



Legislation Details (With Text)

File #: 1389-2014 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 6/6/2014 **In control:** Public Service & Transportation Committee

On agenda: 7/21/2014 **Final action:** 7/23/2014

Title: This ordinance authorizes the City Attorney to file complaints to appropriate the remainder 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; authorizes the City Attorney to spend funds from the city's Department of Public Service Federal-State Engineering Fund, Fund Number 765; and declares an emergency. (\$242,908.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/23/2014	1	CITY CLERK	Attest	
7/22/2014	1	MAYOR	Signed	
7/21/2014	1	COUNCIL PRESIDENT	Signed	
7/21/2014	1	Columbus City Council	Approved	Pass

BACKGROUND:

The city passed **City Ordinance Number 1996-2012** on September 25th, 2012, which authorized the City Attorney to engage in the acquisition of certain fee simple title and lesser real estate interests (collectively, the "Real Estate Interests") 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 (the "Public Project"). However, the City Attorney was unable to either locate some of the Real Estate Interests' owners or agree with some of the Real Estate Interests' owners regarding the amount of just compensation for the Real Estate Interests.

As a result, the city adopted **City Resolution Number 0218X-2013** on October 22nd, 2013, which declared the city's necessity and intent to appropriate the Real Estate Interests. Pursuant to Columbus City Code, Section 909.03, the City Attorney served notice to the Real Estate Interests' owners of the: (I) public purpose for the Public Project; and (II) adoption of City Resolution 0218X-2013. Furthermore, the city passed **City Ordinance Number 0994-2014** on May 14th, 2014, which authorized the City Attorney to spend city funds and file necessary complaints to appropriate some of the Real Estate Interests for the Public Project. Therefore, this ordinance authorizes the City Attorney to spend city funds and file necessary complaints to appropriate the remainder of the Real Estate Interests for the Public Project.

FISCAL IMPACT: Funding to appropriate the Real Estate Interests for the Public Project will come from the city's Department of Public Service Federal-State Engineering Fund, Fund Number 765 and is contingent on passage of ordinance 1627-2014 which allocates fund on an auditor's certificate.

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

This ordinance authorizes the City Attorney to file complaints to appropriate the remainder 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; authorizes the City Attorney to spend funds from the city's Department of Public Service Federal-State Engineering Fund, Fund Number 765; and declares an emergency. (\$242,908.00)

WHEREAS, the city passed **City Ordinance Number 1996-2012** on September 25th, 2012, which authorized the City Attorney to engage in the acquisition of certain fee simple title and lesser real estate interests (collectively, the "Real Estate Interests") 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 (the "Public Project");

WHEREAS, the City Attorney was unable to locate some of the Real Estate Interests' owners or agree with some of the Real Estate Interests' owners regarding the amount of just compensation for the Real Estate Interests;

WHEREAS, the city adopted **City Resolution Number 0218X-2013** on October 22nd, 2013, which declared the city's necessity and intent to appropriate the Real Estate Interests for the Public Project;

WHEREAS, pursuant to Columbus City Code, Section 909.03, the City Attorney served notice to the Real Estate Interests' owners of the: (I) public purpose for the Public Project; and (II) adoption of City Resolution 0218X-2013;

WHEREAS, the city passed **City Ordinance Number 0994-2014** on May 14th, 2014, which authorized the City Attorney to spend city funds and file necessary complaints to appropriate some of the Real Estate Interests for the Public Project;

WHEREAS, an emergency exists in the usual daily operations of the city, because it is immediately necessary to appropriate the remainder of the Real Estate Interests so there will be no delay in the Public Project, which 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. 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, the "Real Estate Interests") are: (I) fully described in **City Resolution Number 0218X-2013**, which the city adopted on October 22nd, 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 (the "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, City Council declares the city's appropriation of the Real Estate Interests are necessary for the Public Project, because the city was unable to locate the Real Estate Interests' owners or agree with the Real Estate Interests' owners regarding the amount of just compensation paid for the Real Estate Interests.

SECTION 3. City Council declares its intention to obtain immediate possession of the Real Estate Interests described in this ordinance for the Public Project.

SECTION 4. City Council declares that the fair market value of the Real Estate Interests as follows:

PUBLIC PROJECT'S PARCEL NUMBER(S) (FAIR MARKET VALUE AMOUNT)

REAL ESTATE INTERESTS' OWNER(S)

ADDRESS(ES)

8-T (FMVE: \$4,108.00)

7470 Sawmill Rd., Dublin, OH 43235

WEC 98H-38 LLC (Fee Owner)

6750 LBJ Freeway, Ste 1100, Dallas, TX 75240

Hook-SupeRx (Tenant)

1 CVS Dr., Mail Code 1160, Woonsocket, RI 02895

11-WD, T (FMVE: \$35,879.00)

Plainsboro Partners III Limited Partnership

2677 Collinford Dr., Dublin, OH 43016

16-S, T (FMVE: \$21,369.00)

Abington Village Condominium Association

2500 Hard Rd., Dublin, OH 43016

17-WD, T (FMVE: \$132,635.00)

Hard Road Partnership

2500 Hard Rd., Columbus, OH 43016

29-T (FMVE: \$2,560.00)

**DeAnn M. Baltzer and Joseph W. Baltzer, Cotrustees of The Deann M. Baltzer Revocable Trust, U.D.T.
November 19, 2003**

7926 Stanburn Rd., Dublin, OH 43016

36-WD, T (FMVE: \$10,370.00)

David A. Linville & Teresa K. Linville

7420 Gardengate Pl., Dublin, OH 43016

57-WD, T (FMVE: \$3,145.00)

Dashanda C. Sutton & Christopher J. Lawson

7687 Foxboro Ct., Columbus, OH 43235

63-WD, T (FMVE: \$22,538.00)

Connie D'Andrea

7703 Hathaway Park Ct., Dublin, OH 43016

66-T (FMVE: \$500.00)

Phil Holdrieth & Mary Holdrieth

507 Van Heyde Pl., Columbus, OH 43209

77-WD, T (FMVE: \$5,634.00)

Roy L. Sewell & Debra L. Sewell

7664 Summerwood Dr., Columbus, OH 43235

88-T (FMVE: \$4,170.00)

1950 Columbus OH, LLC

1950 Hard Rd., Dublin, OH 43016

&

Ohio CVS Stores, LLC

1950 Hard Rd., Dublin, OH 43016

TOTAL.....\$242,908.00

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

SECTION 6. In order to pay for the Real Estate Interests' acquisition and appropriation costs for the Public Project, the City Attorney is authorized to spend up to **Two Hundred Forty-two Thousand, Nine Hundred-eight, and 00/100 (\$242,908.00)**, or so much as may be needed, from the Department of Public Service, Fed-State Engineering Fund, Fund Number 765, as follows:

DEPARTMENT OF PUBLIC SERVICE, DIVISION OF DESIGN & CONSTRUCTION:

(Fund) / (Grant No.) / (Grant Name) / (O.L. 01-03 Codes) / (OCA) / (AC No.) / (Amount)

(765) / (598095-10000) / (Hard Road Phase A 17585) / (06-6601) / (598095) / (to be assigned by the Auditor) / (\$242,908.00)

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.