



Legislation Details (With Text)

File #: 2480-2016 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/26/2016 **In control:** Public Service & Transportation Committee

On agenda: 10/24/2016 **Final action:** 10/26/2016

Title: To authorize the City Attorney to file complaints in order to immediately appropriate and accept the remaining fee simple and lesser real estate necessary to timely complete the Poindexter Village Roadways Phase-2 Public Improvement Project; and authorize the City Attorney to spend funds from the Streets and Highways Bond Fund; 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. (\$1,164.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/26/2016	1	CITY CLERK	Attest	
10/26/2016	1	MAYOR	Signed	
10/24/2016	1	COUNCIL PRESIDENT	Signed	
10/24/2016	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City's Department of Public Service (DPS) is performing the Poindexter Village Roadways Phase-2 (PID 590416-100003) 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 Mount Vernon Avenue and Ohio Avenue, Columbus, Ohio 43203 (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 2956-2015 authorizing the City Attorney to acquire the Real Estate. The City also adopted Resolution Number 0069x-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 Mount Vernon Avenue and Ohio Avenue's public roadway and associated appurtenances, which will be open to the public without charge.

The passed Ordinance Number 1549-2016 authorizing the City to appropriate certain parcels of the Real Estate. And this ordinance is to authorize the City to appropriate the remaining parcels of the Real Estate in order for DPS to timely complete the Public Project.

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 0069x-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 ACDI000045-10 established by Ordinance Number 2956-2015.

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 the remaining fee simple and lesser real estate necessary to timely complete the Poindexter Village Roadways Phase-2 Public Improvement Project; and authorize the City Attorney to spend funds from the Streets and Highways Bond Fund; 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. (\$1,164.00)

WHEREAS, the City intends to improve certain portions of the public right-of-way of Mount Vernon Avenue and Ohio Avenue by allowing DPS to perform the Poindexter Village Roadways Phase-2 (PID 590416-100003) 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 Mount Vernon Avenue and Ohio Avenue, Columbus, Ohio 43203 (*i.e.* Real Estate) in order for DPS to timely complete the Public Project;

WHEREAS, the City, pursuant to the passage of Ordinance Numbers 2956-2015 and 1549-2016 and adoption of Resolution Number 0069x-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, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to authorize the City Attorney to appropriate 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 Number 0069x-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 Poindexter Village Roadways Phase-2 (PID 590416-100003) 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 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)

Parcel 8-P1 & T1 (\$300.00)

-Tyrike Davis

517 Gregory Ave. Apt 2B, Glendale Heights, IL 60139

-Joseph L. Valentine

479 Fairfield Ave., Columbus, OH 43203

Parcel 15-P1 & T1 (\$564.00)

Joan Robinson

62 N. 17th St., Columbus, OH 43203

Parcel 17-P1 (\$300.00)

Joan Robinson

62 N. 17th St., Columbus, OH 43203

TOTAL.....\$1,164.00

SECTION 5. The City Attorney is authorized to file petitions necessary 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 6. The Real Estate's acquisition for the Public Project is required to make, improve, or repair certain portions of Mount Vernon Avenue and Ohio Avenue 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 One Thousand, One Hundred Sixty-four, and 00/100 U.S. Dollars (\$1,164.00), or so much as may be needed from existing ACDI000045-10 established by Ordinance Number 2956-2015.

SECTION 8. 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, which are made of part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance's passage and approval by the mayor or ten (10) days after its passage if the mayor neither approves nor vetoes this ordinance.