



Legislation Text

File #: 2388-2016, Version: 1

BACKGROUND:

The City's Department of Public Service (DPS) is performing the Cannon Drive - King Avenue to John Herrick Drive (3269 Dr E) Public Improvement Project ("Public Project") in cooperation with the State of Ohio, Ohio State University. The Public Project is a major redevelopment of existing public right-of-way as portions of the Cannon Drive right-of-way will be relocated and additional sidewalks, traffic signals and utilities will be constructed. The Public Project will require the City to acquire and transfer various types of fee simple title and lesser real estate and enter into a number of agreements and instruments in order to complete the Public Project. Accordingly, authorizing the director of DPS and director of the Department of Public Utilities (DPU) to execute any documents, including but not limited to deeds, easements, license agreements, lease agreements, maintenance agreements, and any other type of instrument, necessary to transfer and acquire or release any fee simple title or lesser real estate and to enter into various agreements associated with the Public Project will allow DPS to timely and efficiently complete the Public Project.

CONTRACT COMPLIANCE:

Not applicable.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

DPS is requesting emergency action in order to timely and efficiently complete the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the directors of the Department of Public Service and Department of Public Utilities to execute and acknowledge any documents, as approved by the City Attorney, necessary to transfer and acquire any real estate and to enter into various agreements associated with completing the Cannon Drive - King Avenue to John Herrick Drive Public Improvement Project; to waive the provisions of City Code Chapters 328 and 329 relating to the Land Review Commission; and to declare an emergency. (\$0.00)

WHEREAS, in cooperation with the State of Ohio, Ohio State University, the City intends to improve certain portions of the Cannon Drive public right-of-way from King Avenue to John Herrick Drive by allowing DPS to perform the Cannon Drive - King Avenue to John Herrick Drive (3269 Dr E) Public Improvement Project (*i.e.* Public Project);

WHEREAS, the City intends to timely and efficiently complete the Public Project;

WHEREAS, the City intends for the directors of DPS and DPU to execute and acknowledge any documents, including but not limited to deeds, easements, license agreements, lease agreements, maintenance agreements, and other types of instruments necessary to transfer and acquire or release any fee simple title or lesser real estate and to enter into other various agreements associated with the Public Project;

WHEREAS, the City intends for the City Attorney to preapprove all documents executed by City personnel pursuant to authority granted by this ordinance; and

WHEREAS, an emergency exists in the usual daily operations of the Departments of Public Service and Public Utilities in that it is immediately necessary to authorize the directors to execute any documents necessary for DPS to timely and efficiently complete the Public Project without unnecessary delay, 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. That the Directors of the Department of Public Service (DPS) and Department of Public Utilities (DPU) are authorized to execute and acknowledge any documents necessary to transfer and acquire or release any fee simple title or lesser real estate necessary to complete the Cannon Drive - King Avenue to John Herrick Drive (3269 Dr E) Public Improvement Project (*i.e.* Public Project).

SECTION 2. That the Directors of DPS and DPU are authorized to execute and acknowledge any documents necessary to enter into any maintenance or other necessary agreements to complete the Public Project.

SECTION 4. That is in the City's best interest to allow any rights-of-way transferred pursuant to this ordinance to be transferred without requiring a recommendation from the Land Review Commission and waives the Land Review Commission provisions of Columbus City Code, Sections 328.01 and 329.32, regarding the transfer of any right-of-way.

SECTION 5. That the City formally accepts any real estate acquired by the City that was necessary to complete the Public Project.

SECTION 6. That the City Attorney is required to preapprove all documents and agreements prior to execution by the City pursuant to this ordinance.

SECTION 7. That this ordinance, for the reasons stated in the preamble of this ordinance, which are made a part of this ordinance and fully incorporated as if rewritten, is declared an emergency measure and shall take effect and be in force from and after this ordinance's passage and approval by the Mayor, or ten (10) days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.