



## Legislation Details (With Text)

**File #:** 1861-2014      **Version:** 1

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

**File created:** 8/4/2014      **In control:** Public Utilities Committee

**On agenda:** 9/8/2014      **Final action:** 9/11/2014

**Title:** This ordinance authorizes the City Attorney to file complaints in order to appropriate the remainder of the fee simple and lesser real estate title interests necessary for the City's Department of Public Utilities, Division of Sewerage and Drainage, Williams Road Pump Station Force Main Improvements (CIP 650751-100001) Public Project; authorizes the City Attorney to spend funds from the City's Department of Public Utilities' Sewerage and Drainage Obligation Bond Fund, Fund Number 664; and declares an emergency. (\$2,320.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
9/11/2014	1	CITY CLERK	Attest	
9/10/2014	1	MAYOR	Signed	
9/8/2014	1	COUNCIL PRESIDENT	Signed	
9/8/2014	1	Columbus City Council	Approved	Pass

**BACKGROUND:**

The City passed **Ordinance Number 0878-2013** on April 29<sup>th</sup>, 2013, which authorized the City Attorney to engage in the acquisition of certain fee simple and lesser real estate title interests (collectively, the "Real Estate Interests") for the City's Department of Public Utilities, Division of Sewerage and Drainage, Williams Road Pump Station Force Main Improvements (CIP 650751-100001) Public Project (the "Public Project"). The City also adopted **Resolution Number 0049x-2014** on April 21<sup>st</sup>, 2014, which declared the City's **(i)** public purpose and necessity of the Public Project; and **(ii)** intent to appropriate the Real Estate Interests.

Pursuant to Columbus City Code, Section 909.03, the City Attorney served notice to all of the Real Estate Interests' owners of the **(i)** Public Project's public purpose and necessity; and **(ii)** adoption of City Resolution 0049x-2014. However, the City Attorney was unable to either locate some of the Real Estate Interests' owners or agree with some of the Real Estate Interests' owners regarding the amount of just compensation paid by the City for the Real Estate Interests. Accordingly, this ordinance authorizes the City Attorney to spend City funds and file necessary complaints to appropriate the remainder of the Real Estate Interests for the Public Project.

**FISCAL IMPACT:** Funding to appropriate the Public Project's Real Estate Interests will come from the City's Department of Public Utilities' Sewerage and Drainage Obligation Bond Fund, Fund Number 664.

**EMERGENCY JUSTIFICATION:** Emergency action is requested to allow for the appropriation and acquisition of the Real Estate Interests necessary for the Public Project to proceed without delay, which will preserve the public peace, property, health, safety, and welfare.

This ordinance authorizes the City Attorney to file complaints in order to appropriate the remainder of the fee simple and lesser real estate title interests necessary for the City's Department of Public Utilities, Division of Sewerage and Drainage, Williams Road Pump Station Force Main Improvements (CIP 650751-100001) Public Project; authorizes the City Attorney to spend funds from the City's Department of Public Utilities' Sewerage and Drainage Obligation Bond Fund, Fund Number 664; and declares an emergency. (\$2,320.00)

**WHEREAS**, pursuant to the City's previous passage of **Ordinance Number 0878-2013** and adoption of **Resolution Number 0049x-2014**, the City presently intends to authorize the City Attorney to spend City funds and file necessary complaints to appropriate the remainder of the fee simple and lesser real estate title interests (collectively, the "Real Estate Interests") for the City's Department of Public Utilities, Division of Sewerage and Drainage, Williams Road Pump Station Force Main Improvements (CIP 650751-100001) Public Project (the "Public Project");

**WHEREAS**, the City recognizes that an emergency exists in the usual daily operations of the City, and it is immediately necessary to appropriate the remainder of the Real Estate Interests so that there will be no delay in the Public Project, which 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 and lesser real estate title interests associated with the project parcel numbers listed in Section 4 of this ordinance (collectively, the "Real Estate Interests") are **(i)** described in **City Resolution Number 0049x-2014**, which was adopted on April 21<sup>st</sup>, 2014, and fully incorporated into this ordinance for reference; and **(ii)** to be appropriated for the public purpose of the City's Department of Public Utilities, Division of Sewerage and Drainage, Williams Road Pump Station Force Main Improvements (CIP 650751-100001) Public Project (the "Public Project").

**SECTION 2.** Pursuant to the City's power and authority under the **(i)** Ohio Constitution; **(ii)** Ohio Revised Code, Sections 715.01, 717.01, and 719.01-719.02; **(iii)** City's Charter; and **(iv)** Columbus City Code (1959), Chapter 909, the City declares the City's appropriation of the Real Estate Interests are necessary for the Public Project, because the City was unable to locate the Real Estate Interests' owners or agree with the Real Estate Interests' owners regarding the amount of just compensation paid by the City for the Real Estate Interests.

**SECTION 3.** City intends to obtain immediate possession of the Real Estate Interests for the Public Project.

**SECTION 4.** City declares that the fair market value of the Real Estate Interests as follows:

**PUBLIC PROJECT'S PARCEL NUMBER(S) (FAIR MARKET VALUE AMOUNT)**  
**REAL ESTATE INTERESTS' OWNER(S)**  
**ADDRESS(ES)**

**QC1, T-1, & T-4 (FMVE \$2,320.00)**  
**TERESA WINDMILLER &**  
**WINDMILLER FAMILY LIMITED PARTNERSHIP**  
2381 GERSHWIN AVE., GROVE CITY, OH 43123

**TOTAL.....\$2,320.00**

**SECTION 5.** City Attorney is authorized to file the necessary complaints to appropriate the Real Estate Interests in the appropriate court of common pleas and impanel a jury to inquire and assess the just compensation to pay for the Public Project's Real Estate Interests.

**SECTION 6.** In order to pay for the Real Estate Interests' acquisition and appropriation costs for the Public Project, the City Attorney is authorized to spend up to **Two Thousand, Three Hundred-twenty, and 00/100 (\$2,320.00)**, or so much

as may be needed, from the Department of Public Utilities Sewerage and Drainage Obligation Bond Fund, Fund Number 664, as follows:

**DEPARTMENT OF PUBLIC UTILITIES, DEIVISION OF SEWERAGE & DRAINAGE:**

**(Fund) / (Project №) / (Project Name) / (O.L. 01-03 Codes) / (OCA) / (AC №) / (Amount)**

**(664) / (650751-100001) / (Williams Road Pump Station Force Main Improvements) / (60-05) / (664751) / (AC-034954) / (\$2,320.00)**

**SECTION 7.** City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

**SECTION 8.** For the reasons stated in this ordinance's preamble, which are fully incorporate into this ordinance, this ordinance is declared to be an emergency measure and will take effect and be in force from and after this ordinance's passage and approval by the Mayor or ten (10) days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.