



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 6/15/2022 **In control:** Public Service & Transportation Committee

On agenda: 7/18/2022 **Final action:** 7/20/2022

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 Safety Improvements - Maple Canyon Avenue Sidewalks project; to authorize an expenditure of \$1,475.00 from existing ACDI001354 (\$1,475.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/20/2022	1	CITY CLERK	Attest	
7/19/2022	1	MAYOR	Signed	
7/18/2022	1	COUNCIL PRESIDENT	Signed	
7/18/2022	1	Columbus City Council	Approved	Pass
7/11/2022	1	Columbus City Council	Read for the First Time	

BACKGROUND: The City's Department of Public Service ("DPS") is performing the Safety Improvements - Maple Canyon Avenue Sidewalks project (Project No. 590955-100032) ("Public Project"). The City must acquire certain fee simple title and lesser real estate located along the east side of Maple Canyon Avenue from the existing sidewalk installed at the Fire Station approximately 500 feet north of SR-161 to Jewett Drive (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 2765-2020 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0043X-2022 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 Maple Canyon Avenue from ST-161 to Jewett Drive 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 0043X-2022. 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 & HWY BONDS Fund, Fund Number 7704 pursuant to existing Auditor's Certificate ACDI001354.

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 Safety Improvements - Maple Canyon Avenue Sidewalks project; to authorize an expenditure of \$1,475.00 from existing ACDI001354 (\$1,475.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Safety Improvements - Maple Canyon Avenue Sidewalks project (Project No. 590955-100032) (“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 Maple Canyon Avenue 500 feet north of SR-161 to Jewett Drive; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 2765-2020 and the adoption of Resolution Number 0043X-2022 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 portions of the public right-of-way of Maple Canyon Avenue 500 feet north of SR-161 to Jewett Drive which will be open to the public without charge;

WHEREAS, it has become necessary in the usual daily operations of the City 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 Safety Improvements - Maple Canyon Avenue Sidewalks project; **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 0043X-2022 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 Safety Improvements - Maple Canyon Avenue Sidewalks project (Project No. 590955-100032) (“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 13T-FMVE \$575

Athletic Division of Midwest Development Group Inc.

C/O

Zachary J. Murry, Esq.

Barkan & Robon Ltd.

1701 Woodlands Drive

Suite100

Maumee, Ohio 43537

Parcel 40T-FMVE-\$300

Thomas Goers
2129 Hanby Square
Columbus, Ohio 43229

Parcel 50 T FMVE \$300

RS XII COLUMBUS 1 LP
591 West Putnam Avenue
Greenwich Connecticut 06830

C T Corporation System, Registered Agent

RS XII Columbus 1 LP
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

Parcel 57 WD FMVE \$300

SOBEYA, LLC
4739 Black Sycamore
Columbus, Ohio 43231

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 Maple Canyon Avenue 500 feet north of SR-161 to Jewett Drive 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 One Thousand Four Hundred Seventy-five 00/100 U.S. Dollars (\$1,475.00), or so much as may be needed from existing Auditor's Certificate ACDI001354.

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.