



Legislation Details (With Text)

File #: 2667-2014 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/7/2014 **In control:** Public Service & Transportation Committee

On agenda: 12/8/2014 **Final action:** 12/10/2014

Title: To authorize the City Attorney to file complaints in order to appropriate the remainder of the fee simple and lesser real estate title interests necessary for the Department of Public Service/Recreation and Parks Department, Bridge and Trail Improvements - West Fifth Avenue from McKinley Avenue to Dublin Road (PIDs 510112-100000 & 530301-160771) Public Project; authorize the City Attorney to spend funds from Fund Number 702 and Fund Number 704; and to declare an emergency. (\$123,107.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/10/2014	1	CITY CLERK	Attest	
12/9/2014	1	MAYOR	Signed	
12/8/2014	1	COUNCIL PRESIDENT	Signed	
12/8/2014	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City passed Ordinance Numbers 0775-2014 on April 21, 2014, and 2431-2014 on November 10, 2014, which both authorized the City Attorney to engage in the acquisition of certain fee simple and lesser real estate title interests (collectively, "Real Estate Interests") for the Department of Public Service/Recreation and Parks Department, Bridge and Trail Improvements - West Fifth Avenue from McKinley Avenue to Dublin Road (PIDs 510112-100000 & 530301-160771) Public Project ("Public Project"). The City also adopted Resolution Numbers 0092x-2014 on June 9, 2014, and 0176x-2014 on October 20, 2014, which both declared the City's **(i)** public purpose and necessity of the Public Project; and **(ii)** intent to appropriate the Real Estate Interests.

Pursuant to Columbus City Code, Section 909.03, the City Attorney served notice to all of the Real Estate Interests' owners of the **(i)** Public Project's public purpose and necessity; and **(ii)** adoption of Resolution Numbers 0092x-2014 and 0176x-2014. However, the City Attorney was unable to either locate some of the Real Estate Interests' owners or agree with some of the Real Estate Interests' owners regarding the amount of just compensation paid by the City for the Real Estate Interests. Accordingly, this ordinance authorizes the City Attorney to spend City funds and file necessary complaints to appropriate the remainder of the Real Estate Interests for the Public Project.

FISCAL IMPACT: Funding to appropriate the Public Project's Real Estate Interests will come from the Streets and Highways Bond Fund, Fund Number 704, and the Recreation and Parks Voted Bond Fund, Fund Number 702.

EMERGENCY JUSTIFICATION: Emergency action is requested to allow for the appropriation and acquisition of the Real Estate Interests 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 the remainder of the fee simple and lesser real estate title interests necessary for the Department of Public Service/Recreation and Parks Department, Bridge and Trail Improvements - West Fifth Avenue from McKinley Avenue to Dublin Road (PIDs 510112-100000 & 530301-160771) Public Project; authorize the City Attorney to spend funds from Fund Number 702 and Fund Number 704; and to declare an emergency. (\$123,107.00)

WHEREAS, pursuant to the passage of Ordinance Numbers 0775-2014 on April 21, 2014, and 2431-2014 on November 10, 2014, and adoption of Resolution Numbers 0092x-2014 on June 9, 2014, and 0176x-2014 on October 20, 2014, the City intends to authorize the City Attorney to spend City funds and file necessary complaints to appropriate the remainder of the fee simple and lesser real estate title interests (*i.e.* Real Estate Interests) for the Department of Public Service/Recreation and Parks Department, Bridge and Trail Improvements - West Fifth Avenue from McKinley Avenue to Dublin Road (PIDs 510112-100000 & 530301-160771) 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 Interests so that there will be no delay in the Public Project, thereby preserving 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 Interests") are described in Resolution Numbers 0092x-2014, which was adopted on June 9, 2014, and 0176x-2014, which was 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/Recreation and Parks Department, Bridge and Trail Improvements - West Fifth Avenue from McKinley Avenue to Dublin Road (PIDs 510112-100000 & 530301-160771) 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 Interests are necessary for the Public Project, because the City was unable to locate the Real Estate Interests' owners or agree with the Real Estate Interests' owners regarding the amount of just compensation paid by the City for the Real Estate Interests.

