



# City of Columbus

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

## Legislation Text

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**File #:** 0032X-2016, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Service (DPS) is engaged in the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee (FRA-CR122-6.22/PID 84017) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests located in the vicinity of the right-of-way of Alum Creek Drive from Frebis Avenue to Refugee Road, Columbus, Ohio 43207 (collectively, "Real Estate") in order to for DPS to timely complete the Public Project. The City passed Ordinance Number 2689-2014 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolutions 0232x-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 vicinity of the public right-of-way of Alum Creek Drive from Frebis Avenue to Refugee Road, Columbus, Ohio 43207 since the adoption of Resolution 0232x-2015 ("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 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 fee simple title and lesser real property interests in order for the Department of Public Service to timely complete the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee 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 Alum Creek Drive from Frebis Avenue to Refugee Road, Columbus, Ohio 43207 by allowing the Department of Public Service (DPS) to engage in the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee (FRA-CR122-6.22/PID 84017) 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 property interests located in the vicinity of the right-of-way of Alum Creek Drive from Frebis Avenue to Refugee Road, Columbus, Ohio 43207 (*i.e.* Modified Real Estate) in order 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 the 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 ORDAINED 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 of real estate (*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 Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee (FRA-CR122-6.22/PID 84017) Public Improvement Project (*i.e.* Public Project):

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

- 1) 6-U (perpetual electric utility easement)
- 2) 12-T (temporary, twenty-four (24) month, construction & access easement)
- 3) 15-T2 (temporary, twenty-four (24) month, 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 Modified Real Estate.

**SECTION 3.** The Modified Real Estate described and attached to this resolution as Project Parcels 6-U, 12-T, and 15-T2 replace and supersede the identical Project Parcel identifications described and attached to Resolution 0232x-2015.

**SECTION 4.** 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.