



## Legislation Details (With Text)

**File #:** 0522-2016      **Version:** 1

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

**File created:** 2/17/2016      **In control:** Public Utilities Committee

**On agenda:** 3/28/2016      **Final action:** 3/30/2016

**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 Utilities to timely complete the Holt Avenue/Somersworth Drive Stormwater System Public Improvement Project; and authorize the City Attorney to spend funds from the Storm Sewer GO Bond Funds. (\$3,922.00)

### Sponsors:

### Indexes:

### Code sections:

### Attachments:

Date	Ver.	Action By	Action	Result
3/30/2016	1	CITY CLERK	Attest	
3/29/2016	1	MAYOR	Signed	
3/28/2016	1	COUNCIL PRESIDENT	Signed	
3/28/2016	1	Columbus City Council	Approved	Pass
3/21/2016	1	Columbus City Council	Read for the First Time	

### BACKGROUND:

The City's Department of Public Utilities (DPU) is engaged in the Holt Avenue/Somersworth Drive Stormwater System (CIP 611010-100000) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests located in the general vicinity of Holt Avenue and Somersworth Drive, Columbus, Ohio 43219 (collectively, "Real Estate") in order for DPU to complete the Public Project. The City passed Ordinance Number 1553-2015 authorizing the City Attorney to acquire the Real Estate. The City also adopted Resolution Numbers 0238x-2015 and 0264x-2015 declaring the City's (i) public purpose and necessity of the Public Project, and (ii) intent to appropriate the Real Estate.

The City Attorney, pursuant to Columbus City Code, Section 909.03, served notice to all of the owners of the Real Estate the (i) Public Project's public purpose and necessity, and (ii) adoption of Resolution Numbers 0238x-2015 and 0264x-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 to acquire the Real Estate.

### CONTRACT COMPLIANCE:

Not applicable.

### FISCAL IMPACT:

Funding to appropriate the Real Estate will come from the Storm Sewer GO Bond Funds.

**EMERGENCY JUSTIFICATION:**

Not applicable.

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 Utilities to timely complete the Holt Avenue/Somersworth Drive Stormwater System Public Improvement Project; and authorize the City Attorney to spend funds from the Storm Sewer GO Bond Funds. (\$3,922.00)

**WHEREAS**, the City intends to improve the storm sewer infrastructure in the vicinity of Holt Avenue and Somersworth Drive, Columbus, Ohio 43219 by allowing the Department of Public Utilities (DPU) to engage in the Holt Avenue/Somersworth Drive Stormwater System Public Improvement Project (i.e. Public Project);

**WHEREAS**, the City intends for the City Attorney to acquire the necessary fee simple title and lesser property interests located in the vicinity of Holt Avenue and Somersworth Drive, Columbus, Ohio 43219 (i.e. Real Estate) in order to complete the Public Project;

**WHEREAS**, the City, pursuant to the passage of Ordinance Number 1553-2015 and adoption of Resolution Numbers 0238x-2015 and 0264x-2015, intends to authorize the City Attorney to spend funds and file necessary complaints to immediately appropriate the remainder of fee simple and lesser real estate title interests (i.e. Real Estate) in order for the Department of Public Utilities (DPU) to timely complete the Holt Avenue/Somersworth Drive Stormwater System (CIP 611010-100000) Public Improvement Project (i.e. Public Project); and now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**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 0238x-2015 and 0264x-2015 and incorporated into this ordinance for reference as if rewritten, and (ii) to be appropriated and accepted for the public purpose of the Department of Public Utilities (DPU) timely completing the Holt Avenue/Somersworth Drive Stormwater System (CIP 611010-100000) Public Improvement Project (i.e. Public Project).

**SECTION 2.** The City declares, 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 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 declares that the fair market value of the Real Estate as follows:

PUBLIC PROJECT'S PARCEL NUMBER(S) (FMVE)  
REAL ESTATE'S OWNER(S)  
OWNER'S ADDRESS(ES)

2-S, T1 & T2 (\$3,922.00)  
MiraCit Development Corporation, Inc.  
c/o Susan Rhiel  
Rheil & Associates LPA  
394 E. Town St., Columbus, Ohio 43215

TOTAL.....\$3,922.00

**SECTION 4.** 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 amount of just compensation for the Real Estate.

**SECTION 5.** 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 Thousand, Nine Hundred Twenty-two, and 00/100 U.S. Dollars (\$3,922.00), or so much as may be needed, from existing Auditor's Certificate ACDI 000032 established by Ordinance Number 1553-2015, which passed on July 13, 2015.

**SECTION 6.** City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

**SECTION 7.** This ordinance shall take effect and be in full force from and after the earliest period allowed by law.