



## Legislation Details (With Text)

**File #:** 2241-2019      **Version:** 1

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

**File created:** 8/23/2019      **In control:** Public Utilities Committee

**On agenda:** 10/7/2019      **Final action:** 10/10/2019

**Title:** To authorize the City Attorney to file complaints in order to appropriate and accept the remaining fee simple and lesser real estate necessary to timely complete the Williams/Behm Home Sewage Treatment Systems Elimination Project (CIP 650895-100001). (\$11,264.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/10/2019	1	CITY CLERK	Attest	
10/9/2019	1	MAYOR	Signed	
10/7/2019	1	COUNCIL PRESIDENT	Signed	
10/7/2019	1	Columbus City Council	Approved	Pass
9/23/2019	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** The City's Department of Public Utilities ("DPU") is performing the Williams/Behm Home Sewage Treatment Systems Elimination Project (CIP 650895-100001) ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Williams Road, Behm Road, and Strack Road, Columbus, OH 43207 (collectively, "Real Estate") in order for DPU to timely complete the Public Project. The City passed Ordinance Number 3072-2018 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0142X-2019 establishing the City's intent to appropriate the Real Estate. The City's acquisition of the Real Estate will help make, improve, or repair sewer improvements in the area of Williams Road, Behm Road, and Strack Road, Columbus, OH 43207.

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 0142X-2019. 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 Sanitary Sewer General Obligation Bond Fund, Fund Number 6109 pursuant to existing Auditor's Certificate ACDI000739-10.

**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 estate necessary to timely complete the Williams/Behm Home Sewage Treatment Systems Elimination Project (CIP

650895-100001). (\$11,264.00)

**WHEREAS**, the City intends to make, improve, or repair certain sewer improvements by completing the Williams/Behm Home Sewage Treatment Systems Elimination Project (CIP 650895-100001) (“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 Williams Road, Behm Road, and Strack Road, Columbus, OH 43207; and

**WHEREAS**, the City, pursuant to the passage of Ordinance Number 3072-2018 and the adoption of Resolution Number 0142X-2019, intends to authorize the City Attorney to spend City funds and file the necessary complaints to appropriate and accept title to the remainder of the Real Estate; 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 Three (3) of this ordinance (“Real Estate”) are (i) fully described in Resolution 0142X-2019 and incorporated into this ordinance for reference as if rewritten, and (ii) to be appropriated and accepted for the public purpose of DPU timely completing the Williams/Behm Home Sewage Treatment Systems Elimination Project (CIP 650895-100001) (“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**

**2S FMVE \$1,264**

Elizabeth A. Rhodes  
416 Emmaus Road  
Marysville, Ohio 43040

And  
Kevin Miller and  
Elizabeth A. Rhodes  
3731 Behm road  
Columbus, OH 43207

**7S FMVE-\$2,650**

Susan K. Cain  
3606 Behm Road  
Columbus, OH 43207

**10-T FMVE \$7,350.00**

Kevin G. Bennington, Mark A. Bryant, Larry D. Clarke,  
and Marc A. Palmer, Successor Co-Trustees of the DuRoc Trust  
P.O. Box 357  
Williamsport, OH 43164

**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 sewer improvements in the area of Williams 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 Eleven Thousand Two Hundred Sixty-Four and 00/100 Dollars (\$11,264.00), or so much as may be needed from existing Auditor's Certificate ACDI000739-10

**SECTION 7.** That the City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

**SECTION 8.** That this ordinance shall take effect as the earliest period allowed.