



Legislation Details (With Text)

File #: 0154X-2015 **Version:** 1
Type: Resolution **Status:** Passed
File created: 6/8/2015 **In control:** Public Service & Transportation Committee
On agenda: 6/22/2015 **Final action:** 6/24/2015
Title: To declare the City's immediate necessity and intent to appropriate and accept modified fee simple title and lesser real property interests in order for the Department of Public Service and Department of Public Utilities to timely complete the Joyce Avenue, Phase III, Public Improvement Project; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 112-WD, 2. 112A-WD1, 3. 112A-WD2, 4. 114-WD1, 5. 114-WD2, 6. 127-T1, 7. 127-T2, 8. 163-T Rev

Date	Ver.	Action By	Action	Result
6/24/2015	1	CITY CLERK	Attest	
6/24/2015	1	MAYOR	Signed	
6/22/2015	1	COUNCIL PRESIDENT	Signed	
6/22/2015	1	Columbus City Council	Adopted	Pass

BACKGROUND:

The City's Department of Public Service ("DPS") and Department of Public Utilities ("DPU") are engaged Joyce Avenue, Phase III (PIDs 590955-100008 & 610990-100002), Public Improvement Project (collectively, "Public Project"). The City must acquire and accept certain fee simple title and lesser real property interests located in the vicinity of Joyce Avenue, Columbus, Ohio 43219 (collectively, "Real Estate") in order for DPS and DPU to complete the Public Project. The City passed Ordinance Number 2109-2013 on September 16, 2013, authorizing the City Attorney to acquire the Real Estate. The City also previously adopted Resolution Number 0212x-2014 on December 8, 2014, which declared the City's immediate necessity and intent to appropriate and accept the Real Estate in order for DPS and DPU to timely complete the Public Project. However, some of the Real Estate was modified necessitating subsequent legislation by the City in order to appropriate and accept the Real Estate, as modified. Furthermore, the City intends to appropriate and accept the Real Estate, as modified, in the event the City Attorney is unable to perform either of the following: (i) locate the owners of the Real Estate, as modified; or (ii) agree with the owners of the Real Estate, as modified in good faith regarding the amount of just compensation for the Real Estate, as modified. Accordingly, this resolution declares the City's immediate necessity and intent to appropriate and accept the Real Estate, as modified in order for DPS and DPU to timely complete the Public Project.

CONTRACT COMPLIANCE № : Not applicable.

FISCAL IMPACT: Not applicable.

EMERGENCY JUSTIFICATION: Emergency action is requested in order to acquire the 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 modified fee simple title and lesser real property interests in order for the Department of Public Service and Department of Public Utilities to timely complete the Joyce Avenue, Phase III, Public Improvement Project; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to rehabilitate the public right-of-way of Joyce Avenue by allowing the Department of Public Service (*i.e.* DPS) and Department of Public Utilities (*i.e.* DPU) to engage in the Joyce Avenue, Phase III, Public Improvement Project (*i.e.* Public Project);

WHEREAS, the City intends for the City Attorney to acquire the necessary fee simple title and lesser property interests (*i.e.* Real Estate), as modified, in order to complete the Public Project;

WHEREAS, in order to for DPS and DPU to timely complete the Public Project, the City intends to appropriate and accept the Real Estate, as modified, in the event the City Attorney is unable to perform either of the following: (i) locate the owners of the Real Estate, as modified; or (ii) agree with the owners of the Real Estate, as modified, in good faith regarding the amount of just compensation for the Real Estate, as modified;

WHEREAS, an emergency exists in the usual daily operations of Departments of Public Utilities and Public Service in that it is immediately necessary to declare the City's intent to appropriate and accept the Real Estate, as modified 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, OHIO:

SECTION 1. 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, the City declares the immediate necessity and intent to appropriate and accept the modified fee simple title and lesser real property interests to the following listed parcels of real property (*i.e.* 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 (*i.e.* DPS) and Department of Public Utilities (*i.e.* DPU) to complete the Joyce Avenue, Phase III (PIDs 590955-100008 & 610990-100002), Public Improvement Project:

(EXHIBIT) ... (PUBLIC PROJECT PARCEL IDENTIFICATION) ... (REAL ESTATE DESCRIPTION)

- 1) 112WD (fee simple title without limitation of existing access rights)
- 2) 112A-WD1 (fee simple title without limitation of existing access rights)
- 3) 112A-WD2 (fee simple title without limitation of existing access rights)
- 4) 114-WD1 (fee simple title without limitation of existing access rights)
- 5) 114-WD2 (fee simple title without limitation of existing access rights)
- 6) 127-T1 (temporary construction & access easement)
- 7) 127-T2 (temporary construction & access easement)
- 8) 163-T (temporary construction & access easement)

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 Real Estate.

SECTION 3. For the reasons stated in the preamble of this resolution, which are fully incorporated into this resolution as if rewritten, this resolution 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.