



Legislation Details (With Text)

File #: 1030-2023 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/28/2023 **In control:** Public Service & Transportation Committee

On agenda: 4/24/2023 **Final action:** 4/26/2023

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 Miscellaneous Developments - American Addition Phase 4 Project; to authorize an expenditure of \$12,550.00; and to declare an emergency. (\$12,550.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/26/2023	1	CITY CLERK	Attest	
4/25/2023	1	MAYOR	Signed	
4/24/2023	1	COUNCIL PRESIDENT	Signed	
4/24/2023	1	Columbus City Council	Approved	Pass
4/24/2023	1	COUNCIL PRESIDENT	Signed	

BACKGROUND: The City’s Department of Public Service (“DPS”) is performing the Miscellaneous Developments - American Addition Phase 4 Project, project number 590131-100023 (“Public Project”). The City must acquire certain fee simple title and lesser real estate located in the vicinity of the North Central Planning Area (49) (collectively, “Real Estate”) in order for DPS to timely complete the Public Project. The City passed Ordinance Number 1458-2022 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0200X-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 the North Central Planning Area (49) 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 0200X-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 GO Bonds Fund, Fund Number 7704 pursuant to existing Auditor’s Certificate ACDI001788-10.

EMERGENCY JUSTIFICATION: Emergency action is requested in order to acquire the Real Estate and meet the established right-of-way clear dates thereby allowing DPS to timely complete the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety and welfare.

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 Miscellaneous Developments - American Addition Phase 4 Project; to authorize an expenditure of \$12,550.00; and to declare an emergency. (\$12,550.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Miscellaneous Developments - American Addition Phase 4 Project (“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 the North Central Planning Area (49); and

WHEREAS, the City, pursuant to the passage of Ordinance Number 1458-2022 and the adoption of Resolution Number 0200X-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 the North Central Planning Area (49) which will be open to the public without charge; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to authorize the City Attorney to file complaints in order to appropriate and accept the Real Estate in order to meet the established right-of-way clear dates thereby preventing unnecessary delay in completing the Public Project, which will preserve the public peace, property, health, welfare, and safety; 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 0200X-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 Miscellaneous Developments - American Addition Phase 4 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

Parcel 15-T FMVE: (\$300.00)

Freddie McCoy
2891 Landon Drive
Columbus, Ohio 43209
and
Edward McCoy
Address Unknown

and
Lillian Suber
Address Unknown

Parcel 17-CH1, CH2, S, T1, T2 FMVE: (\$3,725.00)

Jada Boyd
1264 Sigsbee Avenue
Columbus, Ohio 43219

Parcel 18-CH, T FMVE: (\$300.00)

Weldon Douthitt,
2243 Ashland Avenue
Toledo, Ohio 43620

and
Alfreda Douthitt Nichols
2587 Priory Court
Columbus, Ohio 43224

and
Juanita Douthitt McFadden
1344 Miller Avenue
Columbus, Ohio 43206

and
Vanzella Douthitt
Address Unknown

and
Lester Douthitt
Address Unknown

and
Wesley Douthitt
Address Unknown

and
Althenia Douthitt Cooper
Address Unknown

and
James Douthitt, Jr
Address Unknown

and
William Douthitt
Address Unknown

and
Jeanne Douthitt Morris
Address Unknown

Parcel 22-CH1, CH2, S, T1, T2 FMVE (\$1,800.00)

Mt. Zion Missionary Baptist Church
1535 Dewey Avenue
Columbus, Ohio 43219
Visola Ford, deceased
Address Unknown

33-CH, S (FMVE: \$1,165.00)

Vernon S. Fields, Jr.
3378 Martin Luther King, Jr. Drive

Cleveland, Ohio 44104

34-CH, S (FMVE: \$1,560.00)

Vernon S. Fields, Jr.
3378 Martin Luther King, Jr. Drive
Cleveland, Ohio 44104
and
Weldon E. Fields, Sr.
3302 Hudson Street
Columbus, Ohio 43219

35-CH, S1, S2, T (FMVE: \$390.00)

Bryan and Brianna Bosley
1251 Sampson Avenue
Columbus, Ohio 43219

37-CH1, CH2, S (FMVE: \$650.00)

Luther V. Choice, deceased
c/o Leila C. Tolbert
245 North Rutherford Road
Greer, South Carolina 29651-5525

39-T (FMVE: \$300.00)

Alice Gotal, deceased
c/o Mary Cunningham Bell
6008 County Road 912
Godley, Texas 76044

44-CH (FMVE: \$1,235.00)

James S. Gardner
1619 West 106th Street
Los Angeles, California 90047
and
Melvin R. Gardner
4237 East Broad Street, Apt. 204
Whitehall, Ohio 43213
and
Hazel R. Cain
1201 Riva Ridge Court, Apt. 1
Gahanna, Ohio 43230
and
Louisa Jones, deceased
Address n/a
and
Beverly J. Hill, deceased
Address n/a

46-CH1, CH2, S (FMVE: \$700.00)

Vernon S. Fields, deceased
1241 Sampson Avenue
Columbus, Ohio 43219

59-T (FMVE: \$425.00)

Fields Brothers Landscaping, Inc.
1247 Sampson Avenue
Columbus, Ohio 43219

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 the North Central Planning Area (49) 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 Twelve Thousand Five Hundred Fifty and 00/100 U.S. Dollars (\$12,550.00), or so much as may be needed from existing Auditor's Certificate ACDI001788-10.

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, for the reasons stated in the preamble, which are made a part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.