



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Details (With Text)

File #: 0481-2011 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 3/16/2011 **In control:** Public Service & Transportation Committee
On agenda: 4/4/2011 **Final action:** 4/7/2011

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 for the Shook Road-Phase I Improvement Project, to authorize the expenditure of \$49,525.00 from the Pizzuti Shook Road Escrow Account; and to declare an emergency. (\$49,525.00).

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/7/2011	1	CITY CLERK	Attest	
4/6/2011	1	MAYOR	Signed	
4/4/2011	1	Columbus City Council	Approved	Pass
4/4/2011	1	COUNCIL PRESIDENT	Signed	
3/24/2011	1	CITY ATTORNEY	Reviewed and Approved	
3/24/2011	1	Atty Drafter	Sent to Clerk's Office for Council	
3/23/2011	1	Atty Drafter	Sent for Approval	
3/22/2011	1	Atty Drafter	Sent for Approval	
3/22/2011	1	Auditor Reviewer	Reviewed and Approved	
3/18/2011	1	Finance Reviewer	Reviewed and Approved	
3/18/2011	1	Finance Reviewer	Reviewed and Approved	
3/18/2011	1	FINANCE DIRECTOR	Reviewed and Approved	
3/17/2011	1	Atty Drafter	Sent for Approval	
3/17/2011	1	SERVICE DIRECTOR	Reviewed and Approved	
3/17/2011	1	Atty Drafter	Sent for Approval	
3/17/2011	1	Auditor Reviewer	Reviewed and Approved	
3/17/2011	1	CITY AUDITOR	Reviewed and Approved	
3/17/2011	1	Atty Drafter	Sent for Approval	
3/17/2011	1	Finance Reviewer	Reviewed and Approved	
3/16/2011	1	Atty Drafter	Sent for Approval	
3/16/2011	1	Atty Reviewer	Reviewed and Approved	

Pursuant to Ordinance 1693-2009, the City of Columbus, Ohio, a municipal corporation, Pizzuti Land LLC, an Ohio

Limited Liability company, and the City Auditor entered into Escrow Agreement for the acquisition of certain real property interests necessary to the Shook Road-Phase I Improvement Project. 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 Shook Road-Phase I Improvement Project.

Fiscal Impact: It has been determined that Funding for this project will come from a previously establish Escrow Account as identified within the body of this legislation.

Emergency Justification: Emergency action is requested to allow appropriation actions to proceed without delay thereby allowing this project to meet its acquisition schedule.

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 the Shook Road-Phase I Improvement Project, to authorize the expenditure of \$49,525.00 from the Pizzuti Shook Road Escrow Account; and to declare an emergency. (\$49,525.00).

WHEREAS, Pursuant to Ordinance 1693-2009, The City of Columbus, Ohio, a municipal corporation, Pizzuti Land LLC, an Ohio Limited Liability company, and the City Auditor entered into Escrow Agreement for the acquisition of certain real property interests necessary to the Shook Road-Phase I Improvement Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0040X-2010, on the 12th day of April, 2010 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 peace, property, health and safety; 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. 0040X-2010, on the 12th day of April, 2010, said descriptions being incorporated herein, be appropriated for the public purpose of the Shook Road-Phase I Improvement Project, (2582 Dr. E.), 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 declares the value of said fee simple title and /or lesser interests as follows:

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|----|--------|--------------|
| 1. | 3SW, D | \$34,600.00. |
| 2. | 4SW, D | \$14,925.00 |

Section 5. That the City Attorney be and he hereby is authorized to file complaints for appropriation of real property, in the Franklin County Court of Common Pleas, 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 expenditure of \$49,525.00, or so much thereof as may be necessary, from the Pizzuti Shook Escrow Fund; Fund No. 324-031; Escrow Account# EA008096; OCA 324031; for acquisition costs related to the Shook Road-Phase I Improvement Project is hereby authorized.

Section 7. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, as amended.

Section 8 That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

Section 9. 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.