



City of Columbus

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

Legislation Text

File #: 0402-2007, **Version:** 1

Background: The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of construction easements in and to real estate necessary for the **West Case Road right turn lane project**.

Fiscal Impact: Funding for this project is from the Public Service Department, Transportation, Division, 1995, 1999 Voted Streets and Highways Fund.

Emergency Justification: Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay, in order to meet the Department of Transportation's project time line.

To authorize the City Attorney to file the necessary complaints for the appropriation of construction easements in and to real estate necessary for the **West Case Road right turn lane project**, to authorize the expenditure of \$3,570.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$3,570.00).

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the **West Case Road right turn lane project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0186X-2006, on the 4th day of December, 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 Public Service Department, Transportation Division, 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 construction easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the **West Case Road right turn lane 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 City Code (1959), Chapter 909:

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TEMPORARY CONSTRUCTION EASEMENT

0.012 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township; 2, Range 19, united States Military Lands and being part of Lot 182 of "Misty Meadows Section 3" as recorded in Plat Book 59, Page 29, said lot in the name of Lee B. Clevenger and Charlene Clevenger of record in Official Record 2482C13 and described as follows:

Beginning, for reference, at monument FCGS 0051 found marking the centerline intersection of Sawmill Road with West Case Road;

thence South 02° 39' 12" West, with the centerline of said Sawmill Road, 65.18 feet;

thence North 87° 20' 48" West, leaving said centerline, 40.00 feet to the east right-of way line for said Sawmill Road, the True point of Beginning;

thence with said east right-of-way line and with the south right-of-way for said West Case Road, the west and north line of said Lot 182, the following courses;

North 02° 39' 12" East, 15.00 feet to a point of curvature;

with a curve to the right, having a central angle of 90° 10' 23", a radius of 20.00 feet and an arc length of 31.48 feet, a chord bearing and chord distance of North 47° 44' 19", East, 28.33 feet to a point of tangency;

South 87° 10' 35" East, 15.00 feet;

thence across said Lot 182, the following courses;

South 02° 49' 25" West, 10.00 feet;

North 87° 10' 35" West, 15.00 feet to a point of curvature;

With a curve to the left, having a central angle of 90° 10' 23", a radius of 10.00 feet and an arc length of 15.74 feet, a chord bearing and chord distance of South 47° 44' 19" West, 14.16 feet to a point of tangency;

South 02° 39' 12" West, 15.00 feet;

North 87° 20' 48" West, 10.00 feet to the True Point of Beginning. Containing 0.012 acre, more or less.

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 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 hereby declares the value of the subject real property interests to be Three Thousand Five Hundred Seventy Dollars (\$3,570.00).

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 the expenditure of \$3,570.00, or so much thereof as may be necessary for the, **West Case Road right turn lane project**, Project #530161, from the 1995, 1999 Voted Streets and Highways Fund, Sub-fund #704, Index Code 644385, Minor Object 6601, Certificate No. AC025185, for the appropriation of said real property interests determined to be necessary for the stated public purpose is hereby authorized.

Section 7. 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.