



Legislation Details (With Text)

File #: 1125-2007 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 6/28/2007 **In control:** Public Service & Transportation Committee
On agenda: 7/23/2007 **Final action:** 7/25/2007

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 for Lockbourne Road Roadway Improvement Project; to authorize the expenditure of \$3,232.00 from the 1995, 1999 Voted Streets and Highways Fund; and to declare an emergency. (\$3,232.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/25/2007	1	CITY CLERK	Attest	
7/24/2007	1	MAYOR	Signed	
7/23/2007	1	Columbus City Council	Approved	Pass
7/23/2007	1	COUNCIL PRESIDENT	Signed	
7/6/2007	1	Atty Drafter	Sent for Approval	
7/6/2007	1	Auditor Reviewer	Reviewed and Approved	
7/6/2007	1	CITY AUDITOR	Reviewed and Approved	
7/6/2007	1	Atty Drafter	Sent for Approval	
7/6/2007	1	CITY ATTORNEY	Reviewed and Approved	
7/6/2007	1	SERVICE DIRECTOR	Sent to Clerk's Office for Council	
7/5/2007	1	SERVICE DIRECTOR	Reviewed and Approved	
7/5/2007	1	Atty Drafter	Sent for Approval	
7/5/2007	1	Finance Reviewer	Reviewed and Approved	
7/5/2007	1	Finance Reviewer	Reviewed and Approved	
7/5/2007	1	FINANCE DIRECTOR	Reviewed and Approved	
7/3/2007	1	Service Reviewer	Reviewed and Approved	
7/2/2007	1	Atty Reviewer	Reviewed and Approved	
7/2/2007	1	Atty Drafter	Sent for Approval	
6/28/2007	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 **Lockbourne Road Roadway Improvement Project**.

Fiscal Impact: Funding for this project is from the Public Service Department, Transportation Division 1995, 1999 Voted Streets and Highways Fund.

Emergency action is requested to allow right-of-way acquisition-related activities to begin without delay so that construction can begin as currently scheduled.

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 **Lockbourne Road Roadway Improvement Project**; to authorize the expenditure of \$3,232.00 from the 1995, 1999 Voted Streets and Highways Fund; and to declare an emergency. (\$3,232.00)

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

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0193X-2006, on the 4th day of December, 2006, 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 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 construction and permanent easements in and to the following described real property, be appropriated for the public purpose of the **Lockbourne Road Roadway Improvement Project, #530103**, 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 NO. 1WD

Situated in the City of Columbus, County of Franklin, State of Ohio and being a part of the Northwest Quarter of Section 11, Township 4, Range 22, Congress Lands, and being part of a 7.580 acre tract owned by Land of Ararat Investment and referenced in Instrument Number 200406090132552, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the right side of the proposed centerline of construction of Lockbourne Road as shown in plans for Lockbourne Road, C.I.P. 937, and being located within the following described points in the boundary thereof:

Commencing for reference at a railroad spike found where the existing centerline of Lockbourne Road intersects the existing centerline of Watkins Road, said point being 4.84 feet right of station 2+83.93 of the proposed centerline of construction of Lockbourne Road and being 3.60 feet left of station 10+04.78 of the proposed centerline of construction of Watkins Road; Thence along the existing centerline of Watkins Road, South 86 degrees 07 minutes 49 seconds East, a distance of 40.19 feet to a point being 4.29 feet left of station 10+44.97; Thence South 03 degrees 35 minutes 40 seconds West a distance of 40.00 feet to a point 45.02 feet right of station 2+43.91 of the proposed centerline of construction of Lockbourne Road, and being at the intersection of the easterly right of way line of Lockbourne Road with the southerly right of way line of Watkins Road, said point also being the northwesterly corner of said 7.580 acre parcel, and being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence along the Grantor's northerly property line and the southerly right of way line of Watkins Road, South 86 degrees 07 minutes 49 seconds East, a distance of 20.00 feet to an iron pin set, and being 35.37 feet right of station

10+65.64 of the proposed centerline of construction of Watkins Road;

Thence along the proposed right of way line, South 48 degrees 43 minutes 56 seconds West, a distance of 28.22 feet to an iron point set on the Grantor's westerly line and easterly right of way line of Lockbourne Road, and being 45.11 feet right of station 2+23.92 of the proposed centerline of construction of Lockbourne Road;

Thence along the Grantor's westerly property line and the easterly right of way line of Lockbourne Road, North 03 degrees 35 minutes 40 seconds East, a distance of 20.00 feet to the TRUE POINT OF BEGINNING and containing 0.005 acres.

The above take is from Auditor's Parcel Number 010-119283, which contains 7.580 acres, which present road occupies (P.R.O.) 0.00 acres more or less.

