



Legislation Details (With Text)

File #: 0320-2020 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 1/27/2020 **In control:** Public Service & Transportation Committee
On agenda: 2/10/2020 **Final action:** 2/13/2020
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 Intersection Improvements - Hilliard Rome Road at Feder Road Project; and to declare an emergency. (\$563,995.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/13/2020	1	CITY CLERK	Attest	
2/12/2020	1	MAYOR	Signed	
2/10/2020	1	COUNCIL PRESIDENT	Signed	
2/10/2020	1	Columbus City Council	Approved	Pass

BACKGROUND: The City's Department of Public Service ("DPS") is performing the Intersection Improvements - Hilliard Rome Road at Feder Road Project (FRA-CR03-12.96 PID 98557) ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Hilliard Rome Road at Feder Road (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 1821-2018 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution Number 0013X-2019 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 of Hilliard Rome Road 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 Number 0013X-2019. 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 Federal Grants Fund, Fund 7765 (80%) pursuant to existing Auditor's Certificate ACDI000601-10 and the State & Highway GO Bond Fund, Fund 7704 (20%) pursuant to existing Auditor's Certificate ACDI000602-20.

EMERGENCY JUSTIFICATION: Emergency action is requested in order to acquire the Real Estate and allow 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 the remaining fee simple and lesser real estate necessary to timely complete the Intersection Improvements - Hilliard Rome Road at Feder Road Project; and to declare an emergency. (\$563,995.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Intersection Improvements - Hilliard Rome Road at Feder Road Project (FRA-CR03-12.96 PID 98557) (“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 Hilliard Rome Road at Feder Road, Columbus, Ohio; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 1821-2018 and the adoption of Resolution Number 0013X-2019, 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 Hilliard Rome Road at Feder Road, Columbus, Ohio, which will be open to the public without charge; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service 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:

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 Number 0013X-2019 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 Intersection Improvements - Hilliard Rome Road at Feder Road Project (FRA-CR03-12.96 PID 98557) (“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 4-WD1, -WD2, -CH, -T1, -T2 -FMVE \$142,548
LJKJ Rome Hilliard, LLC, Roy Hoffman, dec’d, & Ruth Ann Hoffman
c/o Clinton P. Stahler, Esq.
500 S. Front St., Ste. 1200
Columbus, OH 43215

Parcel 8WD1,WD2,T-FMVE-\$22,514

Campbell Oil Company
7977 Hills & Dales Road NE
Massillon, Ohio 44646

Parcel 9-WD, -T - FMVE \$76,983

The Richland Trust Company of Mansfield, Ohio, Trustee of the Barr Irrevocable Trust dated 5/2/96
The Richland Trust Company of Mansfield, Ohio, Trustee of the Don Barr GST Non-Exempt Trust A
The Richland Trust Company of Mansfield, Ohio, Trustee of the Donald W. Barr GRAT Trust FBO Melanie Staker
The Richland Trust Company of Mansfield, Ohio, Trustee of the Donald W. Barr GRAT Trust FBO Donna Jeanne Barr
c/o Huntington National Bank - Attn: Argirios Ragias
700 Easton Oval- EA5W83
Columbus, OH 43219

And

Steak N Shake, Inc.
c/o Callie Baldwin
107 South Pennsylvania Street, Suite 400
Indianapolis, IN 46204

Parcel 10-WD2 FMVE \$37,580

Brynhaven Development Corporation
c/o Ronnie Beitzel, President
5017 Pine Creek Dr.
Westerville, OH 43081

Parcel 25WD,T-FMVE \$24,570

Waypoint Midwest A Owner, LLC
3475 Piedmont Road NE, Suite #1640
Atlanta, GA 30305

Also

Jonathan M. Brundige
Chief of Portfolio Management
9 West Broad Street, Suite 800
Stamford, CT 06902

Parcel 25A-WD FMVE \$203,230

Metro Development, LLC
c/o John M. Kuhl, Partner
Vorys Legal Counsel
52 East Gay Street
Columbus, Ohio 43215

Parcel 29-WD FMVE \$17,600

Sam and Izzy 1, LLC
c/o Joseph Miller
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, Ohio 43215

Parcel 31WD-FMVE \$3,310

Image Hospitality, LLC
5655 Feder Road
Columbus, Ohio 43228

Parcel 33WD,T - FMVE \$25,615

Andover Park II, LLC
GL Administrative Services
30195 Chagrin Boulevard #300
Pepper Pike, Ohio 44124

Parcel 34-WD -FMVE \$2,745

LJKJ Rome Hilliard, LLC, Roy Hoffman, dec'd, & Ruth Ann Hoffman
c/o Clinton P. Stahler, Esq.
500 S. Front St., Ste. 1200
Columbus, OH 43215

Parcel 36WD FMVE: \$7,300

G&I IX Fisher, LLC
c/o Stephen Griffith, Jr.
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, OH 45202-3957
&
G&I IX Fisher, LLC
c/o Lauren Beuerlein
220 East 42nd St., 27th floor
New York, NY 10017

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 Hilliard Rome Road 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 Five Hundred Thousand Sixty-three Nine Hundred Ninety-Five and 00/100 U.S. Dollars (\$563,995.00) or so much as may be needed from existing Auditor's Certificates ACDI000601-10 (80%) and ACDI000602-20 (20%).

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, which are made a part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.