



Legislation Details (With Text)

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On agenda: 2/13/2023 **Final action:** 2/15/2023

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 Celebrate 1 Sidewalks Project; to authorize an expenditure of up to \$300.00. (\$300.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 5-T.pdf

Date	Ver.	Action By	Action	Result
2/15/2023	1	CITY CLERK	Attest	
2/14/2023	1	MAYOR	Signed	
2/13/2023	1	COUNCIL PRESIDENT	Signed	
2/13/2023	1	Columbus City Council	Approved	Pass
2/6/2023	1	Columbus City Council	Read for the First Time	

BACKGROUND: The City's Department of Public Service ("DPS") is performing the Celebrate 1 Sidewalks Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Springmont Avenue and Walsh Avenue (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 2837-2018 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0205X-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 Springmont Avenue and Walsh Avenue 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 0205X-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 ACDI001226-10.

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 Celebrate 1 Sidewalks Project; to authorize an expenditure of up to \$300.00. (\$300.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Celebrate 1 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 the vicinity of the public right-of-way of Springmont Avenue and Walsh Avenue; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 2837-2018 and the adoption of Resolution Number 0205X-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 Springmont Avenue and Walsh Avenue 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 0205X-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 Celebrate 1 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 5T (FMVE) \$300)
The Estate of Billy Coffman and Carol Coffman
c/o Joyce Bowen
1720 Walsh Avenue
Columbus, Ohio 43223

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 Springmont Avenue and Walsh Avenue 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 Three Hundred and 00/100 U.S. Dollars (\$300.00), or so much as may be

needed from existing Auditor's Certificate ACDI001226-10.

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.