



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 8/26/2016 **In control:** Public Service & Transportation Committee

On agenda: 9/19/2016 **Final action:** 9/22/2016

Title: To authorize the City Attorney to file complaints in order to immediately appropriate and accept title to certain fee simple and lesser real estate necessary to timely complete the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee Public Improvement Project; authorize the City Attorney to spend funds from the Streets and Highways Bond Fund pursuant to an existing Auditor's certificate; and to declare an emergency. (\$19,125.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/22/2016	1	CITY CLERK	Attest	
9/21/2016	1	MAYOR	Signed	
9/19/2016	1	COUNCIL PRESIDENT	Signed	
9/19/2016	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City's Department of Public Service (DPS) is performing the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee (FRA-CR122-6.22/PID 84017) Public Improvement Project ("Public Project"). The City must acquire title to certain fee simple title and lesser real estate located along the public right-of-way of Alum Creek Drive from Frebis Avenue to Refugee Road, Columbus, Ohio 43207 (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 2689-2014 authorizing the City Attorney to acquire the Real Estate. The City also adopted Resolution Numbers 0232x-2015 and 0032x-2016 declaring the City's (i) public purpose and necessity of the Public Project, and (ii) intent to appropriate the Real Estate. The City's acquisition of the Real Estate will help make, improve, or repair certain portions of Alum Creek Drive's public roadway and associated appurtenances, which will be open to the public without charge.

The City Attorney, pursuant to Columbus City Code, Section 909.03, served notice to all of the owners of the Real Estate of the (i) Public Project's public purpose and necessity, and (ii) adoption of Resolution Numbers 0232x-2015 and 0032x-2016. 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.

CONTRACT COMPLIANCE:

Not applicable.

FISCAL IMPACT:

Funding to appropriate the Real Estate will come from the Streets and Highways Bond Fund pursuant to existing

Auditor's Certificate ACDI000023-10.

EMERGENCY JUSTIFICATION:

Emergency action is requested in order to acquire the Real Estate and allowing DPS to timely complete the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the City Attorney to file complaints in order to immediately appropriate and accept title to certain fee simple and lesser real estate necessary to timely complete the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee Public Improvement Project; authorize the City Attorney to spend funds from the Streets and Highways Bond Fund pursuant to an existing Auditor's certificate; and to declare an emergency. (\$19,125.00)

WHEREAS, the City intends to improve certain portions of the public right-of-way of Alum Creek Drive from Frebis Avenue to Refugee Road by allowing DPS to engage in the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee (FRA-CR122-6.22/PID 84017) Public Improvement Project (*i.e.* Public Project);

WHEREAS, the City intends for the City Attorney to acquire title to the necessary fee simple title and lesser real estate located along the public right-of-way of Alum Creek Drive from Frebis Avenue to Refugee Road, Columbus, Ohio 43207 (*i.e.* Real Estate) in order for DPS to timely complete the Public Project;

WHEREAS, the City, pursuant to the passage of Ordinance Number 2689-2014 and adoption of Resolution Numbers 0232x-2015 and 0032x-2016, intends to authorize the City Attorney to spend City funds and file the necessary complaints to immediately appropriate and accept title to the remainder of the Real Estate;

WHEREAS, the City intends for the Real Estate's acquisition to help make, improve, or repair certain portions of Alum Creek Drive's public roadway and associated appurtenances, which will be open to the public without charge;

WHEREAS, an emergency exists in the usual daily operations of DPS in that it is immediately necessary to declare the City's intent to appropriate and accept the Real Estate in order to prevent unnecessary delay in completing the Public Project, which will preserve the public peace, property, health, welfare, and safety; and **now, therefore**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. The fee simple and lesser real estate associated with the project parcel numbers listed in Section Four (4) of this ordinance (*i.e.* Real Estate) are (i) fully described in Resolution Numbers 0232x-2015 and 0032x-2016 and incorporated into this ordinance for reference as if rewritten, and (ii) to be immediately appropriated and accepted for the public purpose of DPS timely completing the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee (FRA-CR122-6.22/PID 84017) 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 intends to obtain immediate possession and title 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 PARCEL NUMBER(S) (FMVE)
REAL ESTATE OWNER(S)

OWNER ADDRESS (ES)

5-CH, SW, T1 & T2 (\$3,717.00)

Inland Products, Inc.

P.O. Box 2228, Columbus, OH 43216

15-U1, U2, T1 & T2 (\$510.00)

-Columbus Industrial Owner II, LLC

8800 Lyra Dr., Ste 650, Columbus, OH 43240

And

-Southeast Industrial Park Owners Association, Inc.

c/o Eric Zimmerman, Colliers International

8800 Lyra Dr., Ste 650, Columbus, OH 43240

15A-T (\$3,030.00)

-UB2 Real Estate, LLC

700 Alum Creek Dr., Columbus, OH 43205

And

-Southeast Industrial Park Owners Association, Inc.

c/o Eric Zimmerman, Colliers International

8800 Lyra Dr., Ste 650, Columbus, OH 43240

18-WD (\$5,486.00)

Up Alum Creek, Inc.

3540 E. Fulton St., Columbus, OH 43227

27-WD & T (\$6,082.00)

Stephen L. Rosedale

4700 Ashwood Dr., Ste 200, Cincinnati, OH 45241

28-T (\$300.00)

CCP Regency Manor 2701 LP

4700 Ashwood Dr., Ste 200, Cincinnati, OH 45241

TOTAL.....\$19,125.00

SECTION 5. The City Attorney is authorized to file the necessary complaints to appropriate and accept title to 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 6. The Real Estate's acquisition for the Public Project is required to make, improve, or repair certain portions of Alum Creek Drive's public roadways and associated appurtenances, which will be open to the public without charge.

SECTION 7. The City Attorney, in order to pay for the Real Estate's acquisition and appropriation costs for the Public Project, is authorized to spend up to Nineteen Thousand, One Hundred Twenty-five, and 00/100 U.S. Dollars (\$19,125.00), or so much as may be needed from existing Auditor's Certificate ACDI000023-10 established by Ordinance Number 2689-2014.

SECTION 8. The City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

SECTION 9. This ordinance, for the reasons stated in the preamble of this ordinance, which are fully incorporated into this ordinance as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the mayor or ten (10) days after its passage if the mayor neither approves nor vetoes this ordinance.