



## Legislation Text

File #: 2704-2019, Version: 1

### 1. BACKGROUND

The following legislation authorizes the Director of the Department of Public Service to execute those documents, as approved by the City Attorney's Office, necessary for the City to purchase right-of-way/property Parcel 248 WL from the Ohio Department of Transportation (ODOT). This parcel is excess right-of-way from ODOT that had been acquired for the FRA-70/315-10.98/0.00 project for a northbound entrance ramp from W. Broad Street to State Route 315. ODOT eliminated this ramp several years ago. ODOT no longer needs the residual 0.0326 acres of right-of-way and offered the parcel for purchase to the City at a cost of \$23,000.00. The Department of Public Service has agreed to purchase the right-of-way/property as described below for future right-of-way purposes.

### 2. FISCAL IMPACT

This expenditure is unbudgeted. Funding in the amount of \$23,000.00 is available for this project in Fund 7746, the Gov'l Build America Bonds Fund, and Fund 7748, the General Perm Imp NonBond Fund. An amendment to the 2019 Capital Improvement Budget is necessary to match budget authority with available cash in Fund 7746.

### 3. EMERGENCY DESIGNATION

Emergency action is requested to comply with ODOT's request to complete this transaction as soon as possible.

To amend the 2019 Capital Improvement Budget; to authorize the Director of the Department of Public Service to contract for the acquisition of Parcel 248 WL located north of West Broad Street and east of State Route 315 from the Ohio Department of Transportation; to authorize the expenditure of up to \$23,000.00 from the Governmental Build America Bonds Fund and the General Permanent Improvement Non-Bond Fund for the acquisition; and to declare an emergency. (\$23,000.00)

**WHEREAS**, the Ohio Department of Transportation offered to sell excess right-of-way no longer needed for a prior project, Parcel 248 WL, to the City of Columbus in the Franklinton area for the cost of \$23,000.00; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Service to contract for the acquisition of Parcel 248 WL; and

**WHEREAS**, this ordinance authorizes funding in the amount of \$23,000.00 for that purpose; and

**WHEREAS**, it is necessary to amend the 2019 Capital Improvement Budget to provide sufficient budget authority for this transaction; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize this right-of-way acquisition to comply with ODOT's request to complete this transaction as soon as possible, thereby 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 2019 Capital Improvements Budget authorized by Ordinance 1326-2019 be amended as follows to establish sufficient authority for this project:

#### **Fund / Project / Project Name / Current / Change / C.I.B. as Amended**

7746 / P590415-100004 / Corporate Retention / \$2,848.00 / (\$2,848.00) / \$0.00

7746 / P590415-100000 / Economic & Community Development (Unvoted Carryover) / \$0.00 / \$2,848.00 / \$2,848.00

**SECTION 2.** That the Director of the Department of Public Service, be, and hereby is, authorized to acquire this right of way needed to complete future projects in an amount up to \$23,000.00 per the attachments to this ordinance and the description below; to wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, part of Virginia Military Survey 1393, also being part of Lot 7 numbered and delineated on the plat of the Town of “Franklinton” a subdivision of Record in Deed Book 2 Pages 77-78 (Ross County Recorder’s Office, 1802), transcribed to the Deeds and Plats of Ross-Fairfield Counties Pages 44 and 45, Franklin County Recorder’s Office also being part of Parcel 248 WL per State of Ohio Department of Highways Plan FRA-70-10.98N; FRA-315-0.00B Part “B”, as conveyed to the State of Ohio by deed recorded in Deed Book, 3232, Page 89 being more fully described as follows:

Beginning for Reference at a Mag Nail Found at the intersection of the centerline of Right of Way of Broad Street (originally dedicated as Franklin Street, 6 poles in width), and the centerline of Grubb Street (originally dedicated at High Street, 3 poles in width) as per Ohio Department of Transportation Plan FRA-40-10.55, thence along said centerline of right of way of Broad Street, South 80 degrees 19 minutes 00 seconds West, a distance of 74.01 feet to a point, thence leaving said centerline of Broad Street, North 09 degrees 41 minutes 00 seconds West, a distance of 47.50 feet to a MAG nail found in the North Right of Way line of Broad Street at the South East Corner of Parcel 248WL and the TRUE POINT OF BEGINNING.

Thence Continuing with the south line of said Parcel 248WL, and said North Right of Way line of Broad Street, South 80 degrees 19 minutes 00 seconds West, a distance of 71.36 feet to an iron pin set in the Southeast corner of the northeast “Public Lot” (in the town of “Franklinton”) as conveyed to the City of Columbus in Deed Book 3232, Page 89 and being the Southeast corner of Parcel 219-LA (FRA-3-13.93) as conveyed to the State of Ohio in Deed Book 2088, page 185 and the Southwest corner of Said Lot 7 (in the town of “Franklinton”) also being the Southwest corner of said Parcel 248 WL;

Thence with the east line of said Parcel 219-LA in West line of Lot 7 (in the town of “Franklinton”), also being the west Line of said Parcel 248WL , also being the East line of said “Public Lot” (in the town of “Franklinton”), also being the Limited Access Right of Way of State Route 315, North 09 degrees 43 minutes 30 seconds West, a distance of 23.00 feet, to a 3/4” iron pin found in the South line of 642 West Broad LLC as conveyed by deed of record in Instrument No. 201811140155061;

Thence with the remaining portion of said Parcel 248-WL in said South line of 642 West Broad LLC tract (per I.N. 201811140155061), also being the Limited Access Right of Way of State Route 315; North 77 degrees 49 minutes 00 seconds East, a distance of 45.85 feet, to an 5/8” iron pin found in the existing Limited Access Right of Way of State Route 315, also being in the Southwest line of the 642 West Broad LLC tract (per I.N. 201811140155061);

Thence with the northeast line of said Parcel 248-WL in said existing Limited Access Right of Way of State Route 315, and southwest line of 642 West Broad LLC tract (per I.N. 201811140155061), South 55 degrees 19 minutes 37 seconds East, a distance of 35.76 feet to a MAG nail found, and the TRUE POINT OF BEGINNING.

Containing 0.0326 Acres (1418.8 Sq. Ft.) more or less, with 0.0326 acres of land residing in the existing Limited Access Right of Way of State Route 315, and subject to any valid easements and restrictions of record. The North Right of Way of Broad Street Bears South 80° 19’ 00” West, per I.N. 201811140155061. Iron pins set in this description are ¾ inch by 30 inch reinforcing rod with a plastic cap stamped “ODOT”. This description was prepared from an actual field survey in June 2019, by James A. Stafa, Registered Surveyor No. S-7968 and dated September 2019.

**SECTION 3.** That the expenditure of \$4,124.49, or so much thereof as may be needed, is hereby authorized in Fund 7746 (Govl Build America Bonds Fund), Dept-Div 5912 (Design and Construction), Project P530801-100000 (Downtown Streetscape Improvements 59-12), and Dept-Div 4401 (Development Administration), Project P590415-100000 (Economic & Community Development) in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 4.** That the expenditure of \$18,875.51, or so much thereof as may be needed, is hereby authorized in Fund

7748 (General Perm Imp NonBond Fund), Dept-Div 4402 (Economic Development), Project P530058-100000 (Downtown Streetscape Improvements 59-12) in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 5.** Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

**SECTION 6.** 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 7.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project.

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