



## Legislation Details (With Text)

**File #:** 0214X-2015    **Version:** 1

**Type:** Resolution    **Status:** Passed

**File created:** 8/14/2015    **In control:** Public Service & Transportation Committee

**On agenda:** 9/28/2015    **Final action:** 9/30/2015

**Title:** To declare the City's immediate necessity and intent to appropriate and accept in the names of the City, Franklin County, COTA, and Westerville, as the case may be, for certain fee simple title and lesser real property interests in order for the City's Department of Public Service to timely complete the FRA - COTA Cleveland Ave-BRT Public Improvement Project; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1-WD\_Atelier District, 2. 4-WD1\_Fort Hayes\_Board of Education\_NB, 3. 4-WD2\_Fort Hayes\_Board of Education\_NB, 4. 4-T\_Fort Hayes\_Board of Education\_NB, 5. 5-WD\_Fort Hayes\_Abbott Laboratories\_SB, 6. 6-WD\_E 2nd AVE\_SB, 7. 7-WD\_E 2nd AVE\_SB, 8. 8-WD\_L&N-Up Alum Creek\_NB, 9. 9-WD\_City of Columbus\_NB, 10. 10-WD\_Boys and Girls Club\_NB, 11. 10-T\_Boys and Girls Club\_NB, 12. 11-WD\_Virgil S. Schnell Jr\_NB, 13. 11-T\_Virgil S. Schnell Jr\_NB, 14. 12-WD\_1047 Cleveland LLC\_SB, 15. 12-T\_1047 Cleveland LLC\_SB, 16. 13-WD\_Columbus Metropolitan\_SB, 17. 13-U\_Columbus Metropolitan\_SB, 18. 13-T\_Columbus Metropolitan\_SB, 19. 14-WD\_Howard & Cynthia Johnson\_SB, 20. 15-WD\_Lizzie B Shanks\_SB, 21. 15-T\_Lizzie B Shanks\_SB, 22. 17-T\_Home Opportunity LLC\_NB, 23. 18-WD\_Sampson Property Management LLC\_NB, 24. 18-T\_Sampson Property Management LLC\_NB, 25. 19-WD\_New Acre PropertiesLLC\_SB, 26. 20-WD\_Frank Lisath & Joan Lisath\_NB, 27. 21-WD\_The Good Shepherd Baptist Church\_SB, 28. 21-T\_The Good Shepherd Baptist Church\_SB, 29. 22-WD\_Makan Group Inc\_NB, 30. 23-WD\_Masjid As-Sahaba\_SB, 31. 24-WD\_Darlene Mathews\_SB, 32. 24-T\_Darlene Mathews\_SB, 33. 26-T\_Mustapha Azaalami\_NB, 34. 27-WD\_Webber Corner LLC\_SB, 35. 27-T\_Webber Corner LLC\_SB, 36. 28-WD\_Jerald E. Mann\_NB, 37. 29-WD\_Rigoberto Garcia\_NB, 38. 30-WD\_3100 Columbus OH LLC\_NB, 39. 30-T\_3100 Columbus OH LLC\_NB, 40. 31-WD\_3129 Cleveland Ave LLC\_SB, 41. 31-T\_3129 Cleveland Ave LLC\_SB, 42. 32-WD\_B&Y Group LLC\_NB, 43. 32-T\_B&Y Group LLC\_NB, 44. 33-WDV\_Northern Lights Improvements LLC\_SB, 45. 33-T\_Northern Lights Improvements LLC\_SB, 46. 34-WDV1\_The Amos Shopping Center Company\_NB, 47. 34-WDV2\_The Amos Shopping Center Company\_NB, 48. 35-WDV\_Samuel C Guarini\_SB, 49. 35-T\_Samuel C Guarini\_SB, 50. 36-WDV\_Roseline Aleanu\_NB, 51. 36-T\_Roseline Aleanu\_NB, 52. 38-WD\_LRC Morse Investors LTD\_SB, 53. 38-T\_LRC Morse Investors LTD\_SB, 54. 40-T\_Rainbow Development\_SB, 55. 41-WD\_BL&G LLC\_NB, 56. 41-T\_BL&G LLC\_NB, 57. 42-WD\_James E & Doris T Thomas\_SB, 58. 42-T\_James E & Doris T Thomas\_SB, 59. 43-WD\_6211 Cleveland LLC\_SB, 60. 43-T\_6211 Cleveland LLC\_SB, 61. 44-T\_Walter P Gaiser\_Cooper Rd, 62. 45-WDV\_St Ann Hospital\_Cooper Rd, 63. 45-T\_St Ann Hospital\_Cooper Rd, 64. 46-T\_BMI Federal Credit Union\_NB, 65. 47-WDV\_Key Corner LLC\_SB, 66. 47-T\_Key Corner LLC\_SB, 67. 50-WD\_Columbus Baptist Temple\_SB

