



## Legislation Details (With Text)

**File #:** 0112X-2021    **Version:** 1

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

**File created:** 6/21/2021              **In control:** Public Service & Transportation Committee

**On agenda:** 7/12/2021                **Final action:** 7/15/2021

**Title:** To declare the City's necessity and intent to appropriate and accept certain fee simple title and lesser real estate in order to clear title to a portion of Vine Street right of way; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Vine Street right-of way

| Date      | Ver. | Action By             | Action  | Result |
|-----------|------|-----------------------|---------|--------|
| 7/15/2021 | 1    | CITY CLERK            | Attest  |        |
| 7/13/2021 | 1    | MAYOR                 | Signed  |        |
| 7/12/2021 | 1    | COUNCIL PRESIDENT     | Signed  |        |
| 7/12/2021 | 1    | Columbus City Council | Adopted | Pass   |

**BACKGROUND:** The City is currently involved in the North Market Development Project ("Public Project"). As surveys were completed for the Public Project, it was discovered that the City was not the titled owner of a small portion of Vine Street. This portion is, and has been for many years, City right-of-way. The City's Department of Public Service ("DPS") reviewed the title report and, in an effort to clear title to this right of way, requested that the City Attorney acquire the approximate 0.154 acre parcel that is a portion of Vine Street between Park Street and Wall Street ("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.

**CONTRACT COMPLIANCE:** Not applicable.

**FISCAL IMPACT:** Not applicable.

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to acquire the Real Estate and allow the Department of Public Service to continue to maintain and operate this right of way 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 clear title to a portion of Vine Street right of way; and to declare an emergency. (\$0.00)

**WHEREAS,** the City intends to improve certain public right-of-way by allowing the Department of Public Service ("DPS") to acquire fee simple title to a 0.154 acre portion of Vine Street; and

**WHEREAS,** the City intends for the City Attorney to acquire the necessary fee simple title and lesser real estate located

within the current public right-of-way of Vine Street between Park Street and Wall Street (“Real Estate”); and

**WHEREAS**, the City intends for the Real Estate’s acquisition to help make, improve, or repair certain portions of public right-of-way and associated appurtenances which will be open to the public without charge; and

**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; and

**WHEREAS**, an emergency exists in the usual daily operations of DPS in that it is immediately necessary to direct the City Attorney to acquire the Real Estate in order to prevent unnecessary delay, 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:**

**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 estate to the following listed parcel (“Real Estate”), which is fully described in its associated exhibit and incorporated into this resolution for reference, in order for the Department of Public Service (“DPS”) to clear title to a portion of Vine Street right of way.

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

**1) 0.154 Acre portion of Vine Street (Fee Simple Without Limitation of Access)**

**SECTION 2.** That 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.** That the Real Estate’s acquisition will help make, improve, or repair certain portions of public right-of-way and associated appurtenances which will be open to the public without change.

**SECTION 4.** That this resolution, for the reasons stated in the preamble, which are made a 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 passage and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this resolution.