



## Legislation Details (With Text)

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

**File created:** 5/27/2015    **In control:** Public Service & Transportation Committee

**On agenda:** 6/8/2015    **Final action:** 6/9/2015

**Title:** To declare the City's immediate necessity and intent to appropriate and accept modified fee simple title and lesser real property interests for the Department of Public Service to timely complete the Intersection Improvements - Georgesville Road at Holt Road (FRA-Georgesville/Holt PID 94913) Public Improvement Project; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 07A-T.pdf, 2. 07-T2.pdf, 3. 19-T.pdf

Date	Ver.	Action By	Action	Result
6/9/2015	1	MAYOR	Signed	
6/9/2015	1	CITY CLERK	Attest	
6/8/2015	1	COUNCIL PRESIDENT	Signed	
6/8/2015	1	Columbus City Council	Adopted	Pass

**BACKGROUND :**

The City's Department of Public Service is engaged in the Intersection Improvements - Georgesville Road at Holt Road (FRA-Georgesville/Holt PID 94913) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests (collectively, "Real Estate"), which are located in the general vicinity of Georgesville Road and Holt Road, Columbus, Ohio 43228, in order for the Department of Public Service to complete the Public Project. The City passed Ordinance Number Ordinance Number 2463-2014 on November 10, 2014, authorizing the City Attorney to acquire the Real Estate in good faith.

The City also previously adopted Resolution Number 0248x-2014 on January 12, 2015, declaring the City's intent to appropriate the Real Estate. However, since the adoption of Resolution Number 0248x-2014, there have been some modifications to the Public Project necessitating subsequent legislative intent to appropriate the modified Real Estate. In addition to the Real Estate described in Resolution 0248x-2014 but except as superseded by the modified Real Estate further described in this resolution, it is the City's intent to appropriate the modified Real Estate in the event the City Attorney is unable to perform either of the following: (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 Real Estate. Accordingly, this resolution declares the City's immediate necessity and intent to appropriate and accept the modified Real Estate in order for the Department of Public Service to timely complete the Public Project.

**CONTRACT COMPLIANCE № :** Not applicable.

**FISCAL IMPACT :** Not applicable.

**EMERGENCY JUSTIFICATION :** Emergency action is requested in order to acquire the Real Estate and allowing for the Department of Public Service to complete the Public Project without unnecessary delay, which will preserve the

public peace, health, property, safety, and welfare.

To declare the City's immediate necessity and intent to appropriate and accept modified fee simple title and lesser real property interests for the Department of Public Service to timely complete the Intersection Improvements - Georgesville Road at Holt Road (FRA-Georgesville/Holt PID 94913) Public Improvement Project; and to declare an emergency. (\$0.00)

**WHEREAS** , it is in the City's best interest to declare the City's necessity and intent to appropriate and accept the modified fee simple title and lesser property interests (*i.e.* Real Estate) being acquired by the City Attorney in order for the Department of Public Service to timely complete the Intersection Improvements - Georgesville Road at Holt Road (FRA-Georgesville/Holt PID 94913) Public Improvement Project (*i.e.* Public Project);

**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 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 immediate 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), as modified from Resolution Number 0248x-2014, which are fully described in their associated exhibits and incorporated into this resolution for reference, in order for the Department of Public Service to timely complete the Intersection Improvements - Georgesville Road at Holt Road (FRA-Georgesville/Holt PID 94913) Public Improvement Project:

**(EXHIBIT) ... (PUBLIC PROJECT PARCEL IDENTIFICATION) ... (REAL ESTATE DESCRIPTION)**

- 1) 7A-T (Temporary Construction & Access Easement)
- 2) 7-T2 (Temporary Construction & Access Easement)
- 3) 19-T (Temporary 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 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.