



## Legislation Details (With Text)

**File #:** 2607-2013      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/1/2013      **In control:** Public Service & Transportation Committee  
**On agenda:** 12/2/2013      **Final action:** 12/5/2013

**Title:** To authorize the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the Operation Safewalks - Joyce Avenue Phase 2 Project [590955-100008/2765 Dr E]; authorizes the expenditure of One Hundred One Thousand, Three Hundred Ten, and 00/100 U.S. Dollars from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund ? 704; and to declare an emergency. (\$101,310.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/5/2013	1	CITY CLERK	Attest	
12/4/2013	1	MAYOR	Signed	
12/2/2013	1	COUNCIL PRESIDENT	Signed	
12/2/2013	1	Columbus City Council	Approved	Pass

**BACKGROUND:** The Department of Public Service, Division of Design and Construction, on behalf of the City of Columbus, Ohio, an Ohio municipal corporation (“City”), is engaged in the acquisition of certain real property interests for the Operation Safewalks - Joyce Avenue Phase 2 Project [590955-100008/2765 Dr E] (“Project”). The City’s Council passed **City Resolution Number 0198X-2013** on September 26<sup>th</sup>, 2013, and City Resolution Number 0215X-2013 on October 10<sup>th</sup>, 2013, which each declared the necessity and intent to appropriate certain real property interests for the Project. Therefore, this legislation authorizes the Columbus City Attorney to file necessary complaints for the appropriation of fee simple title and lesser interests for real estate necessary for the City’s Project.

**FISCAL IMPACT:** The Project’s funding will come from the Department of Public Service, Streets & Highways GO Bonds Fund № 704.

**EMERGENCY JUSTIFICATION:** Emergency action is requested to allow for the appropriation and acquisitions necessary for the Project to proceed without delay, which will preserve the public peace, property, health, safety, and welfare.

To authorize the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the Operation Safewalks - Joyce Avenue Phase 2 Project [590955-100008/2765 Dr E]; authorizes the expenditure of One Hundred One Thousand, Three Hundred Ten, and 00/100 U.S. Dollars from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund № 704; and to declare an emergency. (\$101,310.00)

**WHEREAS,** the Department of Public Service, Division of Design and Construction, on behalf of the City of Columbus,

Ohio, an Ohio municipal corporation (“City”), is engaged in the acquisition of certain real property interests for the Operation Safewalks - Joyce Avenue Phase 2 Project [590955-100008/2765 Dr E] (“Project”);

**WHEREAS**, the City’s Council passed **Columbus City Resolution Number 0198X-2013** on September 26<sup>th</sup>, 2013, which declared the necessity and intent to appropriate the real property interests described in this ordinance for the Project;

**WHEREAS**, the City’s Council passed **Columbus City Resolution Number 0215X-2013** on October 10<sup>th</sup>, 2013, which also declared the necessity and intent to appropriate the real property interests described in this ordinance for the Project;

**WHEREAS**, the public purpose for this Project’s appropriation and notice of the adoption of the resolution was served according to Columbus City Code, Section 909.03;

**WHEREAS**, an emergency exists in the usual daily operation of the City, because it is necessary to appropriate the real property interests so there will be no delay in the Project, which immediately preserves the public peace, property, health, safety, and welfare; **now, therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**SECTION 1.** That the fee simple title and lesser real property interests associated with the parcels listed in Section 4 of this ordinance: are fully described in **City Resolution Number 0198X-2013**, which passed on September 26<sup>th</sup>, 2013, and **City Resolution Number 0215X-2013**, which passed on October 10<sup>th</sup>, 2013; are fully incorporated into this ordinance; and are to be appropriated for the public purpose of the Operation Safewalks - Joyce Avenue Phase 2 Project [590955-100008/2765 Dr E] (“Project”).

**SECTION 2.** That pursuant to the power and authority granted to the City of Columbus, Ohio (“City”), by the Ohio Constitution; Ohio Revised Code, Sections 715.01, 717.01, and 719.01 through 719.02; Charter of the City of Columbus, Ohio; and Columbus City Code (1959), Chapter 909, the City’s Council declares the appropriation of the real property interests are necessary for the public Project, because the City was unable to locate the real property owner(s) or agree with the real property owner(s) regarding the amount of just compensation to be paid by the City for real property interests needed to complete the Project.

**SECTION 3.** That the Columbus City Council declares its intention to obtain immediate possession of the real property interests described in this ordinance for the Project.

