



## Legislation Details (With Text)

**File #:** 1459-2015      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/27/2015      **In control:** Public Service & Transportation Committee

**On agenda:** 6/15/2015      **Final action:** 6/16/2015

**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 American Addition Infrastructure Improvement, Phases 2 & 3 (PID 590131-10003/2639 Dr E) Public Project; to authorize the City Attorney to spend funds from the Streets and Highways Bond Fund, Fund Number 704; and to declare an emergency. (\$8,447.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/16/2015	1	MAYOR	Signed	
6/16/2015	1	CITY CLERK	Attest	
6/15/2015	1	COUNCIL PRESIDENT	Signed	
6/15/2015	1	Columbus City Council	Approved	Pass

**BACKGROUND:**

The city's Department of Public Service and Department of Development are engaged in the redevelopment of the American Addition Subdivision, which is located in the general vicinity of Maryland Avenue, Columbus, Ohio 43219. Specifically, the Department of Public Service is engaged in four (4) phases of the American Addition Infrastructure Improvement (PID 590131-10003/2639 Dr E) Public Project ("Public Project"). The city passed Ordinance Number 0652-2012 on April 2, 2012, which generally authorized the City Attorney to spend city funds to acquire the fee simple title and lesser real property interests to complete all four (4) phases of the Public Project (collectively, "Real Estate"). The City Attorney previously acquired all of the Real Estate associated with Phase 1 of the Public Project. The City Attorney is presently engaged in acquiring the Real Estate necessary to complete Phases Two (2) and Three (3) of the Public Project. The City also adopted Resolution Number 0139x-2014 on September 8, 2014, Resolution Number 0001x-2015 on January 12, 2015, and Resolution Number 0090x-2015 on April 27, 2015, which collectively 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 Numbers 0139x-2014, 0001x-2015, and 0090x-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.

**CONTRACT COMPLIANCE:** Not applicable.

**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 American Addition Infrastructure Improvement, Phases 2 & 3 (PID 590131-10003/2639 Dr E) Public Project; to authorize the City Attorney to spend funds from the Streets and Highways Bond Fund, Fund Number 704; and to declare an emergency. (\$8,447.00)

**WHEREAS**, pursuant to the passage of Ordinance Number 0652-2012, and adoption of Resolution Numbers 0139x-2014, 0001x-2015, and 0090x-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 American Addition Infrastructure Improvement, Phases 2 & 3 (PID 590131-10003/2639 Dr E) 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.** That the fee simple and lesser real estate title interests associated with the project parcel numbers listed in Section 4 of this ordinance (*i.e.* Real Estate) are (i) described in Resolution Numbers 0139x-2014, 0001x-2015, and 0090x-2015, and fully incorporated into this ordinance for reference; and (ii) to be appropriated for the public purpose of the Department of Public Service completing the American Addition Infrastructure Improvement, Phases 2 & 3 (PID 590131-10003/2639 Dr E) Public Project (*i.e.* Public Project).

**SECTION 2.** That 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.** 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'S PARCEL NUMBER(S) (FAIR MARKET VALUE AMOUNT)**

**REAL ESTATE'S OWNER(S)  
ADDRESS(ES)**

**20-T (\$305.00)**

**VERNON FIELDS, DEC'D  
RESOLUTION SERVED VIA PUBLICATION**

**24-S, 24-T1 & 24-T2 (\$305.00)**

**[ALL SERVED VIA PUBLICATION]  
BEATRICE SMITH, DEC'D**

**JAMES SMITH, DEC'D**  
**GEORGE SMITH, DEC'D**  
**BEATRICE L. BURKE, DEC'D**  
**RONALD SMITH DEC'D**

**LORETTA BOSELY**  
3211 BLUE RIDGE RD., COLUMBUS, OH 43219

**FREDDIE SMITH**  
2420 BRIER ST., SE, WARREN, OH 44484-5201

**28-T (\$990.00)**

**LUCY A. JEFFERSON, DEC'D** [RESOLUTION SERVED VIA PUBLICATION]

**38-T1 & 38-T2 (\$573.00)**

**ALEXANDER YANCEY** [RESOLUTION SERVED VIA PUBLICATION]  
1957 MARYLAND AVE., COLUMBUS, OH 43219

**40-T (\$632.00)**

**JOAN ROBINSON** [RESOLUTION SERVED VIA PUBLICATION]  
62 N. 17<sup>TH</sup> ST., COLUMBUS, OH 43219

**50-T1 & 50-T2 (\$302.00)**

**GLENDA MARTIN**  
982 E. 26<sup>TH</sup> AVE., COLUMBUS, OHIO 43211

**56-U & 56-T (\$550.00)**

**KHADIJA G. ADAMS**  
1320 PETREL ALLEY, COLUMBUS, OH 43219

**58-U & 58-T (\$4,790.00)**

**RONNIE COLEMAN** [SERVED VIA PUBLICATION]  
826 TAYLOR AVE., COLUMBUS, OH 43219

**TOTAL.....\$8,447.00**

**SECTION 5.** That 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.** That 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 Eight Thousand, Four Hundred Forty-seven, and 00/100 U.S. Dollars (\$8,447.00), 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) / (590131-100003) / (American Addition Infrastructure Improvement) / (6601) / (743103) / (AC033467-001) / (\$8,447.00)

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

**SECTION 8.** That 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

vetoed this ordinance.