



## Legislation Details (With Text)

**File #:** 1031-2013      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 4/19/2013      **In control:** Public Service & Transportation Committee

**On agenda:** 5/6/2013      **Final action:** 5/7/2013

**Title:** To authorize the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the Rich Street-Town Street Two-Way Conversion Bikeway Development Project (PID 590105-100015); to authorize the expenditure of Five Hundred and 00/100 U.S. Dollars (\$500.00) from the City's Department of Public Service Streets & Highway GO Bonds Fund, Fund ? 704; and to declare an emergency. (\$500.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/7/2013	1	CITY CLERK	Attest	
5/7/2013	1	MAYOR	Signed	
5/6/2013	1	COUNCIL PRESIDENT	Signed	
5/6/2013	1	Columbus City Council	Approved	Pass

**BACKGROUND :** The following legislation authorizes the Columbus City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests to real estate necessary for the City of Columbus, Ohio, Department of Public Service, Division of Design and Construction (“City”), Rich Street-Town Street Two-Way Conversion Bikeway Development Project (PID 590105-100015) (“Project”).

**CONTRACT COMPLIANCE:** Not applicable.

**FISCAL IMPACT :** It was determined that the Project’s funding will come from the City’s Department of Public Service Streets & Highway GO Bonds Fund, Fund № 704.

**EMERGENCY JUSTIFICATION :** Emergency action is requested to allow for the appropriation and subsequent acquisitions necessary for the City’s Project to proceed without delay, which will preserve the public peace, property, health, safety, and welfare of those individuals living and traveling in the vicinity of the Project.

To authorize the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the Rich Street-Town Street Two-Way Conversion Bikeway Development Project (PID 590105-100015); to authorize the expenditure of Five Hundred and 00/100 U.S. Dollars (\$500.00) from the City’s Department of Public Service Streets & Highway GO Bonds Fund, Fund № 704; and to declare an emergency. (\$500.00)

**WHEREAS ,** the City of Columbus, Ohio (“City”), an Ohio municipal corporation, is engaged in the acquisition of certain real property interests for the Rich Street-Town Street Two-Way Conversion Bikeway Development Project (PID 590105-100015) (“Project”);

**WHEREAS** , the City’s Council adopted **Columbus City Resolution № 0058X-2013**, which passed on April 4<sup>th</sup>, 2013, which declared the necessity and intent to appropriate the real property interests described in this legislation;

**WHEREAS**, the public purpose for this Project’s appropriation and notice of the adoption of **Columbus City Resolution № 0058X-2013** was served according to Columbus City Code, Section 909.03; and

**WHEREAS** , an emergency exists in the usual daily operation of the City’s Department of Public Service, Division of Design and Construction, because it is necessary to appropriate the real property interests so that the Project will not be delayed, 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 legislation are fully described in **Columbus City Resolution № 0058X-2013**, which passed on April 4<sup>th</sup>, 2013; fully incorporated into this legislation; and to be appropriated for the public purpose of the Rich Street-Town Street Two-Way Conversion Bikeway Development Project (PID 590105-100015) (“Project”).

**SECTION 2.** Pursuant to the power and authority granted to the City of Columbus, Ohio (“City”), by the Constitution of the State of Ohio; 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.

**SECTION 3.** The City’s Council declares its intention to obtain immediate possession of the real property interests described in this legislation 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, or both, as follows:

	<u>PARCEL</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
1)	1SW:	566 West Town Street II, LLC 1870 Baldrige Rd Columbus, Ohio 43221  Donald B. Hallowes, Esq. Statutory Agent 6445 East Livingston Ave Reynoldsburg, OH 43068	\$500.00
		<b>TOTAL:</b>	<b>\$500.00</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 to have a jury impaneled to inquire and assess the just compensation for the real property interests described in this ordinance.

**SECTION 6.** The expenditure of Five Hundred and 00/100 U.S. Dollars (\$500.00), or as much that may be necessary is authorized from the City’s Department of Public Service Streets & Highway GO Bonds Fund, Fund № 704, Dept./Div. 59 -12, PID 530161-100072, Object Level 06-6601, OCA Code 599501, Auditor Certificate № AC033580, for acquisition costs related to the Project.

**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 is 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.