



Legislation Details (With Text)

File #: 0494-2024 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 2/7/2024 **In control:** Public Service & Transportation Committee

On agenda: 3/4/2024 **Final action:** 3/6/2024

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 Operation Safewalk - School Sidewalks - Refugee Road Sidewalk Project and to authorize an expenditure of \$7,566.00. (\$7,566.00)

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 3/6/2024 | 1 | CITY CLERK | Attest | |
| 3/5/2024 | 1 | MAYOR | Signed | |
| 3/4/2024 | 1 | COUNCIL PRESIDENT | Signed | |
| 3/4/2024 | 1 | Columbus City Council | Approved | Pass |
| 2/26/2024 | 1 | Columbus City Council | Read for the First Time | |

BACKGROUND: The City’s Department of Public Service (“DPS”) is performing the Operation Safewalk - School Sidewalks - Refugee Road Sidewalk Project (Project No. 590955-920059) (“Public Project”). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Refugee Road from Noe Bixby Road to Blue Moon Drive (collectively, “Real Estate”) in order for DPS to timely complete the Public Project. The City passed Ordinance Numbers 0217-2021 and 2196-2021 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0063X-2023 establishing the City’s intent to appropriate the Real Estate. The City’s acquisition of the Real Estate will help make, improve, or repair certain portions of the public right-of-way located in the vicinity of Refugee Road from Noe Bixby Road to Blue Moon Drive 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 0063X-2023. 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 ACDI001399-10.

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 Operation Safewalk - School Sidewalks - Refugee Road Sidewalk Project and to authorize an expenditure of \$7,566.00. (\$7,566.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Operation Safewalk - School Sidewalks - Refugee Road Sidewalk Project (Project No. 590955-920059) (“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 of Refugee Road from Noe Bixby Road to Blue Moon Drive; and

WHEREAS, the City, pursuant to the passage of Ordinance Numbers 0217-2021 and 2196-2021 and the adoption of Resolution Number 0063X-2023, 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 Refugee Road from Noe Bixby Road to Blue Moon Drive which will be open to the public without charge; 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 0063X-2023 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 Operation Safewalk - School Sidewalks - Refugee Road Sidewalk Project (Project No. 590955-920059) (“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 4CH, P, T1, T2 (FMVE \$1,923.00)

Monroe Group, Ltd.
Steele Properties LLC
Attn: Legal Department
6875 East Evans Avenue
Denver, Colorado 80224
Attn: Legal Department

Parcel 5P (FMVE \$300.00)

Fourway Real Estate, LLC
923 East Broad Street
Columbus, Ohio 43205
Attn: Irving Marks

Parcel 31WD, T (FMVE \$641.00)

ZVIKAURI, LLC
3805 North High Street
Columbus, Ohio 43214

Parcel 36WD, T (FMVE \$4,102.00)

Kenneth A. Brush, D.V.M.
2740 Maywood Road
Columbus, Ohio 43232
Publication Dates: January 10, January 17, and January 24, 2024

Parcel 105T (FMVE \$300.00)

Okimah J. Winn
5395 Refugee Road
Columbus, Ohio 43232

Parcel 107T (FMVE \$300.00)

JBGB Holdings LLC
c/o Sunbury Agency Corp, Statutory Agent
c/o Brian Duncan, BKD Legal LLC
119 East Granville Street
Sunbury, Ohio 43074

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 Refugee Road from Noe Bixby Road to Blue Moon Drive 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 Seven Thousand Five Hundred Sixty-six and 00/100 U.S. Dollars (\$7,566.00), or so much as may be needed from existing Auditor's Certificate ACDI001399-10.

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