



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 8/31/2021 **In control:** Public Service & Transportation Committee

On agenda: 9/13/2021 **Final action:** 9/16/2021

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 Arterial Street Rehabilitation - Hudson Street - I-71 to Cleveland Avenue Phase 1 Project; to authorize an expenditure of \$23,973.00 from existing ACDI001358-10; and to declare an emergency. (\$23,973.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/16/2021	1	CITY CLERK	Attest	
9/15/2021	1	MAYOR	Signed	
9/13/2021	1	COUNCIL PRESIDENT	Signed	
9/13/2021	1	Columbus City Council	Approved	Pass

BACKGROUND: The City’s Department of Public Service (“DPS”) is performing the Arterial Street Rehabilitation - Hudson Street - I-71 to Cleveland Avenue Phase 1 Project (“Public Project”). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Hudson Street between I-71 to Cleveland Avenue (collectively, “Real Estate”) in order for DPS to timely complete the Public Project. The City passed Ordinance Numbers 2822-2019 and 2760-2020 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0109X-2020 establishing the City’s intent to appropriate the Real Estate and passed Ordinance Number 1074-2021 authorizing the appropriation of a portion of the parcels. The City is now seeking to acquire the remaining parcels. The City’s acquisition of the Real Estate will help make, improve, or repair certain portions of the public right-of-way of Hudson Street between I-71 to Cleveland Avenue 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 0109X-2020. 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 Streets and Highways GO Bond Fund, Fund Number 7704 pursuant to existing Auditor’s Certificate ACDI001358-10.

EMERGENCY JUSTIFICATION: Emergency action is requested in order to acquire the Real Estate and allow 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 the remaining fee simple and lesser real estate necessary to timely complete the Arterial Street Rehabilitation - Hudson Street - I-71 to Cleveland Avenue Phase 1 Project; to authorize an expenditure of \$23,973.00 from existing ACDI001358-10; and to declare an emergency. (\$23,973.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Arterial Street Rehabilitation - Hudson Street - I-71 to Cleveland Avenue Phase 1 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; and

WHEREAS, the City, pursuant to the passage of Ordinance Numbers 2822-2019 and 2760-2020 and the adoption of Resolution Number 0109X-2020, 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 Hudson Street between I-71 to Cleveland Avenue 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 authorize the City Attorney to file complaints in order to immediately appropriate and accept the remaining fee simple and lesser real estate 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:

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 0109X-2020 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 Arterial Street Rehabilitation - Hudson Street - I-71 to Cleveland Avenue Phase 1 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 97-P, T (FMVE \$754)
Undeclared Investments, LLC
c/o Sami Faour, Member
4200 Dublin Road
Columbus, Ohio 43221

Parcel 100-T (FMVE \$3,186)
Mohammed Barzinji
785 Riverview Drive
Columbus, OH 43202

Parcel 114-T (FMVE \$3,703)
Miguel Escobar
4830 Calvin Drive
Columbus, OH 43227

Parcel 121-WD, T (FMVE \$860)
Bernadette Davis
1686 Aberdeen Ave.
Columbus, OH 43211

Parcel 124-T (FMVE \$754)
Central Congregation of Jehovah's Witness, Columbus, Ohio
c/o Kevin Chapman
1190 East Hudson Street
Columbus, OH 43211

Parcel 127-P, T (\$7,360)
Central Congregation of Jehovah's Witness, Columbus, Ohio
c/o Kevin Chapman
1190 East Hudson Street
Columbus, OH 43211

Parcel 143-P, T (FMVE \$1,378)
KINDI TNKR, LLC
C/o Amir Alqabae
1235 E. Hudson Street
Columbus, Ohio 43211

KINDI TNKR LLC
C/o Babou Bayo
5437 Kirkland Way
Columbus, Ohio 43231

Parcel 160-T (FMVE \$300)
Cramp Consulting Services, LLC
33454 SR 229
Marengo, Ohio 43334

Parcel 188-T (FMVE \$300)
Basilo Dominguez
1394 E. Hudson Street
Columbus, OH 43211

Parcel 189-WD, T (FMVE \$300)
Peerless Properties, Ltd.
632 N. High Street
Columbus, OH 43215

Parcel 192-T (FMVE \$320)
Shannon Ghlijkhani
22929 Cantara Street
Canoga Park CA 91304

Parcel 200-T (FMVE \$845)
Michael J. Porter and Callie M. McKinnon
1838 Coolcrest Way
Upland CA 91784

Parcel 203-T (FMVE \$300)
Wayne Martin
6596 Rosetree Dr.
Reynoldsburg, Ohio 43068

Parcel 209-T (FMVE \$300)
Joseph F. Schmitz
1470 E. Hudson St
Columbus, Ohio 43211

Parcel 213-T (FMVE \$300)
Tyrone Jamar
1481 E. Hudson Street
Columbus, Ohio 43211

Parcel 223-T (FMVE \$534)
Lanette D. Hughes nka Lanette Lipscomb
1520 E. Hudson Street
Columbus, Ohio 43211

Parcel 224-T (FMVE \$300)
Xu Wen
621 NW 53rd St Ste 240
Boca Raton Fl 33487

Parcel 226-T (FMVE \$650)
SHLF Limited
10590 Wellington Blvd
Powell, Ohio 43065

Parcel 228-T (FMVE \$1,229)
Della Johnson
1533 E. Hudson St
Columbus, Ohio 43211

Parcel 230-T (FMVE \$300)
Craig C. Derstine
1766 Watertower Dr.
Columbus, Ohio 43235

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 Hudson Street between I-71 to Cleveland Avenue 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 Twenty-three Thousand Nine Hundred Seventy-three 00/100 U.S. Dollars (\$23,973.00), or so much as may be needed from existing Auditor's Certificate ACDI001358-10.

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.