



City of Columbus

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

Legislation Text

File #: 0536-2011, Version: 1

Background: The following legislation authorizes 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 Arterial Street Rehabilitation - Alum Creek Drive Phase B/SR104 - Williams Road project.

Fiscal Impact: N/A

Justification: Emergency action is requested to allow the Eminent Domain actions to proceed without delay thereby allowing the land acquisition part of this project to maintain its timeline.

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 Arterial Street Rehabilitation - Alum Creek Drive Phase B/SR104 - Williams Road project, to authorize the expenditure of \$321,880.00 from the Federal-State Highway Engineering Fund, and to declare an emergency. (\$321,880.00).

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the Arterial Street Rehabilitation - Alum Creek Drive Phase B/SR104 - Williams Road project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0123X-2010, on the 4th day of April, 2010, 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 Design and Construction, 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 fee simple title and lesser interests in, over, under, across and through the following described real property, be appropriated for the public purpose of the Arterial Street Rehabilitation - Alum Creek Drive Phase B/SR104 - Williams Road project, grant # 597015, 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 96-WD

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 18, Township-11-North, Range-21-West, Mathew's Survey of Congress Lands of 1795-1802, and being a part of that 4.129 acre tract,

(Auditor's Acreage) as conveyed to Lagavulin Investments, LLC, by deed of record in Instrument Number 199812180326987 and Instrument Number 200112030279152, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land located on the right side of the Plat of the Centerline of Right-of-Way of FRA-C.R. 122-4.14, as recorded in Plat Book _____, Page _____;

Beginning at Franklin County Monument #8820, at the intersection of the existing right-of-way centerline of Williams Road (County Road 123), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), at the southwest corner of said Lagavulin 4.129 acre tract, being 0.00 feet right of Alum Creek Drive station 76+49.63;

Thence North 04 degrees 02 minutes 12 seconds East, a distance of 296.07 feet along the existing right-of-way centerline of said Alum Creek Drive, and along the westerly line of said Lagavulin 4.129 acre tract, and along the westerly line of said Section 18, Township 11, and Range 21, to a railroad spike found marking the northwest corner of said Lagavulin 4.129 acre tract, being 0.00 feet right of Alum Creek Drive station 79+45.70;

Thence South 86 degrees 08 minutes 35 seconds East, a distance of 100.00 feet along the northerly line of said Lagavulin 4.129 acre tract, along the southerly line of that 3.672 acre tract as conveyed to Shirley Adkins, Trustee, by deed of record in Official Record 33932 H07, along the centerline of Old Williams Road, and along the northerly line of said Section 18, to a point in the existing easterly right-of-way line of said Alum Creek Drive in the centerline of Old Williams Road, being 100.00 feet right of Alum Creek Drive station 79+46.01;

Thence South 03 degrees 51 minutes 25 seconds West, a distance of 20.00 feet across said Lagavulin 4.129 acre tract, along the existing easterly right-of-way line of said Alum Creek Drive, and along the westerly line of Old Williams Road Vacated by City of Columbus Ordinance 1172-99 to an angle point in the existing easterly right-of-way line of said Alum Creek Drive, being 100.06 feet right of Alum Creek Drive station 79+26.01;

Thence North 86 degrees 08 minutes 35 seconds West, a distance of 35.06 feet across said Lagavulin 4.129 acre tract, and along the southerly line of Old Williams Road Vacated to an iron pin set at the intersection with the proposed easterly right-of-way line of said Alum Creek Drive, being 65.00 feet right of Alum Creek Drive station 79+25.92;

Thence South 04 degrees 02 minutes 12 seconds West, a distance of 87.71 feet along the proposed easterly right-of-way line of said Alum Creek Drive, and across said Lagavulin 4.129 acre tract, to an iron pin set at an angle point in the proposed easterly right-of-way line of said Alum Creek Drive, being 65.00 feet right of Alum Creek Drive station 78+38.19;

Thence South 00 degrees 08 minutes 54 seconds West, a distance of 78.03 feet along the proposed easterly right-of-way line of said Alum Creek Drive, and across said Lagavulin 4.129 acre tract, to an iron pin set at an angle point in the proposed easterly right-of-way line of said Alum Creek Drive, being 70.29 feet right of Alum Creek Drive station 77+60.34;