The grantor reserves the right of ingress and egress to and from the residual area.

The above description was prepared from a survey conducted by Korda/Nemeth Engineering, Inc. under the direction of Michael D. Weeks, Professional Surveyor No. 7357.

Monuments referred to as iron pins set will be 5/8" inch diameter x 30 inch long capped iron bars set upon construction completion.

The bearings used herein are based on a Centerline Survey Plat of Lockbourne Road by the Franklin County Engineer's Office dated 10/2003, which was based on the Ohio State Plane Coordinate System, South Zone, NAD 83, (1986). As established from a GPS survey performed by the Franklin County Engineer's Survey Department in 1991. Occupying monuments "FCGS 8819" and "FCGS 8820".

Grantor claims title by instrument of record in Instrument Number 200406090132552, Recorder's Office, Franklin County, Ohio.

PARCEL NO. 1T

DESCRIPTION OF TEMPORARY RIGHT OF WAY FOR THE CITY OF COLUMBUS

Situated in the City of Columbus, County of Franklin, State of Ohio and being a part of the Northwest Quarter of Section 11, Township 4, Range 22, Congress Lands, and being part of a 7.580 acre tract owned by Land of Ararat Investment and referenced in Instrument Number 200406090132552, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of construction of Lockbourne Road as shown in plans for Lockbourne Road, C.I.P. 937, and being located within the following described points in the boundary thereof:

Beginning at a point, 45.95 feet right of station 0+32.91 of the proposed centerline of construction of Lockbourne Road, and at the intersection of the easterly right of way line of Lockbourne Road with the northerly right of way line of Groveport Road, said point also being the southwesterly corner of said 7.580 acre parcel, and being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence along the Grantor's westerly property line and the easterly right of way line of Lockbourne Road, North 03 degrees 35 minutes 40 seconds East, a distance of 40.00 feet to a point on the proposed right of way line and being 45.77 feet right of station 0+72.91 of the proposed centerline of construction of Lockbourne Road;

Thence, South 33 degrees 44 minutes 36 seconds East, a distance of 81.16 feet to a point on the Grantor's southerly property line and northerly right of way line of Groveport Road and being 95.28 feet right of station 0+08.60 of the proposed centerline of construction of Lockbourne Road;

Thence along the Grantor's southerly line and the northerly right of way line of Groveport Road, North 59 degrees 55 minutes 03 seconds West, a distance of 55.00 feet to the TRUE POINT OF BEGINNING and containing 0.023 acres.

The above take is from Auditor's Parcel Number 010-119283, which contains 7.580 acres, which present road occupies (P.R.O.) 0.00 acres more or less.

The grantor reserves the right of ingress and egress to and from the residual area.

The above description was prepared from a survey conducted by Korda/Nemeth Engineering, Inc. under the direction of Michael D. Weeks, Professional Surveyor No. 7357.

The bearings used herein are based on a Centerline Survey Plat of Lockbourne Road by the Franklin County Engineer's Office dated 10/2003, which was based on the Ohio State Plane Coordinate System, South Zone, NAD 83, (1986). As established from a GPS survey performed by the Franklin County Engineer's Survey Department in 1991. Occupying monuments "FCGS 8819" and "FCGS 8820".

Grantor claims title by instrument of record in Instrument No. 200406090132552, Recorder's Office, Franklin County, Ohio.

PARCEL NO. 1T-1

Situated in the City of Columbus, County of Franklin, State of Ohio and being a part of the Northwest Quarter of Section 11, Township 4, Range 22, Congress Lands, and being part of a 7.580 acre tract owned by Land of Ararat Investment and referenced in Instrument Number 200406090132552, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of construction of Lockbourne Road and Watkins Road as shown in plans for Lockbourne Road, C.I.P. 937, and being located within the following described points in the boundary thereof:

Commencing for reference at a point, 45.02 feet right of station 2+43.91 of the proposed centerline of construction of Lockbourne Road, and at the intersection of the easterly right of way line of Lockbourne Road with the southerly right of way line of Watkins Road, said point also being the northwesterly corner of said 7.580 acre parcel, thence along the Grantor's northerly property line and the existing southerly right of way line of Watkins Road, South 86 degrees 07 minutes 49 seconds East, a distance of 20.00 feet to a point on the proposed right of way line and being 35.37 feet right of station 10+65.64 of the proposed centerline of construction of Watkins Road; and being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence continuing along the Grantor's northerly property line and said existing right of way line, South 86 degrees 07 minutes 49 seconds East, a distance of 105.00 feet to a point being 33.58 feet right of station 11+70.63 of the proposed centerline of construction of Watkins Road;

Thence, South 03 degrees 35 minutes 40 seconds West, a distance of 5.00 feet to a point being 38.58 feet right of station 11+70.74 of the proposed centerline of construction of Watkins Road;

Thence North 86 degrees 07 minutes 49 seconds West, a distance 110.00 feet to a point on the proposed right of way line and being 40.45 feet right of station 10+60.75 of the proposed centerline of construction of Watkins Road;

Thence along the proposed right of way line, North 48 degrees 43 minutes 56 seconds East, a distance of 7.05 feet to the TRUE POINT OF BEGINNING and containing 0.012 acres.

