



Legislation Details (With Text)

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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 construction and permanent easements in and to real estate necessary for the Hap Cremean Raw Water Line project and to declare an emergency.

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	
7/13/2007	1	Atty Reviewer	Reviewed and Approved	
7/13/2007	1	Atty Drafter	Sent for Approval	
7/13/2007	1	CITY ATTORNEY	Reviewed and Approved	
7/13/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
7/11/2007	1	Atty Drafter	Sent for Approval	

Background: The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of construction and permanent easements in and to real estate necessary for the **Hap Cremean Raw Water Line project**.

Fiscal Impact: Funding for this project is from the Department of Public Utilities, Division of Water , Waterworks Enlargement Voted 1991 Bonds Funds.

Emergency Justification: Emergency legislation is being requested to allow acquisition of these parcels necessary for this project to proceed without delay in order to continue engineering design services for this project critical to providing increased safety to the water supply to the greater Columbus area.

To authorize the City Attorney to file the necessary complaints for the appropriation of construction and permanent easements in and to real estate necessary for the **Hap Cremean Raw Water Line 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 **Hap Cremean Raw Water Line project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0055X-2006, on the 3rd day of April, 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 Department of Public Utilities, Division of Water, 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, over, under, across and through the following described real property, be appropriated for the public purpose of the **Hap Cremean Raw Water Line project, #690265**, 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:

4P

Permanent Easement

1.016 Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 1 and Quarter Township 4, Township 2 Range 17, United States Military Lands, and being with that tract of land conveyed to Fannie Louise Shafer by deed of record in Volume 3669, Page 517, all references are to records of the Franklin County, Ohio Recorder's Office, said 1.016 acre being more particularly described as follows;

Beginning at a point in the southerly line of the said Shafer tract, said point also being in the northerly line of Parcel "D" as conveyed to Wickford Company, Inc. by deed of record in O.R. 11507, C-12, said point bears S 86° 57' 36" E, 233.35 feet from the southwesterly corner of the said Shafer tract;

Thence crossing the said Shafer tract the following courses:

N 45° 07' 43" E, a distance of 33.47 feet to a point;

N 69° 07' 11" E, a distance of 366.19 feet to a point;

N 47° 03' 31" E, a distance of 931.68 feet to a point; and

N 41° 25' 00" E, a distance of 143.02 feet to a point in a northerly line of the said Shafer tract, also being in Big Walnut Creek;

Thence N 87° 01' 15" E, with the said northerly line, a distance of 41.20 feet to a point;

Thence leaving said northerly line and crossing the said Shafer tract the following courses;

S 41° 12' 11" W, a distance of 172.47 feet to a point;

S 47° 03' 31" W, a distance of 939.88 feet to a point; and

S 69° 07' 11" W, a distance of 365.66 feet to a point in the southerly line of the said Shafer tract, the same being the northerly line of the said Wickford Company, Inc. tract;

Thence N 86° 57' 36" W, with the said southerly line, a distance of 40.43 feet to the Point Of Beginning, containing 1.016 acre of land, more or less.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone as per NAD 83.

Resource International Inc., Mark S. Ward P.S. No. S-7514.

4PS

Permanent Easement

0.083-Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 1 and Quarter Township 4, Township 2 Range 17, United States Military Lands, and being with that tract of land conveyed to Fannie Louise Shafer by deed of record in Volume 3669, Page 517, all references are to records of the Franklin County, Ohio Recorder's Office, said 0.083 acre being more particularly described as follows;

Beginning for reference at a point in the southerly line of the said Shafer tract at the northwesterly corner of Lot 104 as said lot is numbered and delineated on that subdivision plat entitled "The Wilds Section 4" of record in Plat Book 66, Page 63, said point also being in the northerly line of Parcel "D" as conveyed to Wickford Company, Inc. by deed of record in Official Record 11507C12;

Thence N 86° 57' 36" W, with the said southerly line, a distance of 213.14 feet to southwesterly corner of the said Shafer tract, said corner also being in Big Walnut Creek;

Thence with the westerly lines of the said Shafer tract, also being Big Walnut Creek the following three courses:

