Legislation Details (With Text)

File #:	1337-2017 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	5/11/2017	**In control:**	Public Service & Transportation Committee
On agenda:	6/12/2017	**Final action:**	6/14/2017
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 FRA-Lazelle Road Phase-A Public Improvement Project; and to authorize the City Attorney to spend funds pursuant to an existing Auditor's certificate. ($41,992.00)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
6/14/2017	1	CITY CLERK	Attest	
6/13/2017	1	MAYOR	Signed	
6/12/2017	1	COUNCIL PRESIDENT	Signed	
6/12/2017	1	Columbus City Council	Approved	Pass
6/5/2017	1	Columbus City Council	Read for the First Time	

BACKGROUND:

The City's Department of Public Service (DPS) is performing the FRA-Lazelle Road Phase-A (PID 95606; Project № 530161-100145) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of the right-of-way of Lazelle Road from North High Street (U.S. 23) to Worthington-Galena Road, Columbus, Ohio 43235 (collectively, "Real Estate") in order for DPS to complete the Public Project. The City passed Ordinance Number 2314-2015 authorizing the City Attorney to acquire the Real Estate on behalf of the City. Furthermore, the City also adopted Resolution 0158X-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 Lazelle Road'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 0158X-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:

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Funding to appropriate the Real Estate will come from the Streets & Hwys GO Bond Fund and Federal State Hwy Engineering Fund pursuant to existing Auditor's Certificate ACDI000291-30.

EMERGENCY JUSTIFICATION: Not Applicable

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 FRA-Lazelle Road Phase-A Public Improvement Project; and to authorize the City Attorney to spend funds pursuant to an existing Auditor's certificate. ($41,992.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the FRA-Lazelle R oad Phase-A (PID 95606; Project № 530161-100145) Public Improvement Project ("Public Project"); and

WHEREAS, the City intends for the City Attorney to acquire the necessary fee simple title and lesser real estate located in the vicinity of the right-of-way of Lazelle Road from North High Street (U.S. 23) to Worthington-Galena Road, Columbus, Ohio 43235 (collectively, "Real Estate") in order to complete the Public Project; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 2314-2015 and the adoption of Resolution 0158X-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; and

WHEREAS, the City intends for the Real Estate's acquisition to help make, improve, or repair certain portions of Lazelle Road's public roadway and associated appurtenances, which will be open to the public without charge; and **now, therefore:**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

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) is (i) fully described in Resolution 0158X-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 FRA-Lazelle Road Phase-A (PID 95606; Project № 530161-100145) Public Improvement Project ("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
OWNER ADDRESS

5-WD, -T (FMVE $7,454)
Columbus and Southern Ohio Electric Company
1 Riverside Plaza
Columbus, OH 43215

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Parcel 8WD,T-FMVE $29,788
Portsmouth Road Properties, LLC
5695 Avery Road
Dublin, Ohio 43016

Parcel 20 T- FMVE $4,750.00
The Village of Olentangy Condominium
Board President, Jorge Villasenor
8431 Lazelle Village Drive
Lewis Center, Ohio 43035

TOTAL……$41,992.00

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 Lazelle Road's public roadway 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 Forty One Thousand, Nine Hundred Ninety-two and 00/100 U.S. Dollars ($41,992.00), or so much as may be needed from existing Auditor's Certificate ACDI000291-30 established by Ordinance Number 2314-2015.

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 shall take effect and be in force from and after the earliest period allowed by law.