



Legislation Details (With Text)

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Title: To declare the City's necessity and intent to appropriate and accept certain fee simple title and lesser real estate in order to complete the Woodward Avenue Sanitary Sewer Public Improvement Project; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1-T, 2. 2-T, 3. 4-T, 4. 5-T, 5. 6-T, 6. 7-T, 7. 8-T, 8. 9-T, 9. 3-T, 10. 10-T, 11. 11-T, 12. 12-T, 13. 13-T, 14. 14-T

Date	Ver.	Action By	Action	Result
11/23/2016	1	ACTING CITY CLERK	Attest	
11/23/2016	1	MAYOR	Signed	
11/21/2016	1	COUNCIL PRESIDENT	Signed	
11/21/2016	1	Columbus City Council	Adopted	Pass

BACKGROUND:

The City's Department of Public Utilities (DPU) is performing the Woodward Avenue Sanitary Sewer (CIP 650570-100000) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Brentnell Avenue and Woodward Avenue, Columbus, Ohio 43219 (collectively, "Real Estate") in order for DPU to complete the Public Project. The City passed Ordinance Number 2113-2016 authorizing the City Attorney to acquire the Real Estate. The acquisition of the Real Estate will help make, improve, or repair certain portions of the sewer infrastructure in the vicinity of Brentnell Avenue and Woodward Avenue. Accordingly, the City will need to appropriate the Real Estate in order to complete the Public Project 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.

CONTRACT COMPLIANCE:

Not applicable.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency action is requested in order to acquire the Real Estate and allowing DPU to timely complete the Woodward Avenue Sanitary Sewer Project 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 estate in order to complete the Woodward Avenue Sanitary Sewer Public Improvement Project; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to make, improve, or repair certain sewer infrastructure by completing the Woodward Avenue Sanitary Sewer (CID 650570-100000) Public Improvement Project (*i.e.* Public Project);

WHEREAS, the City, pursuant to Ordinance Number 2113-2016, intends for the City Attorney to acquire the necessary fee simple title and lesser real estate located along the public right-of-way of in the vicinity of Brentnell Avenue and Woodward Avenue, Columbus, Ohio 43219 (*i.e.* Real Estate) in order to complete the Public Project;

WHEREAS, the City intends for the Real Estate's acquisition to help make, improve, or repair certain portions of the sewer infrastructure in the vicinity of Brentnell Avenue and Woodward Avenue;

WHEREAS, the City intends to appropriate and accept the Real Estate for the Public Project 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 DPU in that it is immediately necessary to acquire the Real Estate so there will be no delay in completing the Public Project, which will preserve the public peace, property, health, safety, and welfare; 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 fee simple title and lesser real estate 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 to complete the Woodward Avenue Sanitary Sewer (CIP 650570-100000) Public Improvement Project ("i.e. Public Project").

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

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|-----|------|---|
| 1) | 1-T | (twenty-four (24) month temporary construction & access easement) |
| 2) | 2-T | (twenty-four (24) month temporary construction & access easement) |
| 3) | 3-T | (twenty-four (24) month temporary construction & access easement) |
| 4) | 4-T | (twenty-four (24) month temporary construction & access easement) |
| 5) | 5-T | (twenty-four (24) month temporary construction & access easement) |
| 6) | 6-T | (twenty-four (24) month temporary construction & access easement) |
| 7) | 7-T | (twenty-four (24) month temporary construction & access easement) |
| 8) | 8-T | (twenty-four (24) month temporary construction & access easement) |
| 9) | 9-T | (twenty-four (24) month temporary construction & access easement) |
| 10) | 10-T | (twenty-four (24) month temporary construction & access easement) |

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|-----|------|---|
| 11) | 11-T | (twenty-four (24) month temporary construction & access easement) |
| 12) | 12-T | (twenty-four (24) month temporary construction & access easement) |
| 13) | 13-T | (twenty-four (24) month temporary construction & access easement) |
| 14) | 14-T | (twenty-four (24) month 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. The acquisition of the Real Estate pursuant to this resolution is required to help make, improve, or repair certain portions of the sewer infrastructure in the vicinity of Brentnell Avenue and Woodward Avenue.

SECTION 4. This resolution, for the reasons stated in the preamble, which are made of part of this resolution and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this resolution's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this resolution.