



## Legislation Text

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**File #:** 0063X-2017, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Service is currently engaged in the Arterial Rehabilitation - Polaris Parkway at Orion Place project (DEL-CR615-0.000 PID 95549) ("Public Project"). The Public Project encompasses widening Polaris Parkway to provide a third through lane in both directions from I-71 to Olde Worthington Road, including the construction of a two-lane roundabout at the intersection of Olde Worthington Road and Orion Place. This project also includes the installation of a shared use path, sidewalk, traffic signal replacement, landscaping and street lighting. The City must acquire certain fee simple title and lesser real estate located in the vicinity of the public right-of-way of Polaris Parkway, Columbus, Ohio 43240 (collectively, "Real Estate") in order for DPS to complete the Public Project. The City passed Ordinance Number 2384-2016 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.

### **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 Arterial Rehabilitation - Polaris Parkway at Orion Place 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 Arterial Rehabilitation - Polaris Parkway at Orion Place project (DEL-CR615-0.000 PID 95549) ("Public Project"); and

**WHEREAS**, the City intends for the City Attorney to acquire the necessary fee simple title and lesser real estate located in the vicinity of the public right-of-way of Polaris Parkway, Columbus, Ohio 43240 ("Real Estate") in order to complete the Public Project; and

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

**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; and now, therefore,

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

**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 ("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 complete the Arterial Rehabilitation - Polaris Parkway at Orion Place project Place (DEL-CR615-0.000 PID 95549) ("Public Project"):

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

- |     |        |   |
|-----|--------|---|
| 1)  | 2-WD   | (fee simple title without limitation of access)                   |
| 2)  | 3-T1   | (twenty-four (24) month temporary construction & access easement) |
| 3)  | 3-T2   | (twenty-four (24) month temporary construction & access easement) |
| 4)  | 3-WD   | (fee simple title without limitation of access)                   |
| 5)  | 4-T    | (twenty-four (24) month temporary construction & access easement) |
| 6)  | 5-S1   | (perpetual sewer utility easement)                                |
| 7)  | 5-S2   | (perpetual sewer utility easement)                                |
| 8)  | 5-T    | (twenty-four (24) month temporary construction & access easement) |
| 9)  | 5-WD   | (fee simple title without limitation of access)                   |
| 10) | 6-T    | (twenty-four (24) month temporary construction & access easement) |
| 11) | 6-U    | (perpetual utility easement)                                      |
| 12) | 7-T    | (twenty-four (24) month temporary construction & access easement) |
| 13) | 7-WD   | (fee simple title without limitation of access)                   |
| 14) | 8-T    | (twenty-four (24) month temporary construction & access easement) |
| 15) | 8-WD   | (fee simple title without limitation of access)                   |
| 16) | 9-S    | (perpetual sewer utility easement)                                |
| 17) | 9-T    | (twenty-four (24) month temporary construction & access easement) |
| 18) | 9-WD   | (fee simple title without limitation of access)                   |
| 19) | 10-S   | (perpetual sewer utility easement)                                |
| 20) | 10-T   | (twenty-four (24) month temporary construction & access easement) |
| 21) | 10-WD  | (fee simple title without limitation of access)                   |
| 22) | 11-S   | (perpetual sewer utility easement)                                |
| 23) | 11-T   | (twenty-four (24) month temporary construction & access easement) |
| 24) | 11-WD  | (fee simple title without limitation of access)                   |
| 25) | 13-S   | (perpetual sewer utility easement)                                |
| 26) | 13-T   | (twenty-four (24) month temporary construction & access easement) |
| 27) | 13-WD  | (fee simple title without limitation of access)                   |
| 28) | 14-T   | (twenty-four (24) month temporary construction & access easement) |
| 29) | 15-T   | (twenty-four (24) month temporary construction & access easement) |
| 30) | 16-S   | (perpetual sewer utility easement)                                |
| 31) | 16-T1  | (twenty-four (24) month temporary construction & access easement) |
| 32) | 16-T2  | (twenty-four (24) month temporary construction & access easement) |
| 33) | 16-WD  | (fee simple title without limitation of access)                   |
| 34) | 17-S   | (perpetual sewer utility easement)                                |
| 35) | 17-T   | (twenty-four (24) month temporary construction & access easement) |
| 36) | 17-WD1 | (fee simple title without limitation of access)                   |
| 37) | 17-WD2 | (fee simple title without limitation of access)                   |
| 38) | 18-WD  | (fee simple title without limitation of access)                   |
| 39) | 19-T   | (twenty-four (24) month temporary construction & access easement) |

- 40) 19-WDV (fee simple title without limitation of access)
- 41) 20-T (twenty-four (24) month temporary construction & access easement)
- 42) 20-WD (fee simple title without limitation of access)
- 43) 21-T (twenty-four (24) month temporary construction & access easement)
- 44) 21-WD (fee simple title without limitation of access)
- 45) 25-WDV (fee simple title without limitation of access)
- 46) 26-WDV (fee simple title without limitation of access)
- 47) 100-T (twenty-four (24) month temporary construction & access easement)
- 48) 100-WD (fee simple title without limitation of access)
- 49) 101-T (twenty-four (24) month temporary construction & access easement)
- 50) 101-WD (fee simple title without limitation of access)
- 51) 102-T1 (twenty-four (24) month temporary construction & access easement)
- 52) 102-T2 (twenty-four (24) month temporary construction & access easement)
- 53) 102-WD (fee simple title without limitation of access)
- 54) 103-CH (perpetual channel easement)
- 55) 103-S1 (perpetual sewer utility easement)
- 56) 103-S2 (perpetual sewer utility easement)
- 57) 103-T (twenty-four (24) month temporary construction & access easement)
- 58) 103-WD (fee simple title without limitation of access)
- 59) 104-T (twenty-four (24) month temporary construction & access easement)
- 60) 104-WD (fee simple title without limitation of access)
- 61) 105-T (twenty-four (24) month temporary construction & access easement)
- 62) 105-WD (fee simple title without limitation of access)
- 63) 106-T (twenty-four (24) month temporary construction & access easement)
- 64) 106-WD (fee simple title without limitation of access)
- 65) 107-T (twenty-four (24) month temporary construction & access easement)
- 66) 107-WD (fee simple title without limitation of access)
- 67) 108-T (twenty-four (24) month temporary construction & access easement)
- 68) 108-U (perpetual easement for utility purposes)
- 69) 108-WD (fee simple title without limitation of access)
- 70) 109-U (perpetual easement for utility purposes)
- 71) 109-WD (fee simple title without limitation of access)

**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.** 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.