



## Legislation Text

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**File #: 1597-2009, Version: 1**

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### **1. BACKGROUND**

The City of Columbus, Department of Public Service, Division of Design and Construction, is engaged in many projects involving the rehabilitation and reconstruction of roadways within the City of Columbus. In order to construct these roadways right of way acquisition is often needed for the expansion of the roadway or project footprint. This legislation authorizes the expenditure of \$100,000.00 for various right of way acquisition expenses incurred during roadway improvement projects.

One of these projects is the Tuttle Crossing Boulevard project. The purpose of this project is to reconstruct 0.70 miles of Tuttle Crossing Boulevard from Wilcox Road east to I-270. The project will include installation of a raised median, a closed storm drainage system with curb and gutters, street lighting, bicycle paths and sidewalks. This is a Franklin County/City of Dublin/City of Columbus joint project. The City of Columbus (Columbus) was responsible for the acquisition of any additional right-of-way within the Columbus corporate limits. Columbus is currently finalizing right-of-way acquisitions associated with this project.

The Columbus City Attorney's Real Estate Division staff has settled the final court case relative to this project. As a part of the case settlement, the City Attorney's office has agreed to pay \$11,542.34 in legal fees incurred by the property owner relative to a proposed relocation of his business sign that was later determined to be unnecessary. At this time, the total settlement obligation for this case is \$131,542.34. Columbus previously deposited \$100,100.00 with the Franklin County Clerk of Courts. An additional \$31,442.34, for settlement purposes, plus approximately \$550.00 for miscellaneous court costs and staff costs is now needed to allow finalization of right-of-way acquisition for this project.

### **2. FISCAL IMPACT**

Monies to pay for these costs are available due to cancellation of encumbrances from completed projects within the Streets and Highways G.O. Bonds Fund.

### **3. EMERGENCY JUSTIFICATION**

Failure to place court ordered settlement funds on deposit with the court system in a timely manner can result in the assessment of penalties and interest therefore emergency action is requested to allow the City Attorney's Real Estate Division to place court ordered settlement funds on deposit with the Franklin County Clerk of courts as soon as possible

To authorize the expenditure of \$100,000.00 or so much thereof as may be necessary from the Streets and Highways G.O. Bonds Fund for acquisition costs incurred by the City Attorney's Office, Real Estate Division, for various projects within the Department of Public Service Division of Design and Construction; to amend the 2009 C.I.B; to authorize the transfer of funds within the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$100,000.00)

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Design and Construction, is engaged in various projects that require right of way acquisition; and

**WHEREAS**, these right of way acquisition costs are generally budgeted for each project and legislated individually; and

**WHEREAS**, occasionally a situation arises where these budgeted amounts are not sufficient and it is necessary to provide right of way funding quickly to avoid assessment of penalties and interest; and

**WHEREAS**, this ordinance authorizes the expenditure \$100,000.00 for the purpose of providing funding for these miscellaneous right of way expenses for various projects; 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 immediately necessary to authorize the expenditure of funds needed to pay for acquisition related expenses associated with various projects thereby avoiding the assessment of penalties and interest and preserving the public health, peace, property, safety and welfare; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the City Attorney's Office, Real Estate Division, be and is hereby authorized to expend \$100,000.00, or so much thereof as may be necessary from the Streets and Highways G.O. Bonds Fund as follows: Project 530161-100000; Department/Division 59-12; Minor Object 6601; OCA Code 590046; to pay costs relative to the right-of-way acquisition for various projects.

**Section 2.** That the 2009 CIB authorized within ordinance 0806-2009 be amended as follows:

Project Number / Project / Current CIB Amount / amendment amount / CIB amount as amended

704999-100000 / Unallocated Balance (Carryover) / \$1,336,411.00 (Carryover) / (\$100,000.00) (Carryover) / \$1,236,411.00 (Carryover)

530161-100000 / Roadway Improvements (Carryover) / \$1,024,306.00 (Carryover) / \$100,000.00 (Carryover) / \$1,124,306.00 (Carryover)

**Section 3.** That the sum of \$100,000.00 be and hereby is appropriated from the unappropriated balance of Fund 704, the Streets and Highways G.O. Bonds Fund, and from all monies estimated to come into said funds from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2009 as follows:

**Division of Design and Construction, Dept-Div 59-12:**

Fund / Grant / Grant Name / O.L. 01-03 Codes / OCA Code / Amount

704 / 704999-100000 / Unallocated Balance / 06-6600 / 591254 / \$100,000.00

**Section 4.** That the transfer of cash and appropriation within the Streets and Highways G.O. Bonds Fund be authorized as follows:

Transfer from:

Fund / Grant / Grant Name / O.L. 01-03 Codes / OCA Code / Amount

704 / 704999-100000 / Unallocated Balance / 06-6600 / 591254 / \$100,000.00

Transfer to:

Project / Project Name / O.L. 01-03 Codes / OCA Code / Amount

530161-100000 / Roadway Improvements / 06-6600 / 590046 / \$100,000.00

**Section 5.** 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 passage if the Mayor neither approves nor vetoes the same.