Thence South 21 degrees 50 minutes 32 seconds East, a distance of 9.67 feet along the proposed northerly right-of-way line of said Williams Road, and across said Lagavulin 4.129 acre tract, to an iron pin set at a point of tangent curvature in the proposed northerly right-of-way line of said Williams Road, being 94.98 feet left of Williams Road station 30+65.00;

Thence with a curve to the left for 11.42 feet, along the proposed northerly right-of-way line of said Williams Road, and across said Lagavulin 4.129 acre tract, having a radius of 45.00 feet, a central angle of 14 degrees 32 minutes 42 seconds, a chord direction of South 29 degrees 06 minutes 53 seconds East, and a chord distance of 11.39 feet, to an iron pin set at a point of tangency in the proposed northerly right-of-way line of said Williams Road, being 84.93 feet left of Williams Road station 30+70.36;

Thence South 36 degrees 23 minutes 14 seconds East, a distance of 10.58 feet along the proposed northerly right-of-way line of said Williams Road, and across said Lagavulin 4.129 acre tract, to an iron pin set at a point of tangent curvature in the proposed northerly right-of-way line of said Williams Road, being 76.30 feet left of Williams Road station 30+76.48;

Thence with a curve to the left for 12.20 feet, along the proposed northerly right-of-way line of said Williams Road, and across said Lagavulin 4.129 acre tract, having a radius of 23.00 feet, a central angle of 30 degrees 24 minutes 02 seconds, a chord direction of South 51 degrees 35 minutes 15 seconds East, and a chord distance of 12.06 feet, to an iron pin set at a point of compound curvature in the proposed northerly right-of-way line of said Williams Road, being 68.63 feet left of Williams Road station 30+85.79;

Thence with a curve to the left for 13.96 feet, along the proposed northerly right-of-way line of said Williams Road, and across said Lagavulin 4.129 acre tract, having a radius of 43.50 feet, a central angle of 18 degrees 23 minutes 27 seconds, a chord direction of South 75 degrees 59 minutes 00 seconds East, and a chord distance of 13.90 feet, to an iron pin set at a point of tangency in the proposed northerly right-of-way line of said Williams Road, being 65.02 feet left of Williams Road station 30+99.22;

Thence South 85 degrees 10 minutes 43 seconds East, a distance of 61.07 feet along the proposed northerly right-of-way line of said Williams Road, and across said Lagavulin 4.129 acre tract, to an iron pin set at a point of tangent curvature, being 58.75 feet left of Williams Road station 31+60.21;

Thence with a curve to the left for 240.15 feet, along the proposed northerly right-of-way line of said Williams Road, and across said Lagavulin 4.129 acre tract, having a radius of 902.43 feet, a central angle of 15 degrees 14 minutes 49 seconds, a chord direction of North 82 degrees 53 minutes 15 seconds East, and a chord distance of 239.44 feet, to an iron pin set at a point of non-tangency in the proposed northerly right-of-way line of said Williams Road, being 51.08 feet left of Williams Road station 34+14.88;

Thence North 87 degrees 47 minutes 27 seconds East, a distance of 41.17 feet along the proposed northerly right-of-way line of said Williams Road, and across said Lagavulin 4.129 acre tract, to an iron pin set at the intersection with the existing northerly right-of-way line of said Williams Road being 40.00 feet left of Williams Road station 34+56.52;

Thence with a curve to the left for 44.82 feet, along the existing northerly right-of-way line of said Williams Road, and across said Lagavulin 4.129 acre tract, having a radius of 914.93 feet, a central angle of 02 degrees 48 minutes 25 seconds, a chord direction of North 69 degrees 31 minutes 32 seconds East, and a chord distance of 44.82 feet, to a point of tangency in the existing northerly right-of-way line of said Williams Road, being 40.00 feet left of Williams Road P.T. station 35+03.30;

Thence North 68 degrees 07 minutes 20 seconds East, a distance of 175.61 feet along the existing northerly right-of-way line of said Williams Road, and across said Lagavulin 4.129 acre tract, to a point of tangent curvature in the existing northerly right-of-way line of said Williams Road being 40.00 feet left of Williams Road station 36+78.91;

Thence with a curve to the right for 112.37 feet, along the existing northerly right-of-way line of said Williams Road, and across said Lagavulin 4.129 acre tract, having a radius of 1185.92 feet, a central angle of 05 degrees 25 minutes 44 seconds, a chord direction of North 70 degrees 50 minutes 12 seconds East, and a chord distance of 112.33 feet, to the southwest corner of that 0.0272 acre tract as conveyed to the City of Columbus by deed of record in Instrument Number 200112200297163, being 40.00 feet left of Williams Road station 37+87.48;

