



## Legislation Details (With Text)

**File #:** 3283-2018      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/16/2018      **In control:** Public Service & Transportation Committee

**On agenda:** 12/10/2018      **Final action:** 12/13/2018

**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 Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee Public Improvement Project; and to declare an emergency. (\$630,758.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Legislation Report

Date	Ver.	Action By	Action	Result
12/13/2018	1	ACTING CITY CLERK	Attest	
12/12/2018	1	MAYOR	Signed	
12/10/2018	1	COUNCIL PRESIDENT	Signed	
12/10/2018	1	Columbus City Council	Approved	Pass

**BACKGROUND:** The City's Department of Public Service (DPS) is performing Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee (FRA-SR317-10.630 PID Number 95570) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Hamilton Road between Refugee and I-70 (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 0229-2017 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolutions 0003X-2018 and 0297X-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 Hamilton Road between Refugee Road and I-70 Columbus, Ohio 43232 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 Resolutions 0003X-2018 and 0297X-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 acquire the Real Estate is available through a reimbursement grant in the Federal Transportation Grants Fund, Fund 7765, Grant #G591703 (Hamilton RD I70 to Refugee Rd PID95570). This grant pays for 90% of allowable costs, requiring a 10% local match. The 10% local match will come from the Streets and Highways Bond Fund, Fund 7704, Project P530103-100052 (Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee Road). Auditor's Certificate ACDI000475 was previously established via Ordinance 3311-2017 for the purpose of acquiring the needed Real Estate. ACDI000475-10 will be used for the 90% reimbursable grant portion of the acquisitions, and ACDI000475-20 will be used for the 10% local match portion. No additional funding is being requested at this time.

**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 Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee Public Improvement Project; and to declare an emergency. (\$630,758.00)

**WHEREAS**, the City intends to make, improve, or repair certain public right-of-ways by completing the Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee (FRA-SR317-10.630 PID Number 95570) 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 Hamilton Road between Refugee Road and I-70 Columbus, Ohio 43232; and

**WHEREAS**, the City, pursuant to the passage of Ordinance Number 0229-2017 and the adoption of Resolution Numbers 0003X-2018 and 0297X-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 Hamilton Road between Refugee Road and I-70 Columbus, Ohio 43232, which will be open to the public without charge;

**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:**

**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 0003X-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 Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee (FRA-SR317-10.630 PID Number 95570) 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**

12-T FMVE \$1,559.00  
S & S Shopping Center, Ltd

40 NE Loop 410, Suite 185  
San Antonio, TX 78216

15-T FMVE \$3,543.00  
AJV Capital Holdings, LLC (Fee owner)  
7056 Archibald Ave., #102-313  
Eastvale, CA 92880

Dilman Rabati (Tenant- 99 year lease)  
3100 S. Hamilton Road  
Columbus, OH 43232

17-WD, -T FMVE \$7,113.00  
JDH Properties, LLC  
c/o Richard T. Ricketts  
50 Hill Road South  
Pickerington, OH 43147

18-WD, -T FMVE \$19,671.00  
Spirit SPE Portfolio 2004, LLC  
c/o Kayode Ola  
2727 North Harwood Street, Suite 300  
Dallas, TX 75201

20-T FMVE \$7,549.00  
Store Master Funding VIII, LLC  
c/o Karen Chambrski  
8377 E. Hartford Dr, Suite 100  
Scottsdale, AZ 85255

23-T FMVE \$6,221.00  
Global School Properties Ohio LLC  
1650 Tysons Blvd., Suite 630  
McLean, VA 22102

25-T FMVE: \$5,865.00  
Eastland Mall Holdings LLC  
201 St Charles Ave., Suite 4600  
New Orleans, LA 70170

26-T FMVE \$8,275.00  
Pep Boys - Manny Moe & Jack of Delaware, Inc.  
c/o Tony DiFlavis  
3111 W. Allegheny Ave  
Philadelphia, PA 19132

27-WD -T1 -T2 FMVE \$ 167,645.00  
Eastland Mall Holdings LLC  
201 St Charles Ave., Suite 4600  
New Orleans, LA 70170

32-T FMVE \$300.00  
Burger King Corporation

5707 Blue Lagoon Drive  
Miami Florida 33126

Parcel 33 T FMVE \$6,277.00  
The City National Bank and Trust Company of Columbus  
C/o JPMorgan Chase/Global Real Estate  
1111 Polaris Parkway  
Columbus Ohio 43240

34-T FMVE \$5,839.00  
S & S Shopping Center, Ltd  
40 NE Loop 410, Suite 185  
San Antonio, TX 78216

40-WD, -T FMVE \$5,734.00  
V & W Horiuchi LLC  
1821 Fulton Street  
Palo Alto, CA 94303

42-T1, -T2 FMVE \$1,646.00  
Impala Capital, LLC  
P.O.Box 110962  
Campbell, CA 95011

46-T FMVE \$1,843.00  
Realty Income Corporation  
11995 El Camino Real  
San Diego, CA 92130-2565

50-T-FMVE \$3,325.00  
Marshall Acquisitions LLC  
2910 Berwick Blvd.  
Columbus, Ohio 43205

53-T1, T2-FMVE -\$3,415.00  
Eastland-Hamilton, LLC  
2910 Berwick Blvd.  
Columbus, Ohio 43209

54-WD-FMVE-\$48,788.00  
2150 Investment Co.  
4329 Shelbourne Lane  
Columbus, OH 43220

55-WD,-T-FMVE \$175,722.00  
ARCP RL Portfolio X, LLC  
2325 E. Camelback Road #1100  
Phoenix, AZ 85016

55-BS- FMVE-\$27,958.00  
Red Lobster Hospitality, LLC  
C/O  
Golden Gate Private Equity, Inc

One Embarcadero Center 39<sup>th</sup> Floor  
San Francisco, CA 94111

56-WD, -T- FMVE-\$114,415.00  
CCHCC Operations, LLC  
4100 Coca-Cola Plaza  
Charlotte, NC 28211

73T FMVE-\$\$325.00  
Eastland Center LLC  
1568 Hunt Club Dr.  
Milford, OH 45150

74T FMVE \$665.00  
Buckeye State 3530, LLC  
c/o Scandinavian Designs Inc.  
2250 S. McDowell Blvd.  
Petaluma, CA 94954

76WD, T FMVE \$7,065.00  
Owner: Sylvestre Eastland LLC  
3781 Brookmere Place  
Mason, OH 45040  
Tenant: Eastland Performance Academy  
c/o Amy Borman, Esq.  
Dickinson Wright PLLC  
150 E. Gay St Floor 24  
Columbus, Ohio 43215

**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 Hamilton 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 Six Hundred Thirty Thousand Seven Hundred Fifty-Eight and 00/100 U.S. Dollars (\$630,758.00), or so much as may be needed from existing Auditor's Certificates ACDI000475-10 and ACDI000475-20.

**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 resolution and full 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 resolution's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor approves nor vetoes this resolution.