



## Legislation Details (With Text)

**File #:** 0069X-2016    **Version:** 1

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

**File created:** 3/21/2016    **In control:** Public Service & Transportation Committee

**On agenda:** 4/11/2016    **Final action:** 4/14/2016

**Title:** To declare the City's necessity and intent to appropriate and accept certain fee simple title and lesser real property interests in order to timely complete the Poindexter Village Roadways Phase 2 Public Improvement Project; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 5P1 0\_007 ac 20150904-VS-ESMT-SWLK-5, 2. 5T1 0\_073 ac 20150904-VS-ESMT-TEMP-5, 3. 8P1 0\_001 ac 20150904-VS-ESMT-SWLK-8, 4. 8T1 0\_003 ac 20150904-VS-ESMT-TEMP-8, 5. 11p1 0\_002 ac 20150904-VS-ESMT-SWLK-11, 6. 11T1 0\_003 ac 20150904-VS-ESMT-TEMP-11, 7. 12P1 0\_002 ac 20150904-VS-ESMT-SWLK-12, 8. 12T1 0\_002 ac 20150904-VS-ESMT-TEMP-12, 9. 13P1 0\_002 ac 20150904-VS-ESMT-SWLK-13, 10. 13T1 0\_003 ac 20150904-VS-ESMT-TEMP-13, 11. 14P1 0\_002 ac 20150904-VS-ESMT-SWLK-14, 12. 14T1 0\_003 ac 20150904-VS-ESMT-TEMP-14, 13. 15P1 0\_002 ac 20150904-VS-ESMT-SWLK-15, 14. 15T1 0\_003 ac 20150904-VS-ESMT-TEMP-15, 15. 16P1 0\_003 ac 20150904-VS-ESMT-SWLK-16, 16. 17P1 0\_005 ac 20150904-VS-ESMT-SWLK-17, 17. 18P1 0\_008 ac 20150904-VS-ESMT-SWLK-18, 18. 18T1 0\_023 ac 20150904-VS-ESMT-TEMP-18, 19. 19P1 0\_017 ac 20150904-VS-ESMT-SWLK-19, 20. 19T1 0\_029 ac 20150904-VS-ESMT-TEMP-19, 21. 25P1 0\_004 ac 20150904-VS-ESMT-SWLK-25, 22. 25T1 0\_001 ac 20150904-VS-ESMT-TEMP-25, 23. 25T2 0\_019 ac 20150904-VS-ESMT-TEMP-25-02, 24. 30WD1 0\_022 ac 20150904-VS-BNDY-30, 25. 30T1 0\_023 ac 20150904-VS-ESMT-TEMP-30, 26. 36T1 0\_019 ac 20150904-VS-ESMT-TEMP-36, 27. 37P1 0\_002 ac 20150904-VS-ESMT-SWLK-37, 28. 37T1 0\_007 ac 20150904-VS-ESMT-TEMP-37, 29. 37T2 0\_002 ac 20150904-VS-ESMT-TEMP-37-02, 30. 38T1 13\_43 sq. ft. 20150904-VS-ESMT-TEMP-38, 31. 39P1 0\_004 ac 20150904-VS-ESMT-SWLK-39, 32. 39T1 0\_004 ac 20150904-VS-ESMT-TEMP-39

Date	Ver.	Action By	Action	Result
4/14/2016	1	CITY CLERK	Attest	
4/14/2016	1	MAYOR	Signed	
4/11/2016	1	COUNCIL PRESIDENT	Signed	
4/11/2016	1	Columbus City Council	Adopted	Pass

### BACKGROUND:

The City's Department of Public Service (DPS) is engaged in the Poindexter Village Roadways Phase 2 (PID 590416-100003) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests located in the vicinity of Mount Vernon Avenue and Ohio Avenue, Columbus, Ohio 43203 (collectively, "Real Estate") in order for DPS to timely complete the Public Project. Furthermore, the City passed Ordinance Number 2965-2015 authorizing the City Attorney to acquire in good faith the Real Estate. Accordingly, the City intends to appropriate and accept the Real Estate in the event the City Attorney is unable to (i) locate the owners of the Real Estate, or (ii) agree with the owners of the Real Estate in good faith regarding the amount of just compensation for the Real Estate.

