



## Legislation Text

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**File #:** 2218-2019, **Version:** 1

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**BACKGROUND:** The City's Department of Public Service ("DPS") is performing the Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee Road (FRA-SR317-10.630 (PID Number 95570)) ("Public Project"). The City must acquire certain fee simple title and lesser real property interests located in the vicinity of Hamilton Road between Refugee Road and I-70 (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 0229-2017 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolutions 0003X-2018, 0297X-2018, and 0195X-2019 establishing the City's intent to appropriate the Real Estate. Finally the City passed Ordinance Numbers 3283-2018 and 0532-2019 allowing for the appropriation of the Real Estate. Changes in the design plans have required a previously identified parcel to be modified requiring acquisition of additional Real Estate. The City's acquisition of the Real Estate will help make, improve, or repair certain portions of real property in the vicinity of Hamilton Road 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 Resolutions 0003X-2018, 0297X-2018, and 0195X-2019; 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 acquire the Real Estate is available through a reimbursement grant in the Federal Transportation Grants Fund, Fund 7765, Grant #G591703 (Hamilton RD I70 to Refugee Rd PID95570). This grant pays for 90% of allowable costs, requiring a 10% local match. The 10% local match will come from the Streets and Highways Bond Fund, Fund 7704, Project P530103-100052 (Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee Road). Auditor's Certificate ACDI000799 was previously established via Ordinance 3311-2017 for the purpose of acquiring the needed Real Estate. ACDI000799-10 will be used for the 80% reimbursable grant portion of the acquisitions, and ACDI000799-20 will be used for the 20% local match portion. No additional funding is being requested at this time.

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to acquire the Real Estate and allow 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 property interests necessary to timely complete the Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee Project; and to declare an emergency. (\$36,000.00)

**WHEREAS,** the City intends to make, improve, or repair certain public right-of-way by completing the Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee (FRA-SR317-10.630 (PID Number 95570)) 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 Hamilton Road between Refugee Road and I-70; and

**WHEREAS**, the City, pursuant to the passage of Ordinance Number 0229-2017, the adoption of Resolution Numbers 0003X-2018, 0297X-2018, and 0195X-2019, and the passage of Ordinance Numbers 3283-2018 and 0532-2019 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 Hamilton Road between Refugee Road and I-70 which will be open to the public without charge;

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Public Service ("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; **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 Resolution 0195X-2019 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 Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee (FRA-SR317-10.630 (PID Number 95570)) 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**

**52-P FMVE: \$36,000**

Eastland Hamilton LLC  
C/O Plank Law Firm @ 411 E. Town Street  
Plank Law Firm  
411 E. Town Street  
Columbus, Ohio 43215

**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 Hamilton Road between Refugee Road and I-70.

**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 Thirty-Six Thousand Dollars and 00/100 U.S. Dollars (\$36,000.00), or so much as may be needed. Auditor's Certificate ACDI000799 was previously established via Ordinance 3311-2017 for the

purpose of acquiring the needed Real Estate. ACDI000799-10 will be used for the 80% reimbursable grant portion of the acquisitions, and ACDI000799-20 will be used for the 20% local match portion.

**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 a 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 adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.