



Legislation Details (With Text)

File #: 0274X-2019 **Version:** 1
Type: Resolution **Status:** Passed
File created: 9/26/2019 **In control:** Public Utilities Committee
On agenda: 10/28/2019 **Final action:** 10/31/2019
Title: To declare the City's necessity and intent to appropriate and accept certain fee simple title and lesser real estate in order to complete Central College Subtrunk Sewer Project; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 8S-2_Villas at West Albany_20190423, 2. 1S-1_Pulte Homes, 3. 1S-2_Pulte Homes, 4. 1T-Pulte Homes, 5. 2S-1_Johnathan Oliver, 6. 2T-Johnathan Oliver, 7. 3S-1_Richard T Wood, 8. 4S-1_Anthony ZubeK, 9. 4T-1_Anthony ZubeK_0.156ac, 10. 4T-2_Anthony ZubeK_0.043ac, 11. 5S-David Pease, 12. 6S-Frederick Williamson, 13. 7S-G&G Realty, 14. 7T-G&G Realty, 15. 8S-1_Villas at West Albany_20190423, 16. 8T-Villas at West Albany, 17. 9S-Columbia Gas OH_20190423, 18. 10S-New Albany Park Condo 9th, 19. 10T-New Albany Park Condo 9th, 20. 11S-New Albany Park Condo, 21. 12S-1_LC Exchange, 22. 12S-2_LC Exchange, 23. 13T-Columbia Gas Transmission_20190424, 24. 14S-LC Exchange_20190423, 25. 14T-LC Exchange_20190424, 26. 15S-LC Exchange II_20190424, 27. 15T-LC Exchange II_20190424, 28. 16S-Jeff & Tina Miller, 29. 17S-Vincent & Karen Golden, 30. 18S-David Duritsky, 31. 19S-Norman & Lois Singer, 32. 22S-1_Jorgensen Farms, 33. 22S-2_Jorgensen Farms, 34. 22T-1_Jorgensen Farms, 35. 22T-2_Jorgensen Farms, 36. 23S-Jack Kemp, 37. 24S-Harlem Road Real Estate, 38. 24T-Harlem Road Real Estate

Date	Ver.	Action By	Action	Result
10/31/2019	1	CITY CLERK	Attest	
10/30/2019	1	MAYOR	Signed	
10/28/2019	1	COUNCIL PRESIDENT	Signed	
10/28/2019	1	Columbus City Council	Adopted	Pass

BACKGROUND: The City's Department of Public Utilities ("DPU") is performing the Central College Subtrunk Sewer Project (CIP 650033-100003) ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Central College Road and Harlem Road, Columbus, OH 43081 (collectively, "Real Estate") in order for DPU to timely complete the Public Project. The City passed Ordinance Number 3428-2018 authorizing the City Attorney to acquire the Real Estate. Accordingly, the City intends to appropriate and accept the Real Estate in the event the City Attorney is unable to (i) locate the owners of the Real Estate, or (ii) agree with the owners of the 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 the Real Estate and allow DPU to timely complete the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To declare the City’s necessity and intent to appropriate and accept certain fee simple title and lesser real estate in order to complete Central College Subtrunk Sewer Project; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to improve certain public right-of-way by allowing the Department of Public Utilities (“DPU”) to engage in the Central College Subtrunk Sewer Project (CIP 650033-100003) (“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 Central College Road and Harlem Road, Columbus, OH 43081 (“Real Estate”) in order to complete the Public Project; and

WHEREAS, the City intends to appropriate and accept the Real Estate in the event the City Attorney is unable to (i) locate the owners of the Real Estate, or (ii) agree with the owners of the Real Estate in good faith regarding the amount of just compensation; and

WHEREAS, an emergency exists in the usual daily operations of DPU 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 RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That 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 the fee simple title and lesser real estate to the following listed parcels (“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 Central College Subtrunk Sewer Project (CIP 650033-100003) (“Public Project”).

(Exhibit) ... (Public Project Parcel Identification) ... (Real Estate)

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|-----|-------|-------------------------------|
| 1) | 1-S1 | (Sewer Easement) |
| 2) | 1-S2 | (Sewer Easement) |
| 3) | 1-T | (36 Month Temporary Easement) |
| 4) | 2-S | (Sewer Easement) |
| 5) | 2-T | (36 Month Temporary Easement) |
| 6) | 3-S | (Sewer Easement) |
| 7) | 4-S | (Sewer Easement) |
| 8) | 4-T1 | (36 Month Temporary Easement) |
| 9) | 4-T2 | (36 Month Temporary Easement) |
| 10) | 5-S | (Sewer Easement) |
| 11) | 6-S | (Sewer Easement) |
| 12) | 7-S | (Sewer Easement) |
| 13) | 7-T | (36 Month Temporary Easement) |
| 14) | 8-S1 | (Sewer Easement) |
| 15) | 8-S2 | (Sewer Easement) |
| 16) | 8-T | (36 Month Temporary Easement) |
| 17) | 9-S | (Sewer Easement) |
| 18) | 10-S | (Sewer Easement) |
| 19) | 10-T | (36 Month Temporary Easement) |
| 20) | 11-S | (Sewer Easement) |
| 21) | 12-S1 | (Sewer Easement) |
| 22) | 12-S2 | (Sewer Easement) |
| 23) | 13-T | (36 Month Temporary Easement) |

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|-----|-------|-------------------------------|
| 24) | 14-S | (Sewer Easement) |
| 25) | 14-T | (36 Month Temporary Easement) |
| 26) | 15-S | (Sewer Easement) |
| 27) | 15-T | (36 Month Temporary Easement) |
| 28) | 16-S | (Sewer Easement) |
| 29) | 17-S | (Sewer Easement) |
| 30) | 18-S | (Sewer Easement) |
| 31) | 19-S | (Sewer Easement) |
| 32) | 22-S1 | (Sewer Easement) |
| 33) | 22-S2 | (Sewer Easement) |
| 34) | 22-T1 | (36 Month Temporary Easement) |
| 35) | 22-T2 | (36 Month Temporary Easement) |
| 36) | 23-S | (Sewer Easement) |
| 37) | 24-S | (Sewer Easement) |
| 38) | 24-T | (36 Month Temporary Easement) |

SECTION 2. That 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 Real Estate.

SECTION 3. That this resolution, for the reasons stated in the preamble, which are made of part of this resolution 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 resolution's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this resolution.