



Legislation Details (With Text)

File #: 0710-2005 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 4/6/2005 **In control:** Public Service & Transportation Committee
On agenda: 6/6/2005 **Final action:** 6/9/2005

Title: To increase an existing Auditor's Certificate created to fund acquisition-related expenses for the Hard Road Phase C Improvement project, 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 for this project, to authorize the expenditure of \$1,150,385.00 from the Federal State Highway Engineering Fund, and to declare an emergency. (\$1,150,385.00).

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/9/2005	1	CITY CLERK	Attest	
6/8/2005	1	MAYOR	Signed	
6/6/2005	1	Columbus City Council	Approved	Pass
6/6/2005	1	COUNCIL PRESIDENT	Signed	
5/19/2005	1	Atty Drafter	Sent to Clerk's Office for Council	
5/18/2005	1	Atty Drafter	Sent for Approval	
5/18/2005	1	CITY ATTORNEY	Reviewed and Approved	
5/16/2005	1	Auditor Reviewer	Reviewed and Approved	
5/16/2005	1	CITY AUDITOR	Reviewed and Approved	
5/13/2005	1	Atty Drafter	Sent for Approval	
5/11/2005	1	Finance Reviewer	Reviewed and Approved	
5/11/2005	1	FINANCE DIRECTOR	Reviewed and Approved	
5/9/2005	1	Service Drafter	Sent for Approval	
5/9/2005	1	SERVICE DIRECTOR	Reviewed and Approved	
5/9/2005	1	Service Drafter	Sent for Approval	
4/29/2005	1	SERVICE DIRECTOR	Reviewed and Disapproved	
4/12/2005	1	Service Reviewer	Reviewed and Approved	
4/12/2005	1	Service Drafter	Sent for Approval	
4/11/2005	1	Atty Drafter	Sent for Approval	
4/7/2005	1	Atty Reviewer	Reviewed and Approved	
4/6/2005	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 **Hard Road Phase C Improvement Project** and expend up to \$1,150,385.00 for this purpose.

Fiscal Impact: This is a City/State/Federal participation project that is being administered by the City of Columbus. Eighty percent (80%) of the total right-of-way cost for this phase of the project will be paid from federal funds and the City will pay the remaining twenty percent (20%) of the cost. Ordinance 1051-2004 passed by City Council July 19, 2004, provided \$1,860,000.00 from the Federal State Highway Engineering Fund for right-of-way acquisition purposes for this project. The current balance of the Auditor's Certificate created by that legislation is \$339,878.75. This ordinance increases this certificate by \$810,506.25 (the difference between \$1,150,385.00 and \$339,878.75). Sufficient appropriation authority exists for this increase by virtue of Ordinance 2223-2004 passed by Council December 13, 2004.

Emergency Justification: Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay in order to take full advantage of this year's construction season.

To increase an existing Auditor's Certificate created to fund acquisition-related expenses for the **Hard Road Phase C Improvement project**, 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 for this project, to authorize the expenditure of \$1,150,385.00 from the **Federal State Highway Engineering Fund**, and to declare an emergency. **(\$1,150,385.00).**

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the **Hard Road Phase C Improvement Project**; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted **Resolution No. 235X-2004**, on the **1st day of November, 2004**, 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 Service, Division of Transportation, 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 City Auditor's Certificate No. 022713 be and hereby is increased by \$810,326.25 (from \$339,878.75 to \$1,150,385.00) from funds previously appropriated within the Federal State Highway Engineering Fund for this purpose.

Section 2. That fee simple title and lesser interests in and to the parcels listed in Section 4 hereof, as are fully described in Resolution No. **235X-2004**, adopted **1st day of November, 2004**, said descriptions being incorporated herein, be appropriated for the public purpose of the **Hard Road Phase C Improvement Project, #561101**, 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 declares the value of said fee simple title and lesser interests as follows:

1.	186WD, T-1, T-2	\$975.00
2.	176T	\$7,580.00
3.	194T	\$2,105.00

4.	166WD, WS, T	\$97,125.00
5.	156WD, WS, T	\$312,200.00
6.	177WD, S, T	\$95,150.00
7.	172WD, WS, T	\$340,450.00
8.	158WD, WS, T	\$263,950.00
9.	187WD, T	\$22,300.00
10.	188WD, T	\$8,550.00
	Total	\$1,150,385.00

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 the expenditure of \$1,150,385.00, or so much thereof as may be necessary from the Federal-State Highway Engineering Fund, Fund #765; Dept./Div. 59-09; Project No. 561101; OCA Code 561101 and grant 561101; Object Level Three 6601, Auditor Certificate #022713 for acquisition costs related to the aforesaid purpose is hereby authorized.

Section 8. That for the reasons state 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.