



Legislation Details (With Text)

File #: 0200-2018 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 1/9/2018 **In control:** Public Service & Transportation Committee

On agenda: 1/29/2018 **Final action:** 2/1/2018

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 Warner Road Phase 2 Roadway Improvements; and to declare an emergency. (\$4,956.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/1/2018	1	CITY CLERK	Attest	
1/31/2018	1	MAYOR	Signed	
1/29/2018	1	COUNCIL PRESIDENT	Signed	
1/29/2018	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City's Department of Public Service (DPS) is performing the Warner Road Phase 2 Roadway Improvements (000441-000002/DR E 2766) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Warner Road and Ulry Road (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 2671-2013 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0302X-2017 establishing the City's intent to appropriate the Real Estate. The City's acquisition of the Real Estate will help make, improve, or repair certain portions of the public right-of-way of Warner Road and Ulry Road Columbus, Ohio 43081 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 0302X-2017. 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 Albany Crossing TIF pursuant to existing Auditor's Certificate ACDI000266-10.

EMERGENCY JUSTIFICATION:

Emergency action is requested in order to acquire the Real Estate allowing for 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 Warner Road Phase 2 Roadway Improvements; and to declare an emergency. (\$4,956.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Warner Road Phase 2 Roadway Improvements (000441-000002/DR E 2766) 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 public right-of-way of Warner Road and Ulry Road , Columbus, Ohio 43081; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 2671-2013 and the adoption of Resolution 00302X-2017, 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 the public right-of-way of Warner Road and Ulry Road, Columbus, Ohio 43081, which will be open to the public without charge; and

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:

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 0302X-2017 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 Warner Road Phase 2 Roadway Improvements (000441-000002/DR E 2766) 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

26S/CH,T
Polly B. Lindemann

4577 Hightop Drive
Westerville, OH 43081
c/o Peter Lindemann
813 E. Kaley St.
Orlando, FL 32806
FMVE: \$3,615.00

28S/CH,T
Robert D. Hall & Dianna S. Hall
6245 Ulry Road
Westerville, OH 43081
FMVE: \$609.00

33P
Christopher F. Beale
6390 Ulry Road
Westerville, Ohio 43081
FMVE: \$732.00

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 the public right-of-way of Warner Road and Ulry 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 Nine Hundred and Fifty-six and 00/100 U.S. Dollars (\$4,956.00), or so much as may be needed from existing Auditor's Certificate ACDI000266-10.

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 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.