



Legislation Text

File #: 0095-2005, Version: 1

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 **Refugee Road Pump Station 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, thus facilitating the immediate commencement of construction necessary to the project.

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 **Refugee Road Pump Station 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 **Refugee Road Pump Station Project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted **Resolution No. 247X-2004, on the 22nd 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 construction and permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the **Refugee Road Pump Station Project, #610712**, 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:

4S

Situated in the Northwest Quarter of Section 1, Township 4, Range 22, Refugee Lands; City of Columbus, County of Franklin, State of Ohio, and being an easement over a 9.167-acre tract as conveyed to Ronald J. Roehrenbeck by deed of record in Deed Book 3304, Page 305 (all references to deeds, microfiche, plats surveys, etc. refer to the records of the Franklin County Recorder's Office, unless noted otherwise) and described as follows:

Beginning at the northeast corner of said 9.167-acre tract also being in the south right-of-way line of Refugee Road;

Thence along the east line of said 9.167-acre tract South three degrees fifty-seven minutes thirty-five seconds West (S03°57'35"W) for twelve and 02/100 feet 12.02') to a point;

Thence across said 9.167-acre tract for the following two (2) courses:

- 1) North eighty-nine degrees thirty-five minutes thirty-eight seconds West (N89°57'35"W) for fifteen and 03/100 (15.03') to a point;
- 2) North three degrees fifty-seven minutes thirty-five seconds East (N03°57'35"E) for twelve and 02/100

(12.02') to a point in the south right of way line of said Refugee Road;
Thence along the south right of way line of said Refugee Road South eighty-nine degrees thirty-five minutes and thirty-eight seconds East (S89°35'38"E) for fifteen and 03/100 feet (15.03') to the POINT OF BEGINNING.
This description was prepared from a field survey performed by Woolpert LLP in June, 1999, with bearings based upon the Ohio State Plane Coordinate System South Zone, North American Datum of 1983.

4T

Situate in the Northwest Quarter Section 1, Township 4, Range 22, Refugee Lands, City of Columbus, County of Franklin, State of Ohio, and being a temporary easement over a 9.167 acre tract as conveyed to Ronald J. Roehrenbeck by deed of record in Deed Book 3304, Page 305 (all references to deeds, microfiche, plats surveys, etc. refer to the records of the Franklin County Recorder's Office, unless noted otherwise) and described as follows:

Commencing for reference at the northwest corner of said 9.167-acre tract also being in the south right-of-way line of Refugee Road;

Thence along the east line of said 9.167 acre tract South three degrees fifty-seven minutes thirty-five seconds West (S03°57'35"W) for twelve and 02/100 feet (12.00') to the TRUE POINT OF BEGINNING of the herein described easement;

Thence continuing along the east line of said 9.167 acre tract South three degrees fifty-seven minutes thirty-five seconds West (S03°57'35"W) for two hundred twenty-six and 46/100 feet (226.46') to a point;

Thence across said 9.167 acre tract for the following three (3) courses:

- 1) North eighty-six degrees two minutes twenty-four seconds West (N86°02'24"W) for fifteen and 00/100 (15.00) to a point;
- 2) North three degrees fifty-seven minutes thirty-five seconds East (N03°57'35"E) for two hundred twenty-five and 53/100 feet (225.53') to a point;
- 3) South eight-nine degrees thirty-five minutes thirty-eight seconds East (S89°35'38"E) for fifteen and 03/100 feet (15.03') to the TRUE POINT OF BEGINNING.

This description was prepared from a field survey performed by Woolpert LLP in June, 1999, with bearings based upon the Ohio State Plane Coordinate System South Zone, North American Datum of 1983.

Section 2. That construction and permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the **Refugee Road Pump Station Project, #610712**, 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 5S

Situated in the Northwest Quarter of Section 1, Township 4, Range 22, Refugee Lands; City of Columbus, County of Franklin, State of Ohio, and being an easement over a 5.146 acre tract of land as conveyed to Ronald J. Roehrenbeck by deed of record in Official Record 15318,F-11 (all references to deeds, microfiche, plats surveys, etc. refer to the records of the Franklin County Recorder's Office, unless noted otherwise) and described as follows:

Commencing for reference at the northwest corner of said 5.146 acre tract;

Thence along the north line of said 5.146 acre tract South eighty-five degrees fifty-four minutes two seconds East (S85°54'02"E) for nineteen and 15/100 feet (19.15') to a point;

Thence along the north line of said 5.146 acre tract for the following two (2) courses:

- 1) South five degrees ten minutes five seconds West (05°10'05"W) for thirty-five and 98/100 (35.98') to a point;
- 2) North eighty-six degrees two minutes twenty-four seconds West (N86°02'24"W) for eighteen and 10/100 feet (18.40') to a point;

Thence along the west line of said 5.146-acre tract North three degrees fifty-seven minutes thirty-five seconds East (N03°57'35"E) for thirty-six and 02/100 feet (36.02') to the TRUE POINT OF BEGINNING.

This description was prepared from a field survey performed by Woolpert LLP in June, 1999, with bearings based upon the Ohio State Plane Coordinate System South Zone, North American Datum of 1983.

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 and permanent easements as follows:

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| 1. | 4ST | \$553.60 |
| 2. | 5S | \$436.01 |

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 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.