



Legislation Details (With Text)

File #: 2536-2022 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 9/12/2022 **In control:** Public Service & Transportation Committee
On agenda: 10/24/2022 **Final action:** 10/26/2022
Title: To authorize the City Attorney to file complaints in order to immediately appropriate and accept the remaining fee simple and lesser real estate necessary to timely complete the Broad Street at James Road Project, to authorize an expenditure of \$435,686.00; and to declare an emergency. (\$435,686.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/26/2022	1	CITY CLERK	Attest	
10/25/2022	1	MAYOR	Signed	
10/24/2022	1	COUNCIL PRESIDENT	Signed	
10/24/2022	1	Columbus City Council	Approved	Pass

BACKGROUND: The City’s Department of Public Service (“DPS”) is performing the Intersection - Broad Street at James Road Project (“Public Project”). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Broad Street and James Road (collectively, “Real Estate”) in order for DPS to timely complete the Public Project. The City passed Ordinance Numbers 1227-2021 and 1741-2022 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0010X-2022 establishing the City’s intent to appropriate the Real Estate. The City’s acquisition of the Real Estate will help make, improve, or repair certain portions of the public right-of-way of Broad Street and James Road which will be open to the public without charge.

The City Attorney, pursuant to Columbus City Code, Section 909.03, served notice to all of the owners of the Real Estate of the (i) Public Project’s public purpose and necessity, and (ii) adoption of Resolution 0010X-2022. However, the City Attorney was unable to either locate some of the Real Estate’s owner(s) or agree with some of the Real Estate’s owner(s) in good faith regarding the amount of just compensation.

CONTRACT COMPLIANCE: Not applicable.

FISCAL IMPACT: Funding to acquire the Real Estate is available through the Federal Transportation Grant Fund, Fund Number 7765 for Seventy-Five percent (75%) of the total cost pursuant to existing Auditor’s Certificate ACDI001492-10 until exhausted and then from ACDI001803-10 and the Streets and Highway G O Bonds Fund, Fund 7704 for Twenty-Five percent (25%) of the total cost pursuant to existing Auditor’s Certificate ACDI001492-20 until exhausted and then from ACDI001803-20.

EMERGENCY JUSTIFICATION: Emergency action is requested in order to acquire the Real Estate and allow DPS to meet the funding deadlines of the Ohio Public Works Commission and complete the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety and welfare.

To authorize the City Attorney to file complaints in order to immediately appropriate and accept the remaining fee simple and lesser real estate necessary to timely complete the Broad Street at James Road Project, to authorize an expenditure of \$435,686.00; and to declare an emergency. (\$435,686.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Intersection - Broad Street at James Road Project (“Public Project”); and

WHEREAS, the City intends for the City Attorney to acquire the necessary fee simple title and lesser real estate located in the vicinity of the public right-of-way of Broad Street and James Road; and

WHEREAS, the City, pursuant to the passage of Ordinance Numbers 1227-2021 and 1741-2022 and the adoption of Resolution Number 0010X-2022, intends to authorize the City Attorney to spend City funds and file the necessary complaints to immediately appropriate and accept title to the remainder of the Real Estate; and

WHEREAS, the City intends for the Real Estate’s acquisition to help make, improve, or repair certain portions of the public right-of-way of Broad Street and James Road which will be open to the public without charge; and

WHEREAS, an emergency exists in the usual daily operations of DPS in that it is immediately necessary to declare the City’s intent to appropriate and accept the Real Estate in order to prevent unnecessary delay in meeting the funding deadlines of the Ohio Public Works Commission and completing the Public Project, which will preserve the public peace, property, health, welfare, and safety; and **now, therefore:**

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

SECTION 1. That the fee simple and lesser real estate associated with the project parcel numbers listed in Section Four (4) of this ordinance (“Real Estate”) are (i) fully described in Resolution 0010X-2022 and incorporated into this ordinance for reference as if rewritten, and (ii) to be immediately appropriated and accepted for the public purpose of the Department of Public Service (“DPS”) timely completing the Intersection - Broad Street at James Road Project (“Public Project”).

SECTION 2. That the City declares, pursuant to the City's power and authority under the Ohio Constitution, Ohio Revised Code Sections 715.01, 717.01, 719.01, and 719.02, the City's Charter, and Columbus City Code Chapter 909, the appropriation of the Real Estate is necessary for the Public Project, because the City was unable to locate the Real Estate’s owner(s) or agree in good faith with the Real Estate’s owner(s) regarding the amount of just compensation to be paid by the City for the Real Estate.

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

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

PUBLIC PROJECT PARCEL NUMBER(S) (FMVE)

REAL ESTATE OWNER

OWNER ADDRESS

Parcel 12-WD, 12-T (FMVE \$165,891)
Triple R Associates
c/o
Clinton P. Stahler Esq.
500 S. Front Street Suite #1200
Columbus, Ohio 43215

Parcel 13-WD, 13-T (FMVE \$79,477)
FIDC 128 LLC
100 Debartolo Place Suite #400
Boardman, Ohio 44512
Attn: Bradley Triplett

Parcel 16-WD1, 16-WD2, 16-T (FMVE \$71,406)
Mayfair Exchange LLC
c/o Bivik Shah
6499 E. Broad Street, Suite 130
Columbus, OH 43213

Parcel 31-T (FMVE \$720)
Antwan S. Williams
52 Knights Bridge Drive West
Pickerington, OH 43147

Parcel 32-T (FMVE \$700)
Mayiba Kalala and Kabedi Muakula
49 S. James Road
Columbus, Ohio 43213

Parcel 34-WD, 34-T (FMVE \$50,570)
Four Winners Inc.
33 S. James Road
Columbus, Ohio 43213

Parcel 35-WD, 35-T (FMVE \$2,824)
D R Israel LLC
c/w Ron Dezalowski, Reg Agent
3252 Mann Road
Blacklick, OH 43004

Parcel 42-WD, 42-T (FMVE \$46,897)
L.L.I.J.M.A.S.G., LLC
3446 East Main Street
Columbus, Ohio 43219

Parcel 44-WD, 44-T (FMVE \$6,209)
Harvey Wilson
47 N. James Road
Columbus, Ohio 43213

Parcel 46-WD, 46-T (FMVE \$5,553)
Huyuh Quoc Dat and Le Thi Hing Diem
55 N. James Road
Columbus, Ohio 43213

Parcel 52-WD, 52-T (FMVE \$2,842)
Timothy C. Newton
79 N. James Road
Columbus, Ohio 43213

Parcel 53-WD, 53-T (FMVE \$2,597)
IRA Fund II
P.O.Box 2114
Westerville, Ohio 43086

SECTION 5. That the City Attorney is authorized to file petitions necessary to appropriate the Real Estate in the appropriate court of common pleas and impanel a jury to inquire and assess the amount of just compensation for the Real Estate.

SECTION 6. That the Real Estate's acquisition for the Public Project is required to make, improve, or repair certain portions of the public right-of-way of Broad Street and James Road and associated appurtenances, which will be open to the public without charge.

SECTION 7. That the City Attorney, in order to pay for the Real Estate's acquisition and appropriation costs for the Public Project, is authorized to spend up to Four Hundred Thirty Five Thousand Six Hundred Eighty-six and 00/100 U.S. Dollars (\$435,686.00), or so much as may be needed from existing Auditor's Certificates ACDI001492-10, ACDI001492-20, ACDI001803-10, and ACDI001803-20.

SECTION 8. That the City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

SECTION 9. That this ordinance, for the reasons stated in the preamble, which are made a part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.