



## Legislation Text

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**File #:** 1465-2015, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Service is engaged in the FRA-CR222 - Gender Road at Refugee Road Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests (collectively, "Real Estate"), which are located in the general vicinity of Gender Road and Refugee Road, Columbus, Ohio 43110, in order to complete the Public Project. The City passed Ordinance Number 1577-2014 on July 14, 2014, which authorized the City Attorney to engage in the Real Estate's acquisition. The City also adopted Resolution Number 0213x-2014 on January 12, 2015, which declared the City's (i) public purpose and necessity of the Public Project; and (ii) intent to appropriate the Real Estate.

Pursuant to Columbus City Code, Section 909.03, the City Attorney served notice to all of the Real Estate's owners of the (i) Public Project's public purpose and necessity; and (ii) adoption of Resolution Number 0213x-2014. However, the City Attorney was unable to either locate some of the Real Estate's owners or agree with some of the Real Estate's owners in good faith regarding the amount of just compensation paid by the City for the Real Estate. Accordingly, this ordinance authorizes the City Attorney to spend City funds and file necessary complaints to appropriate the Real Estate.

**CONTRACT COMPLIANCE:** Not applicable.

**FISCAL IMPACT:** Funding to appropriate the Real Estate will come from the Federal State Highway Engineering Fund, Fund Number 765.

**EMERGENCY JUSTIFICATION:** The City Attorney's office requests emergency designation to allow for the appropriation and acquisition of the Real Estate necessary for the Department of Public Service to complete the Public Project without unnecessary delay, which will preserve the public peace, property, health, safety, and welfare.

To authorize the City Attorney to file complaints in order to appropriate and accept fee simple and lesser real estate title interests necessary for the Department of Public Service to complete the FRA-CR222 - Gender Road at Refugee Road Public Improvement Project; authorize the City Attorney to spend funds from the Federal State Highway Engineering Fund, Fund Number 765; and to declare an emergency. (\$193,641.00)

**WHEREAS**, pursuant to the passage of Ordinance Number 1577-2014 and adoption of Resolution Number 0213x-2014, the City intends to authorize the City Attorney to spend funds and file necessary complaints to appropriate the fee simple and lesser real estate title interests (*i.e.* Real Estate) in order for the Department of Public Service to complete the FRA-CR222 - Gender Road at Refugee Road Public Improvement Project (*i.e.* Public Project);

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to appropriate the remainder of the Real Estate to prevent unnecessary delay in completing the Public Project, which will preserve 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 and lesser real estate title interests associated with the project parcel numbers listed in

Section 4 of this ordinance (*i.e.* Real Estate) are (i) fully described in Resolution Number 0213x-2014 and fully incorporated into this ordinance for reference; and (ii) to be appropriated and accepted for the public purpose of the Department of Public Service completing the FRA-CR222 - Gender Road at Refugee Road Public Improvement Project (*i.e.* Public Project).

**SECTION 2.** 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 City declares the appropriation of the Real Estate is necessary for the Public Project, because the City was unable to locate the Real Estate's owners or agree in good faith with the Real Estate's owners regarding the amount of just compensation paid by the City for the Real Estate.

**SECTION 3.** The City intends to obtain immediate possession of the Real Estate for the Public Project.

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

**PUBLIC PROJECT'S PARCEL NUMBER(S) (FMVE)**  
**REAL ESTATE'S OWNER(S)**  
**ADDRESS(ES)**

**1-WD, 1-CH & 1-T (\$15,140.00)**  
**HPI KENSINGTON COMMONS, LLC**  
2 HUNTLEY RD., OLD LYME, CT 06371

**3-T1, 3-T2 & 3-T3 (\$7,150.00)**  
**SPEEDWAY SUPERAMERICA, LLC**  
539 S. MAIN ST., FINDLEY, OH 45840

**4-WD1, 4-WD2, 4-T1 & 4-T2 (\$61,199.00)**  
**HPI KENSINGTON LAND, LLC**  
2 HUNTLEY RD., OLD LYME, CT 06371

**7-WD & 7-T (\$23,161.00)**  
**BRAUVIN NET LEASE, LLC**  
205 N. MICHIGAN AVE., #1900, CHICAGO, IL 60601

**9-WD, 9-S & 9-T (\$67,133.00)**  
**THORNTON'S, INC.**  
10101 LINN STATION RD., LOUISVILLE, KY 40223

**9-BS (\$400.00)**  
**TIM DONUT U.S. LIMITED, INC.**  
4150 TULLER RD., #236, DUBLIN, OH 43017

**12-S & 12-T (\$9,658.00)**  
**TIM DONUT U.S. LIMITED, INC.**  
4150 TULLER RD., #236, DUBLIN, OH 43017

**13-CH & 13-S (\$9,800.00)**  
**HPI KENSINGTON LAND, LLC**  
2 HUNTLEY RD., OLD LYME, CT 06371

**TOTAL.....\$193,641.00**

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

**SECTION 6.** In order to pay for the Real Estate's acquisition and appropriation costs for the Public Project, the City Attorney is authorized to spend up to One Hundred Ninety-three Thousand, Six Hundred Forty-one, and 00/100 U.S. Dollars (\$193,641.00), or so much as may be needed, from the Federal State Highway Engineering Fund, as follows:

(Fund №) / (Project №) / (Project Name) / (O.L. 01-03 Codes) / (OCA) / (AC №) / (Amount)  
(765) / (591229-10000) / (Gender Road @ Refugee Project) / (06-6601) / (592229) / (AC036657-002) /  
(\$193,641.00)

**SECTION 7.** 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 fully incorporated into 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 (10) days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.