



Legislation Details (With Text)

File #: 0234-2015 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 1/13/2015 **In control:** Public Service & Transportation Committee
On agenda: 3/2/2015 **Final action:** 3/4/2015

Title: To authorize the City Attorney to file complaints in order to appropriate fee simple and lesser real estate title interests necessary for the Department of Public Service, Brentnell Avenue & Bar Harbor Road - Sidewalk Improvements (PID 440005-100041) Public Project; authorize the City Attorney to spend funds from the Streets and Highways Bond Fund, Fund Number 704; and to declare an emergency. (\$300.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/4/2015	1	CITY CLERK	Attest	
3/3/2015	1	MAYOR	Signed	
3/2/2015	1	COUNCIL PRESIDENT	Signed	
3/2/2015	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City passed Ordinance Number 1576-2012 on July 23, 2012, which authorized the City Attorney to engage in the acquisition of certain fee simple and lesser real estate title interests (collectively, "Real Estate") for the Department of Public Service, Brentnell Avenue & Bar Harbor Road - Sidewalk Improvements (PID 440005-100041) Public Project ("Public Project"). The Real Estate is located in the vicinity of Brentnell Avenue/Sagamore Road/Middlehurst Drive, Columbus, Ohio 43219. The City also adopted Resolution Number 0175x-2014 on October 20, 2014, which declared the City's (i) public purpose and necessity of the Public Project; and (ii) intent to appropriate the Real Estate.

Pursuant to Columbus City Code, Section 909.03, the City Attorney served notice to all of the Real Estate's owners of the (i) Public Project's public purpose and necessity; and (ii) adoption of Resolution Number 0175x-2014. However, the City Attorney was unable to either locate some of the Real Estate's owners or agree with some of the Real Estate's owners regarding the amount of just compensation paid by the City for the Real Estate. Accordingly, this ordinance authorizes the City Attorney to spend City funds and file necessary complaints to appropriate the Real Estate.

FISCAL IMPACT: Funding to appropriate the Real Estate will come from the Streets and Highways Bond Fund, Fund Number 704.

EMERGENCY JUSTIFICATION: Emergency action is requested to allow for the appropriation and acquisition of the Real Estate necessary for the Public Project to proceed without delay, which will preserve the public peace, property, health, safety, and welfare.

To authorize the City Attorney to file complaints in order to appropriate fee simple and lesser real estate title interests

necessary for the Department of Public Service, Brentnell Avenue & Bar Harbor Road - Sidewalk Improvements (PID 440005-100041) Public Project; authorize the City Attorney to spend funds from the Streets and Highways Bond Fund, Fund Number 704; and to declare an emergency. (\$300.00)

WHEREAS, pursuant to the passage of Ordinance Number 1576-2012 on July 23, 2012, and adoption of Resolution Number 0175x-2014 on October 20, 2014, the City intends to authorize the City Attorney to spend City funds and file necessary complaints to appropriate the fee simple and lesser real estate title interests (*i.e.* Real Estate) for the Department of Public Service, Brentnell Avenue & Bar Harbor Road - Sidewalk Improvements (PID 440005-100041) Public Project (*i.e.* Public Project);

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to appropriate the remainder of the Real Estate so that there will be no delay in the Public Project, which preserves the public peace, property, health, safety, and welfare; and **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. The fee simple and lesser real estate title interests associated with the project parcel numbers listed in Section 4 of this ordinance (collectively, "Real Estate") are described in Resolution Number 0175x-2014, which the City adopted on October 20, 2014, and are fully incorporated into this ordinance for reference; and to be appropriated for the public purpose of the Department of Public Service, Brentnell Avenue & Bar Harbor Road - Sidewalk Improvements (PID 440005-100041) Public Project ("Public Project").

SECTION 2. Pursuant to the City's power and authority under the Ohio Constitution, Ohio Revised Code Sections 715.01, 717.01, and 719.01-719.02, the City's Charter, and Columbus City Code Chapter 909, the City declares the appropriation of the Real Estate are necessary for the Public Project, because the City was unable to locate the Real Estate's owners or agree with the Real Estate's owners regarding the amount of just compensation paid by the City for the Real Estate.

SECTION 3. The City intends to obtain immediate possession of the Real Estate for the Public Project.

SECTION 4. The City declares that the fair market value of the Real Estate as follows:

PUBLIC PROJECT'S PARCEL NUMBER(S) (FAIR MARKET VALUE AMOUNT)

REAL ESTATE'S OWNER(S)

ADDRESS(ES)

2T (\$300.00)

KATHRYN BOLDEN & BERTIE BOLDEN

1890 BRETNELL AVE., COLUMBUS, OH 43219

TOTAL.....\$300.00

SECTION 5. 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 just compensation for the Real Estate.

SECTION 6. In order to pay for the Real Estate's acquisition and appropriation costs for the Public Project, the City Attorney is authorized to spend up to **Three Hundred and 00/100 U.S. Dollars (\$300.00)**, or so much as may be needed, from the Streets and Highways Bond Fund as follows:

(Fund No) / (Project No) / (Project Name) / (O.L. 01-03 Codes) / (OCA) / (AC No) / (Amount)

(704) / (440005-100000) / (Misc. URIF Funds - Brentnell & Handford Village) / (06-6601) / (590050) /

(AC033912-001) / (\$300.00)

SECTION 7. City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

SECTION 8. For the reasons stated in this ordinance's preamble, which are fully incorporated into this ordinance, this ordinance is declared to be an emergency measure and will take effect and be in force from and after this ordinance's passage and approval by the Mayor or ten (10) days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.