



Legislation Details (With Text)

File #: 0994-2014 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/23/2014 **In control:** Public Service & Transportation Committee

On agenda: 5/12/2014 **Final action:** 5/15/2014

Title: This ordinance: (I) authorizes the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the City's Department of Public Service, Division of Design and Construction, Arterial Street Rehabilitation - Hard Road Phase-A/Sawmill Road - Smoky Row Road (PID 598095-10000) Public Project; (II) authorizes the Columbus City Attorney to spend Two Hundred Thirty-four Thousand, Four Hundred Forty-six, and 00/100 U.S. Dollars from the City's Department of Public Service, Federal-State Highway Engineering Fund Number 765; and (III) declares an emergency. (\$234,446.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/15/2014	1	CITY CLERK	Attest	
5/14/2014	1	MAYOR	Signed	
5/12/2014	1	COUNCIL PRESIDENT	Signed	
5/12/2014	1	Columbus City Council	Approved	Pass

Explanation

BACKGROUND:

City Ordinance Number 1996-2012 authorized the Columbus City Attorney ("Attorney") to engage in the acquisition of certain fee simple title and lesser real estate interests (collectively, "Property") for the City of Columbus, Ohio ("City"), Department of Public Service, Division of Design and Construction, Arterial Street Rehabilitation - Hard Road Phase-A/Sawmill Road - Smoky Row Road (PID 598095-10000) Public Project ("Public-Project"). However, the Attorney was unable to locate some of the Property's owners or agree with some of the Property's owners regarding the amount of just compensation for the Property.

As a result, the City's Council passed **City Resolution Number 0218X-2013**, and **City Resolution Number 0264X-2013**, which each declared the City's necessity and intent to appropriate the Property. Furthermore, pursuant to Columbus City Code, Section 909.03, the Attorney served notice to the Property's owners of the: (I) public purpose for the Public-Project and Property's appropriation; and (II) adoption of City Resolutions 0218X-2013 and 0264X-2013. Therefore, the City's Attorney is authorized to spend City funds and file necessary complaints for the appropriation and necessity of the Property for the City's Public-Project.

FISCAL IMPACT: The Public-Project's funding will come from the Department of Public Service' Federal-State Highway Engineering Fund Number 765.

EMERGENCY JUSTIFICATION: Emergency action is requested to allow for the appropriation and acquisitions of the Property necessary for the Public-Project to proceed without delay, which will preserve the public peace, property, health,

safety, and welfare.

This ordinance: (I) authorizes the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the City's Department of Public Service, Division of Design and Construction, Arterial Street Rehabilitation - Hard Road Phase-A/Sawmill Road - Smoky Row Road (PID 598095-10000) Public Project; (II) authorizes the Columbus City Attorney to spend Two Hundred Thirty-four Thousand, Four Hundred Forty-six, and 00/100 U.S. Dollars from the City's Department of Public Service, Federal-State Highway Engineering Fund Number 765; and (III) declares an emergency. (\$234,446.00)

WHEREAS, City Ordinance Number 1996-2012 authorized the Attorney to engage in the acquisition of the Property for the City's Public-Project;

WHEREAS, the Attorney was unable to locate some of the Property's owners or agree with some of the Property's owners regarding the amount of just compensation for the Property;

WHEREAS, City Resolution Number 0218X-2013 and City Resolution Number 0264X-2013 each declared the City's necessity and intent to appropriate the Property for the Public-Project;

WHEREAS, pursuant to Columbus City Code, Section 909.03, the Attorney served notice to the Property's owners of the: (I) public purpose for the Public-Project and Property's appropriation; and (II) adoption of City Resolutions 0218X-2013 and 0264X-2013;

WHEREAS, an emergency exists in the usual daily operation of the City, because it is necessary to appropriate the Property so there will be no delay in the Public-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 ("CITY"):

SECTION 1. The fee simple title and lesser real property interests associated with the parcels of real property interests listed in Section 4 of this ordinance (collectively, "Property") are: (I) fully described in **City Resolution Number 0218X-2013 and City Resolution Number 0264X-2013**; (II) fully incorporated into this ordinance for reference; and (III) to be appropriated for the public purpose of the City's Department of Public Service, Division of Design and Construction, Arterial Street Rehabilitation - Hard Road Phase-A/Sawmill Road - Smoky Row Road (PID 598095-10000) Public Project ("Public-Project").

SECTION 2. Pursuant to the City's power and authority under the: (I) Ohio Constitution; (II) Ohio Revised Code, Sections 715.01, 717.01, and 719.01-719.02; (III) City's Charter; and (IV) Columbus City Code (1959), Chapter 909, the Columbus City Council declares the City's appropriation of the Property are necessary for the Public-Project, because the City was unable to locate the Property's owners or agree with the Property's owners regarding the amount of just compensation paid for the Property.

