System Improvements Project, #610990, 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:

1T
TEMPORARY CONSTRUCTION EASEMENT
COLUMBUS BARNES
0.0017 ACRES (72 S.F.)

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Lot 36 of The H.P. Kiner's Meadow-Dale Subdivision as recorded in Plat Book 18, Page 51 as conveyed to Columbus Barnes in Instrument Number 200203260076096, (all references being to records of the Recorder's Office, Franklin County, Ohio), and bounded and described as follows:

Beginning at a the northwest corner of said Lot 36 and the southwest corner of Lot 37 of said H.P. Kiner's Meadow-Dale Subdivision as conveyed to Rosa N. Moorer in Official Record 16488 E01, and being in the easterly right-of-way line of Wildwood Avenue (60');

thence southeasterly with the north line of said Lot 36 and the south line of said Lot 37, South 61° 41' 12" East, 5.34 feet;

thence southwesterly crossing said Lot 36, South 47° 06' 27" West, 15.00 feet;

thence northwesterly continuing across said Lot 36, North 44° 54' 54" West, 5.00 feet to a point in the easterly right-of-way line of Wildwood Avenue;

thence northeasterly with the easterly right-of-way line of Wildwood Avenue along a curve to the right with an arc length of 13.46 feet, a radius of 217.51 feet, a central angle of 03°32'42", and a chord which bears North 46° 51'28" East, a distance of 13.46 feet to the POINT OF BEGINNING, containing 0.0017 acres (72 S.F.) more or less.

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

Bearings are based on the Ohio State Plane Coordinate System, South Zone, 1983 North American Datum, as established by Franklin County, monuments "FRANK 64" and "YEARLING". The bearing from "FRANK 64" to "YEARLING" is South 33° 48' 28" East.

This description was prepared by Matthew E. Ferris, Registered Surveyor No. 8230, E.P. Ferris & Associates, Inc. on May 17, 2010.

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 Three Hundred Dollars (\$300.00).

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 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.