



## Legislation Details (With Text)

**File #:** 0581-2008      **Version:** 2  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/24/2008      **In control:** Judiciary And Court Administration Committee  
**On agenda:** 5/5/2008      **Final action:** 5/7/2008  
**Title:** To authorize the City Attorney to file the necessary complaints for the appropriation of construction and permanent easement interests in and to real estate necessary for the Lockbourne Road Roadway Improvement Project and in coordination and conjunction with the Lockbourne Road Area Sanitary Sewer Assessment Project, to authorize the expenditure of a combined amount of \$3,160.00 from the 1995, 1999 Voted Streets and Highways Fund, and the related Sanitary Sewer Revenue Bonds Fund; and to declare an emergency. (\$3,160.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/7/2008	2	CITY CLERK	Attest	
5/6/2008	2	MAYOR	Signed	
5/5/2008	1	Columbus City Council	Amended as submitted to the Clerk	Pass
5/5/2008	1	Atty Drafter	Sent to Clerk's Office for Council	
5/5/2008	1	Columbus City Council	Approved as Amended	Pass
5/5/2008	2	COUNCIL PRESIDENT	Signed	
5/2/2008	1	City Clerk's Office	Sent back for Clarification/Correction	
4/11/2008	1	Atty Drafter	Sent for Approval	
4/11/2008	1	CITY ATTORNEY	Reviewed and Approved	
4/11/2008	1	Atty Drafter	Sent to Clerk's Office for Council	
4/10/2008	1	Auditor Reviewer	Reviewed and Approved	
4/10/2008	1	CITY AUDITOR	Reviewed and Approved	
4/9/2008	1	Atty Drafter	Sent for Approval	
4/8/2008	1	Atty Drafter	Sent for Approval	
4/8/2008	1	Finance Reviewer	Reviewed and Approved	
4/8/2008	1	FINANCE DIRECTOR	Reviewed and Approved	
4/8/2008	1	FINANCE DIRECTOR	Reviewed and Approved	
4/7/2008	1	Utilities Drafter	Sent for Approval	
4/7/2008	1	UTILITIES DIRECTOR	Reviewed and Approved	
4/7/2008	1	Utilities Drafter	Sent for Approval	
4/6/2008	1	Utilities Reviewer	Reviewed and Approved	

4/3/2008	1	SERVICE DIRECTOR	Reviewed and Approved
4/3/2008	1	Utilities Drafter	Sent for Approval
4/3/2008	1	Utilities Reviewer	Reviewed and Approved
4/3/2008	1	Utilities Drafter	Sent for Approval
4/2/2008	1	Service Reviewer	Reviewed and Approved
4/2/2008	1	Utilities Drafter	Sent for Approval
4/1/2008	1	Atty Reviewer	Reviewed and Approved
4/1/2008	1	Atty Drafter	Sent for Approval
3/24/2008	1	Atty Drafter	Sent for Approval

Background: The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of construction and permanent easements in and to real estate necessary for the Lockbourne Road Roadway Improvement Project which is being coordinated, and constructed in conjunction with the Lockbourne Road Area Sanitary Sewer Assessment Project. The Ohio Public Works Commission has funded the roadway portion of this project and mandates that construction must begin by May 2008. The sewer improvement to the project must take place prior to the completion of the road work.

Fiscal Impact: Funding for this project is from the Public Service Department, Transportation Division 1995, 1999 Voted Streets and Highways Fund and the Sanitary Sewer Revenue Bonds Fund.

Emergency Justification: Emergency action has been requested to allow for the immediate filing of those complaints necessary to appropriate such real property interests identified herein, so that there will be no delay in the project, thereby preserving the public health, peace, property, safety, and welfare.

To authorize the City Attorney to file the necessary complaints for the appropriation of construction and permanent easement interests in and to real estate necessary for the Lockbourne Road Roadway Improvement Project and in coordination and conjunction with the Lockbourne Road Area Sanitary Sewer Assessment Project, to authorize the expenditure of a combined amount of \$3,160.00 from the 1995, 1999 Voted Streets and Highways Fund, and the related Sanitary Sewer Revenue Bonds Fund; and to declare an emergency. (\$3,160.00)

WHEREAS, the City is engaged in a road improvement project designated the Lockbourne Road Roadway Improvement Project, #530103; and

WHEREAS, the City is engaged in a sanitary sewer project designated as the Lockbourne Road Area Sanitary Sewer Assessment Project where portions of the new sanitary sewer are to be constructed in the right-of-way for Lockbourne Road Roadway Improvement; and

WHEREAS, the construction of the sanitary sewer needs to take place as part of the Lockbourne Road Roadway Improvement in order to preserve public funds and the integrity of the roadway improvements; Thereby requiring the sanitary improvements and the roadway improvement projects to be combined for construction purposes; and

WHEREAS the Ohio Public Works Commission has provided funding for the roadway portion of this project and mandates that construction must begin by May 2008; and

WHEREAS, the sewer improvement to the project must take place and be a part of the road work and therefore the City of Columbus must declare its intentions to obtain immediate possession of the real property interests described within the body of this ordinance; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0131X-2007, on the 17th day of September, 2007,

and Resolution No. 0193X-2006, adopted December 4, 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 Public Service Department, Transportation Division, in that it is necessary to appropriate such real property interests so that there will be no delay in the aforementioned project, for the 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 construction and permanent easements in and to the parcels listed in Section 5 hereof, as are fully described in Resolution No. 0131X-2007, adopted September 17, 2007, said descriptions being incorporated herein, be appropriated for the public purpose of the Lockbourne Road Area Sanitary Sewer Assessment Project, #650620, 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 construction and permanent easements in and to the parcels listed in Section 5 hereof, as are fully described in Resolution No. 0193X-2006, adopted December 4, 2006, said descriptions being incorporated herein, be appropriated for the public purpose of the Lockbourne Road Roadway Improvement Project, #530103, 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 3. 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 4. That the Council of the City of Columbus hereby declares its intention to obtain immediate possession of the real property interests described herein.

Section 5. That the Council of the City of Columbus hereby fixes the value of said fee simple title and lesser interests as follows:

Resolution 0131X-2007

1.	46S	\$206.00
2.	47S	\$282.00
3.	52S	\$200.00
4.	53S	\$412.00
5.	54S	\$145.00
6.	65S	\$410.00

Resolution 0193X-2006

7.	47T	\$190.00
8.	52T	\$360.00
9.	52S, S1, S2, T1	\$955.00

Section 6. That the City Attorney be and he 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 7. That for the purpose of paying for said costs the sum of \$1,655.00, or so much thereof as may be necessary, be and hereby is authorized to be expended from Fund 704, the 1995, 1999 Voted Streets and Highways Fund, Department No. 59-09, Transportation Division, Object Level One Code 06, Object Level Three Code 6601, OCA Code 644385, AC # AC022711.

Section 8. That for the purpose of paying for said costs, the sum of \$1,505.00, or so much thereof as may be necessary, be and hereby is authorized to be expended from Sanitary Sewer Revenue Bonds Fund, Fund 665, Department No. 60-05, Project 650620 -

Lockbourne Road Area Sanitary Sewer Assessment, Object Level Three Code 6601, OCA Code 665620, ~~AC027424~~ AC028448.

Section 9. 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 nor vetoes the same.