



Legislation Details (With Text)

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Title: 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 Pedestrian Safety Improvements - Moler Road Sidewalks Public Improvement Project; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 28WD legal, 2. 28-CH legal

Date	Ver.	Action By	Action	Result
2/5/2016	1	CITY CLERK	Attest	
2/4/2016	1	MAYOR	Signed	
2/1/2016	1	COUNCIL PRESIDENT	Signed	
2/1/2016	1	Columbus City Council	Adopted	Pass

BACKGROUND:

The City's Department of Public Service (DPS) is engaged in the Pedestrian Safety Improvements - Moler Road Sidewalks (PID 590105-100065) Public Improvement Project ("Public Project"). The City must acquire and accept certain fee simple title and lesser real property interests located in the vicinity of the public right-of-way known as Moler Road, Columbus, Ohio 43207 (collectively, "Real Estate") in order for DPS to complete the Public Project. The City passed Ordinance Number 0922-2012 authorizing the City Attorney to acquire the Real Estate. The City also adopted Resolution Number 0239x-2015 establishing the City's intent to appropriate the Real Estate. However, DPS modified the Public Project requiring the City to acquire and accept the certain additional fee simple title and lesser real property interests located in the vicinity of the public right-of-way of Moler Road, Columbus, Ohio 43207 since the adoption of Resolution Number 0239x-2015 ("Additional Real Estate"). Accordingly, the City will appropriate the Additional Real Estate in the event the City Attorney is unable to (i) locate the owners of the Additional Real Estate, or (ii) agree with the owners of the Additional 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 Additional 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 Pedestrian Safety Improvements - Moler Road Sidewalks 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 Moler Road, Columbus, Ohio 43207 by allowing the Department of Public Service (DPS) to engage in the Pedestrian Safety Improvements - Moler Road Sidewalks (PID 590105-100065) Public Improvement Project (*i.e.* Public Project);

WHEREAS, the City intends for the City Attorney to acquire the necessary additional fee simple title and lesser property interests located in the vicinity of the right-of-way of Moler Road, Columbus, Ohio 43207 (*i.e.* Additional Real Estate) in order to complete the Public Project;

WHEREAS, the City intends to appropriate and accept the Additional Real Estate in the event the City Attorney is unable to (i) locate the owners of the Additional Real Estate, or (ii) agree with the owners of the Additional 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 and accept the Additional 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 fee simple title and lesser real property interests to the following listed parcels of real property (*i.e.* Additional 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 Pedestrian Safety Improvements - Moler Road Sidewalks (PID 590105-100065) Public Improvement Project (*i.e.* Public Project):

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

- 1) 28-WD (fee simple title without limitation of existing right-of-way access rights)**
- 2) 28-CH (perpetual channel utility 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 Additional Real Estate.

SECTION 3. The City's declaration of necessity and intent to appropriate the Additional Real Estate described in this resolution is in addition to the City's declaration of necessity and intent to appropriate the fee simple title and lesser real property interests described in Resolution Number 0239x-2015.

SECTION 4. For the reasons stated in the preamble of this resolution, which are fully incorporated 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.