



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 5/29/2018 **In control:** Public Service & Transportation Committee

On agenda: 6/18/2018 **Final action:** 6/20/2018

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 Intersection Improvements-Main Street at McNaughten Road project; and to declare an emergency. (\$362,797.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/20/2018	1	CITY CLERK	Attest	
6/19/2018	1	ACTING MAYOR	Signed	
6/18/2018	1	COUNCIL PRESIDENT	Signed	
6/18/2018	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City's Department of Public Service (DPS) is performing the Intersection Improvements-Main Street at McNaughten Road, FRA US 40 22.16 project (PID Number 97197) ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Main Street and McNaughten Road (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 3009-2016 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0033X-2018 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 Main Street and McNaughten Road Columbus, Ohio 43213 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 0033X-2018. 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 Street & Highway GO Bond fund pursuant to existing Auditor's Certificates ACDI000235-10 and ACDI000235-20.

EMERGENCY JUSTIFICATION: Emergency action is requested so that the acquisition can proceed without delay in order to secure the real property for the Department of Public Service so that the Public Project may proceed without delay.

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 Intersection Improvements-Main Street at McNaughten Road project; and to declare an emergency. (\$362,797.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Intersection Improvements-Main Street at McNaughten Road, FRA US 40 22.16 project (PID Number 97197); 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 Main Street and McNaughten Road Columbus, Ohio 43213; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 3009-2016 and the adoption of Resolution 0033X-2018, 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 Main Street and McNaughten Road Columbus, Ohio 43213, 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. 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 0033X-2018 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 Intersection Improvements-Main Street at McNaughten Road, FRA US 40 22.16 project (PID Number 97197) ("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

OWNER ADDRESS

Parcel 13WD,T-FMVE : \$17,535

True North Energy, LLC
C/O Lyden, Chappell & Dewhirst, Ltd Attn: Patti Lyden
5565 Airport Highway, Suite 101
Toledo, Ohio 43615

Parcel 14 WD1 WD2 T1 T2 FMVE \$ 133,911

Trustees Main/270 LLC

4300 East Fifth Avenue
Columbus, Ohio 43219

Cecelia Snider
Unknown Heirs
Address unknown
Publication dates: 5/24/2018, 5/31/2018 & 6/7/2018

Parcel 16 WD T1 T2 T3 FMVE \$156,620.00
SRL East Main Center LLC
4300 East Fifth Avenue
Columbus, Ohio 43219

Parcel 17 WD T FMVE \$ 21,875.00
MacKenzie Holdings LLC
c/o Robert Mackenzie
46719 Darwood Court
Plymouth, MI 48170

Parcel 18 WD T FMVE \$32,856.00
Triple R Associates, Ltd
c/o Robert Roschman
6300 N.E. 1st Avenue, Suite 300
Fort Lauderdale, FL 33334

Total
\$362,797.00

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 the public right-of-way of Main Street and McNaughten Road Columbus, Ohio 43213 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 Three Hundred Sixty-two Thousand Seven Hundred Ninety-seven and 00/100 U.S. Dollars (\$362,797.00.00), or so much as may be needed from existing Auditor's Certificates ACDI000235-20 and ACDI000235-10.

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

SECTION 9. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby 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 days after passage if the Mayor neither approves nor vetoes the same