



## Legislation Details (With Text)

**File #:** 1260-2009      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/21/2009      **In control:** Public Service & Transportation Committee  
**On agenda:** 10/19/2009      **Final action:** 10/20/2009

**Title:** 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 the Alum Creek Drive Improvement Project, to authorize the expenditure of \$415,300.00 from the Fed-State Highway Engineering Fund; and to declare an emergency. (\$415,300.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/20/2009	1	MAYOR	Signed	
10/20/2009	1	CITY CLERK	Attest	
10/19/2009	1	Columbus City Council	Taken from the Table	Pass
10/19/2009	1	Columbus City Council	Approved	Pass
10/19/2009	1	COUNCIL PRESIDENT	Signed	
10/5/2009	1	Columbus City Council	Tabled to Certain Date	Pass
9/28/2009	1	Auditor Reviewer	Reviewed and Approved	
9/28/2009	1	CITY AUDITOR	Reviewed and Approved	
9/28/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
9/25/2009	1	Service Drafter	Sent for Approval	
9/25/2009	1	CITY ATTORNEY	Reviewed and Approved	
9/25/2009	1	Service Drafter	Sent for Approval	
9/25/2009	1	Atty Drafter	Sent for Approval	
9/25/2009	1	City Clerk's Office	Sent back for Clarification/Correction	
9/25/2009	1	Atty Drafter	Sent for Approval	
9/24/2009	1	FINANCE DIRECTOR	Reviewed and Approved	
9/24/2009	1	Service Drafter	Sent for Approval	
9/24/2009	1	Auditor Reviewer	Reviewed and Approved	
9/24/2009	1	CITY AUDITOR	Reviewed and Approved	
9/23/2009	1	Finance Reviewer	Reviewed and Approved	
9/23/2009	1	Finance Reviewer	Reviewed and Approved	
9/22/2009	1	Atty Drafter	Sent for Approval	

9/22/2009	1	Atty Reviewer	Reviewed and Approved
9/22/2009	1	Atty Drafter	Sent for Approval
9/22/2009	1	Service Drafter	Sent for Approval
9/22/2009	1	SERVICE DIRECTOR	Reviewed and Approved
9/22/2009	1	Atty Drafter	Sent for Approval

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 Alum Creek Drive Improvement Project.

Fiscal Impact: Funding for this project is from the Department of Public Service, Division Design and Construction, Fed-State Highway Engineering Fund

Emergency Justification: Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay in order that the project may meet its deadline.

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 the Alum Creek Drive Improvement Project, to authorize the expenditure of \$415,300.00 from the Fed-State Highway Engineering Fund; and to declare an emergency. (\$415,300.00).

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the Alum Creek Drive Improvement Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0030X-2008, on the 25th day of February, 2008, 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, 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 and to the parcels listed in Section 4 hereof, as are fully described in Resolution No. 0030X-2008, on the 25th day of February, 2008, said descriptions being incorporated herein, be appropriated for the public purpose of the Alum Creek Drive Improvement Project, #597015 (fka 561005), pursuant to the power and authority granted to the City of Columbus 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.

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 fixes the value of said fee simple title and lesser interests as follows:

1. 113WD, T \$300.00

2. 108WD, CH, T

\$415,000.00

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 \$415,300.00 or so much thereof as may be necessary from fund 765, the Fed State Highway Engineering Fund, Department No. 59-12, Division of Design and Construction, Object Level One Code 06, Object Level Three Code 6601, Auditors Certificate #029733, OCA 591294, Grant 597015, to pay those costs relative to the acquisition of the additional rights-of-way required for the Alum Creek Drive Improvement project.

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