



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 1782-2008, **Version:** 1

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**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 Hilliard-Rome Road Improvement Project.

**Fiscal Impact:** It has been determined that Funding for this project will come from the Public Service Department, Transportation Divisions' Federal-State Highway Engineering Fund.

**Emergency Justification:** Emergency action is requested to allow the Eminent Domain 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 Hilliard-Rome Road Improvement Project, to authorize the expenditure of \$62,589.00 from the Federal-State Highway Engineering Fund; and to declare an emergency. (\$62,589.00).

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the Hilliard-Rome Road Improvement Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0108X-2007, on the 30th day of July, 2007, 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 Department of Public Utilities, Division of Sewerage and Drainage, 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. 0108X-2007, on the 30th day of July, 2007, said descriptions being incorporated herein, be appropriated for the public purpose of the Hilliard-Rome Road Improvement Project, #561005, 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:

1.	10WD, T	\$17,035.00
2.	17WD, T	\$36,632.00
3.	55 BS-1	\$8,922.00

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 \$62,589.00, or so much thereof as may be necessary from the Federal-State Highway Engineering Fund, Fund #765; Dept./Div. 59-09; Project No. 561005; OCA Code 561005; Object Level Three 6601, Auditor Certificate(s) #027311 and/or #028732 or acquisition costs related to the aforesaid purpose 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.