



# City of Columbus

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

## Legislation Text

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**File #:** 0945-2007, **Version:** 1

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**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 Charleston Avenue Stormwater System Improvements Project.

**Fiscal Impact:** Funding for this project is from the Department of Public Utilities, Division of Sewerage and Drainage, Storm Sewer Bonds Fund.

**Emergency Justification:** Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay, thus facilitating the commencement of construction necessary to 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 Charleston Avenue Stormwater System Improvements 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 Charleston Avenue Stormwater System Improvements Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0102X-2006 on the 19th day of June, 2006, 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 health, peace, property, safety and welfare; 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 Charleston Avenue Stormwater System Improvements Project, # 610742, 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 7-P**

Situated in the State of Ohio, Franklin County, City of Columbus, and being a part of Lot 4, Sharon Heights Subdivision Plat Book 10, Page 76, owned by Phyllis A. Owen as recorded in deed in Official Records Volume 01858, Page G-12 and being Parcel 1 of this deed in the Franklin County, Ohio Recorder's Office, and bounded and described as follows:

Commencing for reference at a point in the existing easterly right of way line of North High Street and the intersection of the south line of Lot 4, being the Place of Beginning, said point also being the southwest corner of the Grantor's property;

thence, North 02° 35' 14" East along the existing easterly right of way line of North High Street and the west line of Lot 4 a distance of 50.32 feet to a point in the north line of Lot 4, the Grantor's northwest property corner and the southwest property corner of the United Dairy Farmer's Inc. property as recorded in Official Records Volume 4031,

Page C-03, Franklin County, Ohio Recorder's Office;  
thence, South 86° 59' 40" East along the Grantor's north property line, the north line of Lot 4 and the south property line of the United Dairy Farmer's Inc. a distance of 5.00 feet to a point;  
thence, South 02° 35' 14" East along the proposed permanent easement line a distance of 50.31 feet to a point in the Grantor's south property line, the north property line of Murray Ebner and the south line of Lot 4;  
thence, North 87° 07' 51" West along the Grantor's south property line, the north property line of Murray Ebner and the south line of Lot 4 a distance of 5.00 feet to the Place of Beginning, containing 252.00 square feet, more or less.  
The above description was prepared by Franklin D. Blair, PS, Professional Surveyor No. 5676, on November 11, 2005.  
The basis of bearings for this project was determined from a GPS survey in obtaining State Plane Coordinates (Ohio Coordinate System of 1983 South Zone). The bearings are to be used for angular measurement only as deed recorded plat bearings have a different basis. The area in this description is in Franklin County, Ohio Auditor Parcel Number 010-110858-00.

Section 2. That permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the Charleston Avenue Stormwater System Improvements Project, # 610742, 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 8-P**

Situated in the State of Ohio, Franklin County, City of Columbus, and being a part of Lots 1, 2 and 3, Sharon Heights Subdivision Plat Book 10, Page 76, owned by United Dairy Farmer's Inc. as recorded in deed in Official Records Volume 4031, Page C-03, Franklin County, Ohio Recorder's Office, and bounded and described as follows:  
Commencing for reference at an iron pipe found, marking the northwest corner of Lot 1, said point being in the existing easterly right of way line of North High Street and the existing southerly right of way line of Charleston Avenue and the Place of Beginning;  
thence, South 86° 46' 38" East along the north line of Lot 1 and the existing southerly right of way line of Charleston Avenue a distance of 5.00 feet to a point;  
thence, South 02° 35' 14" West along a proposed permanent easement line a distance of 150.36 feet to a point in the Grantor's south property line, the north property line of Phyllis A. Owen and the south line of Lot 3;  
thence, North 86° 59' 40" West along the Grantor's south property line, the north property line of Phyllis A. Owen, and the south line of Lot 3 a distance of 5.00 feet to a point in the existing easterly right of way line of North High Street being the northwest corner of Lot 4 and southwest corner of Lot 3;  
thence, North 02° 35' 14" East along the existing easterly right of way line of North High Street and the west lines of Lots 1, 2 and 3 a distance of 150.38 feet to the Place of Beginning, containing 752.00 square feet, more or less.  
The above description was prepared by Franklin D. Blair, PS, Professional Surveyor No. 5676, on November 11, 2005.  
The basis of bearings for this project was determined from a GPS survey in obtaining State Plane Coordinates (Ohio Coordinate System of 1983 South Zone). The bearings are to be used for angular measurement only as deed recorded plat bearings have a different basis.  
The area in this description is in Franklin County, Ohio Auditor Parcel Number 010-1

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 permanent easements as follows:

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|----|----|------------|
| 1. | 7P | \$2,000.00 |
| 2. | 8P | \$6,000.00 |

Section 5 That the City Attorney be and he 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, 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.