



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 9/23/2016 **In control:** Public Service & Transportation Committee

On agenda: 11/21/2016 **Final action:** 11/23/2016

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 Smith Road Sidewalks and Resurfacing Public Improvement Project; to authorize the City Attorney to spend funds from the Streets and Highways Bond Fund #7704 pursuant to an existing Auditor's certificate; and to declare an emergency. (\$4,470.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/23/2016	1	ACTING CITY CLERK	Attest	
11/23/2016	1	MAYOR	Signed	
11/21/2016	1	COUNCIL PRESIDENT	Signed	
11/21/2016	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City's Department of Public Service (DPS) is performing the Smith Road Sidewalks and Resurfacing (CIP 440005-100046) Public Improvement Project ("Public Project"). The City must acquire title to certain fee simple and lesser real estate located along the public right-of-way in the vicinity of Smith Road from Lockbourne Road to Fairwood Avenue, Columbus, Ohio 43207 (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 0217-2016 authorizing the City Attorney to acquire the Real Estate. The City also adopted Resolution Number 0045x-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 Smith Road and associated appurtenances, which will be open to the public without charge.

The City passed Ordinance Number 0217-2016 authorizing the City to appropriate certain parcels of Real Estate. This ordinance is to authorize the City to appropriate the remaining parcels of 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 Number 0045x-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 #7704 pursuant to existing Auditor's Certificate ACDI000098-10.

EMERGENCY JUSTIFICATION:

Emergency action is requested in order to acquire the Real Estate and allow 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 Smith Road Sidewalks and Resurfacing Public Improvement Project; to authorize the City Attorney to spend funds from the Streets and Highways Bond Fund #7704 pursuant to an existing Auditor's certificate; and to declare an emergency. (\$4,470.00)

WHEREAS, the City intends to improve certain portions of the public right-of-way in the vicinity of Smith Road from Lockbourne Road to Fairwood Avenue, Columbus, Ohio 43207 by allowing DPS to perform the Smith Road Sidewalks and Resurfacing (CIP 440005-100046) Public Improvement Project (*i.e.* Public Project);

WHEREAS, the City intends for the City Attorney to acquire title to the necessary fee simple and lesser real estate located along the public right-of-way in the vicinity of Smith Road from Lockbourne Road to Fairwood Avenue, 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 Numbers 0217-2016 and adoption of Resolution Number 0045x-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 DPS in that it is immediately necessary 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. That 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 0045x-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 Smith Road Sidewalks and Resurfacing (CIP 440005-100046) Public Improvement Project (*i.e.* Public Project).

SECTION 2. That 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. 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 PARCEL NUMBER(S) (FMVE)
REAL ESTATE OWNER(S)

OWNER ADDRESS (ES)

Parcel 11 T (\$300.00)

Kamal Al Shahal and Randa Al Shahal
1858-1860 Lockbourne Rd., Columbus, OH 43207

Parcel 26 WD T (\$1,353.00)

Megan Hovanes
1194 Smith Rd., Columbus, OH 43207

Parcel 30 WD, T (\$1,231.00)

HUD/Philadelphia Real Estate Division
The Wanamaker Building
100 Penn Square, East
Philadelphia, PA 19107-3380

Parcel 43 T (\$300.00)

Swapnam Enterprises, LLC
4725 Parkwick Dr., Columbus, OH 43228

Parcel 50 WD T (\$1,286.00)

Mutale M. Gyekye aka Mulenga Gyekye
1332 Smith Rd., Columbus, OH 43207

Sami O. Gyekye
2677 Roehampton Ct., Columbus, OH 43209

TOTAL.....\$4,470.00

SECTION 5. That 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. That the Real Estate's acquisition for the Public Project is required to make, improve, or repair certain portions of Smith Road and associated appurtenances, which will be open to the public without charge.

SECTION 7. That 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 Four Thousand, Four Hundred Seventy and 00/100 U.S. Dollars (\$4,470.00), or so much as may be needed from existing Auditor's Certificate ACDI000098-10 established by Ordinance Number 0217-2016.

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

SECTION 9. That this ordinance, for the reasons stated in the preamble, which are made a 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.