Thence with a curve to the right for 111.40 feet, along the northerly line of said Lagavulin 4.129 acre tract, and along the southerly line of said City of Columbus 0.0272 acre tract, having a radius of 1185.92 feet, a central angle of 05 degrees 22 minutes 56 seconds, a chord direction of North 76 degrees 14 minutes 32 seconds East, and a chord distance of 111.36 feet, to the southeast corner of said City of Columbus 0.0272 acre tract in the northerly line of said Lagavulin 4.129 acre tract, and in the northerly line of said Section 18, being 40.00 feet left of Williams Road station 38+95.13;

Thence South 86 degrees 08 minutes 35 seconds East, a distance of 171.56 feet along the northerly line of said Lagavulin 4.129 acre tract, and along the northerly line of said Section 18, to the northeast corner of said Lagavulin 4.129 acre tract, being 7.79 feet left of Williams Road station 40+60.35;

Thence South 03 degrees 58 minutes 20 seconds West, a distance of 7.85 feet along the easterly line of said Lagavulin 4.129 acre tract, and along the westerly line of that 1.24 acre tract as conveyed to Donald Merrill and Mamie B. Merrill by deed of record in Official Record 19785 G20, to the southeast corner of said Lagavulin 4.129 acre tract in the existing right-of-way centerline of said Williams Road, being 0.00 feet left of Williams Road station 40+59.42;

Thence with a curve to the left for 380.52 feet, along the southerly line of said Lagavulin 4.129 acre tract, and along the existing right-of-way centerline of said Williams Road, having a radius of 1145.92 feet, a central angle of 19 degrees 01 minutes 34 seconds, a chord direction of South 77 degrees 38 minutes 07 seconds West, and a chord distance of 378.78 feet, to a point of tangency in said centerline, being 0.00 feet left of Williams Road station 36+78.91;

Thence South 68 degrees 07 minutes 20 seconds West, a distance of 175.61 feet along the southerly line of said Lagavulin 4.129 acre tract, and along the existing right-of-way centerline of said Williams Road, to a point of tangent curvature in said centerline, being 0.00 feet left of Williams Road station 35+03.30;

Thence with a curve to the right for 347.00 feet, along the southerly line of said Lagavulin 4.129 acre tract, and along the existing right-of-way centerline of said Williams Road, having a radius of 954.93 feet, a central angle of 20 degrees 49 minutes 12 seconds, a chord direction of South 78 degrees 31 minutes 56 seconds West, and a chord distance of 345.09 feet, to a point of tangency in said centerline, being 0.00 feet left of Williams Road station 31+56.30;

Thence South 88 degrees 56 minutes 32 seconds West, a distance of 174.57 feet along the southerly line of said Lagavulin 4.129 acre tract, and along the existing right-of-way centerline of said Williams Road, to the Point of True Beginning, containing 1.478 acres, more or less, of which 1.186 acres, more or less, lies within the present

road occupied, EXCEPTING THEREFROM that 0.004 acre tract as conveyed to the City of Columbus by deed of record in Official Record 28134 C18, and being further described as follows:

Beginning for reference at Franklin County Survey Monument 8820 set at the centerline intersection of Alum Creek Drive and Williams Road, Thence North 04 degrees 43 minutes 30 seconds East, along the centerline of said Alum Creek Drive, a distance of 40.16 feet to a point; Thence North 89 degrees 38 minutes 20 seconds East, a distance of 40.16 feet to the point of intersection of the northerly right-of-way line of Williams Road and the easterly right-of-way line of Alum Creek Drive;
Thence North 04 degrees 43 minutes 30 seconds East, along the easterly right-of-way line of said Alum Creek Drive, a distance of 27.32 feet to a point;

Thence with the arc of a curve to the left, having a radius of 25.00 feet, a central angle of 95 degrees 05 minutes 10 seconds, arc distance of 41.49 feet to a point in the northerly right-of-way line of said Williams Road, said arc being subtended by a chord bearing South 42 degrees 49 minutes 05 seconds East, a chord distance of 36.89 feet;

Thence South 89 degrees 38 minutes 20 seconds West, along the northerly right-of-way line of said Williams Road, a distance of 27.32 feet to the point of beginning and containing 0.004 acre of land.

