



Legislation Details (With Text)

File #: 1918-2017 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 7/7/2017 **In control:** Public Service & Transportation Committee
On agenda: 7/24/2017 **Final action:** 7/26/2017

Title: To authorize the Directors of the Department of Public Service, Department of Public Utilities, and Department of Recreation and Parks to execute and acknowledge any documents, as approved by the City Attorney, necessary to transfer and acquire any real estate and to enter into any agreements associated with completing the OhioHealth Redevelopment Project; to waive the Land Review Commission requirements; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/26/2017	1	CITY CLERK	Attest	
7/25/2017	1	ACTING MAYOR	Signed	
7/24/2017	1	COUNCIL PRESIDENT	Signed	
7/24/2017	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City, in cooperation and partnership with OhioHealth Corporation, an Ohio nonprofit corporation, is engaged in the design and construction of public improvements in the vicinity of North Broadway and Olentangy River Road, including but not limited to: CIP 441759-100000, (3386-E); CIP 441752-100000 (3401-E); CIP 441753-100000 (3402-E); CIP 441757-100000 (3403-E); CIP 441760-100000 (3404-E); CIP 441756-100000 (3391-E); CIP 441758-100000 (3406-E); CIP 441755-100000 (3405-E) (collectively, "Project"), as contemplated in an Economic Development Agreement dated March 20, 2017 and authorized by Ordinance Number 2237-2016. The Project involves a major redevelopment of existing public right-of-way as portions of State Route 315 right-of-way will be reconfigured including the removal of an existing northbound interchange ramp and the addition of a southbound new ramp. Pavement, sidewalks, shared use paths and utilities will be constructed on Olentangy River Road, West North Broadway, Thomas Lane, and two local roadways that connect Olentangy River Road to West North Broadway through the development area. The Project will require the City acquire and transfer various types of fee simple title and lesser real estate and enter into a number of agreements and instruments in order to complete the Project. Accordingly, authorizing the directors of the Department of Public Service ("DPS"), Department of Public Utilities ("DPU") and Department of Recreation and Parks (R&P) to execute any documents, including but not limited to deeds, easements, license agreements, lease agreements, agreements, and any other type of instrument, necessary to transfer and acquire or release any fee simple title or lesser real estate and to enter into any agreements associated with the Project will allow for the timely and efficient completion of the Project.

CONTRACT COMPLIANCE:

Not applicable.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency action is requested in order to timely and efficiently complete the Project without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Directors of the Department of Public Service, Department of Public Utilities, and Department of Recreation and Parks to execute and acknowledge any documents, as approved by the City Attorney, necessary to transfer and acquire any real estate and to enter into any agreements associated with completing the OhioHealth Redevelopment Project; to waive the Land Review Commission requirements; and to declare an emergency. (\$0.00)

WHEREAS, the City, in cooperation and partnership with OhioHealth Corporation, an Ohio nonprofit corporation, is engaged in the design and construction of public improvements in the vicinity of North Broadway and Olentangy River Road, including but not limited to: CIP 441759-100000 (3386-E); CIP 441752-100000 (3401-E); CIP 441753-100000 (3402-E); CIP 441757-100000 (3403-E); CIP 441760-100000 (3404-E); CIP 441756-100000 (3391-E); CIP 441758-100000 (3406-E) ; CIP 441755-100000 (3405-E) (collectively, "Project"), as contemplated in an Economic Development Agreement, dated March 20, 2017, and authorized pursuant to Ordinance Number 2237-2016; and

WHEREAS, the Project involves a major redevelopment of existing public right-of-way as portions of State Route 315 right-of-way will be reconfigured including the removal of an existing northbound interchange ramp and the addition of a southbound new ramp. Pavement, sidewalks, shared use paths and utilities will be constructed on Olentangy River Road, West North Broadway, Thomas Lane, and two local roadways that connect Olentangy River Road to West North Broadway through the development area; and

WHEREAS, the Project will require the City acquire and transfer various types of fee simple title and lesser real estate and enter into a number of agreements and instruments in order to complete the Project; and

WHEREAS, the City intends for the directors of DPS, DPU and R&P to execute and acknowledge any documents, including but not limited to deeds, easements, license agreements, lease agreements, agreements, and any other type of instrument, necessary to transfer and acquire or release any fee simple title or lesser real estate and to enter into any agreements associated with the Project; and

WHEREAS, the City intends for the City Attorney to preapprove all documents executed by City personnel pursuant to authority granted by this ordinance; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to authorize the directors to execute any documents necessary for the timely and efficient completion of the Project without delay, 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 directors of the Department of Public Service ("DPS"), Department of Public Utilities ("DPU") and Department of Recreation and Parks ("R&P") are authorized to execute and acknowledge any documents necessary to transfer and acquire or release any fee simple title or lesser real estate necessary to complete public infrastructure improvements in the vicinity of North Broadway and Olentangy River Road (*i.e.* Project).

SECTION 2. That the directors of DPS, DPU, and R&P are authorized to execute and acknowledge any documents necessary to enter into any agreements necessary to complete the Project.

SECTION 3. That it is in the City's best interest to allow any rights-of-way transferred pursuant to this ordinance to be transferred without requiring a recommendation from the Land Review Commission and hereby waives the Land Review Commission provisions of Columbus City Codes, Sections 328.01 and 329.32, regarding the transfer of any right-of-way.

SECTION 4. That the City formally accepts any real estate acquired by the City that was necessary to complete the Project.

SECTION 5. That the Directors of DPD, DPU and R&P are authorized to execute and acknowledge any documents necessary to enter into any maintenance agreements to complete the Project.

SECTION 6. That the City Attorney is required to preapprove all documents executed by the City pursuant to this ordinance.

SECTION 7. That this ordinance, for the reasons stated in the preamble of this ordinance, which are made a part of this ordinance and fully incorporated as if rewritten, is declared 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 this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.