



## Legislation Text

File #: 0175X-2014, Version: 1

**BACKGROUND:** The City is presently engaged in the Department of Public Service, Brentnell Avenue & Bar Harbor Road - Sidewalk Improvements (PID 440005-100041) Public Project (the "Public Project"). The City desires to acquire certain fee simple title and lesser real property interests (collectively, the "Real Estate") in order to complete the Public Project. The City previously passed Ordinance Number 1576-2012 on July 23, 2012, which authorized the City Attorney to spend City funds to acquire the Real Estate. Accordingly, the City intends to appropriate the Real Estate in the event the City Attorney is (i) unable to either locate some of the Real Estate's owners, or (ii) agree with some of the Real Estate's owners regarding the amount of just compensation paid by the City for the Real Estate. Therefore, this resolution declares the City's necessity and intent to appropriate the Real Estate.

**FISCAL IMPACT:** Not applicable.

**EMERGENCY JUSTIFICATION:** Emergency action is requested to allow for the City's acquisition of the Real Estate to allow for the Public Project's construction to proceed without delay, which will preserve the public peace, health, property, safety, and welfare.

To declare the City's necessity and intent to appropriate fee simple title and lesser real property interests for the Department of Public Service, Brentnell Avenue & Bar Harbor Road - Sidewalk Improvements (PID 440005-100041) Public 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 the fee simple title and lesser property interests (*i.e.* Real Estate) being acquired by the City Attorney for the Department of Public Service, Brentnell Avenue & Bar Harbor Road - Sidewalk Improvements (PID 440005-100041) Public Project (*i.e.* Public Project);

**WHEREAS,** an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to declare the City's intent to appropriate the Real Estate to prevent delays 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.** 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 the fee simple title and lesser real property interests to the following listed parcels of real property (collectively, the "Real Estate"), which are fully described in their associated exhibits and incorporated into this resolution for reference and to complete the Department of Public Service, Brentnell Avenue & Bar Harbor Road - Sidewalk Improvements (PID 440005-100041) Public Project (the "Public Project"):

#### **(EXHIBIT) ... (PUBLIC PROJECT PARCEL IDENTIFICATION)**

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| (1) | 1-T |
| (2) | 2-T |
| (3) | 3-T |

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| (4) | 4-T |
| (5) | 5-T |
| (6) | 6-T |
| (7) | 7-T |
| (8) | 8-T |

**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 in order to complete the Public Project.

**SECTION 3.** For the reasons stated in the preamble of this resolution, which are fully incorporated into this resolution, 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.