



Legislation Text

File #: 0073-2005, **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 **Upper Scioto West S.S.S. Hayden Run Area Project**.

Fiscal Impact: N/A (Escrow Fund No. 324-029, CC13376)

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 permanent easements in and to real estate necessary for the **Upper Scioto West S.S.S. Hayden Run Area 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 **Upper Scioto West S.S.S. Hayden Run Area Project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 255X-2004, on the 29th day of November, 2004, 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 certain permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the **Upper Scioto West S.S.S. Hayden Run Area Project**, Escrow Fund No. 324-029, CC13376, 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 SUB-SURFACE SEWER UTILITY EASEMENT
(Below elevation 933.0 (NAVD 88))

Situated in the State of Ohio, County of Franklin, Township of Washington, Virginia Military Survey Number 3453 and being part of the railroad right-of-way for Conrail and described as follows:

Beginning at the southeasterly corner of Parcel 2 Third Tract as shown in the deed to Betty S. Patch of record in Deed Book 3684, Page 607 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), the northeasterly corner of that 161.25 acre tract conveyed to Rings Farms Ltd. of record in Instrument Number 199901050002791, in the westerly right-of-way line for said railroad;

Thence N 39° 15' 59" W, with said westerly railroad right-of-way line, a distance of 17.75 feet;

Thence S 87° 14' 43" E, across said railroad right-of-way, a distance of 88.84 feet to the easterly right-of-way line for said railroad;

Thence S 39° 15' 59" E, with said easterly railroad right-of-way line, a distance of 59.15 feet;

Thence S 83° 02' 04" W, across said railroad right-of-way, a distance of 78.08 feet to the westerly right-of-

way line for said railroad;

Thence N 39° 15' 59" W, with said westerly railroad right-of-way line, a distance of 59.15 feet to the *Point of Beginning* and **containing 0.103 acre**, more or less.

Said easement shall lie below the elevation of 933.0 (NAVD 88).

EMH&T, Inc., John C. Dodgion, Registered Surveyor No. 8069.

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 Two Thousand Eight Hundred Forty Dollars (\$2,840.00).

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.