**AMENDED ORDINANCE NO. 55-14**

By: Steve Keyes

**An Ordinance appropriating fee simple interest in land and lesser interests required for the purpose of making and repairing roads and alleys that are open to the public without charge on certain real property in the City of Bexley.**

**WHEREAS,** Council has determined that it is in the interest of health, safety and welfare and in the public interest to provide public access through and among properties adjacent to and north of Main Street east of S. Drexel Avenue including public vehicular access though public easements, alleys and streets to traffic signals at the intersections of S. Drexel Avenue and Main Streets and N. College Avenue and Main Street and to Bexley City Hall; and

**WHEREAS**, public vehicular access though public easements, alleys and streets is necessary for the City’s improvement project for the relocation of city hall and for traffic management and control along the Main Street corridor; and

**WHEREAS**, it is in the best interest of the public and the City to appropriate fee simple title and lesser property interests for the City for the construction, improvement and repair of roads including alleys that are open to the public without charge; and

**WHEREAS,** there aremultiple owners that may claim an estate, title or interest in and to the property being appropriated and some of the ownersof the property are unknown and cannot with reasonable diligence be ascertained; and

**WHERAS,** the city is unable to agree on a conveyance or the terms of a conveyance with some or all of the owners; and

**WHEREAS.** This Ordinance is adoptedpursuant to the Charter and ordinances of the city of Bexley, the constitution and laws of the state of Ohio, including Ohio Revised Code, Chapters 719 and 163.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bexley, County of Franklin, State of Ohio:

**Section 1.** Fee simple title in and to the real property described in Exhibit A, without limitation of access of abutting properties to the alley, subject to the existing encroachment of the building described in Exhibit B as both are shown on shown on Exhibit C and any lesser real property interests required is hereby appropriated for the public purpose stated herein pursuant to Chapter 719 and 163 of the Ohio Revised Code, City Codes, the Charter of the City of Bexley, and the Constitution and laws of the State of Ohio.

**Section 2**. The purpose of the appropriation is for making and repairing a road and alley, which shall be open to the public without charge.

**Section 3.** The Council hereby fixes the value of the fee simple interest, all lesser real property interests required therein, and site improvements/damages necessitated by the appropriation as $46,000, which sum shall be deposited with the Court of Common Pleas, Franklin County, Ohio, for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of shall take possession of and enter upon the property pursuant to law.

**Section 4.** The Council finds that the appropriation is necessary for the stated public purposes, that the City has been unable to agree with an owner of the property and the other requirements of R.C. 163.04 have been met, and that the City intends to obtain immediate possession of the property, which immediate possession is necessary for the stated public purposes.

**Section 5**. The City Attorney or his designee is directed to file a petition for appropriation in a court of competent jurisdiction, to have a jury impaneled to assess the compensation to be paid for the real estate described above.

**Section 6.** $46,000, or so much thereof as may be needed, has been appropriated.

**Section 7.** This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2014

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Richard Sharp, President of Council

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2014

Bill Harvey, Clerk of Council

Approved: \_\_\_\_\_\_\_\_\_, 2014

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Ben Kessler, Mayor

First Reading: 10-14-14

Second Reading: 10-28-14