



Legislation Details (With Text)

File #: 1794-2015 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 6/26/2015 **In control:** Public Service & Transportation Committee
On agenda: 7/27/2015 **Final action:** 7/30/2015

Title: To authorize the City Attorney to file complaints in order to appropriate and accept fee simple and lesser real estate title interests necessary for the Department of Public Service to timely complete the Pedestrian Safety Improvements - Fairwood Avenue Sidewalks Public Improvement Project; authorize the City Attorney to spend funds from the Streets and Highways Bonds Fund, Fund Number 704; and to declare an emergency. (\$18,673.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/30/2015	1	CITY CLERK	Attest	
7/29/2015	1	MAYOR	Signed	
7/27/2015	1	COUNCIL PRESIDENT	Signed	
7/27/2015	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City's Department of Public Service (DPS) is engaged in the Pedestrian Safety Improvements - Fairwood Avenue Sidewalks (PID 590105-100072) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests (collectively, "Real Estate"), which are located in the general vicinity of Fairwood Avenue, Columbus, OH 43206, in order for DPS to timely complete the Public Project. The City passed Ordinance Number 0290-2015 on February 9, 2015, which authorized the City Attorney to engage in the Real Estate's acquisition. The City also adopted Resolution Number 0109x-2015 on June 1, 2015, 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 0109x-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 to be 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.

CONTRACT COMPLIANCE: Not applicable.

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

EMERGENCY JUSTIFICATION: The City Attorney's office requests emergency designation to allow for the appropriation and acquisition of the Real Estate necessary for DPS to timely complete the Public Project without unnecessary delay, which will preserve the public peace, property, health, safety, and welfare.

To authorize the City Attorney to file complaints in order to appropriate and accept fee simple and lesser real estate title interests necessary for the Department of Public Service to timely complete the Pedestrian Safety Improvements - Fairwood Avenue Sidewalks Public Improvement Project; authorize the City Attorney to spend funds from the Streets and Highways Bonds Fund, Fund Number 704; and to declare an emergency. (\$18,673.00)

WHEREAS, pursuant to the passage of Ordinance Number 0290-2015 and adoption of Resolution Number 0109x-2015, the City intends to authorize the City Attorney to spend funds and file necessary complaints to appropriate the fee simple and lesser real estate title interests (*i.e.* Real Estate) in order for the Department of Public Service (DPS) to timely complete the Pedestrian Safety Improvements - Fairwood Avenue Sidewalks Public Improvement Project (*i.e.* Public Project);

WHEREAS, an emergency exists in the usual daily operations of DPS in that it is immediately necessary to appropriate the remainder of the Real Estate to prevent unnecessary delay in completing the Public Project, which will preserve 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 (*i.e.* Real Estate) are (i) fully described in Resolution Number 0109x-2015 and fully incorporated into this ordinance for reference; and (ii) to be appropriated and accepted for the public purpose of the Department of Public Service (DPS) completing the Pedestrian Safety Improvements - Fairwood Avenue Sidewalks (PID 590105-100072) Public Improvement Project (*i.e.* Public Project).

SECTION 2. 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 City declares 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. 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) (FMVE)
REAL ESTATE'S OWNER(S)
ADDRESS(ES)

1-WD (\$5,925.00)
ANNA CHRISTINE STRAIT
1484 MOLER RD., COLUMBUS, OH 43207

3-WD, 3-T & 3-T2 (\$5,976.00)
J3M&E, LLC
C/O JOHN HANNA & JANICE HANNA
1646 FAIRWOOD AVE., COLUMBUS, OHIO 43207

4-WD & 4-T (\$5,572.00)
SOI PROPERTIES 4, LLC
C/O KHALEEL ISHTAYEH
4673 CRANLEIGH CT., DUBLIN, OH 43016

5-WD & 5-T (\$300.00)

REBECCA MILNES

222 THURMAN AVE., COLUMBUS, OH 43206

10-WD (\$300.00)

WILLIAM SHADE

FLOSSIE SHADE, DECEASED

1494 FAIRWOOD AVE., COLUMBUS, OH 43206

11-WD & 11-T (\$300.00)

LEA MAOKHAMPHIOU

1484 FAIRWOOD AVE., COLUMBUS, OHIO 43206

15-WD & 15-T (\$300.00)

NEW HORIZONS CHRISTIAN FELLOWSHIP, INC

1428 FAIRWOOD AVE., COLUMBUS, OH 43206

C/O PHILLIP GREEN

1433 WILMORE DR., COLUMBUS, OH 43209

TOTAL.....\$18,673.00

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 Eighteen Thousand, Six Hundred Seventy-three, and 00/100 U.S. Dollars (\$18,673.00), or so much as may be needed, from the Streets and Highways Bonds Fund, as follows:

(Fund No) / (Project No) / (Project Name) / (O.L. 01-03 Codes) / (OCA) / (AC No) / (Amount)
(704) / (590105-100072) / (Pedestrian Safety Improvements - Fairwood Avenue Sidewalks) / (06-6682) /
(750572) / (AC-037366) / (\$18,673.00)

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.