



Legislation Text

File #: 1890-2008, **Version:** 1

Background: The following legislation authorizes the City Attorney to file the necessary complaint for the appropriation of fee simple title and lesser interests in and to real estate necessary for the Miscellaneous Intersection-Group 10 High to Hudson Project.

Fiscal Impact: Funding for this project is from the Department of Public Service, Division of Design and Construction, Streets and Highways G.O. Bonds Fund and been placed on a warrant.

Emergency action is being requested to allow right-of-way acquisition related activities to be completed so construction of the proposed intersection improvement project can proceed without delay.

To authorize the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary for the Miscellaneous Intersection-Group 10 High to Hudson 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 Miscellaneous Intersection-Group 10 High to Hudson Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0028X-2007, on the 2nd day of April, 2007, 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 Transportation, 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 fee simple title and lesser interests in and to the following described real property, be appropriated for Miscellaneous Intersection-Group 10 High to Hudson Project, Project, # 530161, 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 Code (1959), Chapter 909:

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Situated in the State of Ohio, County of Franklin and City of Columbus, and being part of lot No.1 of George Williams' Amended North Heights Addition, as the same is numbered and delineated in Plat Book 2, Pages 120 and 121, and being part of the tract conveyed to Zaheer Fuel, LLC., as recorded in Instrument Number 200605020082085, all references being to the record in the Recorder's Office, Franklin County, Ohio, and being more particularly shown in Exhibit A, attached hereto and made a part hereof, and being more particularly described as follows:

Beginning at the intersection of the easterly right of way line of High Street (66 feet in width) and the northerly right of way line of Hudson Street (60 feet in width), said point also being the southwest corner of the Grantor's land and the POINT OF BEGINNING, said point also being 30.00 feet left of station 16+85.88 of the centerline of said Hudson Street;

thence N 11° 12' 18" W, along the easterly right of way line of said High Street and the westerly line of the

Grantor's land a distance of 15.00 feet to a point being 45.00 feet left of station 16+85.88 of the centerline of said Hudson Street;

thence S 56° 12' 18" E, a distance of 21.21 feet to a point on the northerly right of way of said Hudson Street and the southerly line of the Grantor's land, said point being 30.00 feet left of station 17+00.88 of the centerline of said Hudson Street;

thence S 78°47'42" W, along the northerly right of way line of said Hudson Street and the southerly line of the Grantor's land, a distance of 15.00 feet to the POINT OF BEGINNING, containing 112.50 square feet or 0.003 acres, more or less.

The above-described area is contained within Auditor's Parcel No. 010-42258, Auditor's Office, Franklin County, Ohio.

Grantor claims title by Instrument(s) of record in Instrument Number 200605020082085, Recorder's Office, Franklin County, Ohio.

Basis of bearing in this description was the centerline of Hudson Street as being S 78°47'42" W, and was transferred from a GPS survey of Franklin County Geodetic Survey monuments Wediehl and Grandview, and was based on the State Plane Coordinate System NAD 83, South Zone, Ohio.

This description was prepared by Daniel J. Hornyak, P.S., Ohio Registered Surveyor No. 7963, based on an actual field survey performed by Columbus Engineering Consultants in 1998. Daniel J. Hornyak, Number 7963

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Situated in the State of Ohio, County of Franklin and City of Columbus, and being part of lot No.1 of George Williams' Amended North Heights Addition, as the same is numbered and delineated in Plat Book 2, Pages 120 and 121, and being part of the tract conveyed to Zaheer Fuel, LLC., as recorded in Instrument Number 200605020082085, all references being to the record in the Recorder's Office, Franklin County, Ohio, and being more particularly shown in Exhibit A, attached hereto and made a part hereof, and being more particularly described as follows:

Beginning at the intersection of the easterly right of way line of High Street (66 feet in width) and the northerly right of way line of Hudson Street (60 feet in width), said point also being the southwest corner of the Grantor's land, said point also being 30.00 feet left of station 16+85.88 of the centerline of said Hudson Street;

thence N 11° 12' 18" W, along the easterly right of way line of said High Street and the westerly line of the Grantor's land a distance of 15.00 feet to a point, said point being the TRUE POINT OF BEGINNING, and being 45.00 feet left of station 16+85.88 of the centerline of said Hudson Street;

thence N 11° 12' 18" W, along the easterly right of way line of said High Street and the westerly line of the Grantor's land a distance of 5.00 feet to a point being 50.00 feet left of station 16+85.88 of the centerline of said Hudson Street;

thence N 78°47'42" E, parallel to and 20.00 feet north of the northerly right of way line of said Hudson Street, a distance of 60.00 feet to a point 50.00 feet left of station 17+45.88 of the centerline of said Hudson Street;

thence S 11° 12' 18" E, parallel to and 60.00 feet east of the easterly right of way line of said High Street, a distance of 20.00 feet to a point on the northerly right of way line of said Hudson Street and the southerly line of the Grantor's land, said point being 30.00 feet left of station-17+45.88 of the centerline of said Hudson Street;

thence S 78°47'42" W, along the northerly right of way line of said Hudson Street and the southerly line of the Grantor's land a distance of 45.00 feet to a point being 30.00 feet left of station 17+00.88 of the centerline of said Hudson Street;

thence N 56°12'18" W, a distance of 21.21 feet to the TRUE POINT OF BEGINNING, containing 1087.49 square feet or 0.025 acres, more or less

Daniel J. Hornyak Number 7963

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

Section 4. That the Council of the City of Columbus, Ohio, hereby declares the value of the subject real property interests to be Seventy Seven Thousand Seven Hundred Twenty Five Dollars (\$77,725.00).

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.