



## Legislation Text

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**File #:** 0840-2008, **Version:** 1

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**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 **OSIS Augmentation and Relief Sewer (OARS) Project**.

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

**Emergency Justification:** The Division of Sewerage and Drainage is requesting City Council to consider this ordinance an emergency measure. The OSIS Augmentation and Relief Sewer Project (OARS) is one of the projects that the Division is required to be completed in accordance with the provisions of an existing consent order between the City and the Ohio Attorney General's Office. Failure to adhere to the project schedule contained within the consent order will make the City liable for stipulated fines.

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 **OSIS Augmentation and Relief Sewer (OARS) 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 **OSIS Augmentation and Relief Sewer (OARS) Project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0016X-2008, on the 4th day of February, 2008, 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 **OSIS Augmentation and Relief Sewer (OARS) Project, # 650704**, 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:

1T

Situate in the State of Ohio, County of Franklin, Township of Franklin, and being a part of Original Survey Number 420 of the Virginia Military Lands and being a part of the 49.43 acre tract conveyed by Warranty Deed to Inland Products, Inc. of record in Deed Book 1510 Page 278 of the records of the Recorder of Franklin County, Ohio, and being more particularly described as follows:

Commencing for reference at a brass disk found in a concrete headwall at the southeasterly corner of the said 49.43 acre tract and the southwesterly corner of a 13.8747 acre tract conveyed to the City of Columbus, Ohio, by deed of record in Deed Book 392 Page 264 of the records of the Recorder of Franklin County, Ohio, and being in a southerly line of the said Original Survey Number 420 and a northerly line of Original Survey Number 424 of the Virginia Military Lands; thence

North 75°37'24" West a distance of 641.98 feet along a southerly line of the said 49.43 acre tract and a northerly line of a 91.42 acre tract conveyed to the City of Columbus, Ohio by deed of record in Deed Book 389 Page 131 of the records of the Recorder of Franklin County, Ohio and along a southerly line of the said Original Survey Number 420 and a northerly line of the Original Survey Number 424 of the Virginia Military Lands, to the True Point of Beginning of the herein described temporary sewer easement; thence

North 75°37'24" West a distance of 887.37 feet along a southerly line of the said 49.43 acre tract and a northerly line of the said 91.42 acre tract and along a southerly line of the said Original Survey Number 420 and a northerly line of the said Original Survey Number 424 to a point in an easterly line of State Route 104 (relocated) Frontage Road Number 2 as delineated on Ohio Department of Transportation Right of Way Plan FRA 62-7.29 Sheet 13; thence

North 43°45'32" East a distance of 262.01 feet along the said easterly line of State Route 104 (relocated) Frontage Road Number 2; thence

North 47°30'58" East a distance of 313.48 feet continuing along the said easterly line of State Route 104 (relocated) Frontage Road Number 2; thence

South 80°17'56" East a distance of 886.40 feet across a part of the said 49.43 acre tract to a point; thence

South 22°34'25" West a distance of 366.80 feet across part of the said 49.43 acre tract to a point; thence

North 75°37'24" West a distance of 243.71 feet across part of the said 49.43 acre tract to a point; thence

South 14°22'36" West a distance of 200.00 feet across part of the said 49.43 acre tract to the True Point of Beginning of the herein described temporary sewer easement.

It is understood that the above temporary sewer easement contains 10.861 acres (473,112 square feet) more or less.

This description was prepared from existing records and a field survey by DLZ Ohio, Inc., Columbus, Ohio, under the supervision of J. M. Linn, Professional Surveyor No. 6638 in March through May, 2006.

Bearings are assumed and should be used for angular information only.

DLZ Ohio, Inc., By:

J. Michael Linn, P.S. 6638 Date 8/28/2007

OARS-01T

2P

Situate in the State of Ohio, County of Franklin, Township of Franklin, and being a part of Original Survey Number 420 of the Virginia Military Lands and being a part of the 49.43 acre tract conveyed by Warranty Deed to Inland Products, Inc. of record in Deed Book 1510 Page 278 of the records of the Recorder of Franklin County, Ohio, and being more particularly described as follows:

Beginning at a brass disk found in a concrete headwall at the southeasterly corner of the said 49.43 acre tract and the southwesterly corner of a 13.8747 acre tract conveyed to the City of Columbus, Ohio, by deed of record in Deed Book 392 Page 264 of the records of the Recorder of Franklin County, Ohio, and being in a southerly line of the said Original Survey Number 420 and a northerly line of Original Survey Number 424 of the Virginia Military Lands and being the True Point of Beginning of the herein described permanent sewer easement; thence

North 75°37'24" West a distance of 641.98 feet along a southerly line of the said 49.43 acre tract and a northerly line of a 91.42 acre tract conveyed to the City of Columbus, Ohio by deed of record in Deed Book 389 Page 131 of the records of the Recorder of Franklin County, Ohio and along a southerly line of the said Original Survey Number 420 and a northerly line of the Original Survey Number 424 of the Virginia Military Lands, to a point; thence

North 14°22'36" East a distance of 200.00 feet across a part of the said 49.43 acre tract to a point; thence

South 75°37'24" East a distance of 243.71 feet across a part of the said 49.43 acre tract to a point; thence

North 22°34'25" East a distance of 366.80 feet across a part of the said 49.43 acre tract to a point; thence

South 80°17'56" East a distance of 148.50 feet across a part of the said 49.43 acre tract to a point in an easterly line of the said 49.43 acre tract and a westerly line of the said 13.8747 acre tract; thence

South 04°36'59" East a distance of 608.28 feet along an easterly line of the said 49.43 acre tract and a westerly line of the said 13.8747 acre tract to the True Point of Beginning of the herein described permanent sewer easement.

