



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 4/21/2015 **In control:** Public Service & Transportation Committee

On agenda: 5/18/2015 **Final action:** 5/20/2015

Title: To authorize the City Attorney to file complaints in order to appropriate fee simple and lesser real estate title interests necessary for the Department of Public Service to complete the Merryhill Roadway Improvement - Miscellaneous Right-of-Way (PID 530161-100072) Public Project; authorize the City Attorney to spend funds from the Streets and Highways Bond Fund, Fund Number 704; and to declare an emergency. (\$300.00)

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 5/20/2015 | 1 | CITY CLERK | Attest | |
| 5/19/2015 | 1 | MAYOR | Signed | |
| 5/18/2015 | 1 | COUNCIL PRESIDENT | Signed | |
| 5/18/2015 | 1 | Columbus City Council | Approved | Pass |

BACKGROUND:

The city passed Ordinance Number 1570-2011 on October 3, 2011, which authorized the City Attorney to engage in the acquisition of certain fee simple and lesser real estate title interests (collectively, "Real Estate") in order for the Department of Public Service to complete the Merryhill Roadway Improvement - Miscellaneous Right-of-Way (PID 530161-100072) Public Project ("Public Project"). The Real Estate is located in the vicinity of Merryhill Drive and Chancery Way, Columbus, Ohio 43219. The city also adopted Resolution Number 0041x-2015 on February 23, 2015, which declared the city's **(i)** public purpose and necessity of the Public Project; and **(ii)** intent to appropriate the Real Estate.

Pursuant to Columbus City Code, Section 909.03, the City Attorney served notice to all of the Real Estate's owners of the **(i)** Public Project's public purpose and necessity; and **(ii)** adoption of Resolution Number 0041x-2015. However, the City Attorney was unable to either locate some of the Real Estate's owners or agree with some of the Real Estate's owners regarding the amount of just compensation paid by the city for the Real Estate. Accordingly, this ordinance authorizes the City Attorney to spend city funds and file necessary complaints to appropriate the Real Estate.

FISCAL IMPACT: Funding to appropriate the Real Estate will come from the Streets and Highways Bond Fund, Fund Number 704.

EMERGENCY JUSTIFICATION: The City Attorney's office requests emergency designation to allow for the appropriation and acquisition of the Real Estate necessary for the Public Project to proceed without delay, which will preserve the public peace, property, health, safety, and welfare.

To authorize the City Attorney to file complaints in order to appropriate fee simple and lesser real estate title interests necessary for the Department of Public Service to complete the Merryhill Roadway Improvement - Miscellaneous Right-of-Way (PID 530161-100072) Public Project; authorize the City Attorney to spend funds from the Streets and Highways Bond Fund, Fund Number 704; and to declare an emergency. (\$300.00)

WHEREAS, pursuant to the passage of Ordinance Number 1570-2011 on October 3, 2011, and adoption of Resolution Number 0041x-2015 on February 23, 2015, the city intends to authorize the City Attorney to spend funds and file necessary complaints to appropriate the fee simple and lesser real estate title interests (*i.e.* Real Estate) in order for the Department of Public Service to complete the Merryhill Roadway Improvement - Miscellaneous Right-of-Way (PID 530161-100072) Public Project (*i.e.* Public Project);

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to appropriate the remainder of the Real Estate to prevent unnecessary delay in completing the Public Project, which will preserve 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 and lesser real estate title interests associated with the project parcel numbers listed in Section 4 of this ordinance (collectively, "Real Estate") are (i) described in Resolution Number 0041x-2015, which the city adopted on February 23, 2015, and are fully incorporated into this ordinance for reference; and (ii) to be appropriated for the public purpose of the Department of Public Service completing the Merryhill Roadway Improvement - Miscellaneous Right-of-Way (PID 530161-100072) Public Project ("Public Project").

SECTION 2. Pursuant to the City's power and authority under the Ohio Constitution, Ohio Revised Code Sections 715.01, 717.01, and 719.01-719.02, the City's Charter, and Columbus City Code Chapter 909, the city declares the appropriation of the Real Estate is necessary for the Public Project, because the city was unable to locate the Real Estate's owners or agree with the Real Estate's owners regarding the amount of just compensation paid by the City for the Real Estate.

SECTION 3. The City intends to obtain immediate possession of the Real Estate for the Public Project.

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

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

REAL ESTATE'S OWNER(S)

ADDRESS(ES)

2T (\$300.00)

STONE CREST INCOME & OPPORTUNITY 1 LLC
4300 STEVENS CREEK BLVD S., SAN JOSE, CA 95129

HUMBERTO FERREIRA
1922 MERRYHILL DR., COLUMBUS, OH 43219

FV REO I, LLC, AGENT FOR "DEAD" COMPANY, DIAMOND ACCESS
ATTN: LISA VAIDO
887 S. HIGH STREET, COLUMBUS, OH 43206

TOTAL.....\$300.00

SECTION 5. The City Attorney is authorized to file the necessary complaints to appropriate the Real Estate in the

appropriate court of common pleas and impanel a jury to inquire and assess the just compensation for the Real Estate.

SECTION 6. In order to pay for the Real Estate's acquisition and appropriation costs for the Public Project, the City Attorney is authorized to spend up to **Three Hundred and 00/100 U.S. Dollars (\$300.00)**, or so much as may be needed, from the Streets and Highways Bond Fund as follows:

(Fund №) / (Project №) / (Project Name) / (O.L. 01-03 Codes) / (OCA) / (AC №) / (Amount)
(704) / (530161-100072) / (Road Improvements MISC ROW) / (6601) / (599501) / (AC033580-001) / (\$300.00)

SECTION 7. 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 fully incorporated into 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 (10) days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.