



## Legislation Text

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**File #:** 0124X-2018, **Version:** 1

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**Background:** The City's Department of Public Service (DPS) is performing the Poindexter Village Roadways Phase 3 (Project Number 590416-100006) project. ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Champion Avenue (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 1717-2017 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.

**Fiscal Impact:** Not Applicable.

**Emergency Justification:** Emergency action is requested so that the acquisition can proceed without delay in order to secure the real property and allow DPS to proceed with the Public Project without delay.

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 Poindexter Village Roadways Phase 3 Public 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 Poindexter Village Roadways Phase 3 (Project Number 590416-100006) 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 Champion Avenue ("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

**WHEREAS,** an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to proceed with the acquisition to secure the real property so that the Project can proceed without delay, **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 of ("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 Poindexter Village Roadways Phase 3 (Project Number 590416-100006) project. ("Public

Project”).

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

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| 1. | PARCEL 10WD | (Fee Simple Title without limitation of access) |
| 2. | PARCEL 10T  | (24 Month Temporary Construction 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.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this resolution is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.