



Legislation Details (With Text)

File #: 0320-2024 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 1/23/2024 **In control:** Public Service & Transportation Committee
On agenda: 2/26/2024 **Final action:** 2/29/2024

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 - Courtright Road Sidewalks - Refugee Road to Groves Road Project (Project No. 590105-10048); and to authorize an expenditure of \$14,901.00 from the Streets and Highways General Obligation Bond Fund. (\$14,901.00)

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 2/29/2024 | 1 | CITY CLERK | Attest | |
| 2/28/2024 | 1 | MAYOR | Signed | |
| 2/26/2024 | 1 | COUNCIL PRESIDENT | Signed | |
| 2/26/2024 | 1 | Columbus City Council | Approved | Pass |
| 2/12/2024 | 1 | Columbus City Council | Read for the First Time | |

BACKGROUND: The City’s Department of Public Service (“DPS”) is performing the Pedestrian Safety - Courtright Road Sidewalks - Refugee Road to Groves Road Project (Project No. 590105-10048) (“Public Project”). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Courtright Road from Refugee Road to Groves Road (collectively, “Real Estate”) in order for DPS to timely complete the Public Project. The City passed Ordinance Number 1643-2022 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0159X-2023 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 located in the vicinity of Courtright Road from Refugee Road to Groves Road 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 0159X-2023. 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 Bond Fund, Fund Number 7704 pursuant to existing Auditor’s Certificate ACDI001826-10.

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 - Courtright Road Sidewalks - Refugee Road to Groves Road Project (Project No. 590105-10048); and to authorize an expenditure of \$14,901.00 from the Streets and Highways General Obligation Bond Fund. (\$14,901.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Pedestrian Safety - Courtright Road Sidewalks - Refugee Road to Groves Road Project (Project No. 590105-10048) (“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 Courtright Road from Refugee Road to Groves Road; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 1643-2022 and the adoption of Resolution Number 0159X-2023, 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 Courtright Road from Refugee Road to Groves Road which will be open to the public without charge; **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 0159X-2023 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 - Courtright Road Sidewalks - Refugee Road to Groves Road Project (Project No. 590105-10048) (“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 24WD, T (FMVE \$5,212.00)

Cynthia Ibarra
P.O. Box 4
Amanda, Ohio 43102-0004

Parcel 36WD (FMVE \$2,746.00)

BuyNow Properties, LLC
c/o David Creighton
1310 Dublin Road
Columbus, Ohio 43215

Parcel 38WD (FMVE \$6,943.00)

Prime Property Group II, Ltd.
c/o OLR Biz Agency, Inc., statutory agent
35 North Fourth Street
Columbus, Ohio 43215

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 Courtright Road from Refugee Road to Groves Road 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 Fourteen Thousand Nine Hundred One 00/100 U.S. Dollars (\$14,901.00), or so much as may be needed from existing Auditor's Certificate ACDI001826-10, from the Streets and Highways General Obligation Bond Fund.

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.