



Legislation Details (With Text)

File #: 2789-2014 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/18/2014 **In control:** Public Utilities Committee

On agenda: 12/15/2014 **Final action:** 12/18/2014

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 Utilities, Division of Sewerage and Drainage, Blacklick Creek Sanitary Interceptor Sewer (CIP 650034-100006) Public Project; authorize the City Attorney to spend funds from Fund Number 664; and declare an emergency. (\$99,528.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/18/2014	1	CITY CLERK	Attest	
12/16/2014	1	MAYOR	Signed	
12/15/2014	1	COUNCIL PRESIDENT	Signed	
12/15/2014	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City passed Ordinance Number 1794-2013 on July 22, 2013, Ordinance Number 2717-2013 on December 9, 2013, and Ordinance Number 0134-2014 on February 24, 2014, which 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 Utilities, Division of Sewerage and Drainage, Blacklick Creek Sanitary Interceptor Sewer (CIP 650034-100006) Public Project ("Public Project"). The City also adopted Resolution Number 0260x-2013 on December 9, 2013, Resolution Number 0020x-2014 on March 3, 2014, and Resolution 0170x-2014 on October 20, 2014, which 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 0260x-2013, 0020x-2014, and 0170x-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 Department of Public Utilities' Sanitary Sewer General Obligation Bond Fund, Fund 664.

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 Utilities, Division of Sewerage and Drainage, Blacklick Creek Sanitary Interceptor Sewer (CIP 650034-100006) Public Project; authorize the City Attorney to spend funds from Fund Number 664; and declare an emergency. (\$99,528.00)

WHEREAS, pursuant to the passage of Ordinance Numbers 1794-2013, 2717-2013, and 0134-2014, and adoption of Resolution Numbers 0260x-2013, 0020x-2014, and 0170x-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 Utilities, Division of Sewerage and Drainage, Blacklick Creek Sanitary Interceptor Sewer (CIP 650034-100006) Public Project (*i.e.* Public Project);

WHEREAS, an emergency exists in the usual daily operations of the City, because it is immediately necessary to appropriate the remainder of the Real Estate Interests so that there will be no delay in the Public Project, which preserves 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 Number 0260x-2013, which was adopted on December 9, 2013, Resolution Number 0020x-2014, which was adopted on March 3, 2014, and Resolution 0170x-2014, which was adopted on October 20, 2014, and each of these resolutions are fully incorporated into this ordinance for reference; and to be appropriated for the public purpose of the Department of Public Utilities, Division of Sewerage and Drainage, Blacklick Creek Sanitary Interceptor Sewer (CIP 650034-100006) 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)

APPLICABLE CITY RESOLUTION

1-P1, 1-P2, 1-P3, 1-T1, & 1-T2 (\$5,430.00)

HEATHERBRIDGE OH PARTNERS LLC

C/O CORTLAND PARTNERS

3424 PEACHTREE RD. NE, STE 300, ATLANTA, GA 30326

0170X-2014

7-P, 7-PS, & 7-T (\$94,098.00)

BARBALEE REALTY CO., LLC

CRAIG PATTERSON

1099 REYNOLDSBURG NEW ALBANY RD., BLACKLICK, OH 43004

&

BARBALEE REALTY CO., LLC
M/I HOMES OF CENTRAL OHIO, LLC
3 EASTON OVAL, STE 500, COLUMBUS, OH 43219
0260X-2013

TOTAL.....\$99,528.00

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 **Ninety-nine, Five Hundred Twenty-eight, and 00/100 U.S. Dollars (\$99,528.00)**, or so much as may be needed, from the Department of Public Utilities' Sanitary Sewer General Obligation Bond Fund, Fund 664, as follows:

DEPARTMENT OF PUBLIC UTILITIES:

(Fund No) / (Project No) / (Project Name) / (O.L. 01-03 Codes) / (OCA) / (AC No) / (Amount)
(664) / (650034-100006) / (Blacklick Creek Sanitary Sewer) / (06-6601) / (643406) / (035409-005) / (\$99,528.00)

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.