



## Legislation Details (With Text)

**File #:** 0102X-2016    **Version:** 1

**Type:** Resolution    **Status:** Passed

**File created:** 4/28/2016    **In control:** Public Service & Transportation Committee

**On agenda:** 5/16/2016    **Final action:** 5/19/2016

**Title:** To declare the City's immediate necessity and intent to appropriate and accept in the applicable names of the City, Franklin County, COTA, and Westerville certain additional or modified fee simple title and lesser real property interests in order for the City's Department of Public Service to timely complete the FRA - COTA Cleveland Ave-BRT Public Improvement Project; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 6-WD, 2. 8-WD, 3. 10-WD, 4. 10-T, 5. 11-WD, 6. 11-T, 7. 12-WD, 8. 12-T, 9. 13-WD, 10. 13-U, 11. 13-T, 12. 27-WD, 13. 27-T, 14. 28-WD, 15. 29-WD, 16. 31-WD, 17. 31-T, 18. 35-WDV, 19. 35-T, 20. 36-WDV, 21. 36-T, 22. 38-WD, 23. 38-T, 24. 43-WD, 25. 43-T, 26. 52-WDV, 27. 52-U, 28. 52-T, 29. 53-WDV, 30. 53-T, 31. 54-WDV, 32. 54-U, 33. 54-T

Date	Ver.	Action By	Action	Result
5/19/2016	1	CITY CLERK	Attest	
5/17/2016	1	MAYOR	Signed	
5/16/2016	1	COUNCIL PRESIDENT	Signed	
5/16/2016	1	Columbus City Council	Adopted	Pass

**BACKGROUND:**

The City's Department of Public Service (DPS) is engaged in the FRA - Central Ohio Transit Authority (COTA) - Cleveland Avenue Bus Rapid Transit (BRT) - (PID 94357; 3163 Dr E), 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 Cleveland Avenue, Columbus, Ohio 43215 (collectively, "Real Estate") in order to for DPS to timely complete the Public Project. The City passed Ordinance Number 0567-2015 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolutions 0152x-2015, 0214x-2015, and 0020x-2016 establishing the City's intent to appropriate the Real Estate. However, DPS modified the Public Project requiring the City to acquire and accept certain additional or modified fee simple title and lesser real property interests located in the vicinity of the public right-of-way of Cleveland Avenue, Columbus, Ohio 43215 since the adoption of Resolutions 0152x-2015, 0214x-2015, and 0020x-2016 ("Modified Real Estate").

The City Attorney will acquire and accept the Modified Real Estate in the applicable names of the City of Columbus, Ohio, an Ohio municipal corporation (*i.e.* City), Board of Commissioners, Franklin County, Ohio, a body politic and corporate organized and existing pursuant to Ohio Revised Code Chapter 301 ("Franklin County"), City of Westerville, Ohio, an Ohio municipal corporation ("Westerville"), and the Central Ohio Transit Authority, a regional transit authority pursuant to Ohio Revised Code, Chapter 306 ("COTA"), necessary to complete the Public Project pursuant to the City's partnerships with Franklin County, Westerville, and COTA in completing the Public Project. Accordingly, the City intends to appropriate and accept the Modified Real Estate in the applicable names of the City, Franklin County, Westerville, and COTA in the event the City Attorney is unable to (i) locate the owners of the Modified Real Estate, or (ii) agree with the

owners of the Modified Real Estate in good faith regarding the amount of just compensation.

**CONTRACT COMPLIANCE:**

Not applicable.

**FISCAL IMPACT:**

Not applicable.

**EMERGENCY JUSTIFICATION:**

Emergency action is requested in order to acquire and accept the Modified Real Estate and allowing the Public Project to be completed without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To declare the City's immediate necessity and intent to appropriate and accept in the applicable names of the City, Franklin County, COTA, and Westerville certain additional or modified fee simple title and lesser real property interests in order for the City's Department of Public Service to timely complete the FRA - COTA Cleveland Ave-BRT Public Improvement Project; and to declare an emergency. (\$0.00)

**WHEREAS**, the City intends to improve the public right-of-way in the vicinity of Cleveland Avenue, Columbus, Ohio 43215 by allowing the Department of Public Service (DPS) to engage in the FRA - Central Ohio Transit Authority (COTA) - Cleveland Avenue Bus Rapid Transit (BRT) - (PID 94357; 3163 Dr E), Public Improvement Project (*i.e.* Public Project);

**WHEREAS**, the City intends for the City Attorney to acquire the necessary additional or modified fee simple title and lesser property interests located in the vicinity of the right-of-way of Cleveland Avenue, Columbus, Ohio 43215 (*i.e.* Modified Real Estate) in order to complete the Public Project;

