



Legislation Details (With Text)

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On agenda: 7/15/2013 **Final action:** 7/18/2013

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 Arterial Street Rehabilitation - Lockbourne Road - Frebis Road - SR104; to authorizes the expenditure of Thirty-three Thousand, Four Hundred Sixty-nine, and 00/100 U.S. Dollars from the Department of Public Service, Streets & Highways GO Bonds Fund; to authorize the expenditure of Twenty Thousand, One Hundred Sixty-three, and 00/100 U.S. Dollars from the Department of Public Utilities, Storm Build America Bond Funds; and to declare an emergency. (\$53,632.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/18/2013	1	CITY CLERK	Attest	
7/16/2013	1	MAYOR	Signed	
7/15/2013	1	COUNCIL PRESIDENT	Signed	
7/15/2013	1	Columbus City Council	Approved	Pass

BACKGROUND : The following 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 of Columbus, Ohio, Departments of Public Service and Public Utilities, Arterial Street Rehabilitation - Lockbourne Road - Frebis Road - SR104 ("Project").

FISCAL IMPACT : The Project's funding will come from the Department of Public Service, Streets & Highways GO Bonds Fund, and the Department of Public Utilities, Storm Build America Bonds Fund.

EMERGENCY JUSTIFICATION : Emergency action is requested to allow for the appropriation and subsequent 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 Arterial Street Rehabilitation - Lockbourne Road - Frebis Road - SR104; to authorizes the expenditure of Thirty-three Thousand, Four Hundred Sixty-nine, and 00/100 U.S. Dollars from the Department of Public Service, Streets & Highways GO Bonds Fund; to authorize the expenditure of Twenty Thousand, One Hundred Sixty-three, and 00/100 U.S. Dollars from the Department of Public Utilities, Storm Build America Bond Funds; and to declare an emergency. (\$53,632.00)

WHEREAS , the City of Columbus, Ohio, Departments of Public Service ("City"), an Ohio municipal corporation, is

engaged in the acquisition of certain real property interests for the Arterial Street Rehabilitation - Lockbourne Road - Frebis Road - SR104 ("Project");

WHEREAS, the City's Council adopted **Columbus City Resolution № 0102X-2013**, which 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; and **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 **Columbus City Resolution № 0102X-2013**; are fully incorporated into this legislation; and are to be appropriated for the public purpose of the Arterial Street Rehabilitation - Lockbourne Road - Frebis Road - SR104 ("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, 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 Council declares its intention to obtain immediate possession of the real property interests described in this legislation for the Project.

SECTION 4. That 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>
1WD, T	Developer's Seven 477 S. Front Street, Columbus, OH 43215	\$300.00
2WD, T	Wasserstrom Realty LLC 477 S. Front Street, Columbus, OH 43215 Attn: Reid Wasserstrom The Wasserstrom Co. Elaine Weiner Stuart Wasserstrom Denise Weiner Neary Douglas Weiner Tracy Weiner	\$994.00
8WD, T	V&S Columbus Galvanizing LLC 1000 Buckeye Park Road, Columbus, OH 43207	\$300.00
9SH, T	Norfolk Southern Railway Company	\$975.00

	Attn: Solomon Jackson 8000 Ravines Edge Ct, Ste 300 B Columbus, OH 43235	
10WD	Refugee Industrial Park Partners LLC 477 S. Front Street, Columbus, OH 43215	\$6,781.00
10S	Refugee Industrial Park Partners LLC 477 S. Front Street, Columbus, OH 43215	\$4,024.00
11WD	T Ronald L. Nichols & Leann E. Nichols Co-Trustees of the Nichols Family Trust 5734 S. Main Street, Akron, OH 44319	\$112.00
11S	T Ronald L. Nichols & Leann E. Nichols Co-Trustees of the Nichols Family Trust 5734 S. Main Street, Akron, OH 44319	\$188.00
12WD, T1, T2, & T3	D and D Group Ltd. 3080 Valleyview Drive, Columbus, OH 43204	\$11,145.00
12S	D and D Group Ltd. 3080 Valleyview Dr, Columbus, OH 43204	\$2,860.00
14WD	BUTYCO Property Inc. Donna J. Buty 2110 Lockbourne Rd., Columbus, OH 43207	\$5,753.00
14S	BUTYCO Property Inc., Donna J. Buty 2110 Lockbourne Rd., Columbus, OH 43207	\$4,345.00
17WD	Ohio National Bank of Columbus PNC BANK 4661 E. Main Street, Whitehall, OH 43213	\$1,100.00
23WD	Jalon C. Gordon 5486 Gary Lane, Columbus, OH 43232	\$1,876.00
23S	Jalon C. Gordon 5486 Gary Lane, Columbus, OH 43232	\$39.00
37S	Juman Inc. Rami H. Mohammad, President 2907 Honeysuckle Lane, Hilliard, OH 43026	\$810.00
39T	Kae O. Edgar-Green, Trustee Edgar Family Revocable Living Trust, dated September 20, 2005 4786 Coquina Crossing Dr., Elkton, FL 32033	\$852.00
40T	Bank of America 5401 North Beach Street, FWTX-35	\$300.00

