



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 9/11/2007 **In control:** Judiciary And Court Administration Committee

On agenda: 11/5/2007 **Final action:** 11/8/2007

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 the Lockbourne Road Roadway Improvement Project; to authorize the expenditure of \$1,303.00 from the 1995, 1999 Voted Streets and Highways Fund; and to declare an emergency. (\$1,303.00).

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/8/2007	1	CITY CLERK	Attest	
11/7/2007	1	MAYOR	Signed	
11/5/2007	1	Columbus City Council	Approved	
11/5/2007	1	COUNCIL PRESIDENT	Signed	
10/18/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
10/17/2007	1	Auditor Reviewer	Reviewed and Approved	
10/17/2007	1	CITY AUDITOR	Reviewed and Approved	
10/17/2007	1	Atty Drafter	Sent for Approval	
10/17/2007	1	CITY ATTORNEY	Reviewed and Approved	
10/16/2007	1	Atty Drafter	Sent for Approval	
10/15/2007	1	Finance Reviewer	Reviewed and Approved	
10/15/2007	1	Finance Reviewer	Reviewed and Approved	
10/15/2007	1	FINANCE DIRECTOR	Reviewed and Approved	
10/11/2007	1	Atty Drafter	Sent for Approval	
10/5/2007	1	SERVICE DIRECTOR	Reviewed and Approved	
9/13/2007	1	Service Reviewer	Reviewed and Approved	
9/12/2007	1	Atty Drafter	Sent for Approval	
9/11/2007	1	Atty Drafter	Sent for Approval	
9/11/2007	1	Atty Reviewer	Reviewed and Approved	

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 **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 construction and permanent easements in and to real estate necessary the **Lockbourne Road Roadway Improvement Project**; to authorize the expenditure of \$1,303.00 from the 1995, 1999 Voted Streets and Highways Fund; and to declare an emergency. (\$1,303.00).

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 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. 76S

Situated in the City of Columbus, County of Franklin, State of Ohio and being a part of the northeast quarter of Section 3, Township 4, Range 22, Congress Lands, and being part of a 4.105 acre parcel owned by McDonalds Corporation as recorded in Official Record 32586-D18, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the left 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 point at the Grantor's southeast property corner and the southwest corner of parcel 123 A WD owned by the City of Columbus as recorded in Deed Book 3503 Page 803, Recorder's Office, Franklin County, Ohio, and being 29.15 feet left of station 35+54.23 of the proposed centerline of construction of Lockbourne Road; thence along the Grantor's south line, North 86 degrees 45 minutes 29 seconds West, a distance of 9.05 feet to the westerly right of way line of Lockbourne Road as shown in a survey plat by Site Engineering Inc., in June 1996 and being 38.20 feet left of station 35+54.16 of the proposed centerline of construction of Lockbourne Road; thence along the westerly right of way line of Lockbourne Road, North 03 degrees 53 minutes 29 seconds East, a distance of 17.43 feet to a point on the proposed easement line and being 38.14 feet left of station 35+71.58 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 easement line, North 86 degrees 45 minutes 09 seconds West, a distance of 10.00 feet to a point being 48.14 feet left of station 35+71.50 of the proposed centerline of construction of Lockbourne Road;

Thence along the proposed easement line, North 03 degrees 53 minutes 29 seconds East a distance of 20.00 feet to a point being 48.08 feet left of station 35+91.50 of the proposed centerline of construction of Lockbourne Road;

Thence along the proposed easement line, South 86 degrees 45 minutes 09 seconds East, a distance of 10.00 feet, to a point on the westerly right of way line of Lockbourne Road and being 38.07 feet left of station 35+91.58 of the proposed centerline of construction of Lockbourne Road;

Thence along the westerly right of way line of Lockbourne Road, South 03 degrees 53 minutes 29 seconds West, a distance of 20.00 feet to the TRUE POINT OF BEGINNING and containing 0.005 acres, more or less.

The above take is from Auditor's Parcel Number 010-112409, which contains 4.11 acres, which present road occupies (P.R.O.) 0.015 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 Official Record 32586-D18, Recorder's Office, Franklin County, Ohio.

PARCEL NO. 76T

Situated in the City of Columbus, County of Franklin, State of Ohio and being a part of the northeast quarter of Section 3, Township 4, Range 22, Congress Lands, and being part of a 4.105 acre parcel owned by McDonalds Corporation as recorded in Official Record 32586-D18, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the left 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 point, on the existing centerline of Lockbourne Road and being at the southeast corner of parcel 123 A WD owned by the City of Columbus, and recorded in Deed Book 3503 Page 803, Recorder's Office, Franklin County, Ohio, and being 11.81 feet right of station 35+54.56 of the proposed centerline of construction of Lockbourne Road; thence along the south line of said parcel, North 86 degrees 45 minutes 09 seconds West a distance of 50.00 feet, to a point on the westerly right of way line of Lockbourne Road as referenced in a survey plat by Site Engineering Inc, in June 1996, and being 38.20 feet left of station 35+54.16 of the proposed centerline of construction of Lockbourne Road and passing the Grantor's southeast property corner at 40.96 feet, and being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence continuing along the Grantor's southerly property line, North 86 degrees 45 minutes 09 seconds West, a distance of 15.00 feet to a point on the proposed temporary right of way line and being 53.20 feet left of station 35+54.04 of the proposed centerline of construction of Lockbourne Road;

Thence along the proposed temporary right of way line, North 03 degrees 53 minutes 29 seconds East, a distance of 274.35 feet to a point on the Grantor's northerly property line and being on the westerly line of parcel 123 WL owned by the City of Columbus and recorded in Deed Book 3503 Page 797, Recorder's Office, Franklin County, Ohio, also being the westerly right of way line of Lockbourne Road, and being 52.31 feet left of station 38+28.38 of the proposed centerline of construction of Lockbourne Road;

Thence along the westerly right of way line of Lockbourne Road and the westerly line of parcel 123 WD, South 18 degrees 25 minutes 29 seconds East, a distance of 20.53 feet, to a point on the northwest corner of parcel 123 WD owned by the City of Columbus and recorded in Deed Book 3503 Page 797, and being 44.57 feet left of station 38+09.37 of the proposed centerline of construction of Lockbourne Road;

Thence along the westerly line of parcel 123 WD and westerly right of way line of Lockbourne Road, South 00 degrees 10 minutes 54 seconds East, a distance of 101.43 feet to a point at the northwest corner of said parcel 123 A WD and being 37.70 feet left of station 37+08.17 of the proposed centerline of construction of Lockbourne Road;

Thence along the westerly right of way line of Lockbourne Road as shown in said survey by Site Engineering Inc, in June 1996, South 03 degrees 52 minutes 29 seconds West, a distance of 154.01 feet to the TRUE POINT OF BEGINNING and containing 0.081 acres, more or less.

The above take is from Auditor's Parcel Number 010-112409, which contains 4.11 acres, which present road occupies (P.R.O.) 0.016 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 Official Record 32586-D18, Recorder's Office, Franklin County, Ohio.

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 declares its intention to obtain immediate possession of the real property interests described herein.

Section 4. That the Council of the City of Columbus hereby fixes the value of said construction and permanent easements as follows:

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Section 5. 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 6. That the expenditure of \$1,303.00, 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 7. 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.