



## Legislation Details (With Text)

**File #:** 0148-2023      **Version:** 1

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

**File created:** 1/9/2023      **In control:** Public Service & Transportation Committee

**On agenda:** 2/6/2023      **Final action:** 2/8/2023

**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 Arterial Street Rehabilitation - SR161 - I71 to Cleveland Avenue Phase I Part 2 Project; to authorize an expenditure of \$121,305.00 from the Streets and Highways GO Bond Fund; and to declare an emergency. (\$121,305.00.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/8/2023	1	CITY CLERK	Attest	
2/7/2023	1	MAYOR	Signed	
2/6/2023	1	COUNCIL PRESIDENT	Signed	
2/6/2023	1	Columbus City Council	Approved	Pass

**BACKGROUND:** The City’s Department of Public Service (“DPS”) is performing the Arterial Street Rehabilitation - SR161 - I71 to Cleveland Avenue Phase I Part 2 Project (PID 114254) project also known as FRA 161- 13.03 Spring Run Dr. /Parkville St. PID 114254 project, (Project No. 530103-100075) (“Public Project”). The City must acquire certain fee simple title and lesser real estate located in the vicinity of State Route 161 in the area of Parkville Street and Spring Run Drive (collectively, “Real Estate”) in order for DPS to timely complete the Public Project. The City passed Ordinance Number 2106-2021 as amended by Ordinance 3385-2022 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0061X-2022 as amended by Resolution 0256X-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 in the vicinity of State Route 161 in the area of Parkville Street and Spring Run 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 Resolutions 0061X-2022 and/or 0256X-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 and Highways GO Bond Fund, Fund Number 7704 pursuant to existing Auditor’s Certificate ACDI001572-10.

**EMERGENCY JUSTIFICATION:** Emergency action is requested to meet the project clear date and allow the Public Project to proceed in a timely manner to ensure the safety of the traveling public thereby preserving the public health, peace, 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 Arterial Street Rehabilitation - SR161 - I71 to Cleveland Avenue Phase I Part 2 Project; to authorize an expenditure of \$121,305.00 from the Streets and Highways GO Bond Fund; and to declare an emergency. (\$121,305.00.)

**WHEREAS**, the City intends to make, improve, or repair certain public right-of-ways by completing the Arterial Street Rehabilitation - SR161 - I71 to Cleveland Avenue Phase I Part 2 Project (PID 114254) project also known as FRA 161-13.03 Spring Run Dr. /Parkville St. PID 114254 project, (Project No. 530103-100075) ("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 State Route 161 in the area of Parkville Street and Spring Run Drive; and

**WHEREAS**, the City, pursuant to the passage of Ordinance Number 2106-2021 as amended by Ordinance 3385-2022 and the adoption of Resolution 0061X-2022 as amended by Resolution 0256X-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 in the vicinity of State Route 161 in the area of Parkville Street and Spring Run Drive which will be open to the public without charge; and

**WHEREAS**, an emergency exists in the usual daily operations of DPS 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 Four (4) of this ordinance ("Real Estate") are (i) fully described in Resolution 0061X-2022 and 0256X-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 Arterial Street Rehabilitation - SR161 - I71 to Cleveland Avenue Phase I Part 2 PID 110376 ("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 24-T (FMVE \$1,006)

Trinity Square Property Group, LLC  
c/o William L. Willis, Jr.

1160 Goodale Boulevard  
Columbus, Ohio 43212

Parcel 26-WD, T (FMVE \$18,777)  
BL & G Limited Liability Company  
5930 Cleveland Avenue  
Columbus, Ohio 43231

Parcel 27-WD, T (FMVE \$ 80,423)  
BL & G Limited Liability Company  
5930 Cleveland Avenue  
Columbus, Ohio 43231

Parcel 31-WD, T (FMVE \$21,099)  
Yvonne N. Hernandez  
Associate General Counsel  
CLK Properties  
135 Crossways Park Drive, Suite 401  
Woodbury, New York 11797

**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 in the vicinity of Parkville Street south of State Route 161 (Dublin-Granville Road) 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 Hundred Twenty One Thousand Three Hundred Five and 00/100 U.S. Dollars (\$121,305.00), or so much as may be needed from existing Auditor's Certificate ACDI001572-10.

**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 for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.