The above take is from Auditor's Parcel Number 010-119283, which contains 7.580 acres, which present road occupies (P.R.O.) 0.00 acres more or less.

The above description was prepared from a survey conducted by Korda/Nemeth Engineering, Inc. under the direction of Michael D. Weeks, Professional Surveyor No. 7357.

The bearings used herein are based on a Centerline Survey Plat of Lockbourne Road by the Franklin County Engineer's Office dated 10/2003, which was based on the Ohio State Plane Coordinate System, South Zone, NAD 83, (1986). As established from a GPS survey performed by the Franklin County Engineer's Survey Department in 1991. Occupying monuments "FCGS 8819" and "FCGS 8820".

Grantor claims title by instrument of record in Instrument No. 200406090132552, Recorder's Office, Franklin County, Ohio.

Section 2. That construction and permanent easements in and to the following described real property, be appropriated for the public purpose of the **Lockbourne Road Roadway Improvement Project, #530103**, 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 NO. 75WD

Situated in the City of Columbus, County of Franklin, State of Ohio and being a part of the northwest Quarter of Section 2, Township 4, Range 22, Congress Lands, and being part of a 2.411 acre parcel owned by Solomon Jas of Ohio LLC as recorded in Instrument Number 200405280122989, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the right side of the proposed centerline of construction of Lockbourne Road as shown in plans for Lockbourne Road, C.I.P. 937, and being located within the following described points in the boundary thereof:

Commencing for reference at a railroad spike found where the centerline of Lockbourne Road intersects the centerline of Koebel Road, said point being 9.94 feet right of station 29+77.48 of the proposed centerline of construction of Lockbourne Road; thence North 03 degrees 53 minutes 29 seconds East along the centerline of Lockbourne Road a distance of 493.52 feet to the Grantor's southwest property corner and being 11.54 feet right of station 34+71.00 of the proposed centerline of construction of Lockbourne Road and being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence continuing along the centerline of Lockbourne Road and the Grantor's westerly property line, North 03 degrees 53 minutes 29 seconds East, a distance of 76.37 feet to a point 11.78 feet right of station 35+47.36 of the proposed centerline of construction of Lockbourne Road;

Thence South 86 degrees 06 minutes 45 seconds East a distance of 29.05 feet to a point 40.83 feet right of station 35+47.27 of the proposed centerline of construction of Lockbourne Road;

Thence along the existing right of way line of Lockbourne Road, North 09 degrees 19 minutes 40 seconds East, a distance of 40.07 feet to a point on the Grantor's northerly property line and being 44.76 feet right of station 35+87.15 of the proposed centerline of construction of Lockbourne Road also being a point 33.79 feet right of station 26+70.18 of the proposed centerline of Lockbourne Road as part of a survey made in 1965 by the Ohio Department of Highways of the proposed Frank-Refugee Road;

Thence along the Grantor's northerly property line, South 85 degrees 57 minutes 53 seconds East, a distance of 7.74 feet to a point on the proposed right of way line and being 52.49 feet right of station 35+87.10 of the proposed centerline of construction of Lockbourne Road;

Thence along the proposed right of way line, South 06 degrees 30 minutes 25 seconds West, a distance of 78.47 feet to an iron pin set and being 48.66 feet right of station 35+08.73 of the proposed centerline of construction of Lockbourne Road;

Thence along the proposed right of way line, South 03 degrees 53 minutes 29 seconds West, distance of 37.97 feet to a point on the Grantor's southerly property line and being 48.54 feet right of station 34+70.76 of the proposed centerline of construction of Lockbourne Road;

Thence along the Grantor's southerly property line, North 85 degrees 55 minutes 53 seconds West, a distance of 37.00 feet to the TRUE POINT OF BEGINNING and containing 0.074 acres, more or less.

The above description was prepared from a survey conducted by Korda/Nemeth Engineering, Inc. under the direction of Michael D. Weeks, Professional Surveyor No. 7357.

The above take is from Auditor's Parcel Number 010-112443, which contains 2.411 acres, which present road occupies (P.R.O.) 0.039 acres more or less.

The grantor reserves the right of ingress and egress to and from the residual area.

