



Legislation Details (With Text)

File #: 0166X-2016 **Version:** 1
Type: Resolution **Status:** Passed
File created: 6/23/2016 **In control:** Public Service & Transportation Committee
On agenda: 12/5/2016 **Final action:** 12/7/2016
Title: To declare the City's necessity and intent to appropriate and accept certain additional or modified fee simple title and lesser real estate in order to complete the Hayden Run Boulevard, Phase II Roadway Public Improvement Project. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 3WD 0_100 ac TOC RR 20121129-VS-BNDY-02, 2. 3A 0_342 ac CSX Trans 20121129, 3. 3T 0_443 ac CSX Trans 20121129, 4. 11-WD 0_170 ac Daneshmand 20121129

Date	Ver.	Action By	Action	Result
12/7/2016	1	CITY CLERK	Attest	
12/7/2016	1	MAYOR	Signed	
12/5/2016	1	COUNCIL PRESIDENT	Signed	
12/5/2016	1	Columbus City Council	Adopted	Pass
11/21/2016	1	Columbus City Council	Read for the First Time	

BACKGROUND:

The City's Department of Public Service (DPS) is engaged in the Hayden Run Boulevard, Phase II Roadway (CIP 771009-100000) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of the public right-of-way of Hayden Run Boulevard, Columbus, Ohio 43016 (collectively, "Real Estate") in order to for DPS to complete the Public Project. The City passed Ordinance Number 1458-2014 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0086x-2014 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 estate since the adoption of Resolution 0086x-2014 ("Modified Real Estate"). Accordingly, the City intends to appropriate and accept the Modified Real Estate 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 for the Modified Real Estate.

CONTRACT COMPLIANCE:

Not applicable.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Not applicable.

To declare the City's necessity and intent to appropriate and accept certain additional or modified fee simple title and lesser real estate in order to complete the Hayden Run Boulevard, Phase II Roadway Public Improvement Project. (\$0.00)

WHEREAS, the City intends to improve certain public right-of-way by allowing the Department of Public Service (DPS) to engage in the Hayden Run Boulevard, Phase II Roadway Improvements (CIP 771009-100000) 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 real estate located in the vicinity of the public right-of-way of Hayden Run Boulevard, Columbus, Ohio 43016 (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 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 for the Modified Real Estate; 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 the additional or modified fee simple title and lesser real estate to the following listed parcels (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 Hayden Run Boulevard, Phase II Roadway (CIP 771009-100000) Public Improvement Project (i.e. Public Project):

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

- 1) 3-WD (fee simple title without limitation of access)
- 2) 3-T (twenty-four (24) month temporary construction & access easement)
- 3) 3-A (Aerial Easement)
- 4) 11-WD (fee simple title without limitation of access)

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 and accept the Modified Real Estate identified in Section One (1) of this resolution replace and supersede any identical project parcels described in Resolution 0113x-2016.

SECTION 4. This resolution shall take effect and be in full force and effect from and after the earliest period allowed by law.