



Legislation Details (With Text)

File #: 1133-2016 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 4/19/2016 **In control:** Public Service & Transportation Committee
On agenda: 5/16/2016 **Final action:** 5/19/2016

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 for the Department of Public Service to timely complete the Roadway Improvement - Parsons Avenue Corridor/Livingston Avenue to Hosack Street Public Improvement Project; and authorize the City Attorney to spend funds from the Streets and Highways Bond Fund; and to declare an emergency. (\$1,485.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/19/2016	1	CITY CLERK	Attest	
5/17/2016	1	MAYOR	Signed	
5/16/2016	1	COUNCIL PRESIDENT	Signed	
5/16/2016	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City's Department of Public Service (DPS) is engaged in the Roadway Improvement - Parsons Avenue Corridor/Livingston Avenue to Hosack Street (PID 530161-100067) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests located in the vicinity of the public right-of-way of Parsons Avenue from Livingston Avenue to Hosack Street, Columbus, Ohio 43207 (collectively, "Real Estate") in order for DPS to complete the Public Project. The City passed Ordinance Number 1652-2015 authorizing the City Attorney to acquire the Real Estate. The City also adopted Resolution Number 0218x-2015 declaring the City's (i) public purpose and necessity of the Public Project, and (ii) intent to appropriate the Real Estate. The City passed Ordinance Number 0656-2016 authorizing the immediate appropriation and acceptance of the Real Estate; however, the amount of monetary consideration for Parcel 17-U of the Real Estate was inaccurate.

The City Attorney, pursuant to Columbus City Code, Section 909.03, served notice to all of the owners of the Real Estate the (i) Public Project's public purpose and necessity, and (ii) adoption of Resolution Numbers 0218x-2015. 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 the City would pay to acquire the Real Estate.

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 for the Department of Public Service to timely complete the Roadway Improvement - Parsons Avenue Corridor/Livingston Avenue to Hosack Street Public Improvement Project; and authorize the City Attorney to spend funds from the Streets and Highways Bond Fund; and to declare an emergency. (\$1,485.00)

WHEREAS, the City intends to improve certain portions of the public right-of-way of Parsons Avenue by allowing the Department of Public Service (DPS) to engage in the Roadway Improvement - Parsons Avenue Corridor/Livingston Avenue to Hosack Street (PID 530161-100067) 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-way of Parsons Avenue from Livingston Avenue to Hosack Street, Columbus, Ohio 43207 (*i.e.* Real Estate) in order for DPS to complete the Public Project;

WHEREAS, the City, pursuant to the passage of Ordinance Number 1652-2015, adoption of Resolution Number 0218x-2015, and passage of Ordinance Number 0656-2016, 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, the City specifically intends to increase the amount of monetary consideration for Parcel 17-U of the Real Estate;

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 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 4 of this ordinance (*i.e.* Real Estate) are (i) fully described in Resolution Number 0218x-2015 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 Roadway Improvement - Parsons Avenue Corridor/Livingston Avenue to Hosack Street (PID 530161-100067) 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)

17-U (\$1,485.00)

Kroger Company

Attn: Erin Fisher

4111 Executive Pkwy., Westerville, OH 43081

TOTAL.....\$1,485.00

SECTION 5. That the amount of monetary consideration for Parcel 17-U described in Section Four (4) of this ordinance supersedes and replaces the amount of monetary consideration for Parcel 17-U described in Section Four (4) of Ordinance Number 0656-2016.

SECTION 6. 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 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 One Thousand, Four Hundred Eighty-five, and 00/100 U.S. Dollars (\$1,485.00), or so much as may be needed from existing Auditor's Certificate ACDI000010 established by Ordinance Number 1652-2015.

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 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.