



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 11/29/2018 **In control:** Public Service & Transportation Committee

On agenda: 1/14/2019 **Final action:** 1/16/2019

Title: To authorize the City Attorney to file complaints in order to immediately appropriate and accept the fee simple and lesser real estate necessary to timely complete the Arterial Street Rehabilitation - Hamilton Road between Morse Road and Menerey Lane Public Improvement Project; and to declare an emergency. (\$268,254.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/16/2019	1	CITY CLERK	Attest	
1/15/2019	1	MAYOR	Signed	
1/14/2019	1	COUNCIL PRESIDENT	Signed	
1/14/2019	1	Columbus City Council	Approved	Pass

BACKGROUND: The City's Department of Public Service (DPS) is performing Arterial Street Rehabilitation - Hamilton Road Phase A (FRA-CR103-2.56 PID Number 99852) 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 Morse Road and Menerey Lane (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 2939-2017 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0037X-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 Morse Road and Menerey Lane Columbus, Ohio 43230 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 0037X-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 Streets & Highways G.O. Bond fund pursuant to existing Auditor's Certificate ACDI000446-10 and the Federal Transportation Grants fund pursuant to existing Auditor's Certificate ACDI000446-20.

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 fee simple and lesser real estate necessary to timely complete the Arterial Street Rehabilitation - Hamilton Road between Morse Road and Menerey Lane Public Improvement Project; and to declare an emergency. (\$268,254.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Arterial Street Rehabilitation - Hamilton Road Phase A (FRA-CR103-2.56 PID Number 99852) 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 Morse Road and Menerey Lane, Columbus, Ohio 43230; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 2939-2017 and the adoption of Resolution Number 0037X-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, an emergency exists in the usual operations of the City for Real Estate's acquisition to help make, improve, or repair certain portions of the public right-of-way of Hamilton Road between Morse Road and Menerey Lane, Columbus, Ohio 43230, 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) are (i) fully described in Resolution 0037X-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 Arterial Street Rehabilitation - Hamilton Road Phase A (FRA-CR103-2.56 PID Number 99852) 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

PARCEL 10AWD,T-FMVE \$22,550

Christopher M. Krisiewicz

Trustee of the Lurie Children's Irrevocable Trust

844 S. Front Street

Columbus, Ohio 43206

And/Or

Christopher M. Krisiewicz

Trustee of the Lurie Children's Irrevocable Trust

C/O Planks Law Office
411 E. Town Street
Columbus, Ohio 43215

PARCEL 10B-WD,T - FMVE \$47,850
Christopher M. Krisiewicz
Trustee of the Lurie Children's Irrevocable Trust
C/O Planks Law Office
844 S. Front Street
Columbus, Ohio 43215

And/Or

Christopher M. Krisiewicz
Trustee of the Lurie Children's Irrevocable Trust
C/O Planks Law Office
411 E. Town Street
Columbus, Ohio 43215

PARCEL 10B-BS-FMVE \$27,143
Jackson RE & DEV
555 Metro Place North Suite #524
Dublin, Ohio 43017
Attn: Randall or Susan Jackson

PARCEL 35WD,T1,T2 - FMVE \$49,830
Christopher M. Krisiewicz
Trustee of the Lurie Children's Irrevocable Trust
C/O Planks Law Office
844 S. Front Street
Columbus, Ohio 43215

And/Or

Christopher M. Krisiewicz
Trustee of the Lurie Children's Irrevocable Trust
C/O Planks Law Office
411 E. Town Street
Columbus, Ohio 43215

PARCEL 42WD,P,T1,T2,T3-FMVE \$55,969
Meijer Stores Limited Partnership
c/o Real Estate Department
2929 Walker Ave. N.W.
Grand Rapids, Michigan 49544

PARCEL 43WD,T- FMVE \$11,822
Gahanna Health Realty, LLC
c/o Ciena and Laurel Health Care Company
8181 Worthington Road
Westerville, OH 43082

PARCEL 47WD,T - FMVE \$26,525

HD Development of Maryland, Inc.
c/o Seyfarth Shaw LLP
233 S. Wacker Dr., Suite 8000
Chicago, IL 60606-6448

PARCEL 50WD1, WD2, T-FMVE \$26,565
KeyBank National Association
c/o KeyBank Corporate Real Estate
100 Public Square, Suite 600
Cleveland, OH 44113

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 Two Hundred Sixty eight Thousand Two Hundred Fifty-Four and 00/100 U.S. Dollars (\$268,254.00), or so much as may be needed from existing Auditor's Certificates ACDI000446-10 and ACDI000446-20.

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, 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 (10) days after passage if the Mayor neither approves nor vetoes the same.