BACKGROUND: The City's Department of Public Service ("DPS") is performing the Intersection Improvements-James Road at Livingston Avenue Project (FRA-CR15 Livingston at James - PID Number 101787) ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of James Road and Livingston avenue (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 3018-2017 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0153X-2019 establishing the City's intent to appropriate the Real Estate. The City's acquisition of the Real Estate will help make, improve, or repair certain portions of the public right-of-way of James Road and Livingston Avenue 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 0153X-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 the Federal Transportation Grant Fund, Fund 7765 (90%) pursuant to existing Auditor's Certificate ACDI000472-10 and the Streets and Highways GO Bond Fund, Fund 7704 (10%) pursuant to existing Auditor's Certificate ACDI000472-20.

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 estate necessary to timely complete the Intersection Improvements-James Road at Livingston Avenue Project; and to declare an emergency. ($3,660.00)

WHEREAS, the City intends to make, improve, or repair certain public right-of-ways by completing the Intersection Improvements-James Road at Livingston Avenue (FRA-CR15 Livingston at James - PID Number 101787) ("Public Project"); and

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 public right-of-way of James Road and Livingston Avenue, Columbus, Ohio; and

WHEREAS, the City, pursuant to the passage of Ordinance Number 3018-2017 and the adoption of Resolution Number 0153X-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 portions of the public right-of-way of James Road and Livingston Avenue, Columbus, Ohio, which will be open to the public without charge; and

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:

SECTION 1. That the fee simple and lesser real estate associated with the project parcel numbers listed in Section Four (4) of this ordinance ("Real Estate") are (i) fully described in Resolution 0153X-2019 and incorporated into this ordinance for reference as if rewritten, and (ii) to be immediately appropriated and accepted for the public purpose of the Department of Public Service ("DPS") timely completing Intersection Improvements-James Road at Livingston Avenue Project (FRA-CR15 Livingston at James -PID Number 101787) ("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

11-T - FMVE $2,460
Midwest Alliance Partners, LLC
2540 73rd Street
Urbandale, IA 50322

12-T - FMVE $300
Robert G. Schmidt aka Robert G. Schmidt, II, Dec'd
c/o Adam R. Rinehart, Administrator of the Estate
5650 Blazer Parkway
Dublin, OH 43017-3562

13A-WD -FMVE $300
Robert Coppel and Paul Coppel aka Robert F. Coppel and Paul L. Coppel
Served by Publication 9/5/2019, 9/12/2019, and 9/19/2019
Unknown address

Parcel 13BWD-FMVE $300
Bernard R. Ruben (deceased)
Notice by Publication Dates-8-7-19, 9-12-19, 9-19-19
Address Unknown

Parcel 20T-FMVE $300
Charles K. Slaughter Sr. & Justine Slaughter
1138 S. James Road
Columbus, Ohio 43209

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 of James Road and Livingston Avenue, 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 Three Thousand Six Hundred Sixty and 00/100 U.S. Dollars ($3,660.00), or so much as may be needed from existing Auditor's Certificates ACDI000472-10 (90%) and ACDI000472-20 (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, 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.