



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 12/21/2023 **In control:** Public Service & Transportation Committee

On agenda: 2/12/2024 **Final action:** 2/14/2024

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 FRA-CR96-1.71 Arterial Street Rehabilitation - Cassady Avenue Widening Project; to authorize an expenditure of \$1,629,288.00 split among the Morse Road TIF Fund (Fund Number 7414), Streets and Highway General Obligation Bonds Fund, and Federal Transportation Grant Fund; and to declare an emergency. (\$1,629,288.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/14/2024	1	CITY CLERK	Attest	
2/13/2024	1	ACTING MAYOR	Signed	
2/12/2024	1	COUNCIL PRESIDENT	Signed	
2/12/2024	1	Columbus City Council	Approved	Pass

BACKGROUND: The City’s Department of Public Service (“DPS”) is performing the FRA-CR96-1.71 Arterial Street Rehabilitation - Cassady Avenue Widening Project, Project No. 530103-100060 (PID 105732) (“Public Project”). The City must acquire certain fee simple title and lesser real estate located in the vicinity of the Cassady Avenue corridor from the City of Bexley Corporation line to 7th Avenue (collectively, “Real Estate”) in order for DPS to timely complete the Public Project. The City passed Ordinance Number 2113-2021 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0001X-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 of the Cassady Avenue corridor from the City of Bexley Corporation line to 7th Avenue 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 0001X-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 Morse Rd TIF Ord 2179 01 ORC 40, Fund Number 7414 for Eighty percent (80%) of the total cost pursuant to existing Auditor’s Certificate ACDI001607-10 and the Streets and Highway G O Bonds Fund, Fund Number 7704 for Twenty percent (20%) of the total cost pursuant to existing Auditor’s Certificate ACDI001607-20 until the funds are depleted. Once the initial funds are depleted, additional funding is available through the Streets and Highway G O Bonds Fund, Fund Number 7704 for One Hundred percent (100%) of the total cost pursuant to existing Auditor’s Certificate ACDI001607-30 until depleted. The final funding will

come from the Federal Transportation Grant Fund Number 7765 for Eighty percent (80%) of the total cost pursuant to existing Auditor's Certificate ACDI002047-10 and the Streets and Highway G O Bonds Fund, Fund Number 7704 for Twenty percent (20%) of the total cost pursuant to existing Auditor's Certificate ACDI002047-20 for a total expenditure of up to \$1,629,288.00.

EMERGENCY JUSTIFICATION Emergency action is requested in order to acquire the Real Estate and allow DPS to timely complete the Public Project without unnecessary delay in order to meet the right-of-way clear date of March 14, 2024, 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 FRA-CR96-1.71 Arterial Street Rehabilitation - Cassady Avenue Widening Project; to authorize an expenditure of \$1,629,288.00 split among the Morse Road TIF Fund (Fund Number 7414), Streets and Highway General Obligation Bonds Fund, and Federal Transportation Grant Fund; and to declare an emergency. (\$1,629,288.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the FRA-CR96-1.71 Arterial Street Rehabilitation - Cassady Avenue Widening Project, Project No. 530103-100060 Project (PID 105732) ("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 Cassady Avenue corridor from the City of Bexley Corporation line to 7th Avenue; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 2113-2021 and the adoption of Resolution Number 0001X-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 the Cassady Avenue corridor from the City of Bexley Corporation line to 7th Avenue which will be open to the public without charge; and

WHEREAS, an emergency exists in the usual daily operations of Department of Public Service in that it is immediately necessary to declare the City's intent to appropriate and accept the Real Estate in order to prevent unnecessary delay in completing the Public Project, all for the immediate preservation of the public peace, property, health and safety; **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 0001X-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 FRA-CR96-1.71 Arterial Street Rehabilitation - Cassady Avenue Widening Project, Project No. 530103-100060 Project (PID 105732) ("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 3-SH1, 3-SH2, 3-T1, 3-T2 FMVE (\$25,269.00)

The Columbus & Ohio Railroad Company
c/o Richard Fowler
13901 Sutton Park Drive South, Suite 270
Jacksonville, Florida 32224

