



## Legislation Details (With Text)

**File #:** 1894-2017      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 7/6/2017      **In control:** Public Utilities Committee

**On agenda:** 7/31/2017      **Final action:** 8/3/2017

**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 Big Run/Hellbranch Sewer Extension (CIP 650604-100001) Public Improvement Project; and to authorize the City Attorney to spend funds pursuant to an existing Auditor's certificate. (\$13,791.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/3/2017	1	ACTING CITY CLERK	Attest	
8/2/2017	1	MAYOR	Signed	
7/31/2017	1	COUNCIL PRESIDENT	Signed	
7/31/2017	1	Columbus City Council	Approved	Pass
7/24/2017	1	Columbus City Council	Read for the First Time	

**BACKGROUND:**

The City's Department of Public Utilities (DPU) is engaged in the Big Run/Hellbranch Sewer Extension (CIP 650604-100001) Public Improvement Project ("Public Project"). The City must acquire in good faith and accept certain fee simple title and lesser real property interests located in the vicinity of Sullivant Avenue and Galloway Road, Galloway, Ohio 43119 (collectively, "Real Estate") in order for DPU to complete the Public Project. The City passed Ordinance Number 1066-2016 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0046X-2017 declaring the City's (i) public purpose and necessity of the Public Project, and (ii) intent to appropriate the Real Estate. The City's acquisition of the Real Estate will help make, improve, or repair certain portions of the sewer infrastructure in the vicinity of Sullivant Avenue and Galloway Road.

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 0046X-2017. 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 appropriate the Real Estate will come from the Sanitary Sewer General Obligation (GO) Bond Fund pursuant

to existing Auditor's Certificate ACDI000246-10.

**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 Big Run/Hellbranch Sewer Extension (CIP 650604-100001) Public Improvement Project; and to authorize the City Attorney to spend funds pursuant to an existing Auditor's certificate. (\$13,791.00)

**WHEREAS**, the City intends to make, improve, or repair certain sewer infrastructure by completing the Big Run/Hellbranch Sewer Extension (CIP 650604-100001) Public Improvement 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 Sullivant Avenue and Galloway Road, Galloway, Ohio 43119 (collectively, "Real Estate") in order to complete the Public Project; and

**WHEREAS**, the City, pursuant to the passage of Ordinance Number 1066-2016 and the adoption of Resolution 0046X-2017, 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 sewer infrastructure in the vicinity of Sullivant Avenue and Galloway Road.; 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 (*i.e.* Real Estate) is (i) fully described in Resolution 0046X-2017 and incorporated into this ordinance for reference as if rewritten, and (ii) to be immediately appropriated and accepted for the public purpose of DPU's timely completing the Big Run/Hellbranch Sewer Extension (CIP 650604-100001) Public Improvement 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 declares that the fair market value of the Real Estate as follows:

**PUBLIC PROJECT PARCEL NUMBER(S) (FMVE)**

**REAL ESTATE OWNER**

**OWNER ADDRESS**

1P,T  
FMVE \$13,791  
Broad and High Corporation, successor to Broadlawn Realty and Rental Inc.  
c/o Thomas Tonti, Tonti Organization  
34 N. High St.  
Columbus, Ohio 43215-3089

**TOTAL.....\$13,791.00**

**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 sewer infrastructure in the vicinity of Sullivant Avenue and Galloway Road, Galloway, Ohio 43119.

**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 Thirteen Thousand, Seven Hundred Ninety-one and 00/100 U.S. Dollars (\$13,791.00), or so much as may be needed from existing Auditor's Certificate ACDI000246-10 established by Ordinance Number 1066-2016.

**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.