



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0534-2011, Version: 1

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 UIRF - 18th, 20th, St. Clair Street Corridor project.

Fiscal Impact: N/A

Justification: Emergency action is requested to allow the Eminent Domain actions to proceed without delay thereby allowing the land acquisition part of this project to maintain its timeline.

To authorize the City Attorney to file the necessary complaints for the appropriation of construction easements in and to real estate necessary the UIRF - 18th, 20th, St. Clair Street Corridor Project; to expend \$300.00 from the Governmental Build America Bonds Fund, 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 UIRF - 18th, 20th, St. Clair Street Corridor Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0150X-2010, on the 1st day of November, 2010, 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, Division of Design and Construction, 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 easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the UIRF - 18th, 20th, St. Clair Street Corridor Project, 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 15-T

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Lot 265 and Lot 272 of the East Park Place Addition Plat as recorded in Plat Book 2, Page 61 conveyed to Daniel B. Robinson by Volume 21270, Page D04, all records herein are from the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning for Reference at the westerly right of way line of Hamilton Avenue and the southeast corner of said lot 272 at an iron pin found;

Thence, South 08° 03' 41" East, along the westerly right of way line of Hamilton Avenue, a distance of 9.74 feet to the True Point of Beginning;

Thence, South 08° 03' 41" East, along the westerly right of way line of Hamilton Avenue a distance of

23.00 feet to a point;

Thence, crossing said Lots 265 and 272 the following three courses:

1. South 81° 55' 53" West crossing said Lot 265, a distance of 10.00 feet to a point;
2. Thence, North 08° 03' 41" West, crossing said Lot 265 and Lot 272, a distance of 23.00 feet to a point;
3. Thence, North 81° 56' 19" East, a distance of 10.00 feet to the True Point of Beginning containing 0.005 acres, more or less, subject to legal highways and other easements of record.

The Gross Take from Auditors Tax Parcel 010-009510-00 is 0.005 acres.

The above legal description is based on Volume 21270, Page D04 and Plat Book 2, Page 61.

Bearings for the above description are based upon the Ohio State Plane Coordinate System, NAD 83 (86), South Zone.

Description prepared by CW Design Group, LLC, Charles A. Wagner, P.S., Registered Surveyor No. S-8091. Based upon a survey by CW Design Group, LLC on November 30, 2009.

Charles A. Wagner, P.S. S-8091

Date

Section 2. That the Council of the City of Columbus hereby declares its intention to obtain immediate possession of the real property interests described herein.

Section 3. 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 4. That the Council of the City of Columbus hereby fixes the value of said construction easements interests as follows:

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|----|-------------------------|----------|
| 1. | 15T/ Daniel B. Robinson | \$300.00 |
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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 City Attorney's Office, Real Estate Division, be and is hereby authorized to expend \$300.00 or so much thereof as may be necessary from fund 746, the Governmental Build America Bonds Fund, Dept./Div. No. 59-12, Division of Design and Construction, Object Level One Code 6601, Auditors Certificate #031484, OCA 765918, to pay those costs relative to the acquisition of the additional rights-of-way required for the UIRF - 18th, 20th, St. Clair Street Corridor Project.

Section 7. That for the reasons stated 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 (10) days after its passage if the Mayor neither approves nor vetoes the same.