And

Ohio Rail Development Commission
c/o Bobbi Watkins
1980 West Broad Street
Columbus, Ohio 43223

Parcel 4A-WD, FMVE (\$14,330.00)

Thomas D. Cassady
Address unknown Notice by Publication dates: May 19, 2023, May 26, 2023, and June 2, 2023

And

Columbus Cassady, LLC
c/o Shelly Walzak
130 East Wilson Bridge Road, Suite 310
Worthington, Ohio 43085

Parcel 4-WD, 4-T FMVE (\$104,355.00)

Columbus Cassady, LLC
c/o Shelley Walzak
130 East Wilson Bridge Road, Suite 310
Worthington, Ohio 43085

Parcel 8-T FMVE (\$4,769.00)

Voelker & Voelker
1620 West First Avenue
Columbus, Ohio 43212
Attn: Dow Voelker

Parcel 10-WD, 10-T, 10A-T FMVE (\$854,000.00)

Fifth Avenue Plaza, Ltd.
3016 Maryland Avenue
Columbus, Ohio 43209

Parcel 15-WD1, 15-WD2 FMVE (\$485,000.00)

Mother's Ink Housing, LLC
c/o Albert Gyebi
6400 East Main Street, Suite 202

Reynoldsburg, Ohio 43068

Parcel 19-WD, 19-T FMVE (\$3,364.00)

Aburaida Properties, LLC
c/o Raed M. Aburaida
5268 Winters Run Road
Dublin, Ohio 43016

Parcel 20-WD, 20-T FMVE (\$1,687.00)

Donna S. Allen
1815 Gardenstone Drive
Columbus, Ohio 43235

Parcel 22-WD, 22-T FMVE (\$1,542.00)

MV & AP, LLC
c/o Behzad Vedaie
1269 Stone Ridge Court
Westerville, Ohio 43081

And

MV & AP, LLC
c/o Sepehr Parvin
8499 Green Tree Road
Lewis Center, Ohio 430352

And

MV & AP, LLC
c/o Sanjay Bhatt
2929 Kenny Road, Suite 280
Columbus, Ohio 43221

Parcel 32-WD FMVE (\$34,446.00)

Fifth Avenue Plaza, Ltd.
3016 Maryland Avenue
Columbus, Ohio 43209

Parcel 32-BS FMVE (\$1,911.00)

Clinton P. Stahler, Esq.
500 South Front Street, Suite #1200
Columbus, Ohio 43215

Parcel 34-WD FMVE (\$70,518.00)

Mewael Afewerki
3639 Maize Road
Columbus, Ohio 43224

Parcel 35-WD, 35-T FMVE (\$9,159.00)

Medhat Mokhtar, Trustee of the Medhat Mokhtar Living Trust dated March 7, 2019
3780 Sunburst Drive
Columbus, Ohio 43207

Parcel 37-WD, 37-T FMVE (\$12,897.00)

Columbus Cassady, LLC
c/o Shelley Walzak
130 East Wilson Bridge Road, Suite 310
Worthington, Ohio 43085

Parcel 38-WD, 38-T FMVE (\$5,516.00)

Columbus Cassady, LLC
c/o Shelley Walzak
130 East Wilson Bridge Road, Suite 310
Worthington, Ohio 43085

Parcel 40-WD, 40-T FMVE (\$525.00)

Columbus Cassady, LLC
c/o Shelley Walzak
130 E. Wilson Bridge Road, Suite 310
Worthington, Ohio 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 the Cassady Avenue corridor from the City of Bexley Corporation line to 7th Avenue 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 One Million Six Hundred Twenty-nine Two Hundred Eighty-eight and 00/100 U.S. Dollars (\$1,629,288.00), or so much as may be needed, from existing Auditor's Certificates ACDI001607-20, ACDI001607-10, ACDI001607-30, ACDI002047-20, and ACDI002047-10, which funding is split among the Morse Road TIF Fund (Fund Number 7414), Streets and Highway General Obligation Bonds Fund, and Federal Transportation Grant 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, 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.