



Legislation Details (With Text)

File #: 2497-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/7/2022 **In control:** Public Utilities Committee

On agenda: 10/10/2022 **Final action:** 10/13/2022

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 Blueprint Eureka-Fremont Hilltop project; to authorize an expenditure of \$1,232.00 from existing ACDI001667-10. (\$1,232.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/13/2022	1	CITY CLERK	Attest	
10/12/2022	1	MAYOR	Signed	
10/10/2022	1	COUNCIL PRESIDENT	Signed	
10/10/2022	1	Columbus City Council	Approved	Pass
10/3/2022	1	Columbus City Council	Read for the First Time	

BACKGROUND: The City's Department of Public Utilities ("DPU") is performing the Blueprint Eureka-Fremont Hilltop project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Eureka Avenue and Fremont Street (collectively, "Real Estate") in order for DPU to timely complete the Public Project. The City passed Ordinance Number 0967-2021 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0079X-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 sewer infrastructure of Eureka Avenue and Fremont Street.

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 0079X-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 Sanitary GO Bonds Fund, fund number 6109 pursuant to existing Auditor's Certificate ACDI001667-10.

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 Blueprint Eureka-Fremont Hilltop project; to authorize an

expenditure of \$1,232.00 from existing ACDI001667-10. (\$1,232.00)

WHEREAS, the City intends to make, improve, or repair certain public sewer infrastructure by completing the Blueprint Eureka-Freemont Hilltop 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 the vicinity of Eureka Avenue and Freemont Street; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 0967-2021 and the adoption of Resolution Number 0079X-2022, 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 Eureka Avenue and Freemont Street; 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 0079X-2022 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 Blueprint Eureka-Freemont Hilltop 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

Parcel 2T FMVE: \$300
SFR3-020, LLC
Attn: Jonathan D. Kibera
500 Westover Dr, # 14104
Sanford, NC 27330

And

SFR3-020, LLC
c/o Registered Agents Inc.
6545 Market Ave. N., Suite 100
North Canton, OH 44721

Parcel 12T FMVE \$332
192 S. Eureka, LLC
192 S. Eureka Ave.
Columbus, Ohio 43204

And

192 S. Eureka LLC
1235 E. Hudson Street
Columbus, Ohio 43211

Parcel 26T1, T2 FMVE -\$300
Tenants Choice LLC
C/O Kevin May
1214 Hart Road
Columbus, Ohio 43223

Parcel 28T FMVE \$300
Joshua Robeson & Brittany Frazier
163 S. Terrace Avenue
Columbus, Ohio 43204

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 Eureka Avenue and Freemont Street 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 One Thousand Two Hundred Thirty-two 00/100 U.S. Dollars (\$1,232.00), or so much as may be needed from existing Auditor's Certificate ACDI001667-10.

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.