**CONTRACT COMPLIANCE:**

Not applicable.

**FISCAL IMPACT:**

Not applicable.

**EMERGENCY JUSTIFICATION:**

Emergency action is requested in order to acquire and accept the 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 fee simple title and lesser real property interests in order to timely complete the Poindexter Village Roadways Phase 2 Public Improvement Project; and to declare an emergency. (\$0.00)

**WHEREAS**, the City intends to improve the real estate in the vicinity of Mount Vernon Avenue and Ohio Avenue, Columbus, Ohio 43203 by allowing the Department of Public Service (DPS) to engage in the Poindexter Village Roadways Phase 2 (PID 590416-100003) Public Improvement Project (*i.e.* Public Project);

**WHEREAS**, the City, pursuant to the passage of Ordinance Number 2965-2015, intends for the City Attorney to acquire in good faith the necessary fee simple title and lesser property interests located in the vicinity Mount Vernon Avenue and Ohio Avenue, Columbus, Ohio 43203 (*i.e.* Real Estate) in order for DPS to timely complete the Public Project;

**WHEREAS**, the City intends to appropriate and accept the Real Estate in the event the City Attorney is unable to (i) locate the owners of the Real Estate, or (ii) agree with the owners of the Real Estate in good faith regarding the amount of just compensation;

**WHEREAS**, an emergency exists in the usual daily operations of DPS 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 RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**SECTION 1.** That 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 fee simple title and lesser real property interests to the following listed parcels (*i.e.* 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 Poindexter Village Roadways Phase 2 (PID 590416-100003) Public Improvement Project (*i.e.* Public Project):

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

- 1)     **5-P1   (perpetual public sidewalk easement)**
- 2)     **5-T1   (temporary, twenty-four (24) month, construction & access easement)**
- 3)     **8-P1   (perpetual public sidewalk easement)**
- 4)     **8-T1   (temporary, twenty-four (24) month, construction & access easement)**

- 5) 11-P1 (perpetual public sidewalk easement)
- 6) 11-T1 (temporary, twenty-four (24) month, construction & access easement)
- 7) 12-P1 (perpetual public sidewalk easement)
- 8) 12-T1 (temporary, twenty-four (24) month, construction & access easement)
- 9) 13-P1 (perpetual public sidewalk easement)
- 10) 13-T1 (temporary, twenty-four (24) month, construction & access easement)
- 11) 14-P1 (perpetual public sidewalk easement)
- 12) 14-T1 (temporary, twenty-four (24) month, construction & access easement)
- 13) 15-P1 (perpetual public sidewalk easement)
- 14) 15-T1 (temporary, twenty-four (24) month, construction & access easement)
- 15) 16-P1 (perpetual public sidewalk easement)
- 16) 17-P1 (perpetual public sidewalk easement)
- 17) 18-P1 (perpetual public sidewalk easement)
- 18) 18-T1 (temporary, twenty-four (24) month, construction & access easement)
- 19) 19-P1 (perpetual public sidewalk easement)
- 20) 19-T1 (temporary, twenty-four (24) month, construction & access easement)
- 21) 25-P1 (perpetual public sidewalk easement)
- 22) 25-T1 (temporary, twenty-four (24) month, construction & access easement)
- 23) 25-T2 (temporary, twenty-four (24) month, construction & access easement)
- 24) 30-WD1 (fee simple title without limitation of access)
- 25) 30-T1 (temporary, twenty-four (24) month, construction & access easement)
- 26) 36-T1 (temporary, twenty-four (24) month, construction & access easement)
- 27) 37-P1 (perpetual public sidewalk easement)
- 28) 37-T1 (temporary, twenty-four (24) month, construction & access easement)
- 29) 37-T2 (temporary, twenty-four (24) month, construction & access easement)
- 30) 38-T1 (temporary, twenty-four (24) month, construction & access easement)

**31) 39-P1 (perpetual public sidewalk easement)**

**32) 39-T1 (temporary, twenty-four (24) month, construction & access easement)**

**SECTION 2.** That the City Attorney is authorized to serve a written notice of this resolution's adoption in the manner provided by law to 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.** That 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.