The total hereby conveyed being 1.474 acres, more or less.

Of the above described area, 1.474 acres is contained within the Franklin County Auditor's Parcel 530-162084;

The bearing datum of the afore-described parcel is based on the bearing of North 04 degrees 02 minutes 12 seconds East, for the centerline of Alum Creek Drive, from an adjusted field survey using G.P.S. methods using Franklin County Monuments #8819, #8820 and #8840, based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment).

This description was based upon a survey of Alum Creek Drive and Williams Road by R.D. Zande & Associates, Inc., in March 1999, and prepared on May 4, 2010 by Tim A Baker, Registered Surveyor 7818.

Iron pins set are 3/4 inches in diameter by 30 inches long with a 1-1/2 inch aluminum cap placed on top, bearing the name "ODOT R/W" and "R D ZANDE & ASSOC".

Grantor claims title by instrument of record in Instrument Number 199812180326987 and Instrument Number 200112030279152, of the Recorder's Office, Franklin County, Ohio.

PARCEL 96-T

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 18, Township-11-North, Range-21-West, Mathew's Survey of Congress Lands of 1795-1802, and being a part of that 4.129 acre tract, (Auditor's Acreage) as conveyed to Lagavulin Investments, LLC, by deed of record in Instrument Number 199812180326987 and Instrument Number 200112030279152, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land located on the right side of the Plat of the Centerline of Right-of-Way of FRA-C.R. 122-4.14, as recorded in Plat Book _____, Page _____;

Beginning for Reference at Franklin County Survey Monument #8820, at the intersection of the existing right-of-way centerline of Williams Road (County Road 123), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), at the southwest corner of said Lagavulin 4.129 acre tract, being 0.00 feet right of Alum Creek Drive station 76+49.63;

Thence North 04 degrees 02 minutes 12 seconds East, a distance of 296.07 feet along the existing right-of-way centerline of said Alum Creek Drive, and along the westerly line of said Lagavulin 4.129 acre tract, and along the westerly line of said Section 18, Township 11, and Range 21, to a railroad spike found marking the northwest corner of said Lagavulin 4.129 acre tract, being 0.00 feet right of Alum Creek Drive station 79+45.70;

Thence South 86 degrees 08 minutes 35 seconds East, a distance of 100.00 feet along the northerly line of said Lagavulin 4.129 acre tract, along the southerly line of that 3.672 acre tract as conveyed to Shirley Adkins, Trustee, by deed of record in Official Record 33932 H07, along the centerline of Old Williams Road, and along the northerly line of said Section 18, to a point in the existing easterly right-of-way line of said Alum Creek Drive in the centerline of Old Williams Road, being 100.00 feet right of Alum Creek Drive station 79+46.01;

Thence South 03 degrees 51 minutes 25 seconds West, a distance of 20.00 feet across said Lagavulin 4.129 acre tract, along the existing easterly right-of-way line of said Alum Creek Drive, and along the westerly line of Old Williams Road Vacated by City of Columbus Ordinance 1172-99 to an angle point in the existing easterly right-of-way line of said Alum Creek Drive, being 100.06 feet right of Alum Creek Drive station 79+26.01, and being the Point of True Beginning;

Thence South 04 degrees 12 minutes 25 seconds West, a distance of 21.01 feet across said Lagavulin 4.129 acre tract to a point being 100.00 feet right of Alum Creek Drive station 79+05.00;

Thence North 85 degrees 57 minutes 48 seconds West, a distance of 25.00 feet across said Lagavulin 4.129 acre tract to a point being 75.00 feet right of Alum Creek Drive station 79+05.00;

Thence South 04 degrees 02 minutes 12 seconds West, a distance of 150.00 feet parallel to the proposed easterly right-of-way line of said Alum Creek Drive, and across said Lagavulin 4.129 acre tract, to a point being 75.00 feet right of Alum Creek Drive station 77+55.00;

Thence South 51 degrees 27 minutes 52 seconds East, a distance of 44.39 feet across said Lagavulin 4.129 acre tract, to a point being 70.00 feet left of Williams Road station 31+00.00;

Thence South 85 degrees 58 minutes 57 seconds East, a distance of 56.52 feet across said Lagavulin 4.129 acre tract, to a point being 65.00 feet left of Williams Road station 31+56.30;

Thence North 88 degrees 46 minutes 55 seconds East, a distance of 96.99 feet across said Lagavulin 4.129 acre tract to a point being 60.00 feet left of Williams Road station 32+60.00;