| Date      | Ver. | Action By             | Action               | Result |
|-----------|------|-----------------------|----------------------|--------|
| 9/30/2015 | 1    | CITY CLERK            | Attest               |        |
| 9/29/2015 | 1    | MAYOR                 | Signed               |        |
| 9/28/2015 | 1    | COUNCIL PRESIDENT     | Signed               |        |
| 9/28/2015 | 1    | Columbus City Council | Taken from the Table | Pass   |
| 9/28/2015 | 1    | Columbus City Council | Adopted              | Pass   |

|           |   |                       |                        |      |
|-----------|---|-----------------------|------------------------|------|
| 9/28/2015 | 1 | Columbus City Council | Reconsidered           | Pass |
| 9/28/2015 | 1 | Columbus City Council | Taken from the Table   | Pass |
| 9/21/2015 | 1 | Columbus City Council | Adopted                |      |
| 9/21/2015 | 1 | Columbus City Council | Tabled to Certain Date | Pass |

**BACKGROUND :**

The City of Columbus, Ohio, an Ohio municipal corporation (*i.e.* City), Department of Public Service (DPS) is engaged in the FRA - Central Ohio Transit Authority (COTA) - Cleveland Avenue Bus Rapid Transit (BRT) - (PID 94357; 3163 Dr E), Public Improvement Project (“Public Project”). The City must acquire certain, modified fee simple title and lesser real property interests located in the vicinity of Cleveland Avenue, Columbus, Ohio 43215 (collectively, “Real Estate”) in order to complete the Public Project. The City passed Ordinance Number 0567-2015 on March 9, 2015, authorizing the City Attorney to acquire the Real Estate. Furthermore, the City previously adopted Resolution 0152x-2015 on July 13, 2015, which declared the City’s intent to appropriate the Real Estate. However, since the adoption of Resolution 0152-2015, DPS modified the Public Project’s plans adjusting for the extent of real estate necessary to complete the Public Project.

Pursuant to the City’s partnerships in completing the Public Project, the City Attorney will acquire and accept the Real Estate in the names of the City, Board of Commissioners, Franklin County, Ohio, a body politic and corporate organized and existing pursuant to Ohio Revised Code Chapter 301 (“Franklin County”), City of Westerville, Ohio, an Ohio municipal corporation (“Westerville”), and the Central Ohio Transit Authority, a regional transit authority pursuant to Ohio Revised Code, Chapter 306 (“COTA”), as the case may be and as necessary to complete the Public Project. Furthermore, the City intends to appropriate and accept the Real Estate in the names of the City, Franklin County, Westerville, and COTA, as case may be in the event the City Attorney is unable to (i) locate the owners of the Real Estate, or (ii) agree with the owners of the Real Estate in good faith regarding the amount of just compensation for the Real Estate.