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

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

PUBLIC PROJECT'S PARCEL NUMBER(S) (FAIR MARKET VALUE AMOUNT)
REAL ESTATE INTERESTS' OWNER(S)
ADDRESS(ES)

1-WD, 1-CH, 1-S, 5-CH, 5-S, & 5-T (\$28,735.00)
RUNAWAY BAY II APARTMENTS LLC
C/O NATIONAL REGISTERED AGENTS, INC.
1300 E. 9TH, ST., CLEVELAND, OH 44114

ATTORNEY: JOE MILLER
VORYS, SATER, SEYMORE, AND PEASE LLP
52 E. GAY ST., COLUMBUS, 43215

3-CH & 3-T (\$6,977.00)

RUNAWAY BAY II APARTMENTS LLC
C/O NATIONAL REGISTERED AGENTS, INC.
1300 E. 9TH, ST., CLEVELAND, OH 44114

ATTORNEY: JOE MILLER
VORYS, SATER, SEYMORE, AND PEASE LLP
52 E. GAY ST., COLUMBUS, 43215

8-CH, 8-R, & 8-S (\$15,705.00)
QUARRY APARTMENTS I, LLC
10510 SPRINGBORO PIKE, MIAMISBURG, OH 45342

9-T (\$18,353.00)
2323 REAL GROUP LLC
2323 W. 5TH AVE., COLUMBUS, OH 43204

10-WD, 10-R, & 10-T (\$33,129.00)
1650 LAKE SHORE INC.
1650 LAKE SHORE DR., COLUMBUS, OH 43204

11-WD & 11-T (\$12,178.00)
STANTEC CONSULTING SERVICES, INC.
10160 112TH ST., EDMONTON, ALBERTA T5K-2L6

14-WD (\$1,162.00)
MARBLE CLIFF PLACE, LLC
580 N. 4TH St., STE 120, COLUMBUS, OH 43215

14-BS (\$7,730.00)
QUARRY APARTMENTS I, LLC
10510 SPRINGBORO PIKE, MIAMISBURG, OH 45342

15-T (\$300.00)
RIVERSIDE 10 LLC
C/O LAWYERS DEVELOPMENT CORPORATION
ATTN: NICK PETRICOFF
50 W. BROAD ST., STE 200, COLUMBUS, OH 43215

TOTAL.....\$123,107.00

SECTION 5. City Attorney is authorized to file the necessary complaints to appropriate the Real Estate Interests in the appropriate court of common pleas and impanel a jury to inquire and assess the just compensation to pay for the Public Project's Real Estate Interests.

SECTION 6. In order to pay for the Real Estate Interests' acquisition and appropriation costs for the Public Project, the City Attorney is authorized to spend up to **Sixty-six Thousand, Five Hundred Forty-three, and 00/100 U.S. Dollars (\$66,543.00)**, or so much as may be needed, from the Recreation and Parks Voted Bond Fund, and **Fifty-six Thousand, Five Hundred Sixty-four, and 00/100 U.S. Dollars (\$56,564.00)**, or so much as may be needed, from the Streets and Highways Bond Fund, as follows:

RECREATION & PARKS DEPARTMENT:
(Fund №) / (Project №) / (Project Name) / (O.L. 01-03 Codes) / (OCA) / (AC №) / (Amount)
(702) / (510112-100000) / (Park Acquisition) / (06-6601) / (702112) / (036290-002) / (\$65,312.00)

&

(702) / (510112-100000) / (Park Acquisition) / (06-6601) / (702112) / (037081-002) / (\$1,231.00)

DEPARTMENT OF PUBLIC SERVICE:

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

(704) / (530301-160771) / (Bridge Rehabilitation - 5th Ave. over Scioto River) / (06-6601) / (740171) / (036290-001) / (\$35,153.00)

&

(704) / (530301-160771) / (Bridge Rehabilitation - 5th Ave. over Scioto River) / (06-6601) / (740171) / (037081-001) / (\$21,411.00)

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.