	Ft. Worth, TX 76137	
43T	Aaron C. Cosgrove 1474 Brookforest Drive, Columbus, OH 43204	\$300.00
46T	Kamal & Randa Al-Shahal 2023 Fincastle Ct., Columbus, OH 43235	\$300.00
53WD, T	William J. Ezzo c/o Carl B. Fry, Attorney in Fact Fry, Waller, & McCann Co., LPA 35 E. Livingston Ave., Columbus, OH 43215	\$385.00
57T	Lockhurst Village LLC c/o Craig Hoover, Member 1109 Kingsbury Place, Columbus, OH 43209	\$1,040.00
63S	Donald R. Stewart 99 Burr Oak Rd., Pataskala, OH 43062	\$400.00
	Jorge Antonio Ponice - Land Contract 1744 Lockbourne Rd., Columbus, OH 43207	
66WD, T	3075 Landenfarm LLC 1730 Lockbourne Rd., Columbus, OH 43207 Attn: Mohammad Al-Mahmoud	\$56.00
66S	3075 Landenfarm LLC 1730 Lockbourne Rd., Columbus, OH 43207 Attn: Mohammad Al-Mahmoud	\$915.00
68WD, S	Mohammad Al-Mahmoud 3428 Westpoint Drive, Columbus, OH 43232	\$1,275.00
72WD, T	Vahid G. Hagee & Neda Nassirzadeh 5365 Sheffield Avenue, Powell, OH 43065	\$300.00
73WD, S	JPMorgan Chase & Co. 1666 Lockbourne Rd., Columbus, OH 43207	\$2,398.00
74WD, T	Saythong Praseutsack Sypaphay C. Parseutsack 1659 Lockbourne Rd., Columbus, OH 43207	\$300.00
76T	Rogelio Ontiveros 6526 Hemmingford Dr. Canal Winchester, OH 43110-9048	\$300.00
79WD, S	Family Post LLC Miller/Leigh LLC 3868 22 nd Street, #1, San Francisco, CA 94114 Attn: Gary Hassin	\$2,609.00

85WD, S	SHC Lockbourne LLC 4300 E. Fifth Avenue, Columbus, OH 43219	\$300.00
TOTAL:		\$53,632.00

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 be paid for the real property interests described in this ordinance.

SECTION 6. That the expenditure of Thirty-three Thousand, Four Hundred Sixty-nine, and 00/100 U.S. Dollars (\$33,469.00), or as much that may be necessary is authorized from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund № 704, Project № 530103-100018, OCA Code 740318, OL3 6601, Div № 59-12, AC 034019-002, for acquisition costs related to the Project.

SECTION 7. That the expenditure of Twenty Thousand, One Hundred Sixty-three, and 00/100 U.S. Dollars (\$20,163.00), or as much that may be necessary is authorized from the Department of Public Utilities, Storm Build America Bond Funds, Fund № 676, Project № 610772-100000, OCA Code 685772, Div № 60-15, OL3 6601, AC 034019-004, for acquisition costs related to the Project.

SECTION 8. That the City intends for this ordinance to constitute an “official intent” for purposes of Treasury Regulations Section 1.150-2(e) promulgated pursuant to the Internal Revenue Code of 1986, as amended.

SECTION 9. That the City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

SECTION 10. For the reasons stated in this ordinance’s preamble, which are made a part of this legislation, this ordinance is 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 this legislation.