



Legislation Details (With Text)

File #: 0095X-2016 **Version:** 1
Type: Resolution **Status:** Passed
File created: 4/18/2016 **In control:** Public Service & Transportation Committee
On agenda: 5/9/2016 **Final action:** 5/12/2016
Title: To declare the City's necessity and intent to appropriate and accept certain fee simple title and lesser real property interests in order to timely complete the Williams & Lockbourne Road Public Improvement Project; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 0.208 Ac Tract & Utility-Sidewalk Ease_Williams & Lockbourne 04-12-16, 2. Utility-Sidewalk Ease_Williams & Lockbourne 04-12-16, 3. 0.191 Ac Tract_Williams & Lockbourne 04-12-16, 4. 0.162 Ac Tract_Williams & Lockbourne 04-12-16

Date	Ver.	Action By	Action	Result
5/12/2016	1	CITY CLERK	Attest	
5/11/2016	1	MAYOR	Signed	
5/9/2016	1	COUNCIL PRESIDENT	Signed	
5/9/2016	1	Columbus City Council	Adopted	Pass

BACKGROUND:

The City's Department of Public Service (DPS) is engaged in the Williams & Lockbourne Road (PID 530282-912016) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests located in the vicinity of the public right-of-way of Williams Road and Lockbourne Road, Columbus, Ohio 43207 (collectively, "Real Estate") in order to for DPS to timely complete the Public Project. The City passed Ordinance Number 2137-2015 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 for the Real Estate.

CONTRACT COMPLIANCE:

Not applicable.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency action is requested in order to acquire and accept 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 necessity and intent to appropriate and accept certain fee simple title and lesser real property interests in order to timely complete the Williams & Lockbourne Road 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 Williams Road and Lockbourne Road, Columbus, Ohio 43207 by allowing the Department of Public Service (DPS) to engage in the Williams & Lockbourne Road (PID 530282-912016) 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 located in the vicinity of the right-of-way of Williams Road and Lockbourne Road, Columbus, Ohio 43207 (*i.e.* Real Estate) in order for DPS to timely complete the Public Project;

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;

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 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 the fee simple title and lesser real property interests to the following listed parcels (*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 (DPS) to complete the Williams & Lockbourne Road (PID 530282-912016) Public Improvement Project (*i.e.* Public Project):

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

- 1) **1-WD (fee simple title without limitation of access)**
- 2) **1-P (perpetual general utility and sidewalk easement)**
- 3) **2-WD (fee simple title without limitation of access)**
- 4) **3-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 Real Estate.

SECTION 3. 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.