**CONTRACT COMPLIANCE №** : Not applicable.

**FISCAL IMPACT** : Not applicable.

**EMERGENCY JUSTIFICATION** : Emergency action is requested in order to acquire and accept the Real Estate and allowing the Public Project to be completed without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To declare the City’s immediate necessity and intent to appropriate and accept in the names of the City, Franklin County, COTA, and Westerville, as the case may be, for certain fee simple title and lesser real property interests in order for the City’s Department of Public Service to timely complete the FRA - COTA Cleveland Ave-BRT Public Improvement Project; and to declare an emergency. (\$0.00)

**WHEREAS** , the City needs to acquire certain, modified fee simple title and lesser property interests (*i.e.* Real Estate) in order to allow for the Department of Public Service (*i.e.* DPS) to timely complete the FRA - COTA - Cleveland Avenue-BRT Public Improvement Project (*i.e.* Public Project);

**WHEREAS** , the City intends for the City Attorney to acquire the Real Estate in order to complete the Public Project;

**WHEREAS** , the City intends for the City Attorney to acquire and accept the Real Estate in the names of the City of Columbus, Ohio (*i.e.* City), Board of Commissioners, Franklin County, Ohio (*i.e.* Franklin County), City of Westerville, Ohio (*i.e.* Westerville), and the Central Ohio Transit Authority (*i.e.* COTA), as the case may be for DPS to complete the

Public Project

**WHEREAS** , in order to for DPS to timely complete the Public Project, the City intends to appropriate and accept the Real Estate in the names of the City, Franklin County, Westerville, and COTA, as case may be in the event the City Attorney is unable to (i) locate the owners of the Real Estate, or (ii) agree with the owners of the Real Estate in good faith regarding the amount of just compensation for 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 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.** Pursuant to the City’s Charter, Columbus City Revised Code, Chapter 909 (1959), Constitution of the state of Ohio, and Ohio Revised Code, Chapter 719, the City declares the immediate necessity and intent to appropriate and accept in the names of the City of Columbus, Ohio, an Ohio municipal corporation (*i.e.* City), Board of Commissioners, Franklin County, Ohio, a body politic and corporate organized and existing pursuant to Ohio Revised Code Chapter 301 (*i.e.* Franklin County), City of Westerville, Ohio, an Ohio municipal corporation (*i.e.* Westerville), and the Central Ohio Transit Authority, a regional transit authority pursuant to Ohio Revised Code, Chapter 306 (*i.e.* COTA), as the case may be, for certain, modified the fee simple title and lesser real property interests to the following listed parcels of real property (*i.e.* Real Estate), which are fully described in their associated exhibits and incorporated into this resolution for reference, in order for the Department of Public Service (*i.e.* DPS) to timely complete the FRA - COTA Cleveland Avenue BRT (PID 94357; 3163 Dr E), Public Improvement Project:

**(EXHIBIT) ... (PUBLIC PROJECT PARCEL IDENTIFICATION) ... (TYPE OF REAL ESTATE) ... (GRANTEE’S INFORMATION)**

- |     |   |          |
|-----|---|----------|
| 1)  | 1-WD (fee simple title without limitation of access)  | Columbus |
| 2)  | 4-WD1 (fee simple title without limitation of access) | Columbus |
| 3)  | 4-WD2 (fee simple title without limitation of access) | Columbus |
| 4)  | 4-T (temporary construction & access easement)        | COTA     |
| 5)  | 5-WD (fee simple title without limitation of access)  | Columbus |
| 6)  | 6-WD (fee simple title without limitation of access)  | Columbus |
| 7)  | 7-WD (fee simple title without limitation of access)  | Columbus |
| 8)  | 8-WD (fee simple title without limitation of access)  | Columbus |
| 9)  | 9-WD (fee simple title without limitation of access)  | Columbus |
| 10) | 10-WD (fee simple title without limitation of access) | Columbus |
| 11) | 10-T (temporary construction & access easement)       | COTA     |
| 12) | 11-WD (fee simple title without limitation of access) | Columbus |
| 13) | 11-T (temporary construction & access easement)       | COTA     |
| 14) | 12-WD (fee simple title without limitation of access) | Columbus |
| 15) | 12-T (temporary construction & access easement)       | COTA     |
| 16) | 13-WD (fee simple title without limitation of access) | Columbus |
| 17) | 13-U (general utility easement)                       | Columbus |
| 18) | 13-T (temporary construction & access easement)       | COTA     |
| 19) | 14-WD (fee simple title without limitation of access) | Columbus |
| 20) | 15-WD (fee simple title without limitation of access) | Columbus |
| 21) | 15-T (temporary construction & access easement)       | COTA     |
| 22) | 17-T (temporary construction & access easement)       | COTA     |
| 23) | 18-WD (fee simple title without limitation of access) | Columbus |
| 24) | 18-T (temporary construction & access easement)       | COTA     |
| 25) | 19-WD (fee simple title without limitation of access) | Columbus |
| 26) | 20-WD (fee simple title without limitation of access) | Columbus |

