



Legislation Text

File #: 0193X-2019, **Version:** 1

BACKGROUND: The City's Department of Public Service ("DPS") is performing the Roadway Improvements - Livingston Avenue Phase B project. ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of Livingston Avenue from High Street to Fifth Street (collectively, "Real Estate") in order for DPS to timely complete the Public Project. The City passed Ordinance Numbers 2407-2016 and 3122-2018 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 Roadway Improvements - Livingston Avenue Phase B project. (\$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 Roadway Improvements - Livingston Avenue Phase B 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 Livingston Avenue from High Street to Fifth Street ("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. That 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 Roadway Improvements - Livingston Avenue Phase B project. ("Public Project").

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

1) 10-T (18 Month Year Temporary Easement)

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| 2) | 10-WD | (Fee Simple Without Limitation of Access) |
| 3) | 11-T | (18 Month Temporary Easement) |
| 4) | 12-P | (Permanent Easement) |
| 5) | 40-WD | (Fee Simple Without Limitation of Access) |
| 6) | 41-T | (18 Month Temporary Easement) |
| 7) | 41-P | (Permanent Easement) |
| 8) | 48-T | (18 Month Temporary Easement) |
| 9) | 48-WD | (Fee Simple Without Limitation of Access) |
| 10) | 49-T1 | (18 Month Temporary Easement) |
| 11) | 49-T2 | (18 Month Temporary Easement) |
| 12) | 50-T | (18 Month Temporary Easement) |
| 13) | 53-T | (18 Month Temporary Easement) |
| 14) | 55-T | (18 Month Temporary Easement) |
| 15) | 58-T | (18 Month Temporary Easement) |
| 16) | 59-T | (18 Month Temporary Easement) |
| 17) | 59-P | (Permanent Easement) |
| 18) | 62-WD | (Fee Simple Without Limitation of Access) |
| 19) | 62-WL | (Fee Simple With Limitation of Access) |

SECTION 2. That 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 this resolution, shall take effect and be in force from and after the earliest period allowed by law.