



## Legislation Text

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**File #:** 0349-2017, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Service (DPS) is engaged in the Roadway Improvement - Lazelle Road Phase-B (FRA Lazelle Rd. PID 90406) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests located in the vicinity of the right-of-way of Lazelle Road from North High Street (U.S. 23) to Worthington-Galena Road, Columbus, Ohio 43235 (collectively, "Real Estate") in order to for DPS to timely complete the Public Project. The City passed Ordinance Number 2314-2015 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0140x-2016 declaring the City's (i) public purpose and necessity of the Public Project, and (ii) intent to appropriate the Real Estate. The City's acquisition of the Real Estate will help make, improve, or repair certain portions of Lazelle Road's public roadways and associated appurtenances, 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 Number 0140x-2016. 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 appropriate the Real Estate will come from the Streets & Highway GO Bond Fund and the Federal State Highway Engineering Fund pursuant to existing Auditor's Certificate ACDI000083-10.

### **EMERGENCY JUSTIFICATION:**

Emergency action is requested in order to acquire the Real Estate and allowing DPS to timely complete the Public Project without unnecessary delay, which will preserve the public peace, health, 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 Lazelle Road Phase-B (FRA Lazelle Rd. PID 90406) Public Improvement Project ("Public Project"); and authorize the City Attorney to spend funds from the Streets & Highway GO Bond Fund and the Federal State Highway Engineering Fund pursuant to an existing Auditor's certificate; and to declare an emergency. (\$861,894.00)

**WHEREAS**, the City intends to make, improve, or repair certain public right-of-ways by completing the Lazelle Road Phase-B (FRA Lazelle Rd. PID 90406) Public Improvement Project ("Public Project");

**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 right-of-way of Lazelle Road from North High Street (U.S. 23) to Worthington-Galena Road,

Columbus, Ohio 43235 (collectively, “Real Estate”) in order to complete the Public Project;

**WHEREAS**, the City, pursuant to the passage of Ordinance Number 2314-2015 and the adoption of Resolution 0140x-2016, 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;

**WHEREAS**, the City intends for the Real Estate’s acquisition to help make, improve, or repair certain portions of Lazelle Road’s public roadways and associated appurtenances, which will be open to the public without charge;

**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, OHIO:**

**SECTION 1.** That the fee simple and lesser real estate associated with the project parcel numbers listed in Section Four (4) of this ordinance (*i.e.* Real Estate) is (i) fully described in Resolution Number 0140x-2016 and incorporated into this ordinance for reference as if rewritten, and (ii) to be immediately appropriated and accepted for the public purpose of DPS timely completing the Lazelle Road Phase-B (FRA Lazelle Rd. PID 90406) Public Improvement 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**

**10-WD, 10-SL (FMVE \$21,750)**

**Casto Lazelle Limited**

**250 Civic Center Drive, Suite 500**

**Columbus, OH 43215**

**12SH,T & 13SH,T (FMVE-\$172,902)**

**Norfolk Southern Railway Company**

**8000 Ravine's Edge Ct. Suite 100**

**Columbus, OH 43235**

**Attn: Mr. Brandon Phifer**

**Also**

**Norfolk Southern Railway Company**

**110 Franklin Rd. S**

**Roanoke, VA 24042**

**14SH,T & 15SH,T (FMVE-\$226,265)**

**CSX Transportation Company**

**6737 Southpoint Drive South  
CSX Bldg 1, 1st Floor  
Jacksonville, Fla. 32216  
Attn: Shari Chaney**

**Also  
CSX Transportation, Inc  
500 Water Street  
Jacksonville, FL 32202**

**16-WD, -T1, -T2 (FMVE \$71,584)  
WC OSP2 Polaris, LLC  
9984 S. Old State Road  
Lewis Center, OH 43035**

**17-WD1, -WD2, -WD3, -S, -SL, 19-WD, -T (FMVE \$146,373)  
Stratford Chase Apartments, an Ohio general partnership  
c/o Bill Mattes  
191 West Nationwide Blvd., Suite 300  
Columbus, OH 43215**

**30-WD1, -WD2, -WD3, -S, -CH, -T1, -T2 (FMVE-\$128,699)  
Bank One Management Corporation, an Ohio corporation  
Attn: Julie Gibson  
1111 Polaris Parkway, Floor 1-E  
Columbus, OH 43240  
Mail Code OH1-0249**

**32-WD, -T (FMVE \$16,329)  
JCLC Enterprises, LLC  
454 Lazelle Road  
Columbus, OH 43240**

**33-WD, -T (FMVE-\$32,617)  
Sancus Retail Partners II LLC, an Ohio limited liability company  
21 East State Street, Suite 1800  
Columbus, OH 43215**

**35WD,T (FMVE-\$10,270)  
MFC Polaris I Venture, LLC  
C/O  
Morris Capital Partners, LLC  
200 Carroll Street, Suite 130  
Fort Worth, TX 76107**

**36WD,T (FMVE- \$35,105)  
Fifth Third Bank  
21 E. State Street  
Columbus, Ohio 43215  
also  
Fifth Third Bank  
8353 Sancus Blvd.  
Columbus, Ohio 43240**

**TOTAL.....\$861,894.00**

**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 Lazelle Road's public roadways 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 Eight Hundred Sixty-one Thousand, eight Hundred Ninety-four, and 00/100 U.S. Dollars (\$861,894.00), or so much as may be needed from existing Auditor's Certificate ACDI000083-10 established by Ordinance Number 2314-2015.

**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, for the reasons stated in the preamble, which are made of part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance's passage and approval by the Mayor or ten (10) days after its passage if the Mayor neither approves nor vetoes this ordinance.