|     |   |                 |
|-----|---|-----------------|
| 27) | 21-WD (fee simple title without limitation of access)   | Columbus        |
| 28) | 21-T (temporary construction & access easement)         | COTA            |
| 29) | 22-WD (fee simple title without limitation of access)   | Columbus        |
| 30) | 23-WD (fee simple title without limitation of access)   | Columbus        |
| 31) | 24-WD (fee simple title without limitation of access)   | Columbus        |
| 32) | 24-T (temporary construction & access easement)         | COTA            |
| 33) | 26-T (temporary construction & access easement)         | COTA            |
| 34) | 27-WD (fee simple title without limitation of access)   | Columbus        |
| 35) | 27-T (temporary construction & access easement)         | COTA            |
| 36) | 28-WD (fee simple title without limitation of access)   | Columbus        |
| 37) | 29-WD (fee simple title without limitation of access)   | Columbus        |
| 38) | 30-WD (fee simple title without limitation of access)   | Columbus        |
| 39) | 30-T (temporary construction & access easement)         | COTA            |
| 40) | 31-WD (fee simple title without limitation of access)   | Columbus        |
| 41) | 31-T (temporary construction & access easement)         | COTA            |
| 42) | 32-WD (fee simple title without limitation of access)   | Columbus        |
| 43) | 32-T (temporary construction & access easement)         | COTA            |
| 44) | 33-WDV (fee simple title without limitation of access)  | Franklin County |
| 45) | 33-T (temporary construction & access easement)         | COTA            |
| 46) | 34-WDV1 (fee simple title without limitation of access) | Franklin County |
| 47) | 34-WDV2 (fee simple title without limitation of access) | Franklin County |
| 48) | 35-WDV (fee simple title without limitation of access)  | Franklin County |
| 49) | 35-T (temporary construction & access easement)         | COTA            |
| 50) | 36-WDV (fee simple title without limitation of access)  | Franklin County |
| 51) | 36-T (temporary construction & access easement)         | COTA            |
| 52) | 38-WD (fee simple title without limitation of access)   | Columbus        |
| 53) | 38-T (temporary construction & access easement)         | COTA            |
| 54) | 40-T (temporary construction & access easement)         | COTA            |
| 55) | 41-WD (fee simple title without limitation of access)   | Columbus        |
| 56) | 41-T (temporary construction & access easement)         | COTA            |
| 57) | 42-WD (fee simple title without limitation of access)   | Columbus        |
| 58) | 42-T (temporary construction & access easement)         | COTA            |
| 59) | 43-WD (fee simple title without limitation of access)   | Columbus        |
| 60) | 43-T (temporary construction & access easement)         | COTA            |
| 61) | 44-T (temporary construction & access easement)         | COTA            |
| 62) | 45-WDV (fee simple title without limitation of access)  | Westerville     |
| 63) | 45-T (temporary construction & access easement)         | COTA            |
| 64) | 46-T (temporary construction & access easement)         | COTA            |
| 65) | 47-WDV (fee simple title without limitation of access)  | Westerville     |
| 66) | 47-T (temporary construction & access easement)         | COTA            |
| 67) | 50-WD (fee simple title without limitation of access)   | Columbus        |

**SECTION 2.** The City Attorney is authorized to cause a written notice of this resolution’s adoption to be served in the manner provided by law upon the owner(s), person(s) in possession, or person(s) possessing a real or possible real property interest of record in the Real Estate.

**SECTION 3.** For the reasons stated in the preamble of this resolution, which are fully incorporated into this resolution as if rewritten, this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the mayor or ten (10) days after its adoption if the mayor neither approves nor vetoes this resolution.