



Legislation Details (With Text)

File #: 3187-2022 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 11/9/2022 **In control:** Public Service & Transportation Committee
On agenda: 12/12/2022 **Final action:** 12/14/2022
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 Pedestrian Safety Improvements - Worthington Woods Boulevard Sidewalks Project and to authorize an expenditure of \$28,971.00. (\$28,971.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/14/2022	1	CITY CLERK	Attest	
12/13/2022	1	MAYOR	Signed	
12/13/2022	1	MAYOR	Signed	
12/12/2022	1	COUNCIL PRESIDENT	Signed	
12/12/2022	1	Columbus City Council	Approved	Pass
12/5/2022	1	Columbus City Council	Read for the First Time	

..EXPLANATION

BACKGROUND: The City’s Department of Public Service (“DPS”) is performing the Pedestrian Safety Improvements - Worthington Woods Boulevard Sidewalks Project (Project No. 540002-100112) (“Public Project”). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Worthington Woods Boulevard from Sancus Boulevard to Deer Creek Drive (collectively, “Real Estate”) in order for DPS to timely complete the Public Project. The City passed Ordinance Number 0704-2021 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0065X-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 right-of-way of Worthington Woods Boulevard 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 0065X-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 Streets and Highways G O Bond Fund, Fund Number 7704 pursuant to existing Auditor’s Certificate ACDI001440-10.

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 Pedestrian Safety Improvements - Worthington Woods Boulevard Sidewalks Project and to authorize an expenditure of \$28,971.00. (\$28,971.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Pedestrian Safety Improvements - Worthington Woods Boulevard Sidewalks Project (Project No. 540002-100112) (“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 Worthington Woods Boulevard; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 0704-2021 and the adoption of Resolution Number 0065X-2022, 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 Worthington Woods Boulevard which will be open to the public without charge; 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 0065X-2022 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 Pedestrian Safety Improvements - Worthington Woods Boulevard Sidewalks Project (“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

14-T (FMVE \$5,823.00)

Speedway SuperAmerica, LLC nka Speedway, LLC
c/o CT Corporation System, Reg. Agent
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

30-WD (FMVE \$907.00)

SE Worthington, LLC
c/o Corporation Service Company
3366 Riverside Drive, Suite 103

Upper Arlington, OH 43221

32-WD1, -WD2, -T1, -T2 (FMVE \$14,888.00)

The McDonald's Corporation
c/o Todd Sorg
2 Easton Oval, Suite 200
Columbus, OH 43219

35-WD, -T (FMVE \$6,283.00)

United Dairy Farmers, Inc.
c/o Darryl Neltner
3955 Montgomery Road
Cincinnati, OH 45202

40-T (FMVE \$770.00)

Trinity Place, LLC
2400 N. Reynolds Road, Ste. 1
Toledo, OH 43615

64-T (FMVE \$300.00)

Janet W. Page
1470 Buckpoint Lane
Worthington, OH 43085

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 Worthington Woods Boulevard 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 Twenty Eight Thousand Nine Hundred Seventy one and 00/100 U.S. Dollars (\$28,971.00), or so much as may be needed from existing Auditor's Certificate ACDI001440-10.

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.