



## Legislation Text

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**File #:** 0297X-2018, **Version:** 1

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**BACKGROUND:** The City's Department of Public Service (DPS) is performing the Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee Road (FRA-SR317-10.630 (PID Number 95570) project. ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Hamilton Road between Refugee Road and I-70 (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Number 0229-2017 authorizing the City Attorney to acquire the Real Estate. Additionally, the City passed Resolution 0003X-2018 establishing the City's intent to appropriate the Real Estate. Changes to the design plans have added one additional parcel that now needs to be acquired and modified two previously listed parcels that now need to be replaced. 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 Street Rehabilitation - Hamilton Road - I-70 to Refugee Road 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 Arterial Street Rehabilitation - Hamilton Road - I-70 to Refugee Road (FRA-SR317-10.630 (PID Number 95570) 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 Hamilton Road between Refugee Road and I-70 ("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 DPS in that it is immediately necessary to declare the City's intent to appropriate and accept the Real Estate in order to prevent unnecessary delay in completing the Public Project, which will preserve the public peace, property, health, welfare, and safety; 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 Street Rehabilitation - Hamilton Road - I-70 to Refugee Road (FRA-SR317-10.630 (PID Number 95570) project. (“Public Project”).

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

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|-----------|--------------|--|
| <b>1)</b> | <b>27-T1</b> | <b>(Three Year Temporary Easement)</b>                 |
| <b>2)</b> | <b>54-WD</b> | <b>(Fee Simple Title Without Limitation Of Access)</b> |
| <b>3)</b> | <b>54-T</b>  | <b>(Three Year Temporary Easement)</b>                 |

**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.