



## Legislation Details (With Text)

**File #:** 0744-2023      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/2/2023      **In control:** Public Utilities Committee  
**On agenda:** 4/17/2023      **Final action:** 4/20/2023  
**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 Blueprint Miller Kelton - Kelton/Fairwood Permeable Pavers Project; and to authorize an expenditure of \$3,103.00 (\$3,103.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2T 1490\_E\_Livingston\_desc, 2. 14T 812\_Bulen\_desc, 3. 16T 800\_Bulen\_desc, 4. 32T 646 Bulen\_desc, 5. 43T 565\_Bulen\_desc

Date	Ver.	Action By	Action	Result
4/20/2023	1	CITY CLERK	Attest	
4/19/2023	1	MAYOR	Signed	
4/17/2023	1	COUNCIL PRESIDENT PRO-TEM	Signed	
4/17/2023	1	COUNCIL PRESIDENT PRO-TEM	Signed	
4/17/2023	1	Columbus City Council	Approved	Pass
4/3/2023	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** The City’s Department of Public Utilities (“DPU”) is performing the Blueprint Miller Kelton - Kelton/Fairwood Permeable Pavers Project (project number 650870-162002) (“Public Project”). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Lilley Avenue, Bulen Avenue (collectively, “Real Estate”) in order for DPU to timely complete the Public Project. The City passed Ordinance Number 1751-2021 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolutions 0141X-2022 and 0181X-2022 establishing the City’s intent to appropriate the Real Estate. Finally, the City passed Ordinance 2599-2022 authorizing the appropriation of certain Real Estate for the Public Project. This ordinance authorizes the appropriation of additional Real Estate not included in Ordinance 2599-2022. The City’s acquisition of the Real Estate will help make, improve, or repair certain portions of the public sewer infrastructure in the vicinity of Lilley Avenue, Bulen Avenue.

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 Resolutions 0141X-2022 and 0181X-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 Sanitary G O Bonds Fund, Fund Number 6109 pursuant to existing Auditor’s Certificate ACDI001578-10.

**EMERGENCY JUSTIFICATION:** Not applicable.

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 Blueprint Miller Kelton - Kelton/Fairwood Permeable Pavers Project; and to authorize an expenditure of \$3,103.00 (\$3,103.00).

**WHEREAS**, the City intends to make, improve, or repair certain portions of the public sewer infrastructure by completing the Blueprint Miller Kelton - Kelton/Fairwood Permeable Pavers Project, project number 650870-162002 (“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 Lilley Avenue, Bulen Avenue; and

**WHEREAS**, the City, pursuant to the passage of Ordinance Number 1751-2021 and the adoption of Resolution Numbers 0141X-2022 and 0181X-2022, intends to authorize the City Attorney to spend City funds and file the necessary complaints to appropriate and accept title to the remainder of the Real Estate; 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 Three (3) of this ordinance (“Real Estate”) are (i) fully described in Resolutions 0141X-2022 and 0181X-2022 and incorporated into this ordinance for reference as if rewritten, and (ii) to be appropriated and accepted for the public purpose of the Department of Public Utilities (“DPU”) timely completing the Blueprint Miller Kelton - Kelton/Fairwood Permeable Pavers Project, project number 650870-162002, (“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 declares that the fair market value of the Real Estate as follows:

**PUBLIC PROJECT PARCEL NUMBER(S) (FMVE)**  
**REAL ESTATE OWNER**  
**OWNER ADDRESS**

Parcel 2T (FMVE-\$1,162)  
1490 Livingston Associates LLC  
c/o Lemma Getachew  
365 Wakefieldrun Boulevard  
Hinckley, Ohio 44233

Parcel 14T (FMVE-\$960)  
Alicia F. Jones  
812 Bulen Avenue  
Columbus, Ohio 43205

Parcel 16T (FMVE \$300)  
Edward J. Rockwell  
800 Bulen Avenue  
Columbus, Ohio 43205

Parcel 32T (FMVE-\$300)

Tiffany L. Harris  
1978 Stratford Way  
Columbus, Ohio 43219

And

Josiette V. Harris  
646 Bulen Avenue  
Columbus, Ohio 43205

PARCEL 43T (FMVE \$381)

Shayla Bond, Elton Bond and Theodore Poindexter  
565 Bulen Avenue  
Columbus, Ohio 43205

**SECTION 4.** 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 5.** That the Real Estate's acquisition for the Public Project is required to make, improve, or repair certain portions of the public sewer infrastructure in the vicinity of Lilley Avenue, Bulen Avenue and associated appurtenances.

**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 Three thousand one hundred three and 00/100 U.S. Dollars (\$3,103), or so much as may be needed from existing Auditor's Certificate ACDI001578-10.

**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 shall take effect and be in full force and effect from and after the earliest period allowed by law.