



## Legislation Text

**File #:** 0247-2008, **Version:** 1

**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 **HAP Cremean Raw Water Line project**.

**Fiscal Impact:** Funding for this project is from the Department of Public Utilities, Division of Water , Waterworks Enlargement Voted 1991 Bond Fund.

**Emergency Justification:** Emergency legislation is being requested to allow acquisition of these parcels necessary for this project to proceed without delay in order to continue engineering design services for this project critical to providing increased safety to the water supply to the greater Columbus area.

To authorize the City Attorney to file the necessary complaints for the appropriation of permanent easements in and to real estate necessary for the **HAP Cremean Raw Water Line 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 **HAP Cremean Raw Water Line project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0055X-2006, on the 3rd day of April, 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 peace, property, health and safety; 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 **HAP Cremean Raw Water Line project, #690265**, 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:

8P

Easement Area

0.050-Acre

Situated in the State of Ohio, County of Franklin, City of Westerville, located in Quarter Township 1, Township 2, Range 17, United State Military Lands, and being within a tract of land conveyed to Roy W. Starkey by deed of record in Instrument Number 200303190079860, all references are to records of the Franklin County Recorder's Office, said 0.050 acre being more particularly described as follows:

Beginning for reference at an easterly corner of the said Starkey tract in Central College Road, also being a northeasterly corner of a tract of land conveyed to Nello A. Spagnol, Mary Angela Basinger, and Antonio Spagnol by deeds of record in Volume 2646, Page 289, Official Records 02115B18, 02115B14, and 20413F14 and a northwesterly corner of a tract of land conveyed to George P. Benua by deed of record in Volume 3711, Page 118;

Thence N 50° 26' 42" W, with an easterly line of the said Starkey tract, a distance of 35.04 feet to a point;  
Thence N 84° 33' 57" W, with a northerly line of the said Starkey tract, a distance of 131.26 feet to the True Point Of Beginning of the area described herein;  
Thence crossing the said Starkey tract the following courses:  
S 37° 29' 22" E, a distance of 55.97 feet to a point in the northerly right of way line of Central College Road;  
S 48° 00' 11" W, with said right of way line, a distance of 30.09 feet to a point;  
N 37° 29' 22" W, leaving said right of way line, a distance of 63.03 feet to a point; and  
N 48° 32' 44" W, a distance of 27.80 feet to a point in the northerly line of the said Starkey tract;  
Thence S 86° 59' 14" E, with said northerly line, a distance of 15.25 feet to a point;  
Thence S 84° 33' 57" E, with said northerly line, a distance of 32.42 feet to the True Point Of Beginning, containing 0.050 acre of land, more or less.  
The bearings cited in this description are based on the Ohio State Plane Coordinate System, South Zone as per NAD 83, and were established by tying to Franklin County Engineer's monuments using GPS equipment and procedures.  
Resource International Inc., Mark S. Ward P.S. No S-7514.

8T-1

Temporary Easement Area  
0.022-Acre

Situated in the State of Ohio, County of Franklin, City of Westerville, located in Quarter Township 1, Township 2, Range 17, United State Military Lands, and being within a tract of land conveyed to Roy W. Starkey by deed of record in Instrument Number 200303190079860, all references are to records of the Franklin County Recorder's Office, said 0.022 acre being more particularly described as follows:  
Beginning for reference at an easterly corner of the said Starkey tract in Central College Road, also being a northeasterly corner of a tract of land conveyed to Nello A. Spagnol, Mary Angela Basinger, and Antonio Spagnol by deeds of record in Volume 2646, Page 289, Official Records 02115B18, 02115B14, and 20413F14 and a northwesterly corner of a tract of land conveyed to George P. Benua by deed of record in Volume 3711, Page 118;  
Thence N 50° 26' 42" W, with an easterly line of the said Starkey tract, a distance of 35.04 feet to a point;  
Thence N 84° 33' 57" W, with a northerly line of the said Starkey tract, a distance of 163.68 feet to a point;  
Thence N 86° 59' 14" W, continuing with said northerly line, a distance of 15.25 feet to the True Point Of Beginning of the area described herein;  
Thence crossing the said Starkey tract the following courses:  
S 48° 32' 44" E, a distance of 27.80 feet to a point;  
S 37° 29' 22" E, a distance of 63.03 feet to a point in the northerly right of way line of Central College Road;  
S 48° 00' 11" W, with said right of way line, a distance of 10.03 feet to a point;  
N 37° 29' 22" W, leaving said right of way line, a distance of 62.85 feet to a point;  
N 48° 32' 44" W, a distance of 39.43 feet to a point in the northerly line of the said Starkey tract;  
Thence S 86° 59' 14" E, with said northerly line, a distance of 16.08 feet to the True Point Of Beginning, containing 0.022 acre of land, more or less.  
The bearings cited in this description are based on the Ohio State Plane Coordinate System, South Zone as per NAD 83, and were established by tying to Franklin County Engineer's monuments using GPS equipment and procedures.  
Resource International Inc., Mark S. Ward P.S. No S-7514.

8T-2

Temporary Easement Area  
0.012-Acre

Situated in the State of Ohio, County of Franklin, City of Westerville, located in Quarter Township 1, Township 2, Range 17, United State Military Lands, and being within a tract of land conveyed to Roy W. Starkey by deed of record in Instrument Number 200303190079860, all references are to records of the Franklin County Recorder's Office, said 0.012 acre being more particularly described as follows:  
Beginning for reference at an easterly corner of the said Starkey tract in Central College Road, also being a northeasterly corner of a tract of land conveyed to Nello A. Spagnol, Mary Angela Basinger, and Antonio Spagnol by deeds of record in Volume 2646, Page 289, Official Records 02115B18, 02115B14, and 20413F14 and a northwesterly corner of a tract of land conveyed to George P. Benua by deed of record in Volume 3711, Page 118;  
Thence N 50° 26' 42" W, with an easterly line of the said Starkey tract, a distance of 35.04 feet to a point;  
Thence N 84° 33' 57" W, with a northerly line of the said Starkey tract, a distance of 117.60 feet to the True Point

Of Beginning of the area described herein;  
Thence crossing the said Starkey tract the following courses:  
S 37° 29' 22" E, a distance of 45.88 feet to a point in the northerly right of way line of Central College Road;  
S 48° 00' 11" W, with said right of way line, a distance of 10.03 feet to a point; and  
N 37° 29' 22" W, leaving said right of way line, a distance of 55.97 feet to a point in the northerly line of the said Starkey tract;  
Thence S 84° 33' 57" E, with said northerly line, a distance of 13.66 feet to the True Point Of Beginning, containing 0.012 acre of land, more or less.  
The bearings cited in this description are based on the Ohio State Plane Coordinate System, South Zone as per NAD 83, and were established by tying to Franklin County Engineer's monuments using GPS equipment and procedures.  
Resource International Inc.,  
Mark S. Ward P.S. No S-7514

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 One Thousand Six Hundred Seventy Five Dollars (\$1,675.00).

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 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 days after its passage if the Mayor neither approves nor vetoes the same.