**WHEREAS**, the City intends to appropriate and accept the Modified Real Estate in the applicable names of the City of Columbus, Ohio, an Ohio municipal corporation (*i.e.* City), Board of Commissioners, Franklin County, Ohio (*i.e.* Franklin County), City of Westerville, Ohio (*i.e.* Westerville), and the Central Ohio Transit Authority (*i.e.* COTA), in the event the City Attorney is unable to (i) locate the owners of the Modified Real Estate, or (ii) agree with the owners of the Modified Real Estate in good faith regarding the amount of just compensation;

**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 the Modified 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 RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**SECTION 1.** The City, pursuant to the City's Charter, Columbus City Revised Code, Chapter 909 (1959), Constitution of the state of Ohio, and Ohio Revised Code, Chapter 719, declares the necessity and intent to appropriate and accept in the applicable names of the City of Columbus, Ohio, an Ohio municipal corporation (*i.e.* City), Board of Commissioners, Franklin County, Ohio, a body politic and corporate organized and existing pursuant to Ohio Revised Code Chapter 301 (*i.e.* Franklin County), City of Westerville, Ohio, an Ohio municipal corporation (*i.e.* Westerville), and the Central Ohio Transit Authority, a regional transit authority pursuant to Ohio Revised Code, Chapter 306 (*i.e.* COTA) the additional or modified fee simple title and lesser real property interests to the following listed parcels of real estate (*i.e.* Modified Real Estate), which are fully described in their associated exhibits and incorporated into this resolution for reference, in order for the Department of Public Service (DPS) to complete the FRA - COTA Cleveland Avenue BRT (PID 94357; 3163 Dr E), Public Improvement Project (*i.e.* Public Project):

**(Exhibit) ... (Public Project Parcel Identification) ... (Modified Real Estate) ... (Grantee)**

- 1) 6-WD (fee simple title without limitation of access) Columbus
- 2) 8-WD (fee simple title without limitation of access) Columbus
- 3) 10-WD (fee simple title without limitation of access) Columbus
- 4) 10-T (two (2) year temporary construction & access easement) COTA
- 5) 11-WD (fee simple title without limitation of access) Columbus
- 6) 11-T (two (2) year temporary construction & access easement) COTA
- 7) 12-WD (fee simple title without limitation of access) Columbus
- 8) 12-T (two (2) year temporary construction & access easement) COTA
- 9) 13-WD (fee simple title without limitation of access) Columbus
- 10) 13-U (perpetual electric utility easement) COTA
- 11) 13-T (two (2) year temporary construction & access easement) COTA
- 12) 27-WD (fee simple title without limitation of access) Columbus
- 13) 27-T (two (2) year temporary construction & access easement) COTA
- 14) 28-WD (fee simple title without limitation of access) Columbus
- 15) 29-WD (fee simple title without limitation of access) Columbus
- 16) 31-WD (fee simple title without limitation of access) Columbus
- 17) 31-T (two (2) year temporary construction & access easement) COTA
- 18) 35-WDV (fee simple title without limitation of access) Franklin County
- 19) 35-T (two (2) year temporary construction & access easement) COTA
- 20) 36-WDV (fee simple title without limitation of access) Franklin County
- 21) 36-T (two (2) year temporary construction & access easement) COTA
- 22) 38-WD (fee simple title without limitation of access) Columbus
- 23) 38-T (two (2) year temporary construction & access easement) COTA
- 24) 43-WD (fee simple title without limitation of access) Columbus
- 25) 43-T (two (2) year temporary construction & access easement) COTA

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|-----|--------|---|-------------|
| 26) | 52-WDV | (fee simple title without limitation of access)         | Westerville |
| 27) | 52-U   | (perpetual electric utility easement)                   | COTA        |
| 28) | 52-T   | (two (2) year temporary construction & access easement) | COTA        |
| 29) | 53-WDV | (fee simple title without limitation of access)         | Westerville |
| 30) | 53-T   | (two (2) year temporary construction & access easement) | COTA        |
| 31) | 54-WDV | (fee simple title without limitation of access)         | Westerville |
| 32) | 54-U   | (perpetual electric utility easement)                   | COTA        |
| 33) | 54-T   | (two (2) year temporary construction & access easement) | COTA        |

**SECTION 2.** The City Attorney is authorized to cause a written notice of this resolution's adoption to be served in the manner provided by law upon the owner(s), person(s) in possession, or person(s) possessing a real or possible real property interest of record in the Modified Real Estate.

**SECTION 3.** The City's declaration of necessity and intent to appropriate the Modified Real Estate identified in Section One (1) of this resolution replace and supersede any identical project parcels described in Resolutions 0152x-2015, 0214x-2015, and 0020x-2016.

**SECTION 4.** This resolution, for the reasons stated in the preamble of this resolution, which are fully incorporated into this resolution as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the mayor or ten (10) days after its adoption if the mayor neither approves nor vetoes this resolution.