



## Legislation Text

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**File #:** 0306X-2016, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Service (DPS) is engaged in the Hayden Run Boulevard, Phase II Roadway (CIP 771009-100000) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of the public right-of-way of Hayden Run Boulevard, Columbus, Ohio 43016 (collectively, "Real Estate") in order to for DPS to complete the Public Project. The City passed Ordinance Number 1458-2014 authorizing the City Attorney to acquire the Real Estate. Furthermore, the City also adopted Resolution 0086x-2014 and 0166x-2016 establishing the City's intent to appropriate the Real Estate. However, DPS modified the Public Project requiring the City to acquire and accept certain additional fee simple title and lesser real estate located in the vicinity of the public right-of-way of Hayden Run Boulevard, Columbus, Ohio 43016 subsequent to the adoption of Resolution 0086x-2014 and 0166x-2016 ("Additional Real Estate"). Accordingly, the City intends to appropriate and accept the Additional Real Estate in the event the City Attorney is unable to (i) locate the owners of the Additional Real Estate, or (ii) agree with the owners of the Additional Real Estate in good faith regarding the amount of just compensation for the Additional 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 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 additional fee simple title and lesser real estate in order to complete the Hayden Run Boulevard, Phase II Roadway 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 Hayden Run Boulevard, Phase II Roadway Improvements (CIP 771009-100000) 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 real estate located in the vicinity of the public right-of-way of Hayden Run Boulevard, Columbus, Ohio 43016 (*i.e.* Additional Real Estate) in order to complete the Public Project;

**WHEREAS**, the City intends to appropriate and accept the Additional Real Estate in the event the City Attorney is unable to (i) locate the owners of the Additional Real Estate, or (ii) agree with the owners of the Additional Real Estate in

good faith regarding the amount of just compensation for the Additional Real Estate; 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 additional fee simple title and lesser real estate to the following listed parcel (*i.e.* Additional Real Estate), which is fully described in the associated exhibit and incorporated into this resolution for reference, in order for the Department of Public Service (DPS) to complete the Hayden Run Boulevard, Phase II Roadway (CIP 771009-100000) Public Improvement Project (*i.e.* Public Project):

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

- 1)        11-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 Additional Real Estate.

**SECTION 3.** The City's declaration of necessity and intent to appropriate and accept the Additional Real Estate identified in Section One (1) of this resolution is an additional appropriation and does not replace or supersede any identical project parcels described in Resolution 0086x-2014 or 0166x-2016.

**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.