



## Legislation Text

---

**File #:** 2857-2013, **Version:** 1

---

**BACKGROUND:** The City of Columbus, Ohio, an Ohio municipal corporation ("City"), is engaged in the acquisition of fee simple title and lesser interests for real estate (collectively, "Property") for the City's Department of Public Service, Division of Design and Construction, Operation Safewalks - Joyce Avenue Phase 2 [590955-100008/2765 Dr E] Project ("Public Project"). The City's Council passed **City Resolution Number 0198X-2013** on September 26<sup>th</sup>, 2013, and **City Resolution Number 0215X-2013** on October 10<sup>th</sup>, 2013, which each declared the necessity and intent to appropriate the Property for the Public Project. This is the second appropriation ordinance for the Public Project, **City Ordinance Number 2607-2013** being the first, because the City needed more time to serve certain owners of the Property the resolutions of intent to appropriate the Property. Therefore, this legislation authorizes the Columbus City Attorney to file necessary complaints for the appropriation of the remainder the Property necessary for the City's Public Project.

**FISCAL IMPACT:** The Public Project's funding will come from the Department of Public Service, Streets & Highways GO Bonds Fund № 704.

**EMERGENCY JUSTIFICATION:** Emergency action is requested to allow for the appropriation and acquisitions of the Property necessary for the Public Project to proceed without delay, which will preserve the public peace, property, health, safety, and welfare.

To authorize the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the City's Department of Public Service, Division of Design and Construction, Operation Safewalks - Joyce Avenue Phase 2 [590955-100008/2765 Dr E] Project; authorizes the expenditure of Twenty-six Thousand, Seventy-six, and 00/100 U.S. Dollars from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund № 704; and to declare an emergency. (\$26,076.00)

**WHEREAS**, the City of Columbus, Ohio, an Ohio municipal corporation ("City"), is engaged in the acquisition of fee simple title and lesser interests for real estate (collectively, "Property") for the City's Department of Public Service, Division of Design and Construction, Operation Safewalks - Joyce Avenue Phase 2 [590955-100008/2765 Dr E] Project ("Public Project");

**WHEREAS**, the Columbus City Council passed **Columbus City Resolution Number 0198X-2013** on September 26<sup>th</sup>, 2013, which declared the necessity and intent to appropriate the Property for the Public Project;

**WHEREAS**, the Columbus City Council passed **Columbus City Resolution Number 0215X-2013** on October 10<sup>th</sup>, 2013, which also declared the necessity and intent to appropriate the Property for the Public Project;

**WHEREAS**, this is the second appropriation ordinance for the Public Project, **City Ordinance Number 2607-2013** being the first, because the City needed more time to serve certain owners of the Property the resolutions of intent to appropriate the Property;

**WHEREAS**, the public purpose for this Public Project's appropriation and notice of the adoption of the resolution was served according to Columbus City Code, Section 909.03;

**WHEREAS**, an emergency exists in the usual daily operation of the City, because it is necessary to appropriate the Property so there will be no delay in the Public Project, which immediately preserves the public peace, property, health, safety, and welfare; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO (“CITY”):**

**SECTION 1.** That the fee simple title and lesser real property interests associated with the parcels of real property interests listed in Section 4 of this ordinance (collectively, “Property”) are: (A) fully described in **City Resolution Number 0198X-2013**, which passed on September 26<sup>th</sup>, 2013, and **City Resolution Number 0215X-2013**, which passed on October 10<sup>th</sup>, 2013; (B) fully incorporated into this ordinance; and (C) to be appropriated for the public purpose of the City’s Department of Public Service, Division of Design and Construction, Operation Safewalks - Joyce Avenue Phase 2 [590955-100008/2765 Dr E] Project (“Public Project”).

**SECTION 2.** That pursuant to the power and authority granted to the City by the Ohio Constitution; Ohio Revised Code, Sections 715.01, 717.01, and 719.01-719.02; City’s Charter; and Columbus City Code (1959), Chapter 909, Columbus City Council declares the appropriation of Property are necessary for the Public Project, because the City was unable to locate the Owner(s) of the Property or agree with the Owner(s) of the Property regarding the amount of just compensation to be paid by the City for the Property needed to complete the Public Project.

**SECTION 3.** That the Columbus City Council declares its intention to obtain immediate possession of the Property described in this ordinance for the Public Project.

**SECTION 4.** That the Columbus City Council declares that the fair market value of the Property as follows:

<b><u>PUBLIC PROJECT PARCEL NUMBER</u></b>	<b><u>PROPERTY OWNER</u></b>	<b><u>AMOUNT</u></b>
<b>64 WD &amp; T</b>	<b>James T. Wilson</b> 2696 Mock Rd., Columbus, OH 43219 & Wallace O. McLean 1496 Delbert Rd., Columbus, OH 43219	<b>\$2,435.00</b>
<b>71 WD, S, &amp; T</b>	<b>ASI Corp</b> c/o Dan Smucker 1601 Woodland Ave., Columbus, OH 43219	<b>\$9,500</b>
<b>72 S &amp; T</b>	<b>Otis Eugene Washington &amp; Berthelia Washington</b> 1797 Marlston Road, Columbus, OH 43219	<b>\$300.00 (Min.)</b>
<b>97 WD &amp; T</b>	<b>Dorsie Bell &amp; Mamie Bell</b> 1390 Joyce Ave., Columbus, OH 43219	<b>\$3,340.00</b>
<b>99A WD &amp; T</b>	<b>Le Petomane XXV, Inc., Trustee</b> c/o Andrew Steinberg 35 E. Wacker Dr., Ste 1550, Chicago, IL 60601	<b>\$1,911.00</b>
<b>99 CH, S1, S2, T1, T2, &amp; T3</b>	<b>1402 Joyce Avenue Co.</b> c/o Edward Douglas Sr. 3170 Pine Valley Rd., Columbus, OH 43219 & Carl J. Stephen	<b>\$6640.00</b>

1035 Atcheson St., Apt. #1108, Columbus, OH 43203

99B WD, S1, S2, T1, & T2

Carl J. Stephen

\$1,950.00

1035 Atcheson St., Apt. #1108

Columbus, OH 43203

&

1402 Joyce Avenue Co.

c/o Edward Douglas Sr.

3170 Pine Valley Rd., Columbus, OH 43219

**TOTAL.....\$26,076.00**

**SECTION 5.** That the Columbus City Attorney is authorized to file complaints for appropriation of the Property in the appropriate court of common pleas and impanel a jury to inquire and assess the just compensation to pay for the Property described in this ordinance.

**SECTION 6.** That for the purpose of paying the cost of this acquisition, the sum of up to **Twenty-six Thousand, Seventy-six, and 00/100 U.S. Dollars (\$26,076.00)** or so much as may be needed, is authorized to be expended from the Streets and Highways Bond Fund and Storm Sewer Bonds Fund as follows, for the Public Project's costs to appropriate the Property:

Department of Public Service

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / AC # / Amount

704 / 590955-100008 / Operation Safewalks - Joyce Avenue Ph 2/ 59-12 / 704955 / AC0357471-001 / \$26,076.00

**SECTION 7.** That the City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

**SECTION 8.** That for the reasons stated in the preamble hereto, which are 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 its passage if the Mayor neither approves nor vetoes the same.