



# City of Columbus

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

## Legislation Text

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**File #:** 1153-2012, **Version:** 1

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The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of permanent easements in, over, under, across, and through real estate necessary for the Warner Road Project Phase I.

**Fiscal Impact:** It has been determined that Funding for this project will come from the Department of Public Service, Division of Design and Construction, Albany Crossing TIF Fund.

**Emergency Justification:** Emergency action is requested to allow appropriation actions to proceed without delay thereby allowing this project to meet its acquisition schedule for the immediate preservation of the public peace, property, health and safety.

To authorize the City Attorney to file the necessary complaints for the appropriation of permanent easements in, over, under, across, and through real estate necessary for the Warner Road Project Phase I, to authorize the expenditure of \$5,730.00 from the Department of Public Service, Albany Crossing TIF Fund; and to declare an emergency. (\$5,730.00).

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

**WHEREAS**, the Council of the City of Columbus, Ohio, adopted Resolution No. 0095X-2012, on the 14th day of May, 2012, 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 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 permanent easements in, over, under, across, and through the following described real property, be appropriated for the public purpose of the Warner Road Project Phase I, #441100-100000, pursuant to the power and authority granted to a municipal corporation 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. 33SH, P1, P2 \$5,730.00

**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 \$5,730.00, or so much thereof as may be necessary from the Albany Crossing TIF Fund, 441 Fund, Dept./Div. 41-01, Project No. 441100-100000; OCA Code 441100; Object Level Three 6601, Auditor Certificate(s) #AC033375 (designated in Ordinance 0462-2012) shall be placed on a separate AC# for acquisition costs related to the aforesaid purpose is hereby authorized.

**Section 7.** 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 8.** That for the reasons stated 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.