**SECTION 4.** That the Columbus City Council declares that the fair market value of the fee simple title or lesser real property interests as follows:

<u>PROJECT PARCEL №</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
37 T	<b>Usimare Haynes</b> 3087 Framingham Circle, Columbus, OH 43224	<b>\$300.00</b>
40 T	<b>James I. Campbell</b> 1392 E. 17 <sup>th</sup> Ave., Columbus, OH 43211	<b>\$435.00</b>
42 WD, T	<b>JZA Realty Investments LLC</b> 1410 E. 17 <sup>th</sup> Ave., Columbus, OH 32111	<b>\$5,000.00</b>
43 WD, S, T	<b>Consolidated Utilities Railroad Corporation</b> c/o BZ Investors Attn: Clark D. Baltzell 4444 Llewellyn Rd., Columbus, OH 43230	<b>\$4,222.00</b>

46 WD, T	<b>Airport Taxi C/O</b> Ronald B. Noga Atty. 1010 Old Henderson Rd., Columbus, OH 43220	<b>\$7,940.00</b>
48 WD, S, T1, T2	<b>Asnakew Tadesse</b> 1580 Joyce Ave., Columbus, OH 43219	<b>\$4,823.00</b>
49 WD, S, T	<b>Shirley A. Wallington</b> 1577 E. 17 <sup>th</sup> Ave., Columbus, OH 43219	<b>\$3,689.00</b>
51 WD, T	<b>New Generation Church</b> 1173 Essex Ave., Columbus, OH 43211	<b>\$9,117.00</b>
72 AWD, T	<b>Modern Development Corp.</b> 1950 E. 17 <sup>th</sup> Ave., Columbus, OH 43219	<b>\$300.00</b>
72 BS	<b>Clarence Lane &amp; Rosia Edward Lane</b> 3079 Cheaves Place, Columbus, OH 43224	<b>\$300.00</b>
73 S	<b>Afeefah T. Akbar</b> 2277 Argyle Dr., Columbus, OH 43219	<b>\$300.00</b>
74 WD, T	<b>Springhill Missionary Baptist Church</b> P.O. Box 10405, Columbus, OH 43201	<b>\$13,851.00</b>
75 WD, S1, S2, T1, T2, T3, T4	<b>17<sup>th</sup> Avenue Mobile Home Park, LLC</b> c/o Dan Cahill 701 Crescent Point Dr., Crescent Springs, KY 41017	<b>\$11,381.00</b>
78 WD, T	<b>Sallie E. McCall</b> 1499 Brentnell Ave., Columbus, OH 43219	<b>\$2,800.00</b>
98 WD, T	<b>Max &amp; Sylvia Tennebaum, Trustees</b> c/o Sandra Garrett 7 Lyonsgate, Columbus, OH 43209	<b>\$1,300.00</b>
100 WD1, WD2, T	<b>Columbus Site Development Group, Ltd.</b> c/o Steven Legg 7458 Parsons Rd., Croton, OH 43013	<b>\$23,895.00</b>
107 WD, T	<b>Aiport Taxi Service C/O</b> Ronald B. Noga Atty. 1010 Old Henderson Rd., Columbus, OH 43220	<b>\$1,986.00</b>
109 WD, T	<b>Rickly Hydrological Services, Ltd.</b> c/o Mike Rickly 1700 Joyce Ave., Columbus, OH 43219	<b>\$2,168.00</b>
111 WD, S, T	<b>ABF Freight Systems, Inc.</b> c/o Walter Echols 3801 Old Greenwood Rd., Fort Smith, AR 72903	<b>\$7,503.00</b>

**TOTAL.....\$101,310.00**

**SECTION 5.** That the Columbus City Attorney is authorized to file complaints for appropriation of real property in the appropriate court of common pleas and impanel a jury to inquire and assess the just compensation to pay for the real property interests described in this ordinance.

**SECTION 6.** That for the purpose of paying the cost of this acquisition the sum of up to \$101,310.00 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways Bond Fund and Storm Sewer Bonds Fund as follows, for the Project's costs to appropriate the parcels of real property listed in Section 4 of this ordinance:

Department of Public Service

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / AC # / Amount

704 / 590955-100008 / Operation Safewalks - Joyce Avenue Ph 2/ 06-6601 / 704955 / AC033182-001 / \$74,473.38

704 / 590955-100008 / Operation Safewalks - Joyce Avenue Ph 2/ 06-6601 / 704955 / AC035471-001 / \$9,531.00

Department of Public Utilities

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / AC # / Amount

685 / 610990-100002 / Seventeenth Avenue SSI/ 06-6601 / 680990 / AC035471-003 / \$17,305.62

**SECTION 7.** Tha the City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

**SECTION 8.** That for the reasons stated in the preamble hereto, which are made a part of this ordinance hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.