



## Legislation Text

File #: 0577-2005, Version: 1

**Background:** The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of permanent easements in and to real estate necessary for the **Glendower/Llewellyn Stormwater System Improvement Project**.

**Fiscal Impact** N/A

**Emergency Justification:** Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay in order to immediately begin acquisition and avoid delaying the project.

To authorize the City Attorney to file the necessary complaints for the appropriation of permanent easements in and to real estate necessary for the **Glendower/Llewellyn 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 **Glendower/Llewellyn Stormwater System Improvement Project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0006X-2005, on the 7th day of February, 2005, 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 permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the **Glendower/Llewellyn Stormwater System Improvement Project, #610736**, 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:

### **PERPETUAL SEWER UTILITY EASEMENT**

#### **PARCEL NO. 3-1**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being parts of a 131.139 acre tract as conveyed to Mount Clare Properties (OHIO) Inc. in Official Record 1963, Page E-18, Franklin County Recorder's Office, and being more particularly described as follows:

Beginning at a point for reference on the Grantor's northeasterly property line and the northwest property corner of Ace Iron and Metal Company as recorded in Instrument Number 200209190234337;

Thence S 28° 51' 59" E, a distance of 2.38 feet along the Grantor's northeasterly property line and the westerly property line of said Ace Iron and Metal Company to a point;

Thence S 85° 58' 01" E, a distance of 13.07 feet along the Grantor's northerly property line and the southerly property line of said Ace Iron and Metal Company to a point, said point being the *True Point Of Beginning*;

Thence S 85° 58' 01" E, a distance of 20.04 feet continuing along the Grantor's northerly property line and

said southerly property line of Ace Iron and Metal Company to a point;  
Thence S 00° 24' 15" W, a distance of 56.29 feet across the Grantor's property to a point on an existing storm easement belonging to the City of Columbus as recorded in Deed Volume 2764, Page 534;

Thence N 59° 28' 50" W, a distance of 13.43 feet along said existing storm easement to a point;

Thence S 45° 34' 15" W, a distance of 11.83 feet continuing along said existing storm easement to a point;

Thence N 00° 24' 15" E, a distance of 59.16 feet across the Grantor's property to the True Point Of Beginning, containing 0.025 acres (1078 sq. ft.).

This description is based on a survey for the City of Columbus in 2003 by ME Companies, Inc. and prepared under the direction of Michael P. Lomano, Registered Surveyor No. 7711.

Basis of bearings was determined by GPS survey referenced to the Ohio State Plane Coordinate System (Ohio South Zone, NAD 83).

Michael P. Lomano, P.S., Ohio Registered Surveyor No. 7711, 11/17/03.

**PERPETUAL SEWER UTILITY EASEMENT**  
**PARCEL NO. 3-2**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being parts of a 131.139 acre tract as conveyed to Mount Clare Properties (OHIO) Inc. in Official Record 1963, Page E-18, Franklin County Recorder's Office, and being more particularly described as follows:

Beginning at a point at the Grantor's northeasterly property corner and a southwesterly property corner of Ace Iron and Metal Company as recorded in Instrument Number 200209190234337;

Thence S 04° 01' 59" W, a distance of 55.00 feet along the Grantor's easterly property line and a westerly property line of said Ace Iron and Metal Company tract to a point;

Thence N 85° 58' 01" W, a distance of 80.00 feet leaving said property lines and across the Grantor's property to a point;

Thence N 04° 01' 59" E, a distance of 55.00 feet to a point on the Grantor's north property line and a southerly property line of said Ace Iron and Metal Company tract;

Thence S 85° 58' 01" E, a distance of 80.00 feet along said property lines to the True Point Of Beginning, containing 0.101 acres (4400 sq. ft.).

This description is based on a survey for the City of Columbus in 2003 by ME Companies, Inc. and prepared under the direction of Michael P. Lomano, Registered Surveyor No. 7711.

Basis of bearings was determined by GPS survey referenced to the Ohio State Plane Coordinate System (Ohio South Zone, NAD 83).

Michael P. Lomano, P.S., Ohio Registered Surveyor No. 7711, 11/17/03.

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 Thousand One Hundred Forty Nine and .85/100 Dollars (\$3,149.85).

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.