



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 3/14/2019 **In control:** Recreation & Parks Committee

On agenda: 5/6/2019 **Final action:** 5/9/2019

Title: To authorize the City Attorney to file complaints in order to appropriate and accept the remaining fee simple and lesser real property interests necessary to timely complete the FRA-Johnstown Rd-Alum Creek Trail Public Improvement Project. (\$199,973.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/9/2019	1	CITY CLERK	Attest	
5/8/2019	1	MAYOR	Signed	
5/6/2019	1	COUNCIL PRESIDENT	Signed	
5/6/2019	1	Columbus City Council	Approved	Pass
4/29/2019	1	Columbus City Council	Read for the First Time	

BACKGROUND: The City's Department of Recreation and Parks ("CRPD") is performing the FRA-Johnstown Rd-Alum Creek Trail (PID 99828) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests located in the vicinity of Johnstown Road and Parkview Boulevard Columbus, OH 43219 (collectively, "Real Estate") in order for CRPD to timely complete the Public Project. The City passed Ordinance Numbers 1762-2018 and 3505-2018 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0249X-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 real property in the vicinity of Johnstown Road and Parkview Boulevard Columbus, OH 43219.

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 0249X-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 Recreation and Parks GO Bonds Fund pursuant to existing Auditor's Certificate ACDI000584-10 until depleted. Remaining funds will come from existing Auditor's Certificate ACDI000733-10.

EMERGENCY JUSTIFICATION: Not applicable.

To authorize the City Attorney to file complaints in order to appropriate and accept the remaining fee simple and lesser

real property interests necessary to timely complete the FRA-Johnstown Rd-Alum Creek Trail Public Improvement Project. (\$199,973.00)

WHEREAS, the City intends to make, improve, or repair certain real property by completing the FRA-Johnstown Rd-Alum Creek Trail (PID 99828) Public Improvement Project (“Public Project”); and

WHEREAS, the City intends for the City Attorney to acquire the necessary fee simple title and lesser real property interests located in the vicinity of Johnstown Road and Parkview Boulevard Columbus, OH 43219; and

WHEREAS, the City, pursuant to the passage of Ordinance Numbers 1762-2018 and 3505-2018 and the adoption of Resolution Number 0249X-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 real property in the vicinity of Johnstown Road and Parkview Boulevard Columbus, OH 43219; and now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the fee simple and lesser real property interests associated with the project parcel numbers listed in Section Four (4) of this ordinance (“Real Estate”) are (i) fully described in Resolution 0249X-2018 and incorporated into this ordinance for reference as if rewritten, and (ii) to be immediately appropriated and accepted for the public purpose of CRPD timely completing the FRA-Johnstown Rd-Alum Creek Trail (PID 99828) 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 declares that the fair market value of the Real Estate as follows:

PUBLIC PROJECT PARCEL NUMBER(S) (FMVE)
REAL ESTATE OWNER
OWNER ADDRESS

10-P1, -P2, -T1, -T2, -T3, -T4 (FMVE \$53,911)
Falcon Four Property Holdings, LLC
c/o CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

11-P, -T1, -T2 (FMVE \$54,430)
Kensington Place, Inc.
c/o Rick Davis
500 W. Wilson Bridge Road, Suite 245
Worthington, OH 43085

12-WD, -P, -T1, -T2 (\$51,894)
Lutheran Social Services of Central Ohio
c/o Rick Davis
500 W. Wilson Bridge Road, Suite 245

Worthington, OH 43085

13-WD (FMVE \$21,181)
JK & LK Companies, LLC
c/o Jerry Killilea
2500 Airport Drive
Columbus, OH 43219

15-WD (FMVE \$8,371)
Jonathan S. Butler
2541 Johnstown Road
Columbus, OH 43219

17-WD, -T (FMVE \$9,672)
Davis Alan Voyles
83 N. Parkway Avenue
Columbus, OH 43209

25-WD, -T (FMVE \$514)
Woodrow Morgan and Carolyn F. Morgan
3115 Elmreeb Drive
Columbus, OH 43219

SECTION 4. 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 5. That the Real Estate's acquisition for the Public Project is required to make, improve, or repair certain portions of real property in the vicinity of Johnstown Road and associated appurtenances.

SECTION 6. 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 One Hundred Ninety-Nine Thousand Nine Hundred Seventy-Three Dollars (\$199,973.00), or so much as may be needed from existing Auditor's Certificates ACDI000584-10 and ACDI000733-10.

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