



## Legislation Text

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**File #:** 1391-2014, **Version:** 1

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**BACKGROUND:** The city passed **City Ordinance Number 1996-2012** on September 25<sup>th</sup>, 2012, and **City Ordinance Number 1684-2013** on July 16<sup>th</sup>, 2013, which each authorized the City Attorney to acquire certain fee simple title and lesser real estate interests (collectively, the “Real Estate Interests”) for the city’s Department of Public Service, Division of Design and Construction, Arterial Street Rehabilitation - Sawmill Road Intersection Hard Road (PID 530103-100038) Public Project (the “Public Project”). However, the City Attorney was unable to either locate some of the Real Estate Interests’ owners or agree with some of the Real Estate Interests’ owners regarding the amount of just compensation for the Real Estate Interests.

As a result, the city adopted **City Resolution Number 0264X-2013** on December 11<sup>th</sup>, 2013, which declared the city’s necessity and intent to appropriate the Real Estate Interests. Furthermore, pursuant to Columbus City Code, Section 909.03, the City Attorney served notice to the Real Estate Interests’ owners of the: (I) public purpose for the Public Project; and (II) adoption of City Resolution 0264X-2013. Therefore, this ordinance authorizes the City Attorney to spend city funds and file necessary complaints to appropriate the Real Estate Interests for the Public Project.

**FISCAL IMPACT:** Funding to appropriate the Real Estate Interests for the Public Project will come from an escrow account funded by the City of Dublin, Ohio.

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

This ordinance: (I) authorizes the City Attorney to file complaints to appropriate fee simple title and lesser real property interests necessary for the city’s Department of Public Service, Division of Design and Construction, Arterial Street Rehabilitation - Sawmill Road Intersection Hard Road (PID 530103-100038) Public Project (PID 530103-100038) Public Project; (II) authorizes the City Attorney to spend funds from an escrow account funded by the City of Dublin, Ohio; and (III) declares an emergency. (\$196,683.00)

**WHEREAS,** the city passed **City Ordinance Number 1996-2012** on September 25<sup>th</sup>, 2012, and **City Ordinance Number 1684-2013** on July 16<sup>th</sup>, 2013, which each authorized the City Attorney to acquire certain fee simple title and lesser real estate interests (collectively, the “Real Estate Interests”) for the city’s Department of Public Service, Division of Design and Construction, Arterial Street Rehabilitation - Sawmill Road Intersection Hard Road (PID 530103-100038) Public Project (the “Public Project”);

**WHEREAS,** the City Attorney was unable to either locate some of the Real Estate Interests’ owners or agree with some of the Real Estate Interests’ owners regarding the amount of just compensation for the Real Estate Interests;

**WHEREAS,** the city adopted **City Resolution Number 0264X-2013** on December 11<sup>th</sup>, 2013, which declared the city’s necessity and intent to appropriate the Real Estate Interests;

**WHEREAS,** pursuant to Columbus City Code, Section 909.03, the City Attorney served notice to the Real Estate Interests’ owners of the: (I) public purpose for the Public Project; and (II) adoption of City Resolution 0264X-2013;

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

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**SECTION 1.** 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, the “Real Estate Interests”) are: (I) fully described in **City Resolution Number 0264X-2013**, which was adopted on December 11<sup>th</sup>, 2013; (II) fully incorporated into this ordinance for reference; and (III) to be appropriated for the public purpose of the city’s Department of Public Service, Division of Design and Construction, Arterial Street Rehabilitation - Sawmill Road Intersection Hard Road (PID 530103-100038) Public Project (the “Public Project”).

**SECTION 2.** Pursuant to the city’s power and authority under the: (I) Ohio Constitution; (II) Ohio Revised Code, Sections 715.01, 717.01, and 719.01-719.02; (III) City’s Charter; and (IV) Columbus City Code (1959), Chapter 909, City Council declares the city’s appropriation of the Real Estate Interests are necessary for the Public Project, because the city was unable to locate the Real Estate Interests’ owners or agree with the Real Estate Interests’ owners regarding the amount of just compensation paid for the Real Estate Interests.

**SECTION 3.** City Council declares its intention to obtain immediate possession of the Real Estate Interests described in this ordinance for the Public Project.

**SECTION 4.** City Council declares that the fair market value of the Real Estate Interests as follows:

**PUBLIC PROJECT’S PARCEL NUMBER(S) (FMVE AMOUNT)**  
**REAL ESTATE INTERESTS’ OWNER(S)**  
**ADDRESS(ES)**

**8-WDV (FMVE: \$127,583.00)**

**WEC 98H-38 LLC (Fee Owner)**  
6750 LBJ Freeway, Ste 1100, Dallas, TX 75240

**Hook-SupeRx (Tenant)**  
1 CVS Dr., Mail Code 1160, Woonsocket, RI 02895

**Max & Erma’s Restaurant Inc. (Tenant)**  
**c/o American Blue Ribbon Holdings, LLC**  
400 W. 48<sup>th</sup> Ave., Denver, CO 80216

**9-WDV (FMVE: \$69,100.00)**

**Keybank National Association**  
100 Public Square, Ste 600, Cleveland, OH 44113

**TOTAL.....\$196,683.00**

**SECTION 5.** The City Attorney is authorized to file complaints for appropriation of the Real Estate Interests in the appropriate court of common pleas and impanel a jury to inquire and assess the just compensation to pay for the Real Estate Interests necessary for the Public Project.

**SECTION 6.** In order to pay for the Real Estate Interests’ acquisition and appropriation costs for the Public Project, the City Attorney is authorized to spend up to **One Hundred Ninety-six Thousand, Six Hundred Eighty-three, and 00/100**

**U.S. Dollars (\$196,683.00)**, or so much as may be needed, from the escrow account funded by the City of Dublin, Ohio.

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

**SECTION 8.** For the reasons stated in this ordinance's preamble, which are made a part of this ordinance, this ordinance is declared to be an emergency measure and will take effect and be in force from and after this ordinance's passage and approval by the Mayor or ten days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.