



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 3/26/2021 **In control:** Public Utilities Committee

On agenda: 4/26/2021 **Final action:** 4/29/2021

Title: To authorize the City Attorney to file complaints in order to appropriate and accept the remaining fee simple and lesser real estate necessary to timely complete the Dyer Lazar Home Sewage Treatment Systems Elimination Project; to authorize an expenditure of \$7,442.53 from existing ACDI001321-10. (\$7,442.53)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/29/2021	1	CITY CLERK	Attest	
4/28/2021	1	MAYOR	Signed	
4/26/2021	1	COUNCIL PRESIDENT	Signed	
4/26/2021	1	Columbus City Council	Approved	Pass
4/19/2021	1	Columbus City Council	Read for the First Time	

BACKGROUND: The City’s Department of Public Utilities (“DPU”) is performing the Dyer Lazar Home Sewage Treatment Systems Elimination Project (CIP 650895-100002) project (“Public Project”). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Dyer Road from Gantz Road to Brown Road, Columbus, Ohio 43123 (collectively, “Real Estate”) in order for DPU to timely complete the Public Project. The City passed Ordinance Number 0322-2020 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution Number 0076X-2020 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 Dyer Road from Gantz Road to Brown Road, Columbus, Ohio 43123.

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 0076X-2020. 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 General Sewer Obligation Bond Fund, Fund Number 6109 pursuant to existing Auditor’s Certificate ACDI001321-10.

EMERGENCY JUSTIFICATION: Not applicable.

To authorize the City Attorney to file complaints in order to appropriate and accept the remaining fee simple and lesser

real estate necessary to timely complete the Dyer Lazar Home Sewage Treatment Systems Elimination Project; to authorize an expenditure of \$7,442.53 from existing ACDI001321-10. (\$7,442.53)

WHEREAS, the City intends to make, improve, or repair certain public sewer infrastructure by completing the Dyer Lazar Home Sewage Treatment Systems Elimination Project (CIP 650895-100002) (“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 Dyer Road from Gantz Road to Brown Road, Columbus, Ohio 43123; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 0322-2020 and the adoption of Resolution Number 0076X-2020, 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 Dyer Road from Gantz Road to Brown Road, Columbus, Ohio 43123; 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 Number 0076X-2020 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 Dyer Lazar Home Sewage Treatment Systems Elimination Project (CIP 650895-100002) (“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 1S,T - FMVE - \$6,037.37

Christian Medina and Cesar Lopez
2485 Brown Road
Columbus, Ohio 43123

Parcel 13S,T -FMVE- \$300

Valley Creek Park, LLC
1360 Harrisburg Pike
Columbus, OH 43223

Parcel 14S,T -FMVE- \$1,105.16

Carl B. Nennerfelt (Dec'd) and Inga Britt Nennerfelt
1571 Dyer Road
Grove City, OH 43123

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 Dyer Road from Gantz Road to Brown Road, Columbus, Ohio 43123 and associated appurtenances.

SECTION 6. 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 Four Hundred Forty-two and 53/100 U.S. Dollars (\$7,442.53), or so much as may be needed from existing Auditor's Certificate ACDI001321-10.

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

SECTION 8. That this ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.