It is understood that the above permanent sewer easement contains 4.818 acres (209,859 square feet) more or less.

This description was prepared from existing records and a field survey by DLZ Ohio, Inc., Columbus,

Ohio, under the supervision of J. M. Linn, Professional Surveyor No. 6638 in March through May, 2006.

Bearings are assumed and should be used for angular information only.

DLZ Ohio, Inc., By: J. Michael Linn, P.S. 6638 Date

8/28/2007, OARS-02P

3P

Situate in the State of Ohio, County of Franklin, Township of Franklin, and being a part of Original Survey Number 420 of the Virginia Military Lands and being a part of the 13.8747 acre tract conveyed to the City of Columbus, Ohio by deed of record in Deed Book 392 Page 264 of the records of the Recorder of Franklin County, Ohio, and being more particularly described as follows:

Beginning at a brass disk found in a concrete headwall at the southwesterly corner of the said 13.8747 acre tract and the southeasterly corner of a 49.43 acre tract conveyed by Warranty Deed to Inland Products, Inc. in Deed Book 1510 Page 278 of the records of the Recorder of Franklin County, Ohio, and being in a southerly line of the said Original Survey number 420 and a northerly line of Original Survey Number 424 of the Virginia Military Lands and being the True Point of Beginning of the herein described permanent sewer easement; thence

North 04°36'59" West a distance of 608.28 feet along a westerly line of the said 13.8747 acre tract and an easterly line of the said 49.43 acre tract to a point; thence

South 80°17'56" East a distance of 227.89 feet across a part of the said 13.8747 acre tract to a point; thence

North 86°30'49" East a distance of 40.00 feet across a part of the said 13.8747 acre tract to a point; thence

South 03°29'11" East a distance of 414.16 feet across a part of the said 13.8747 acre tract to a point; thence

North 86°30'49" East a distance of 85.20 feet across a part of the said 13.8747 acre tract to a point in an easterly line of the said 13.8747 acre tract; thence

South 03°29'11" East a distance of 250.00 feet along an easterly line of the said 13.8747 acre tract to the southeasterly corner of the said 13.8747 acre tract; thence

North 75°37'24" West a distance of 352.06 feet along the southerly line of the said 13.8747 acre tract, the southerly line of said Original Survey Number 420 of the Virginia Military Lands, the northerly line of Original Survey Number 424 of the Virginia Military Lands, and the northerly line of a 91.42 acre tract conveyed to the City of Columbus, Ohio in Deed Book 389 Page 131 of the records of the Recorder of Franklin County, Ohio to the True Point of Beginning of the herein described permanent sewer easement.

It is understood that the above permanent sewer easement contains 4.085 acres (177,961 square feet) more or less.

This description was prepared from existing records and a field survey by DLZ Ohio, Inc., Columbus, Ohio, under the supervision of J. M. Linn, Professional Surveyor No. 6638 in March through May, 2006.

Bearings are assumed and should be used for angular information only.

DLZ Ohio, Inc., By: J. Michael Linn, P.S. 6638 Date

8/28/2007, OARS-01P

4P

Situate in the State of Ohio, County of Franklin, Township of Franklin, and being a part of Original Survey Number 420 of the Virginia Military Lands and being a part of the 13.8747 acre tract conveyed to the City of Columbus, Ohio by deeds of record in Deed Book 392 Page 261 and Deed Book 392 Page 264 of the records of the Recorder of Franklin County, Ohio, and being more particularly described as follows:

Commencing for reference at a brass disk found in a concrete headwall at the southwesterly corner of the said 13.8747 acre tract and the southeasterly corner of a 49.43 acre tract conveyed by Warranty Deed to Inland Products, Inc. in Deed Book 1510 Page 278 of the records of the Recorder of Franklin County, Ohio, and being in a southerly line of the said Original Survey number 420 and a northerly line of Original Survey Number 424 of the Virginia Military Lands; thence from said reference point

North 04°36'59" West a distance of 608.28 feet along a westerly line of the said 13.8747 acre tract and an

easterly line of the said 49.43 acre tract to a point; thence

South 80°17'56" East a distance of 148.81 feet across a part of the said 13.8747 acre tract to the True Point of Beginning of the herein described permanent subterranean tunnel easement; thence with a curve to the right having a radius of 1030.00 feet, a length of 95.66 feet, and a chord which bears

North 07°16'00" East a distance of 95.63 feet across a part of the said 13.8747 acre tract to a point of tangency; thence

