



## Legislation Details (With Text)

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**Type:** Resolution                      **Status:** Passed

**File created:** 12/21/2015              **In control:** Public Service & Transportation Committee

**On agenda:** 1/11/2016                  **Final action:** 1/14/2016

**Title:** To declare the City's necessity and intent to appropriate and accept certain fee simple title and lesser real property interests in order for the Department of Public Service to timely complete the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road Public Improvement Project; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ex-A

Date	Ver.	Action By	Action	Result
1/14/2016	1	CITY CLERK	Attest	
1/13/2016	1	MAYOR	Signed	
1/11/2016	1	COUNCIL PRESIDENT	Signed	
1/11/2016	1	Columbus City Council	Adopted	Pass

**BACKGROUND:**

The City's Department of Public Service (DPS) is engaged in the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road (PID 530086-100025) Public Improvement Project ("Public Project"). The City is partnering with the City of Westerville, Ohio, an Ohio municipal corporation ("Westerville"), in completing the Public Project. The City and Westerville must acquire and accept certain fee simple title and lesser real property interests located in the vicinity of Cleveland Avenue and Schrock Road, Columbus, Ohio 43229 (collectively, "Real Estate") in order to timely complete the Public Project. The Real Estate will be acquired in either the names of the City or Westerville, and the City passed Ordinance Number 0297-2015 authorizing the City Attorney to acquire the Real Estate on behalf of the City and Westerville. The City needs to acquire and accept the certain fee simple title and lesser real property interests located in the vicinity of Cleveland Avenue and Schrock Road, Columbus, Ohio 43229 ("Real Estate"). Accordingly, the City will appropriate 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 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 for the Department of Public Service to timely complete the Arterial Street Rehabilitation - Cleveland Avenue at Schrock 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 Cleveland Avenue and Schrock Road, Columbus, Ohio 43229 by allowing the Department of Public Service (DPS) to engage in the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road (PID 530086-100025) 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 Cleveland Avenue and Schrock Road, Columbus, Ohio 43229 (i.e. Real Estate) in order to 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 Department of Public Service 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 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 necessity and intent to appropriate and accept the 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 (DPS) to complete the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road (PID 530086-100025) Public Improvement Project (i.e. Public Project):

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

1) 12-WL (Fee title with limitation of access) Columbus

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.