



Legislation Text

File #: 0090X-2015, **Version:** 1

BACKGROUND :

The Department of Public Service and Department of Development are engaged in the redevelopment of the American Addition Subdivision. Specifically, the Department of Public Service is engaged in four (4) phases of the American Addition Infrastructure Improvement (PID 590131-10003/2639 Dr E) Public Project ("Public Project"). The City passed Ordinance Number 0652-2012 on April 2, 2012, which generally authorized the City Attorney to spend City funds to acquire the fee simple title and lesser real property interests to complete all four (4) phases of the Public Project (collectively, "Real Estate"). Pursuant to Ordinance Number 0652-2014, Resolution Number 0018x-2014, which passed on January 28, 2013, Ordinance Number 0906-2013, which passed on April 29, 2013, and Ordinance Number 1149-2013, which passed on June 3, 2013, the City Attorney acquired all of the Real Estate associated with Phase One (1) of the Public Project.

Pursuant to Ordinance Number 0652-2012, the City Attorney is presently engaged in acquiring the Real Estate necessary to complete Phases Two (2) and Three (3) of the Public Project. The City also adopted Resolution Number 0139x-2014 on September 8, 2014, and Resolution Number 0001x-2015 on January 12, 2015, which declared the City's immediate necessity and intent to appropriate the Real Estate associated with Phases Two (2) and Three (3) of the Public Project. However, some of the Real Estate was modified and the City intends to also appropriate the modified Real Estate in the event the City Attorney is unable to perform either of the following (i) locate the owners of the Real Estate; or (ii) agree with the owners of the Real Estate regarding the amount of just compensation for the Real Estate. Accordingly, this resolution declares the City's immediate necessity and intent to appropriate the modified Real Estate for Phases Two (2) and Three (3) of the Public Project.

CONTRACT COMPLIANCE № : Not applicable.

FISCAL IMPACT : Not applicable.

EMERGENCY JUSTIFICATION : Emergency action is requested in order to allow for the acquisition of the modified Real Estate in order to complete Phases Two (2) and Three (3) of the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To declare the City's immediate necessity and intent to appropriate the modified fee simple title and lesser real property interests for the Department of Public Service, American Addition Infrastructure Improvement, Phases Two (2) and Three (3), (PID 590131-10003/2639 Dr E) 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 modified fee simple title and lesser property interests (*i.e.* Real Estate) being acquired by the City Attorney for the Department of Public Service, American Addition Infrastructure Improvement, Phases Two (2) and Three (3), (PID 590131-10003/2639 Dr E) Public Project (*i.e.* Public Project);

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 necessity and intent to appropriate the modified Real Estate for Phases Two (2) and Three (3) of the Public Project to prevent 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. 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, “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, American Addition Infrastructure Improvement, Phases Two (2) and Three (3), (PID 590131-10003/2639 Dr E) Public Project (“Public Project”):

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

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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 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.