North 09°55'39" East a distance of 762.49 feet across a part of the said 13.8747 acre tract to a point of curvature; thence with a curve to the right having a radius of 12030.00 feet, a length of 257.77 feet, and a chord which bears

North 10°32'29" East a distance of 257.76 feet across a part of the said 13.8747 acre tract to a point in a northerly line of the said 13.8747 acre tract and a southerly line of a 2.72 acre tract conveyed to the State of Ohio by Warranty Deed of record in Deed Book 3208 Page 162 of the records of the Recorder of Franklin County, Ohio; thence

South 75°22'39" East a distance of 60.11 feet along a northerly line of the said 13.8747 acre tract and a southerly line of the said 2.72 acre tract to a point; thence with a curve to the left having a radius of 11970.00 feet, a length of 252.85 feet, and a chord which bears

South 10°31'57" West a distance of 252.84 feet across a part of the said 13.8747 acre tract to a point of tangency; thence

South 09°55'39" West a distance of 762.49 feet across a part of the said 13.8747 acre tract to a point of curvature; thence with a curve to the left having a radius of 970.00 feet, a length of 95.44 feet, and a chord which bears

South 07°06'31" West a distance of 95.40 feet across a part of the said 13.8747 acre tract to a point; thence

North 80°17'56" West a distance of 60.25 feet to the True Point of Beginning of the herein described permanent subterranean tunnel easement.

It is understood that the above permanent subterranean tunnel easement contains 1.534 acres (66,801 square feet) more or less.

This description was prepared from existing records and a field survey by DLZ Ohio, Inc., Columbus, Ohio, under the supervision of J. M. Linn, Professional Surveyor No. 6638 in March through May, 2006.

Bearings are assumed and should be used for angular information only.

DLZ Ohio, Inc., By: J. Michael Linn, P.S. 6638 Date

8/29/2007

4T

Situate in the State of Ohio, County of Franklin, Township of Franklin, and being a part of Original Survey Number 420 of the Virginia Military Lands and being a part of the 13.8747 acre tract conveyed to the City of Columbus, Ohio by deeds of record in Deed Book 392 Page 261 and Deed Book 392 Page 264 of the records of the Recorder of Franklin County, Ohio, and being more particularly described as follows:

Commencing for reference at a brass disk found in a concrete headwall at the southwesterly corner of the said 13.8747 acre tract and the southeasterly corner of a 49.43 acre tract conveyed by Warranty Deed to Inland Products, Inc. in Deed Book 1510 Page 278 of the records of the Recorder of Franklin County, Ohio, and being in a southerly line of the said Original Survey number 420 and a northerly line of Original Survey Number 424 of the Virginia Military Lands; thence from said reference point

North 04°36'59" West a distance of 608.28 feet along a westerly line of the said 13.8747 acre tract and an easterly line of the said 49.43 acre tract to a point; thence

South 80°17'56" East a distance of 148.81 feet across a part of the said 13.8747 acre tract to the True Point of Beginning of the herein described temporary easement; thence with a curve to the right having a radius of 1030.00 feet, a length of 95.66 feet, and a chord which bears

North 07°16'00" East a distance of 95.63 feet across a part of the said 13.8747 acre tract to a point of tangency; thence

North 09°55'39" East a distance of 762.49 feet across a part of the said 13.8747 acre tract to a point of curvature; thence with a curve to the right having a radius of 12030.00 feet, a length of 257.77 feet, and a chord which bears

North 10°32'29" East a distance of 257.76 feet across a part of the said 13.8747 acre tract to a point in a northerly line of the said 13.8747 acre tract and a southerly line of a 2.72 acre tract conveyed to the State of Ohio by

Warranty Deed of record in Deed Book 3208 Page 162 of the records of the Recorder of Franklin County, Ohio; thence

South 75°22'39" East a distance of 60.11 feet along a northerly line of the said 13.8747 acre tract and a southerly line of the said 2.72 acre tract to a point; thence with a curve to the left having a radius of 11970.00 feet, a length of 252.85 feet, and a chord which bears

South 10°31'57" West a distance of 252.84 feet across a part of the said 13.8747 acre tract to a point of tangency; thence

South 09°55'39" West a distance of 762.49 feet across a part of the said 13.8747 acre tract to a point of curvature; thence with a curve to the left having a radius of 970.00 feet, a length of 95.44 feet, and a chord which bears

South 07°06'31" West a distance of 95.40 feet across a part of the said 13.8747 acre tract to a point; thence

North 80°17'56" West a distance of 60.25 feet to the True Point of Beginning of the herein described temporary easement.

It is understood that the above temporary easement contains 1.534 acres (66,801 square feet) more or less.

This description was prepared from existing records and a field survey by DLZ Ohio, Inc., Columbus, Ohio, under the supervision of J. M. Linn, Professional Surveyor No. 6638 in March through May, 2006.

Bearings are assumed and should be used for angular information only.

DLZ Ohio, Inc., By: J. Michael Linn, P.S. 6638 Date

8/29/2007 OARS-02T

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 Nine Hundred Forty Five Thousand Eight Hundred Dollars (\$945,800.00).

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.