Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	9/16/2021	**In control:**	Public Utilities Committee
On agenda:	10/11/2021	**Final action:**	10/13/2021
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 Central College Subtrunk Sewer Project; to authorize an expenditure of $10,142.00 from existing ACDI001583-10; and to declare an emergency. ($10,142.00)		
Sponsors:			
Indexes:			
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Attachments:			

Date	Ver.	Action By	Action	Result
10/13/2021	1	CITY CLERK	Attest	
10/12/2021	1	MAYOR	Signed	
10/11/2021	1	COUNCIL PRESIDENT	Signed	
10/11/2021	1	Columbus City Council	Approved	Pass

BACKGROUND: The City's Department of Public Utilities ("DPU") is performing the Central College Subtrunk Sewer Project (CIP 650033-100003) ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Central College Road and Harlem Road, Columbus, Ohio 43081 (collectively, "Real Estate") in order for DPU to timely complete the Public Project. The City passed Ordinance Numbers 3428-2018, 0159-2021, and 1927-2021 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0274X -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 sewer infrastructure of Central College Road and Harlem Road, Columbus, Ohio 43081.

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 0274X-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 Sanitary G. O. Bonds Fund, Fund Number 6109 pursuant to existing Auditor's Certificate ACDI001583-10.

EMERGENCY JUSTIFICATION: Emergency action is requested in order to acquire the Real Estate and allow DPU 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 Central College Subtrunk Sewer Project; to authorize an expenditure of $10,142.00 from existing ACDI001583-10; and to declare an emergency. ($10,142.00)

WHEREAS, the City intends to make, improve, or repair certain public sewer infrastructure by completing the Central College Subtrunk Sewer Project (CIP 650033-100003) ("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 Central College Road and Harlem Road, Columbus, Ohio 43081; and

WHEREAS, the City, pursuant to the passage of Ordinance Numbers 3428-2018, 0159-2021, and 1927-2021 and the adoption of Resolution Number 0274X-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

WHEREAS, the City intends for the Real Estate's acquisition to help make, improve, or repair certain portions of the public sewer infrastructure of Central College Road and Harlem Road, Columbus, Ohio 43081; and
WHEREAS, an emergency exists in the usual daily operations of DPU in that it is immediately necessary to declare the City's intent 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 Three (3) of this ordinance ("Real Estate") are (i) fully described in Resolution Number 0274X-2019 and incorporated into this ordinance for reference as if rewritten, and (ii) to be appropriated and accepted for the public purpose of the Department of Public Utilities ("DPU") timely completing the Central College Subtrunk Sewer Project (CIP 650033-100003) ("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

Parcel 12-S1,-S2 (FMVE $6,000)
LC Exchange Owner, LLC
230 West St., Suite 200
Columbus, OH 43215
&
c/o T. Robert Brownlee
230 West St., Suite 200
Columbus, OH 43215

Parcel 14-S,-T (FMVE $3,267)
LC Exchanges II, LLC
230 West St., Suite 200
Columbus, OH 43215

&
c/o T. Robert Brownlee
230 West St., Suite 200
Columbus, OH 43215

Parcel 15-S -T (FMVE $875)
LC Exchanges II, LLC
230 West St., Suite 200
Columbus, OH 43215
&
c/o T. Robert Brownlee
230 West St., Suite 200
Columbus, OH 43215

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 the public sewer infrastructure of Central College Road and Harlem Road, Columbus, Ohio 43081 and associated appurtenances.

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 Ten Thousand One Hundred Forty-two and 00/100 U.S. Dollars ($10,142.00), or so much as may be needed from existing Auditor's Certificate ACDI001583-10.

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, for the reasons stated in the preamble, which are made a part of this ordinance and fully 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 ordinance's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.

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