



## Legislation Text

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**File #:** 0257X-2016, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Service (DPS) is engaged in the Roadway Improvement - Lazelle Road Phase-C (FRA Lazelle Rd. PID 95607) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real property interests located in the vicinity along the right-of-way of Lazelle Road from North High Street (U.S. 23) to Worthington-Galena Road, Columbus, Ohio 43235 (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 2314-2015 authorizing the City Attorney to acquire the 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 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 allow DPS to timely complete the Public Project 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 to timely complete the Roadway Improvement - Lazelle Road Phase-C - Public Improvement Project; 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 engage in the Roadway Improvement - Lazelle Road Phase-C (FRA Lazelle Rd. PID 95607) Public Improvement Project (*i.e.* Public Project);

**WHEREAS**, the City intends for the City Attorney to acquire the necessary fee simple title and lesser property interests located in the vicinity of the right-of-way of Lazelle Road from North High Street (U.S. 23) to Worthington-Galena Road, Columbus, Ohio 43235 (*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; **now, therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** The City, pursuant to the City’s Charter, Columbus City Code, Chapter 909, 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 property interests to the following listed parcels (*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 Service (DPS) to timely complete the Roadway Improvement - Lazelle Road Phase-C (FRA Lazelle Rd. PID 95607) Public Improvement Project (*i.e.* Public Project):

**(Exhibit) ..... (Real Estate)**

- |            |              |                                                                      |
|------------|--------------|----------------------------------------------------------------------|
| <b>1)</b>  | <b>4-T</b>   | <b>(three (3) year temporary construction &amp; access easement)</b> |
| <b>2)</b>  | <b>5-T</b>   | <b>(three (3) year temporary construction &amp; access easement)</b> |
| <b>3)</b>  | <b>6-T</b>   | <b>(three (3) year temporary construction &amp; access easement)</b> |
| <b>4)</b>  | <b>9-T</b>   | <b>(three (3) year temporary construction &amp; access easement)</b> |
| <b>5)</b>  | <b>10-T</b>  | <b>(three (3) year temporary construction &amp; access easement)</b> |
| <b>6)</b>  | <b>13-T</b>  | <b>(three (3) year temporary construction &amp; access easement)</b> |
| <b>7)</b>  | <b>14-T1</b> | <b>(three (3) year temporary construction &amp; access easement)</b> |
| <b>8)</b>  | <b>14-T2</b> | <b>(three (3) year temporary construction &amp; access easement)</b> |
| <b>9)</b>  | <b>15-T1</b> | <b>(three (3) year temporary construction &amp; access easement)</b> |
| <b>10)</b> | <b>15-T2</b> | <b>(three (3) year temporary construction &amp; access easement)</b> |

**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.** The acquisition of the Real Estate pursuant to this resolution is required to make, improve, or repair certain portions of Lazelle Road’s public roadway and associated appurtenances, which will be open to the public without charge.

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