



Legislation Details (With Text)

File #: 1375-2016 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/13/2016 **In control:** Public Service & Transportation Committee

On agenda: 6/6/2016 **Final action:** 6/9/2016

Title: To authorize the City Attorney to file complaints in order to immediately appropriate and accept fee simple and lesser real estate title interests necessary to timely complete the Pedestrian Safety Improvements - COTA Sidewalks Phase-2 - Public Improvement Project; and authorize the City Attorney to spend funds from the Streets and Highways Bond Fund; and to declare an emergency. (\$173,605.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/9/2016	1	CITY CLERK	Attest	
6/8/2016	1	MAYOR	Signed	
6/6/2016	1	COUNCIL PRESIDENT	Signed	
6/6/2016	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City's Department of Public Service (DPS) is engaged in the Pedestrian Safety Improvements - Central Ohio Transit Authority (COTA) Sidewalks Phase-2 (PID 590105-100042) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate interests located in the vicinities of the public right-of-ways of Dierker Road and Kenny Road, Columbus, Ohio 43220 and East Campus View Boulevard, Columbus, Ohio 43235 (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 1003-2015 authorizing the City Attorney to acquire the Real Estate. The City also adopted Resolution Numbers 0236x-2015 and 0087x-2016 declaring the City's (i) public purpose and necessity of the Public Project, and (ii) intent to appropriate the Real Estate.

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 Numbers 0236x-2015 and 0087x-2016. 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 appropriate the Real Estate will come from the Streets and Highways Bond Fund.

EMERGENCY JUSTIFICATION:

Emergency action is requested in order to acquire the Real Estate and allowing DPS to timely 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 fee simple and lesser real estate title interests necessary to timely complete the Pedestrian Safety Improvements - COTA Sidewalks Phase-2 - Public Improvement Project; and authorize the City Attorney to spend funds from the Streets and Highways Bond Fund; and to declare an emergency. (\$173,605.00)

WHEREAS, the City intends to improve certain portions of the public right-of-ways of Dierker Road, Kenny Road, and East Campus View Boulevard by allowing the Department of Public Service (DPS) to engage in the Pedestrian Safety Improvements - Central Ohio Transit Authority (COTA) Sidewalks Phase-2 (PID 590105-100042) Public Improvement Project (*i.e.* Public Project);

WHEREAS, the City intends for the City Attorney to acquire the necessary fee simple title and lesser property interests located in the vicinity of the public right-of-ways of Dierker Road and Kenny Road, Columbus, Ohio 43220 and East Campus View Boulevard, Columbus, Ohio 43235 (*i.e.* Real Estate) in order for DPS to timely complete the Public Project;

WHEREAS, the City, pursuant to the passage of Ordinance Number 1003-2015 and adoption of Resolution Numbers 0236x-2015 and 0087x-2016, intends to authorize the City Attorney to spend funds and file necessary complaints to immediately appropriate and accept the remainder of the Real Estate;

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service 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 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, OHIO:

SECTION 1. That the fee simple and lesser real estate title interests associated with the project parcel numbers listed in Section Four (4) of this ordinance (*i.e.* Real Estate) are (i) fully described in Resolution Numbers 0236x-2015 and 0087x-2016 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 Pedestrian Safety Improvements - Central Ohio Transit Authority (COTA) Sidewalks Phase-2 (PID 590105-100042) Public Improvement Project (*i.e.* 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'S PARCEL NUMBER(S) (FMVE)
REAL ESTATE'S OWNER(S)
OWNER'S ADDRESS(ES)

Campus View Boulevard

4-WD & T (\$5,180.00)

FDT Group LLC

146 E. Main St., New Albany, OH 43054

5-WD & T (\$1,950.00)

