



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 0302X-2017, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Service (DPS) is performing the Warner Road Phase 2 Roadway Improvements (000441-000002/DR E 2766) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Warner Road and Ulry Road (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 2671-2013 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:**

Not applicable.

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 Warner Road Phase 2 Roadway Improvements. (\$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 Warner Road Phase 2 Roadway Improvements (000441-000002/DR E 2766) Public Improvement Project ("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 Warner Road and Ulry Road ("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 right-of-way 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 Warner Road Phase 2 Roadway Improvements (000441-000002/DR E 2766) Public Improvement Project ("Public Project"):

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

- |     |       |                                      |
|-----|-------|--------------------------------------|
| 1)  | 26-S  | (Perpetual Stormwater Easement)      |
| 2)  | 26-CH | (Perpetual Channel Easement)         |
| 3)  | 26-T  | (Two Year Temporary Easement)        |
| 4)  | 27-S  | (Perpetual Stormwater Easement)      |
| 5)  | 27-CH | (Perpetual Channel Easement)         |
| 6)  | 27-T  | (Two year Temporary Easement)        |
| 7)  | 28-S  | (Perpetual Stormwater Easement)      |
| 8)  | 28-CH | (Perpetual Channel Easement)         |
| 9)  | 28-T  | (Two year temporary Easement)        |
| 10) | 29-S  | (Perpetual Stormwater Easement)      |
| 11) | 29-CH | (Perpetual Channel Easement)         |
| 12) | 31-S  | (Two year Temporary Easement)        |
| 13) | 31-CH | (Perpetual Channel Easement)         |
| 14) | 33-P  | (Perpetual Shared-Use Path 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.** This resolution shall take effect and be in full force and effect from and after the earliest period allowed by law.