SECTION 3. Columbus City Council declares its intention to obtain immediate possession of the Property described in this ordinance for the Public-Project.

SECTION 4. Columbus City Council declares that the fair market value of the Property as follows:

PUBLIC-PROJECT'S PARCEL NUMBER(S) (FMVE AMOUNT)

PROPERTY-OWNER(S)

ADDRESS(ES)

14 T (FMVE: \$21,845.00)

AERC Heathermoor Inc.

5025 Swetland Ct., Cleveland, OH 44143

15 T (FMVE: \$5,775.00)

Mara Enterprises, Inc.

2591 Charing Rd., Columbus, OH 43221-3669

18 T (FMVE: \$13,225.00)

AERC Bedford Commons, Inc

6025 Swetland Ct., Richmond Heights, OH 44143

19 T (FMVE: \$23,484.00)

Bedford Commons Condo Inc.

1 AEC Pkwy., Richmond Heights, OH 44143

35 WD, T (FMVE: \$9,740.00)

Charles R. Keeley & Geri A. Keeley

7423 Gardengate Pl., Dublin, OH 43016

42 T (FMVE: \$1,935.00)

Robert Hall & Vaedra Hall

7900 Stanburn Rd., Columbus, OH 43235

44 T (FMVE: \$3,521.00)

Jason Markin & Angela Markin

2423 Queen Ann Ct., Columbus, OH 43235

47 WD, T (FMVE: \$9,135.00)

John Segura

2423 Queen Ann Ct., Columbus, OH 43235

48 WD, T (FMVE: \$10,710.00)

Georgina R. Birko

7720 Silver Fox Dr., Columbus, OH 43235

52 T (FMVE: \$734.00)

Glen L. Romine & Roberta L. Romine

7690 Old Foxe Ct., Columbus, OH 43235

55 WD, T (FMVE: \$37,561.00)

Radmila Popovich

7691 Foxboro Ln., Columbus, OH 43235

58 WD, T (FMVE: \$7,575.00)

Stephanie Holland

7686 Foxboro Ct., Columbus, OH 43235

60 WD, T (FMVE: \$1,105.00)

Hard Road Investment Limited Liability Company

c/o Dunmoor Investments, LLC

5013 Pine Creek Dr., Westerville, OH 43081

62 T (FMVE: \$3,300.00)

Jan Stephenson & Laura Stephenson
7681 Foxboro Ln., Columbus, OH 43235

67 WD, T (FMVE: \$9,653.00)

Denise Sharif
7699 Tripoli Ct., Columbus, OH 43016

76 WD, T (FMVE: \$5,634.00)

Roy L. Sewell & Debra L. Sewell
7664 Summerwood Dr., Columbus, OH 43235

85 WD, S, T (FMVE: \$46,196.00)

Phillip O. Agriesti
2100 Hard Rd., Columbus, Ohio 43235
&
Debborah G. Agriesti
2074 Hard Rd., Columbus, Ohio 43235

86 T (FMVE: \$4,845.00)

Montgomery Court Apartments of Columbus, LTD
Mark Matzliach C/O
Elon Property Management
590 West Kennedy Blvd. 2nd Fl., Lakewood, NJ 08701

87 T (FMVE: \$6,009.00)

RVAP Holdings LLC
2311 Talon Pl., Marion, OH 43302

91 T (FMVE: \$12,464.00)

KC Propco, LLC
650 NE Holladay St., Portland, OR 97232

TOTAL.....\$234,446.00

SECTION 5. The Columbus City Attorney is authorized to file complaints for appropriation of the Property in the appropriate court of common pleas and impanel a jury to inquire and assess the just compensation to pay for the Property necessary for the City's Public-Project.

SECTION 6. In order to pay for the Property's acquisition and appropriation costs for the Public-Project, the City authorizes the sum of up to **Two Hundred Thirty-four Thousand, Four Hundred Forty-six, and 00/100 U.S. Dollars (\$234,446.00)**, or so much as may be needed, to be expended from the Federal-State Highway Engineering Fund as follows:

Department of Public Service, Division of Design & Construction:

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

765/598085-10000/ FRA-Hard Road Phase A Sawmill Road to Smokey Row Road/06-6601/598095/ AC034111-001/
\$234,446.00

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

SECTION 8. For the reasons stated in this ordinance's preamble, which are made a part of this ordinance, this ordinance is declared to be an emergency measure and will take effect and be in force from and after this ordinance's passage and

approval by the Mayor or ten days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.