



Legislation Text

File #: 0268X-2016, **Version:** 1

BACKGROUND:

The City's Department of Public Service (DPS) is performing the Livingston Avenue Phase C- Fifth Street to Kennedy Drive (530161-100166) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located along the public right-of-way of Livingston Avenue from Fifth Street to Kennedy Drive, Columbus, Ohio 43215 (collectively, "Real Estate") in order for DPS to complete the Public Project. Previously, the City passed Ordinance Number 2407-2016 authorizing the City Attorney to acquire the Real Estate. The acquisition of the Real Estate will help make, improve, or repair certain portions of the Livingston Avenue public roadway and associated appurtenances, which will be open to the public without charge. Accordingly, in order to complete the Public Project 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, the City will need to appropriate 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 estate in order to complete the Livingston Avenue Phase C- Fifth Street to Kennedy Drive (530161-100166) Public Improvement Project ("Public Project"); and to declare an emergency. (\$0.00)

WHEREAS, the City intends to make, improve, or repair certain public roadway and associated appurtenances by completing the Livingston Avenue Phase C - Fifth Street to Kennedy Drive (530161-100166) Public Improvement Project ("Public Project");

WHEREAS, the City, pursuant to Ordinance Number 2407-2016, intends for the City Attorney to acquire the necessary fee simple title and lesser real estate located along the public right-of-way of Livingston Avenue from Fifth Street to Kennedy Drive, Columbus, Ohio 43215, (*i.e.* Real Estate) in order to complete the Public Project;

WHEREAS, the City intends for the Real Estate's acquisition to help make, improve, or repair certain portions of Livingston Avenue's public roadway and associated appurtenances, which will be open to the public without charge;

WHEREAS, the City intends to appropriate and accept the Real Estate for the Public Project 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;

WHEREAS, an emergency exists in the usual daily operations of DPS in that it is necessary to acquire the Real Estate so there will be no delay in completing the Public Project, which will preserve the public peace, property, health, safety, and welfare; and **now, therefore**,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. The City, 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, declares the necessity and intent to appropriate and accept the fee simple title and lesser real estate 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 to complete the Livingston Avenue Phase C- Fifth Street to Kennedy Drive (530161-100166), Public Improvement Project ("Public Project"):

(Exhibit) ... (Public Project Parcel Identification) ... (Real Estate)

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|-----|-------|---|
| 1) | 11WD | (fee simple title without limitation of existing right-of-way access) |
| 2) | 11T1 | (twenty-four (24) month temporary construction & access easement) |
| 3) | 11-T2 | (twenty-four (24) month temporary construction & access easement) |
| 4) | 11-T3 | (twenty-four (24) month temporary construction & access easement) |
| 5) | 11-T4 | (twenty-four (24) month temporary construction & access easement) |
| 6) | 11-T5 | (twenty-four (24) month temporary construction & access easement) |
| 7) | 12-P | (perpetual sidewalk and traffic utility easement) |
| 8) | 12-T | (twenty-four (24) month temporary construction & access easement) |
| 9) | 13-P | (perpetual sidewalk and traffic utility easement) |
| 10) | 13-T | (twenty-four (24) month temporary construction & access easement) |
| 11) | 14-T | (twenty-four (24) month temporary construction & access easement) |
| 12) | 18-T | (twenty-four (24) month temporary construction & access easement) |
| 13) | 19-T | (twenty-four (24) month temporary construction & access easement) |
| 14) | 20-T | (twenty-four (24) month temporary construction & access easement) |
| 15) | 22-T | (twenty-four (24) month temporary construction & access easement) |
| 16) | 23-T | (twenty-four (24) month temporary construction & access easement) |
| 17) | 24-T | (twenty-four (24) month temporary construction & access easement) |
| 18) | 26-WD | (fee simple title without limitation of existing right-of-way access) |

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| 19) | 26-T | (twenty-four (24) month temporary construction & access easement) |
| 20) | 27-WD | (fee simple title without limitation of existing right-of-way access) |
| 21) | 27-T | (twenty-four (24) month temporary construction & access easement) |
| 22) | 28-WD | (fee simple title without limitation of existing right-of-way access) |
| 23) | 28-P | (perpetual sidewalk and traffic utility easement) |
| 24) | 28-T | (twenty-four (24) month temporary construction & access easement) |
| 25) | 29-WD | (fee simple title without limitation of existing right-of-way access) |
| 26) | 29-P | (perpetual sidewalk and traffic utility easement) |
| 27) | 29-T1 | (twenty-four (24) month temporary construction & access easement) |
| 28) | 29-T2 | (twenty-four (24) month temporary construction & access easement) |
| 29) | 30-WD | (fee simple title without limitation of existing right-of-way access) |
| 30) | 30-T | (twenty-four (24) month temporary construction & access easement) |
| 31) | 31-P | (perpetual sidewalk and traffic utility easement) |
| 32) | 31-T | (twenty-four (24) month temporary 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. The acquisition of the Real Estate pursuant to this resolution is required to make, improve, or repair certain portions of Livingston Avenue'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 made of part of this resolution and 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 this resolution's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this resolution.