



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 7/1/2015 **In control:** Public Service & Transportation Committee

On agenda: 7/27/2015 **Final action:** 7/30/2015

Title: To authorize the City Attorney to file complaints in order to appropriate and accept fee simple and lesser real estate title interests necessary for the Department of Public Service to complete the Georgesville Road at Hold Road Public Improvement Project; authorize the City Attorney to spend funds from the Fed-State Highway Engineering Fund; and to declare an emergency. (\$122,947.00)

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 7/30/2015 | 1 | CITY CLERK | Attest | |
| 7/29/2015 | 1 | MAYOR | Signed | |
| 7/27/2015 | 1 | COUNCIL PRESIDENT | Signed | |
| 7/27/2015 | 1 | Columbus City Council | Approved | Pass |

BACKGROUND:

The City's Department of Public Service (DPS) is engaged in the Intersection Improvements - Georgesville Road at Hold Road (FRA-Georgesville/Holt PID 530086-100020) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests (collectively, "Real Estate"), which are located in the general vicinity of Georgesville Road and Holt Road, Columbus, Ohio 43228, in order for DPS to complete the Public Project. The City passed Ordinance Number 2463-2014 on November 10, 2014, which authorized the City Attorney to engage in the Real Estate's acquisition. The City also adopted Resolution Numbers 0248x-2014 on January 12, 2015, and 0143x-2015 on June 8, 2015, which each 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 0248x-2014 and 0143x-2015. However, the City Attorney was unable to either locate some of the Real Estate's owner(s) or agree with some of the Real Estate's owner(s) in good faith regarding the amount of just compensation the City would pay 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 Fed-State Highway Engineering Fund.

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

To authorize the City Attorney to file complaints in order to appropriate and accept fee simple and lesser real estate title interests necessary for the Department of Public Service to complete the Georgesville Road at Hold Road Public Improvement Project; authorize the City Attorney to spend funds from the Fed-State Highway Engineering Fund; and to declare an emergency. (\$122,947.00)

WHEREAS, pursuant to the passage of Ordinance Number 2463-2014 and adoption of Resolution Numbers 0248x-2014 and 0143x-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 (DPS) to complete the Intersection Improvements - Georgesville Road at Hold Road (FRA-Georgesville/Holt PID 530086-100020) Public Improvement Project (*i.e.* Public Project);

WHEREAS, an emergency exists in the usual daily operations of DPS 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 (*i.e.* Real Estate) are (i) fully described in Resolution Numbers 0248x-2014 and 0143x-2015 and fully incorporated into this ordinance for reference, and (ii) to be appropriated and accepted for the public purpose of the Department of Public Service (DPS) completing the Intersection Improvements - Georgesville Road at Hold Road (FRA-Georgesville/Holt PID 530086-100020) Public Improvement Project (*i.e.* Public Project).

SECTION 2. Pursuant to the City's power and authority under the Ohio Constitution, Ohio Revised Code Sections 715.01, 717.01, 719.01, and 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 owner(s) or agree in good faith with the Real Estate's owner(s) regarding the amount of just compensation to be 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) (FMVE)

REAL ESTATE'S OWNER(S)

ADDRESS(ES)

5-WD (\$498.00)

ROBERT & GWYNITH ROPP

5038 LUKENS RD., GROVE CITY, OH 43123

6-WD & 6-T (\$4,026.00)

GLIMCHER PROPERTIES LIMITED PARTNERSHIP

180 E. BROAD ST., FLOOR 21, COLUMBUS, OH 43215

7-WD, 7-T1 & 7-T2 (\$27,353.00)

KIR GEORGESVILLE 019, LLC

3333 NEW HYDE PARK RD., NEW HYDE PARK, NY 11042

7A-T (\$6,699.00)

KIR GEORGESVILLE 019, LLC

3333 NEW HYDE PARK RD., NEW HYDE PARK, NY 11042

9-T (\$32,922.00)

NATIONAL CITY BANK

620 LIBERTY AVENUE, 19TH FLOOR, PITTSBURG, PA 15222

11-T (\$5,411.00)

FIFTH THIRD CENTER

600 SUPERIOR AVE. E., CLEVELAND, OH 44114

ATTN: DENNIS GREEN

MD A 6515 A

13-T (\$4,400.00)

BB & S LASER SYSTEMS, LLC

7855 OAK VALLEY RD., REYNOLDSBURG, OH 43068

16-T (\$3,902.00)

NOVOGRODER/COLUMBUS, LLC (FEE OWNER)

875 N. MICHIGAN AVE., #3612, CHICAGO, IL 60611

C/O THE LINDNER LAW FIRM (ATTY FOR FEE OWNER)

2077 E. 4TH ST. 2ND FLOOR, CLEVELAND, OH 44115

TBC CORPORATION (TENANT)

4300 TBC WAY, PALM BEACH GARDENS, FL 33410

ATTN: LUIS LABOY

17-WD & 17-T (\$11,808.00)

NR CGSQ PROPERTY, LLC (FEE OWNER)

1531 ROSELAND WAY, CLEVELAND, OH 44145

17B-S (\$1,800.00)

THE KROGER COMPANY (TENANT)

4111 EXECUTIVE PKWY, WESTERVILLE, OH 43081

18-T (\$3,457.00)

WHITE CASTLE SYSTM INC.

555 GOODALE ST., COLUMBUS, OH 43215

19-T (\$2,528.00)

GLIMCHER PROPERTIES LIMITED PARTNERSHIP

180 E. BROAD ST., FLOOR 21, COLUMBUS, OH 43215

20-T (\$4,626.00)

GREGORY R.A. DEGRAW & ANNA M. DEGRAW

262 ROME-HILLIARD RD., COLUMBUS, OH 43228

21-T (\$5,576.00)

KIR GEORGESVILLE 019, LLC

3333 NEW HYDE PARK RD., NEW HYDE PARK, NY 11042

22-WD & 22-T (\$7,941.00)

CARS CNI-2 L.P. (FEE OWNER)

8270 GREENSBORO DR. #950, MCLEAN, VA 22102

SONIC AUTOMOTIVE (TENANT)
5401 E. INDEPENDENCE BLVD., CHARLOTTE, NC 28212

TOTAL.....\$122,947.00

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 One Hundred Twenty-two Thousand, Nine Hundred Forty-seven, and 00/100 U.S. Dollars (\$122,947.00), or so much as may be needed, from the Fed-State Highway Engineering Fund, as follows:

(Fund) / (Project) / (Project Name) / (O.L. 01-03 Codes) / (OCA) / (Div.) / (AC) / (Amount)
(765) / (591307-100000) / (Georgesville at Holt Road) / (06-6601) / (591307) / (59-12) / (AC-037048) /
(\$122,947.00)

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.