



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 2/24/2020 **In control:** Public Service & Transportation Committee

On agenda: 5/4/2020 **Final action:** 5/7/2020

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 Urban Infrastructure Recovery Fund (UIRF) Sidewalks Project; to authorize the expenditure of \$24,677.00 from existing ACDI000758-10 and ACDI001012-10 to pay for the acquisition of real estate. (\$24,677.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/7/2020	1	CITY CLERK	Attest	
5/6/2020	1	MAYOR	Signed	
5/4/2020	1	COUNCIL PRESIDENT	Signed	
5/4/2020	1	Columbus City Council	Approved	Pass
4/20/2020	1	Columbus City Council	Read for the First Time	

BACKGROUND: The City's Department of Public Service ("DPS") is performing the Urban Infrastructure Recovery Fund (UIRF) Sidewalks Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located throughout the City of Columbus (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Numbers 0081-2017, 0420-2019 and 0226-2020 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution Number 0250X-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 certain portions of the public right-of-way 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 Number 0250X-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 acquire the Real Estate is available through the Streets & Highway GO Bond Fund, Fund 7704 pursuant to existing Auditor's Certificates ACDI000758-10 until depleted and then from ACDI001012-10.

EMERGENCY JUSTIFICATION: Not applicable.

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 Urban Infrastructure Recovery Fund (UIRF) Sidewalks Project; to

authorize the expenditure of \$24,677.00 from existing ACDI000758-10 and ACDI001012-10 to pay for the acquisition of real estate. (\$24,677.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Urban Infrastructure Recovery Fund (UIRF) Sidewalks 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 various areas of the public right-of-way throughout the City of Columbus; and

WHEREAS, the City, pursuant to the passage of Ordinance Numbers 0081-2017 and 0420-2019 and the adoption of Resolution Number 0250X-2019, 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 portion of the public right-of-way throughout the City of Columbus, Ohio, 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 (“Real Estate”) are (i) fully described in Resolution Number 0250X-2019 and incorporated into this ordinance for reference as if rewritten, and (ii) to be immediately appropriated and accepted for the public purpose of the Department of Public Service (“DPS”) timely completing the Urban Infrastructure Recovery Fund (UIRF) Sidewalks 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 502 P,T, 503 P-FMVE \$22,737

KD HUMMINGBIRD, LTD

7599 Dusty Pines Drive

Galena, Ohio 43021

Atty:

Steven D. Rowe

88 W. Mound Street

Columbus, Ohio 43215

Parcel 600 T, FMVE \$300

Patriarch-BT Holdings, LLC

c/o Gary A. Gillett, Registered Agent

175 S. Third Street, Suite 1010

Columbus, OH 43215

Parcel 602 T1,T2,FMVE \$300

4M Realty Ohio, LLC
1491 Polaris Parkway
Columbus, Ohio 43240

Parcel 607 T1, T2 FMVE \$ 300.00

Sharell M. Marshall
1118 Ellsworth Ave
Columbus Ohio 43206

Parcel 706 T, 707 T, 708 T, 709 T, 710 T, 711 T, 712 T-FMVE-\$1,040

GTC Partners, LTD
1826 E. Livingston Avenue
Columbus, Ohio 43205

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 throughout the City of Columbus, 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 Twenty-four Thousand Six Hundred Seventy-seven and 00/100 U.S. Dollars (\$24,677.00) or so much as may be needed from existing Auditor's Certificates ACDI000758-10 and ACDI001012-10.

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 full force and effect from and after the earliest period allowed by law.