Thence North 09 degrees 29 minutes 44 seconds East, a distance of 31.38 feet across said Lagavulin 4.129 acre tract to a point being 90.00 feet left of Williams Road station 32+70.00;

Thence South 82 degrees 40 minutes 02 seconds East, a distance of 67.16 feet across said Lagavulin 4.129 acre tract to a point being 70.00 feet left of Williams Road station 33+40.00;

Thence North 76 degrees 07 minutes 13 seconds East, a distance of 55.59 feet across said Lagavulin 4.129 acre tract to a point being 70.00 feet left of Williams Road station 34+00.00;

Thence North 82 degrees 52 minutes 58 seconds East, a distance of 98.80 feet across said Lagavulin 4.129 acre tract to a point being 50.00 feet left of Williams Road station 35+03.30;

Thence North 68 degrees 07 minutes 20 seconds East, a distance of 175.61 feet across said Lagavulin 4.129 acre tract, and parallel to the existing northerly right-of-way line of said Williams Road, to a point being 50.00 feet left of Williams Road station 36+78.91;

Thence North 62 degrees 22 minutes 17 seconds East, a distance of 148.73 feet across said Lagavulin 4.129 acre tract to a point in the existing westerly right-of-way of Millstone Road (60 feet) of Williams Creek Section 4, Part 2, as recorded in Plat Book 99, Page 5, being 73.91 feet left of Williams Road station 38+18.27;

Thence with a curve to the right for 51.31 feet, along the existing westerly right-of-way line of said Millstone Road, and across said Lagavulin 4.129 acre tract, having a radius of 35.00 feet, a central angle of 83 degrees 59 minutes 51 seconds, a chord direction of South 27 degrees 56 minutes 14 seconds West, and a chord distance of 46.84 feet, to the southwest corner of that 0.0272 acre tract as conveyed to the City of Columbus by deed of record in Instrument Number 200112200297163, being 40.00 feet left of Williams Road station 37+87.48;

Thence with a curve to the left for 112.37 feet, across said Lagavulin 4.129 acre tract, and along the existing northerly right-of-way line of said Williams Road, having a radius of 1185.92 feet, a central angle of 05 degrees 25 minutes 44 seconds, a chord direction of South 70 degrees 50 minutes 12 seconds West, and a chord distance of 112.33 feet, to a point of tangency being 40.00 feet left of Williams Road station 36+78.91;

Thence South 68 degrees 07 minutes 20 seconds West, a distance of 175.61 feet across said Lagavulin 4.129 acre tract, and along the existing northerly right-of-way line of said Williams Road, to a point of tangent curvature, being 40.00 feet left of Williams Road station 35+03.30;

Thence with a curve to the right for 44.82 feet, across said Lagavulin 4.129 acre tract, and along the existing northerly right-of-way line of said Williams Road, having a radius of 914.93 feet, a central angle of 02 degrees 48 minutes 25 seconds, a chord direction of South 69 degrees 31 minutes 32 seconds West, and a chord distance of 44.82 feet, to an iron pin set in the proposed northerly right-of-way line of said Williams Road, being 40.00 feet left of Williams Road station 34+56.52;

Thence South 87 degrees 47 minutes 27 seconds West, a distance of 41.17 feet across said Lagavulin 4.129 acre tract, and along the proposed northerly right-of-way line of said Williams Road, to an iron pin set at a point of non-tangent curvature, being 51.08 feet left of Williams Road station 34+14.88;

Thence with a curve to the right for 240.15 feet, across said Lagavulin 4.129 acre tract, and along the proposed northerly right-of-way line of said Williams Road, having a radius of 902.43 feet, a central angle of 15 degrees 14 minutes 49 seconds, a chord direction of South 82 degrees 53 minutes 15 seconds West, and a chord distance of 239.44 feet, to an iron pin set being 58.75 feet left of Williams Road station 31+60.21;

Thence North 85 degrees 10 minutes 43 seconds West, a distance of 61.07 feet across said Lagavulin 4.129 acre tract, and along the proposed northerly right-of-way line of said Williams Road, to an iron pin set at a point of tangent curvature, being 65.02 feet left of Williams Road station 30+99.22;

