



Legislation Text

File #: 0351-2008, Version: 1

Background: The following legislation authorizes the City Attorney to file the necessary complaint for the appropriation of a permanent easement 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 Public Service Department, Transportation Division, Voted 1995, 1999, 2004 Streets and Highways Fund.

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 a permanent easement in and to real estate necessary for the **Miscellaneous Intersection-Group 10 High to Hudson Project** and to authorize the expenditure of \$2,050.00 from the Voted 1995, 1999, 2004 Streets and Highways Fund; 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 Public Service Departments, 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 peace, property, health and safety; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That a permanent easement 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, City of Columbus, located in Lot 16 of the Solomon and George W. Beers' North Addition of record in Plat Book 1, Page 54, being part of the tract conveyed to Genaro Garcia Von Lembcke by deed of record in Instrument Number 199802240040786 (further shown and delineated upon Exhibit 'B' attached hereto and made a part hereof), and being more particularly described as follows:

Beginning at the intersection point of the southerly right of way line of Hudson Street (60 feet in width) with the easterly right of way line of Neil Avenue (60 feet in width) and being the northwesterly corner of said Lot 16, said intersection point being 30.00 feet right of centerline station 10+85.75;

Thence North 78 degrees 47 minutes 42 seconds East, along the said southerly right of way line, a distance of 34.75 feet to a point at 30.00 feet right of centerline station 11+20.50;

Thence leaving the said southerly right of way line and through the grantor's tract of land for the following four (4) courses:

- 1.) South 11 degrees 12 minutes 18 seconds East, a distance of 10.00 feet to a point at 40.00 feet right of centerline station 11+20.50;
- 2.) South 78 degrees 47 minutes 42 seconds West, a distance of 24.75 feet to a point at 40.00 feet right of centerline station

10+95.75;

3.) South 11 degrees 12 minutes 18 seconds East, a distance of 6.50 feet to a point at 46.50 feet right of centerline station 10+95.75;

4.) South 78 degrees 46 minutes 03 seconds West, a distance of 10.00 feet to a point in the easterly right of way line of the said Neil Avenue at 46.50 feet right of centerline station 10+85.75;

Thence North 11 degrees 16 minutes 39 seconds West, along the said easterly right of way line, a distance of 16.50 feet to the

Point of Beginning.

Containing 412 square feet or 0.009 acre, more or less, within Franklin County Auditor's Parcel Number 010-057334.

All references herein being to records in the Recorder's Office, Franklin County, Ohio.

Daniel J. Hornyak, Date, Registered Professional Surveyor No. 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 two Thousand Fifty Dollars (\$2,050.00).

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 expenditure of \$2,050.00, or so much thereof as may be necessary for the **Miscellaneous Intersection-Group 10 High to Hudson Project**, Project #530086, from the Voted 1995, 1999, 2004 Streets and Highways Fund, Fund 704, OCA Code 644385, Object Level Three 6601, Certificate No. 027772, 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, 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.