



Legislation Details (With Text)

File #: 2498-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/7/2022 **In control:** Public Utilities Committee

On agenda: 10/10/2022 **Final action:** 10/13/2022

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 Blueprint Miller Kelton Bedford Project; to authorize an expenditure of \$12,775.00 from existing ACIDI001666-10. (\$12,775.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/13/2022	1	CITY CLERK	Attest	
10/12/2022	1	MAYOR	Signed	
10/10/2022	1	COUNCIL PRESIDENT	Signed	
10/10/2022	1	Columbus City Council	Approved	Pass
10/3/2022	1	Columbus City Council	Read for the First Time	

BACKGROUND: The City’s Department of Public Utilities (“DPU”) is performing the Blueprint Miller Kelton Bedford Project (CIP 650870-101201, CIP 650870-162001, & 690236-100120) (“Public Project”). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Miller Avenue, Kelton Avenue, Newton Street, and Bedford Avenue (collectively, “Real Estate”) in order for DPU to timely complete the Public Project. The City passed Ordinance Number 2759-2020 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0062X-2022 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 sewer infrastructure of Miller Avenue, Kelton Avenue, Newton Street, and Bedford Avenue.

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 0062X-2022. 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 Sanitary GO Bonds Fund 6109, Fund Number 6109 pursuant to existing Auditor’s Certificate ACIDI001666-10.

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 Blueprint Miller Kelton Bedford Project; to authorize an expenditure of \$12,775.00 from existing ACDI001666-10. (\$12,775.00)

WHEREAS, the City intends to make, improve, or repair certain public sewer infrastructure by completing the Blueprint Miller Kelton Bedford Project (CIP 650870-101201, CIP 650870-162001, & 690236-100120) (“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 Miller Avenue, Kelton Avenue, Newton Street, and Bedford Avenue; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 2759-2020 and the adoption of Resolution Number 0062X-2022, intends to authorize the City Attorney to spend City funds and file the necessary complaints to 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 sewer infrastructure of Miller Avenue, Kelton Avenue, Newton Street, and Bedford Avenue 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 Three (3) of this ordinance (“Real Estate”) are (i) fully described in Resolution 0062X-2022 and incorporated into this ordinance for reference as if rewritten, and (ii) to be appropriated and accepted for the public purpose of the Department of Public Utilities (“DPU”) timely completing the Blueprint Miller Kelton Bedford Project (CIP 650870-101201, CIP 650870-162001, & 690236-100120) (“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 declares that the fair market value of the Real Estate as follows:

PUBLIC PROJECT PARCEL NUMBER(S) (FMVE)

REAL ESTATE OWNER

OWNER ADDRESS

PARCEL 16 T-FMVE \$300

Thongbay Sivanthaphanith
587 S. 22nd Street
Columbus, Ohio 43205

PARCEL 20A T-FMVE \$844

Extreme Equity Enterprise LLC
3094 Aleshire Drive
Dublin, Ohio 43017
Attn: Yassine Khetab

PARCEL 22-T FMVE \$496

Kyle G. Richards
751 Linwood Avenue
Columbus, Ohio 43205

PARCEL 23-T FMVE \$698

Seventeen Estates LLC
c/o Ryan Rice
3932 Redbud Road
Glen Allen, VA 23060

PARCEL 24-T FMVE \$1,242

Soroush Firouzmandi as Trustee for the Soroush Firouzmandi Family Trust
1266 E. Livingston Avenue
Columbus, OH 43205

PARCEL 25-T, 26-T FMVE \$3,614

WY Investment LLC
c/o Marshall McCormick, Reg. Agent
1515 Bethel Road Ste. 200
Columbus, OH 43220

And

Blackstone Dwellings LLC
c/o Jeff Kowalczyk
605 N. High Street, Ste. 263
Columbus, OH 43215

PARCEL 27-T FMVE \$869

Christian Cisneros and Kristen Paige
789 Kimball Pl.
Columbus, Ohio 43205

PARCEL 33 T-FMVE \$512

Louella Hodnett
776 Kimball Place
Columbus Ohio 43205

PARCEL 39 T - FMVE \$1,117

Buckeye Supreme Investments, LLC
3561 Mountview Road
Columbus, Ohio 43221

Davide V. Cugini, Esq.
35 N. Fourth Street, Suite 100
Columbus, Ohio 43215

PARCEL 40 T- FMVE \$3,083

Dorothy P. Hanley, Trustee
670 Miller Avenue
Columbus, Ohio 43205

SECTION 4. 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 5. That the Real Estate's acquisition for the Public Project is required to make, improve, or repair certain

portions of the public sewer infrastructure of Miller Avenue, Kelton Avenue, Newton Street, and Bedford Avenue and associated appurtenances.

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 Twelve Thousand Seven Hundred Seventy-Five 00/100 U.S. Dollars (\$12,775.00), or so much as may be needed from existing Auditor's Certificate ACDI001666-10.

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.