



## Legislation Text

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**File #:** 1011-2019, **Version:** 1

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**BACKGROUND:** The City's Department of Public Service ("DPS") is performing the Poindexter Village Roadways Phase 2 (PID 590416-100003) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests located in the vicinity of Mount Vernon Avenue and Ohio Avenue, Columbus, Ohio 43203 (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 2965-2015 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolutions 0069X-2016 and 0360X-2018 establishing the City's intent to appropriate the Real Estate. The Real Estate is currently a portion of right of way, which is 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 Resolutions 0069X-2016 and 0360X-2018. 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 and Highway Bond Fund, Fund No. 7704 pursuant to existing Auditor's Certificate ACDI000353-10.

**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 property interests necessary to timely complete Poindexter Village Roadways Phase 2 Public Improvement Project. (\$420.00)

**WHEREAS,** the City intends to make, improve, or repair certain public right-of-way by completing the Poindexter Village Roadways Phase 2 (PID 590416-100003) Public Improvement Project ("Public Project"); and

**WHEREAS,** the City intends for the City Attorney to acquire the necessary fee simple title and lesser real property interests located in the vicinity of Mount Vernon Avenue and Ohio Avenue, Columbus, Ohio 43203; and

**WHEREAS,** the City, pursuant to the passage of Ordinance Numbers 2965-2015 and the adoption of Resolution Numbers 0069X-2016 and 0360X-2018, 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 public right-of-way in the vicinity of Mount Vernon Avenue and Ohio Avenue, Columbus, OH 43203 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 property interests associated with the project parcel numbers listed in Section Four (4) of this ordinance ("Real Estate") are (i) fully described in Resolutions 0069X-2016 and 0360X-2018 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 Poindexter Village Roadways Phase 2 (PID 590416-100003) 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

1WD FMVE: \$420.00

Unknown Heirs of Samuel E. Samuel and Charles H. Walker

Property: 1' wide Reserve B, N. Ohio Ave.

**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 Mount Vernon Avenue and associated appurtenances.

**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 Four Hundred Twenty Dollars (\$420.00), or so much as may be needed from existing Auditor's Certificate ACDI000353-10.

**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 force from and after the earliest period allowed by law.