



## Legislation Details (With Text)

**File #:** 0393-2007      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/1/2007      **In control:** Judiciary And Court Administration Committee  
**On agenda:** 4/2/2007      **Final action:** 4/5/2007  
**Title:** To authorize the City Attorney to file the necessary complaints for the appropriation of construction easements in and to real estate necessary for the Canyon Drive/Glenmont Avenue Stormwater System Improvement Project, and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/5/2007	1	CITY CLERK	Attest	
4/3/2007	1	MAYOR	Signed	
4/2/2007	1	Columbus City Council	Approved	Pass
4/2/2007	1	COUNCIL PRESIDENT	Signed	
3/15/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
3/14/2007	1	Utilities Reviewer	Reviewed and Approved	
3/14/2007	1	Atty Drafter	Sent for Approval	
3/14/2007	1	CITY ATTORNEY	Reviewed and Approved	
3/7/2007	1	UTILITIES DIRECTOR	Reviewed and Approved	
3/6/2007	1	Atty Reviewer	Reviewed and Approved	
3/6/2007	1	Atty Drafter	Sent for Approval	
3/6/2007	1	Utilities Reviewer	Sent for Approval	
3/1/2007	1	Atty Drafter	Sent for Approval	

**Background:** The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of construction easements in and to real estate necessary for the **Canyon Drive/Glenmont Avenue Stormwater System Improvement Project**.

**Fiscal Impact:** Funding for this project is from the Department of Public Utilities, Division of Sewerage and Drainage, Storm Sewer Bonds Fund.

**Emergency Justification:** Emergency action is requested to allow the acquisition of the parcels necessary for the aforementioned project so that there will be no delay in the project thereby preserving the public health, peace, property, safety, and welfare.

To authorize the City Attorney to file the necessary complaints for the appropriation of construction easements in

and to real estate necessary for the **Canyon Drive/Glenmont Avenue Stormwater System Improvement 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 **Canyon Drive/Glenmont Avenue Stormwater System Improvement Project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0141X-2006, on the 11th day of September, 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 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 easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the **Canyon Drive/Glenmont Avenue Stormwater System Improvement Project, #610749**, 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 1T**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a strip of land located in Lot 310 of Indian Springs Subdivision, of record in Plat Book 9, Pages 34 & 35, and as conveyed in a deed to Laure B. & David I. Nordholt, of record in Instrument No. 199708210075930, all references being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a strip of land ten (10) feet in width parallel to and coincident with the northerly right-of-way line of Yaronia Drive North, 30 feet in width, beginning at a line 29.00 feet east of the southwesterly corner of Lot 310 and ending 39.00 feet east of the southwesterly corner.

This description was prepared by M•E Companies, Inc., Civil Engineering Group, based on information obtained from an actual field survey performed in 2005. M•E Companies, Inc., Civil Engineering Group

By Ronald J. Yarano, Registered Surveyor No. 7169

Section 2. That construction easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the **Canyon Drive/Glenmont Avenue Stormwater System Improvement Project, #610749**, 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 7T**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a strip of land located in the easterly portion of Lot 318 of Indian Springs Subdivision, of record in Plat Book 9, Pages 34 & 35, and as conveyed in a deed to Jon S. & Theresa G. DeWitt, of record in Official Record Volume 26624, Page H07, all references being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a strip of land five (5) feet in width parallel to and coincident with the southerly right-of-way line of Yaronia Drive North, 30 feet in width, extending from the westerly line of the portion of Lot 318 described in the referenced deed to the easterly line of Lot 318.

This description was prepared by M•E Companies, Inc., Civil Engineering Group, based on information obtained from an actual field survey performed in 2005.

M•E Companies, Inc., Civil Engineering Group

By Ronald J. Yarano, Registered Surveyor No. 7169

Section 3. That construction easements in, over, under, across and through the following described real property, be

appropriated for the public purpose of the **Canyon Drive/Glenmont Avenue Stormwater System Improvement Project, #610749**, 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 8T**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a strip of land located in the westerly portion of Lot 318 of Indian Springs Subdivision, of record in Plat Book 9, Pages 34 & 35, and as conveyed in a deed to Connie J. Guyer, of record in Instrument No. 199812230331073, all references being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a strip of land five (5) feet in width parallel to and coincident with the southerly right-of-way line of Yaronia Drive North, 30 feet in width, extending from the westerly line of Lot 318 to the easterly line of the portion of Lot 318 described in the referenced deed.

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By Ronald J. Yarano, Registered Surveyor No. 7169

Section 4. That construction easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the **Canyon Drive/Glenmont Avenue Stormwater System Improvement Project, #610749**, 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 9T**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a strip of land located in Lot 317 of Indian Springs Subdivision, of record in Plat Book 9, Pages 34 & 35, and as conveyed in a deed to Winfred C. Arthurs, of record in Deed Book 1960, Page 28, all references being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a strip of land ten (10) feet in width parallel to and coincident with the southerly right-of-way line of Yaronia Drive North, 30 feet in width, extending from the right-of-way return to Yaronia Drive South on the west to the easterly line of Lot 317.

This description was prepared by M•E Companies, Inc., Civil Engineering Group, based on information obtained from an actual field survey performed in 2005.

M•E Companies, Inc., Civil Engineering Group  
By Ronald J. Yarano, Registered Surveyor No. 7169

Section 5. 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 6. That the Council of the City of Columbus hereby fixes the value of said permanent easements as follows:

1.	1T	\$200.00
2.	7T	\$1,915.00
3.	8T	\$785.00
4.	9T	\$1,100.00

Section 7. 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 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.