Thence with a curve to the right for 13.96 feet, across said Lagavulin 4.129 acre tract, and along the proposed northerly right-of-way line of said Williams Road, having a radius of 43.50 feet, a central angle of 18

degrees 23 minutes 27 seconds, a chord direction of North 75 degrees 59 minutes 00 seconds West, and a chord distance of 13.90 feet, to an iron pin set at a point of compound curvature being 68.63 feet left of Williams Road station 30+85.79;

Thence with a curve to the right for 12.20 feet, across said Lagavulin 4.129 acre tract, and along the proposed northerly right-of-way line of said Williams Road, having a radius of 23.00 feet, a central angle of 30 degrees 24 minutes 02 seconds, a chord direction of North 51 degrees 35 minutes 15 seconds West, and a chord distance of 12.06 feet, to an iron pin set at a point of tangency being 76.30 feet left of Williams Road station 30+76.48;

Thence North 36 degrees 23 minutes 14 seconds West, a distance of 10.58 feet across said Lagavulin 4.129 acre tract, and along the proposed northerly right-of-way line of said Williams Road, to an iron pin set at a point of tangent curvature, being 84.93 feet left of Williams Road station 30+70.36;

Thence with a curve to the right for 11.42 feet, across said Lagavulin 4.129 acre tract, and along the proposed northerly right-of-way line of said Williams Road, having a radius of 45.00 feet, a central angle of 14 degrees 32 minutes 42 seconds, a chord direction of North 29 degrees 06 minutes 53 seconds West, and a chord distance of 11.39 feet, to an iron pin set at a point of tangency being 94.98 feet left of Williams Road station 30+65.00;

Thence North 21 degrees 50 minutes 32 seconds West, a distance of 9.67 feet across said Lagavulin 4.129 acre tract, and along the proposed northerly right-of-way line of said Williams Road, to an iron pin set at the intersection with the proposed easterly right-of-way line of said Alum Creek Drive, being 70.29 feet right of Alum Creek Drive station 77+60.34;

Thence North 00 degrees 08 minutes 54 seconds East, a distance of 78.03 feet along the proposed easterly right-of-way line of said Alum Creek Drive, and across said Lagavulin 4.129 acre tract, to an iron pin set being 65.00 feet right of Alum Creek Drive station 78+38.19;

Thence North 04 degrees 02 minutes 12 seconds East, a distance of 87.71 feet along the proposed easterly right-of-way line of said Alum Creek Drive, and across said Lagavulin 4.129 acre tract, to an iron pin set being 65.00 feet right of Alum Creek Drive station 79+25.92;

Thence South 86 degrees 08 minutes 35 seconds East, a distance of 35.06 feet across said Lagavulin 4.129 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to the Point of True Beginning, containing 0.282 acres, more or less;

Of the above described area, 0.282 acres is contained within the Franklin County Auditor's Parcel 530-162084;

The bearing datum of the afore-described parcel is based on the bearing of North 04 degrees 02 minutes 12 seconds East, for the centerline of Alum Creek Drive, from an adjusted field survey using G.P.S. methods using Franklin County Monuments #8819, #8820 and #8840, based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment).

This description was based upon a survey of Alum Creek Drive and Williams Road by R.D. Zande & Associates, Inc., in March 1999, and prepared on May 4, 2010 by Tim A. Baker, Registered Surveyor 7818.

Iron pins set are 3/4 inches in diameter by 30 inches long with a 1-1/2 inch aluminum cap placed on top, bearing the name "ODOT R/W" and "R D ZANDE & ASSOC".

Grantor claims title by instrument of record in Instrument Number 199812180326987 and Instrument Number 200112030279152, of the Recorder's Office, Franklin County, Ohio.

Section 2. That the Council of the City of Columbus hereby declares its intention to obtain immediate possession of the real property interests described herein.

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 fee simple title and lesser interests as follows:

1. 96WD, T/Lagavulin \$321,880.00

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 the City Attorney's Office, Real Estate Division, be and is hereby authorized to expend \$321,880.00 or so much thereof as may be necessary from fund 765, the Federal State Highway Engineering Fund, Department/Division No. 59-12, Division of Design and Construction, Object Level One Code 6601, Auditors Certificate #029733, OCA 591294, to pay those costs relative to the acquisition of the additional rights-of-way required for the Arterial Street Rehabilitation - Alum Creek Drive Phase B/SR104 - Williams Road project, Grant 597015.

Section 7. That for the reasons stated 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 (10) days after its passage if the Mayor neither approves nor vetoes the same.