Monuments referred to as iron pins set will be 5/8" inch diameter x 30 inch long capped iron bars set upon construction completion.

The bearings used herein are based on a Centerline Survey Plat of Lockbourne Road by the Franklin County Engineer's Office dated 10/2003, which was based on the Ohio State Plane Coordinate System, South Zone, NAD 83, (1986). As established from a GPS survey performed by the Franklin County Engineer's Survey Department in 1991. Occupying monuments "FCGS 8819" and "FCGS 8820".

Original Lockbourne Road right of way width is referenced from Road Record 7, Page 405, Recorder's Office, Franklin County, Ohio.

Grantor claims title by instrument of record in Instrument Number 200405280122989, Recorder's Office, Franklin County, Ohio.

PARCEL NO. 75T

Situated in the City of Columbus, County of Franklin, State of Ohio and being a part of the northwest Quarter of Section 2, Township 4, Range 22, Congress Lands, and being part of a 2.411 acre parcel owned by Solomon Jas of Ohio LLC as recorded in Instrument Number 200405280122989, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the right side of the proposed centerline of construction of Lockbourne Road as shown in plans for Lockbourne Road, C.I.P. 937, and being located within the following described points in the boundary thereof:

Commencing for reference on the Grantor's southwest property and being on the centerline of Lockbourne Road and being 11.54 feet right of station 34+71.00 of the proposed centerline of construction of Lockbourne Road; thence along the Grantor's southerly property line, South 85 degrees 55 minutes 53 seconds East, a distance of 37.00 feet to a point on the proposed easterly right of way line of Lockbourne Road, and being 48.54 feet right of station 34+70.76 of the proposed centerline of construction of Lockbourne Road, and being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence along the proposed right of way line, North 03 degrees 53 minutes 29 seconds East, a distance of 37.97 feet, to an angle point and being 48.66 feet right of station 35+08.73 of the proposed centerline of construction of Lockbourne Road;

Thence along the proposed right of way line, North 06 degrees 30 minutes 25 seconds East, a distance of 78.47 feet to a point on the Grantor's northerly property line and being 52.49 feet right of station 35+87.10 of the proposed centerline of construction of Lockbourne Road;

Thence along said property line, South 85 degrees 57 minutes 53 seconds East, a distance 24.42 feet, to a point on the proposed temporary right of way line and being 76.91 feet right of station 35+86.96 of the proposed centerline of construction of Lockbourne Road;

Thence, South 03 degrees 53 minutes 29 seconds West, a distance of 32.00 feet to a point being 76.81 feet right of station 34+54.96 of the proposed centerline of construction of Lockbourne Road;

Thence, North 85 degrees 57 minutes 53 seconds West, a distance of 15.00 feet to a point being 61.81 feet right of station 35+55.05 of the proposed centerline of construction of Lockbourne Road;

Thence, South 03 degrees 53 minutes 29 seconds West, a distance of 84.37 feet to a point on the Grantor's southerly property line and being 61.54 feet right of station 34+70.68 of the proposed centerline of construction of Lockbourne Road;

Thence along said property line, North 85 degrees 55 minutes 53 seconds West, a distance of 13.00 feet to the TRUE POINT OF BEGINNING and containing 0.043 acres, more or less.

The above description was prepared from a survey conducted by Korda/Nemeth Engineering, Inc. under the direction of Michael D. Weeks, Professional Surveyor No. 7357.

The above take is from Auditor's Parcel Number 010-112443, which contains 2.411 acres, which present road occupies (P.R.O.) 0.039 acres more or less.

The bearings used herein are based on a Centerline Survey Plat of Lockbourne Road by the Franklin County Engineer's Office dated 10/2003, which was based on the Ohio State Plane Coordinate System, South Zone, NAD 83, (1986). As established from a GPS survey performed by the Franklin County Engineer's Survey Department in 1991. Occupying monuments "FCGS 8819" and "FCGS 8820".

Grantor claims title by instrument of record in Instrument No. 200405280122989, Recorder's Office, Franklin County, Ohio.

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 construction and permanent easements as follows:

- | | | |
|----|-------------|------------|
| 1. | 1WD, T, T-1 | \$1,046.00 |
| 2. | 75WD, T | \$2,186.00 |

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 expenditure of \$3,323.00, or so much thereof as may be necessary for the **Lockbourne Road Roadway Improvement Project, Project #530103**, from the 1995, 1999 Voted Streets and Highways Fund, Fund #704, OCA Code 644385, Object Level Three: 6601, Auditor's Certificate No. 022711, for the appropriation of said real property interests determined to be necessary for the stated public purpose is hereby authorized.

Section 8. That for the reasons state in the preamble hereto, 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.