



## Legislation Details (With Text)

**File #:** 1791-2013      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 7/2/2013      **In control:** Public Service & Transportation Committee  
**On agenda:** 7/22/2013      **Final action:** 7/25/2013

**Title:** This ordinance authorizes the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the Operation Safe-walks - Marion Road Project (PID 590955-10006/2601 Dr E); authorizes the expenditure of Nine Hundred, and 00/100 U.S. Dollars from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund ? 704; and declares an emergency. (\$900.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/25/2013	1	ACTING CITY CLERK	Attest	
7/24/2013	1	ACTING MAYOR	Signed	
7/22/2013	1	COUNCIL PRESIDENT	Signed	
7/22/2013	1	Columbus City Council	Approved	Pass

**BACKGROUND :** The City of Columbus, Ohio (“City”), an Ohio municipal corporation, is engaged in the acquisition of certain real property interests for the City’s Department of Public Service, Division of Design & Construction, Operation Safe-walks - Marion Road Project (PID 590955-10006/2601 Dr E) (“Project”). The City’s Council passed Resolution 0019X-2013 on January 31<sup>st</sup>, 2013, which declared the necessity and intent to appropriate certain real property interests for the Project. Therefore, the following legislation authorizes the Columbus City Attorney to file necessary complaints for the appropriation of fee simple title and lesser interests for real estate necessary for the City of Columbus, Ohio, Department of Public Service.

**FISCAL IMPACT :** The Project’s funding will come from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund № 704.

**EMERGENCY JUSTIFICATION :** Emergency action is requested to allow for the appropriation and subsequent acquisitions necessary for the Project to proceed without delay, which will preserve the public peace, property, health, safety, and welfare.

This ordinance authorizes the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the Operation Safe-walks - Marion Road Project (PID 590955-10006/2601 Dr E); authorizes the expenditure of Nine Hundred, and 00/100 U.S. Dollars from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund № 704; and declares an emergency. (\$900.00)

**WHEREAS ,** the City of Columbus, Ohio (“City”), an Ohio municipal corporation, is engaged in the acquisition of certain real property interests for the City’s Department of Public Service, Division of Design & Construction, Operation

Safe-walks - Marion Road Project (PID 590955-10006/2601 Dr E) (“Project”);

**WHEREAS**, the City’s Council passed **Columbus City Resolution № 0019X-2013**, which declared the necessity and intent to appropriate the real property interests described in this ordinance for the Project;

**WHEREAS**, the public purpose for this Project’s appropriation and notice of the adoption of the resolution was served according to Columbus City Code, Section 909.03;

**WHEREAS**, an emergency exists in the usual daily operation of the City, because it is necessary to appropriate the real property interests so there will be no delay in the Project, which immediately preserves the public peace, property, health, safety, and welfare; and **now, therefore** :

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**SECTION 1.** The fee simple title and lesser real property interests associated with the parcels listed in Section 4 of this ordinance are fully described in **Columbus City Resolution № 0019X-2013**, which passed on January 31<sup>st</sup>, 2013; are fully incorporated into this legislation; and are to be appropriated for the public purpose of the Operation Safe-walks - Marion Road Project (PID 590955-10006/2601 Dr E) (“Project”).

**SECTION 2.** Pursuant to the power and authority granted to the City of Columbus, Ohio (“City”), by the Ohio Constitution; Ohio Revised Code, Sections 715.01, 717.01, and 719.01 through 719.02; Charter of the City of Columbus, Ohio; and Columbus City Code (1959), Chapter 909, the City’s Council declares the appropriation of the real property interests are necessary for the public Project, because the City was unable to locate the real property owner(s) or agree with the real property owner(s) regarding the amount of just compensation to be paid by the City for real property interests needed to complete the Project.

**SECTION 3.** The City’s Council declares its intention to obtain immediate possession of the real property interests described in this ordinance for the Project.

**SECTION 4.** The City’s Council declares that the fair market value of the fee simple title or lesser real property interests as follows:

<u>PROJECT PARCEL №</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
1-T	<b>Katheryn M. Sweazy</b> 2297 Rohr Rd., Lockbourne, OH 43137	<b>\$300.00</b>
2-T	<b>521 Marion Road, LLC</b> c/o Jim Gilbert, Esq. 425 Metro Place N, Dublin, OH 43017-5325	<b>\$300.00</b>
6-P1, P2, T1, & T2	<b>Norfolk Southern Railway Company</b> Attn: Solomon Jackson 8000 Ravines Edge Court, Suite 300 B Columbus, OH 43235	<b>\$300.00</b>
	<b>TOTAL:</b>	<b>\$900.00</b>

**SECTION 5.** The Columbus City Attorney is authorized to file complaints for appropriation of real property in the appropriate Court of Common Pleas and impanel a jury to inquire and assess the just compensation to pay for the real property interests described in this ordinance.

**SECTION 6.** The Columbus City Attorney is authorized to spend Nine Hundred, and 00/100 U.S. Dollars (\$900.00), or

as much that is necessary from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund № 704, Project № 590955-100006, OCA Code 745506, object level 3 6601, Div № 59-12, AC 034019-001, for the Project's acquisition costs to appropriate the parcels listed in Section 4 of this ordinance.

**SECTION 7.** The City intends for this ordinance to constitute an "official intent" for purposes of Treasury Regulations Section 1.150-2(e) promulgated pursuant to the Internal Revenue Code of 1986, as amended.

**SECTION 8.** The City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

**SECTION 9.** For the reasons stated in this ordinance's preamble, which are made a part of this legislation, this ordinance is 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 this legislation.