



## Legislation Details (With Text)

**File #:** 0028X-2017    **Version:** 1

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

**File created:** 1/27/2017    **In control:** Public Service & Transportation Committee

**On agenda:** 2/27/2017    **Final action:** 3/2/2017

**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 Sullivant/Georgesville Camp Chase Trail Connector Public Improvement Project; and to declare an emergency (\$0.00)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 22-WD revised, 2. 22-T1, 3. 22-T2, 4. 22-S, 5. 22-P (sidewalk), 6. 23-T1, 7. 23-T2, 8. 23-BP

| Date      | Ver. | Action By             | Action  | Result |
|-----------|------|-----------------------|---------|--------|
| 3/2/2017  | 1    | CITY CLERK            | Attest  |        |
| 3/2/2017  | 1    | MAYOR                 | Signed  |        |
| 2/27/2017 | 1    | COUNCIL PRESIDENT     | Signed  |        |
| 2/27/2017 | 1    | Columbus City Council | Adopted | Pass   |

### BACKGROUND:

The City's Department of Public Service (DPS) is engaged in the Sullivant/Georgesville Camp Chase Trail Connector (PID 540002-100080) 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 Sullivant Avenue and Georgesville Road, Columbus, Ohio 43228 (collectively, "Real Estate") in order for DPS to complete the Public Project. The City passed Ordinance Number 1069-2016 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolutions 0113x-2016 and 0160x-2016 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 located in the vicinity of the public right-of-way of Sullivant Avenue and Georgesville Road, Columbus, Ohio 43228 subsequent to the adoption of Resolutions 0113x-2016 and 0160x-2016 ("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:

Emergency action is requested in order to acquire the Real Estate and allowing DPS 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 additional or modified fee simple title and lesser real estate in order to complete the Sullivant/Georgesville Camp Chase Trail Connector Public Improvement 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 Service (DPS) to engage in the Sullivant/Georgesville Camp Chase Trail Connector (PID 540002-100080) 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 Sullivant Avenue and Georgesville Road, Columbus, Ohio 43228 (*i.e.* Modified Real Estate) in order to complete the Public Project;

**WHEREAS**, the City intends for the Real Estate's acquisition to help make, improve, or repair certain portions of public roadway and associated appurtenances, which will be open to the public without charge;

**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 Sullivant/Georgesville Camp Chase Trail Connector (PID 540002-100080) Public Improvement Project (*i.e.* Public Project):

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

- |    |       |                                                                   |
|----|-------|-------------------------------------------------------------------|
| 1) | 22-WD | (fee simple title without limitation of access)                   |
| 2) | 22-T1 | (twenty-four (24) month temporary construction & access easement) |
| 3) | 22-T2 | (twenty-four (24) month temporary construction & access easement) |
| 4) | 22-S  | (perpetual sewer utility easement)                                |
| 5) | 22-P  | (permanent sidewalk easement)                                     |
| 6) | 23-T1 | (twenty-four (24) month temporary construction & access easement) |
| 7) | 23-T2 | (twenty-four (24) month temporary construction & access easement) |
| 8) | 23-BP | (perpetual sidewalk/shared-use-path/bike-path 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 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 shall replace and supersede any identical parcels described in Resolution 0113x-2016 or 0160x-2016.

**SECTION 4.** 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.