



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 0087X-2016, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Service (DPS) is engaged in the Pedestrian Safety Improvements - Central Ohio Transit Authority (COTA) Sidewalks Phase-2 (PID 590105-100042) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests located in the vicinities of Dierker Road and Kenny Road, Columbus, Ohio 43220 and East Campus View Boulevard, Columbus, Ohio 43235 (collectively, "Real Estate") in order to for DPS to timely complete the Public Project. The City passed Ordinance Number 1003-2015 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0236x-2015 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 property interests located in the vicinities of Dierker Road and Kenny Road, Columbus, Ohio 43220 and East Campus View Boulevard, Columbus, Ohio 43235 (collectively, "Modified Real Estate") since the adoption of Resolution 0236x-2015. 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 and accept the Modified 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 additional or modified fee simple title and lesser real property interests in order to timely complete the Pedestrian Safety Improvements - COTA Sidewalks Phase-2 Public Improvement Project; and to declare an emergency. (\$0.00)

**WHEREAS**, the City intends to improve the public right-of-way in the vicinities of Dierker Road and Kenny Road, Columbus, Ohio 43220 and East Campus View Boulevard, Columbus, Ohio 43235 by allowing the Department of Public Service (DPS) to engage in the Pedestrian Safety Improvements - Central Ohio Transit Authority (COTA) Sidewalks Phase-2 (PID 590105-100042) Public Improvement Project (*i.e.* Public Project);

**WHEREAS**, the City intends for the City Attorney to acquire the certain necessary additional or modified fee simple title and lesser property interests located in the vicinities of the public right-of-way of Dierker Road and Kenny Road, Columbus, Ohio 43220 and East Campus View Boulevard, Columbus, Ohio 43235 (*i.e.* Modified Real Estate) in order for DPS to timely 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;

**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 the Modified 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 additional or modified fee simple title and lesser real property interests 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 timely complete the Pedestrian Safety Improvements - Central Ohio Transit Authority (COTA) Sidewalks Phase-2 (PID 590105-100042) Public Improvement Project (*i.e.* Public Project):

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

**Campus View Boulevard**

**1) 5-T (temporary, twenty-four (24) month, construction & access easement)**

**Kenny Road**

**2) 29-WD (fee simple title without limitation of existing access rights)**

**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 Modified Real Estate described and attached to this resolution as Project Parcels 5-T and 29-WD replace and supersede only the identical Project Parcel identifications described and attached to Resolution 0236x-2015.

**SECTION 4.** Resolution 0236x-2015 remains in full force and effect, except to the extent modified in this resolution.

**SECTION 5.** 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.