N 72° 09' 24" E, a distance of 300.00 feet to a point;
N 56° 35' 24" E, a distance of 450.00 feet to a point; and
N 42° 20' 24" E, a distance of 700.00 feet to a point;
Thence S 52° 46' 32" E, crossing the said Shafer tract, a distance of 147.20 feet to the True Point Of Beginning for the area intended to be described herein;
Thence continuing crossing the said Shafer tract the following courses:
N 47° 03' 31" E, a distance of 60.00 feet to a point;
S 42° 56' 29" E, a distance of 60.00 feet to a point;
S 47° 03' 31" W, a distance of 60.00 feet to a point; and
N 42° 56' 29" W, a distance of 60.00 feet to the True Point Of Beginning, containing 0.083 acre of land, more or less.
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone as per NAD 83.
Resource International Inc., Mark S. Ward P.S. No. S-7514.

4T-1
Temporary Easement
0.507 Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 1 and Quarter Township 4, Township 2 Range 17, United States Military Lands, and being with that tract of land conveyed to Fannie Louise Shafer by deed of record in Volume 3669, Page 517, all references are to records of the Franklin County, Ohio Recorder's Office, said 0.507 acre being more particularly described as follows;
Beginning at a point in the southerly line of the said Shafer tract, said point also being in the northerly line of Parcel "D" as conveyed to Wickford Company, Inc. by deed of record in O.R. 11507, C-12, said point bears S 86° 57' 36" E, 213.14 feet from the southwesterly corner of the said Shafer tract;
Thence crossing the said Shafer tract the following courses:
N 45° 07' 43" E, a distance of 50.21 feet to a point;
N 69° 07' 11" E, a distance of 366.45 feet to a point;
N 47° 03' 31" E, a distance of 927.59 feet to a point; and
N 41° 25' 57" E, a distance of 128.02 feet to a point in the northerly line of the said Shafer tract, also being in Big Walnut Creek;
Thence N 87° 01' 15" E, with said northerly line, a distance of 21.00 feet to a point;
Thence leaving said northerly line and crossing the said Shafer tract the following courses:
S 41° 25' 00" W, a distance of 143.02 feet to a point
S 47° 03' 31" W, a distance of 931.68 feet to a point;
S 69° 07' 11" W, a distance of 366.19 feet to a point; and
S 45° 07' 43" W, a distance of 33.47 feet to a point in the southerly line of the said Shafer tract, the same being the northerly line of the said Wickford Company, Inc. tract;
Thence N 86° 57' 36" W, with the said southerly line, a distance of 20.21 feet to the Point Of Beginning, containing 0.507 acre of land, more or less.
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone as per NAD 83.
Resource International Inc., Mark S. Ward P.S. No. S-7514.

4T-2
Temporary Easement
0.507-Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 1 and Quarter Township 4, Township 2 Range 17, United States Military Lands, and being with that tract of land conveyed to Fannie Louise Shafer by deed of record in Volume 3669, Page 517, all references are to records of the Franklin County, Ohio Recorder's Office, said 0.507 acre being more particularly described as follows;
Beginning at a point in the southerly line of the said Shafer tract, said point also being in the northerly line of Parcel "D" as conveyed to Wickford Company, Inc. by deed of record in Official Record 11507C12, said point bears South 86° 57' 36" East, 273.78 feet from the southwesterly corner of the said Shafer tract;
Thence crossing the said Shafer tract the following courses:
North 69° 07' 11" East, a distance of 365.66 feet to a point;
North 47° 03' 31" East, a distance of 939.88 feet to a point; and
North 41° 12' 11" East, a distance of 172.47 feet to a point to a point in the northerly line of the said Shafer tract, also being in Big Walnut Creek;

Thence North 87° 01' 15" East, with the said northerly line a distance of 20.91 feet to a point;
Thence leaving said northerly line and crossing said Shafer tract the following courses:
South 41° 11' 23" West, a distance of 187.41 feet to a point;
South 47° 03' 31" West, a distance of 943.97 feet to a point; and
South 69° 07' 11" West, a distance of 334.77 feet to a point in the southerly line of the said Shafer tract;
Thence North 86° 57' 36" West, with the said southerly line, a distance of 36.99 feet to the point of beginning containing 0.507 acre of land, more or less.
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone as per NAD 83.
Resource International Inc., Mark S. Ward P.S. No. S-7514.

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 Twenty Five Thousand One Hundred Four Dollars (\$25,104.00).

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 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.