Carla Appleton-Rawls, Laura Kute, Layne Carver, Trustee, Stephen Edwin Ainslie, Mark David Ainslie, Samuel Edgar Ainslie, Elizabeth Jane Styffe, Esther Grace Leavenworth, Donald B. Wood and Susan D. Wood, Trustees, Wayne K. Adamson First Family Limited Partnership, Walter Schrock & Wilma-Jean Schrock, Trustees, Vicki Lynn Hegebush, Trustee, Cathy Cross, Steven G. Calderwood, Lynn Bushman and Camille Bushman, Patrick J. Devlin & Delores A. Devlin, Richard J. Abbott & Marjory T. Abott, James D. Rea & Mary M. Rea, Gerald F. Adamson & Barbara J. Adamson, Trustees, Tall Pines Farm Limited Partnership, Edward C. Thulin & Virginia L. Thulin, James Edward Amend

C/O AEI Fund Management

30 E. 7th St., Ste #1300, St. Paul, MN 55101

Attn: Mr. Phillip Branson

8-WD (\$2,300.00)

Crossgate Center, LLC

1350 Avenue of the Americas, New York, NY 10019

8A-T (\$2,590.00)

EAT-1517, LLC

371 Centennial Pkwy., Ste #200, Louisville, CO 80027

11-T (\$1,160.00)

7619 Properties, LLC

515 Park St., Columbus, OH 43215

13-T1 & T2 (\$1,490.00)

Columbus-Hunt Park Dr BNK Investors, LLC

1 Choice Hotels International, Rockville, MD 20850

Kenny Road

2-1T (\$5,265.00)

Olympic Properties, LLC

4469 Rosemary Pkwy., Columbus, OH 43214

2-2T (\$5,575.00)

Olympic Properties, LLC

4469 Rosemary Pkwy., Columbus, OH 43214

2-3WD & 3T (\$27,953.00)

Olympic Properties, LLC

4469 Rosemary Pkwy., Columbus, OH 43214

3-T1 & T2 (\$3,330.00)

Kenny Centre, LLC

Attn: Nick Vollman

3016 Maryland Ave., Columbus, OH 43209

4-T (\$8,400.00)

Kenny Centre Ventures, LLC

Attn: Nick Vollman

3016 Maryland Ave., Columbus, OH 43209

9-WD (\$950.00)

Walter G & Lois Reiner

5030 Westerville Rd., Columbus, OH 43231

18-T (\$7,095.00)

Jake's Run LLC

150 E. Broad Street, Ste #305, Columbus, OH 43215

20-S1, S2 & T (\$22,265.00)

LSREF3 Bravo (Ohio), LLC

4695 Braddock Ct., Columbus, OH 43220

22-T1, T2 & T3 (\$10,000.00)

1075 Weybridge Associates, LLC

Attn: Paul Kiebler

30195 Chagrin Blvd., Ste 320N, Pepper Pike, OH 44124

22-BS (\$2,584.00)

Franklin Enterprises

4588 Kenny Rd., Ste 200D, Columbus, OH 43220

26-T (\$8,391.00)

Katherine M. Garrison

4589 Kenny Rd., Columbus, OH 43220

29-WD & T (\$4,304.00)

Storage Equities/PS Partners III - Mid-Ohio

P.O. Box 25025, Glendale, CA 91221

Dierker Road

4-T (\$980.00)

April Investment Company, LLC

The Norwell Group, LLC

1454 Neil Ave., Columbus, OH 43201

6-WD, CH & T (\$49,524.00)

LeMans Associates Limited Liability Company

5026 Dierker Rd., Columbus, OH 43220

8-T & 8A-T (\$2,319.00)

Lexington Park Holdings, LLC

c/o City R Group

342 Hooven Ave., Hamilton, OH 45015

TOTAL.....\$173,605.00

SECTION 5. That the City Attorney is authorized to file the necessary complaints 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 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 One Hundred Seventy-three Thousand, Six Hundred-five, and 00/100 U.S. Dollars (\$173,605.00), or so much as may be needed from existing Auditor's Certificate ACDI000015 (AC-037915-001) established by Ordinance Number 1003-2015.

SECTION 7. That the City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

SECTION 8. That this ordinance, for the reasons stated in the preamble of this ordinance, which are fully incorporated into this ordinance as if rewritten, is 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 (10) days after its passage if the mayor neither approves nor vetoes this ordinance.