



## Legislation Text

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**File #:** 0264X-2015, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Utilities (DPU) is engaged in the Holt Avenue/Somersworth Drive Stormwater System (CIP 611010-100000) Public Improvement Project ("Public Project"). The City must acquire and accept certain fee simple title and lesser real property interests located in the vicinity of Holt Avenue and Somersworth Drive, Columbus, Ohio 43219 (collectively, "Real Estate") in order for DPU to complete the Public Project. The City passed Ordinance Number 1553-2015 authorizing the City Attorney to acquire the Real Estate. The City also adopted Resolution Number 0238x-2015 establishing the City's intent to appropriate the Real Estate. However, since the City's adoption of Resolution Number 0238x-2015, DPU modified the Public Project requiring the City to acquire and accept additional Real Estate. Accordingly, the City will need to appropriate the additional 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 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 for the Department of Public Utilities to timely complete the Holt Avenue/Somersworth Drive Stormwater System Public Improvement Project; and to declare an emergency. (\$0.00)

**WHEREAS**, the City intends to improve the storm sewer infrastructure in the vicinity of Holt Avenue and Somersworth Drive, Columbus, Ohio 43219 by allowing the Department of Public Utilities (DPU) to engage in the Holt Avenue/Somersworth Drive Stormwater System Public Improvement Project (*i.e.* Public Project);

**WHEREAS**, the City intends for the City Attorney to acquire the necessary additional fee simple title and lesser property interests located in the vicinity of Holt Avenue and Somersworth Drive, Columbus, Ohio 43219 (*i.e.* Real Estate) in order to 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 for the Real Estate;

**WHEREAS**, an emergency exists in the usual daily operations of Department of Public Utilities in that it is necessary to declare the City's intent to appropriate and accept 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 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 necessity and intent to appropriate and accept the fee simple title and lesser real property interests to the following listed parcels of real property (*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 Utilities (DPU) to complete the Holt Avenue/Somersworth Drive Stormwater System (CIP 611010-100000) Public Improvement Project (*i.e.* Public Project):

**(EXHIBIT) ... (PUBLIC PROJECT PARCEL IDENTIFICATION) ... (REAL ESTATE)**

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|----|----------|--|
| 1) | 2-S      | (perpetual sewer utility easement)                             |
| 2) | 2-T1, T2 | (temporary, twelve (12) month, 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.** 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.