



Legislation Details (With Text)

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On agenda: 12/17/2012 **Final action:** 12/19/2012

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 Bikeway Development - Henderson Road - Olentangy River Road to West of Kenny Project (CIP 540002-100042); to authorize the expenditure of Thirty-One Thousand One Hundred-Six and 00/100 U.S. Dollars (\$31,106.00) from the Department of Public Service's (A) Streets and Highways G.O. Bonds Fund and (B) Build America Bonds Fund; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/19/2012	1	CITY CLERK	Attest	
12/18/2012	1	MAYOR	Signed	
12/17/2012	1	COUNCIL PRESIDENT	Signed	
12/17/2012	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 Bikeway Development - Henderson Road - Olentangy River Road to West of Kenny Project (CIP 540002-100042).

FISCAL IMPACT : It was determined that funding for this project will come from the Department of Public Service's (A) Streets and Highways G.O. Bonds Fund, Fund № 704, and (B) Build America Bonds Fund, Fund № 746.

EMERGENCY JUSTIFICATION : Emergency action is requested to allow the appropriation and subsequent acquisitions necessary for the project to proceed without delay, which will preserve the public peace, property, health, safety, and welfare of those individuals living and traveling within the project area.

To authorize the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the Bikeway Development - Henderson Road - Olentangy River Road to West of Kenny Project (CIP 540002-100042); to authorize the expenditure of Thirty-One Thousand One Hundred-Six and 00/100 U.S. Dollars (\$31,106.00) from the Department of Public Service's (A) Streets and Highways G.O. Bonds Fund and (B) Build America Bonds Fund; and to declare an emergency.

WHEREAS , the City of Columbus, Ohio ("City"), an Ohio municipal corporation, is engaged in the acquisition of certain real property interests for the Bikeway Development - Henderson Road - Olentangy River Road to West of Kenny Project (CIP 540002-100042); and

WHEREAS , the City’s Council adopted **Columbus City Resolution № 0189X-2012**, which passed on November 8th, 2012, which declared the necessity and intent to appropriate the real property interests described in this legislation; the purpose of this project’s appropriation and notice of the adoption of the resolution was served according to Columbus City Code section 909.03; and

WHEREAS , an emergency exists in the usual daily operation of the Department of Public Service, Division of Mobility Options, in that it is necessary to appropriate the real property interests so there will be no delay in the aforementioned project, which immediately preserves the public peace, property, health, safety, and welfare; 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 in the parcels listed in Section 4 of this legislation, which are also fully described in **Columbus City Resolution № 0189X-2012** that passed on November 8th, 2012, and are incorporated into this legislation, are to be appropriated for the public purpose of the Bikeway Development - Henderson Road - Olentangy River Road to West of Kenny Project (CIP 540002-100042), 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.

SECTION 2. The City’s Council declares the appropriation of the real property interests are necessary for the stated public purpose, but the City was unable to agree with the owner(s) regarding the amount of just compensation 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 Bikeway Development - Henderson Road - Olentangy River Road to West of Kenny Project (CIP 540002-100042).

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)	1 P, T	DCWI Five LLC Tenant: Walgreen Co.	\$31,106.00

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 inquiry and assess the just compensation to be paid for real property interests described in this ordinance.

SECTION 6. The expenditure of Thirty-One Thousand One Hundred-Six and 00/100 U.S. Dollars (\$31,106.00), or as much that may be necessary from the Department of Public Service’s (A) Streets and Highways G.O. Bonds Fund, Fund № 704, Dept./Div. 59-12, PID 590105-100000, Object Level 06-6601, OCA Code 591089, Auditor Certificate № AC034165-001, and (B) Build America Bonds Fund, Fund № 746, Dept./Div. 59-12, PID 590105-100000, Object Level 06-6601, OCA Code 746015, Auditor Certificate № AC034165-002, as both funds identified in Columbus City Ordinance № 2129-2012, for acquisition costs related to the purposes stated in this legislation is authorized.

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 ordinance, 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 the same.