

EMERGENCY

TWH

- 2024

APPROPRIATING to public use certain real property interests necessary to construct, install, reconstruct, operate, maintain, repair, replace, modify, and remove water mains and related fixtures, equipment, and appurtenances to provide for and protect the supply of water as part of the Budd Street Transmission Main Project.

WHEREAS, on June 1, 2023, City Council of the City of Cincinnati passed Resolution No. 45-2023, captioned, “DECLARING the intent to appropriate public use certain real property interests necessary to construct, install, reconstruct, operate, maintain, repair, replace, modify, and remove water mains and related fixtures, equipment, and appurtenances to provide for and protect the supply of water as part of the Budd Street Water Main Replacement Project”; and

WHEREAS, notice of the passage of said Resolution No. 45-2023 has been served according to law; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Council hereby appropriates the following real property interests for the public purpose of construction, installation, reconstruction, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment, and appurtenances to provide for and protect the supply of water as part of the Budd Street Transmission Main Project (“Project”): permanent easement interests in the real property described in Attachment A attached hereto and incorporated by reference and depicted on Attachment B, attached hereto and incorporated herein by reference (collectively, “Property”):

<u>Owner</u>	<u>Hamilton Co. Auditor Parcel No.</u>
CSX Transportation Inc., a Virginia corporation, as successor by merger to The Baltimore and Ohio Railroad Company	141-0005-0007-00
CSX Transportation, Inc., a Virginia corporation, as successor by merger to The Chesapeake and Ohio Railway Company of Indiana	141-0005-0008-00

Section 2. That the City Solicitor is hereby authorized to commence proceedings in a proper court by filing a complaint for appropriation of the foregoing parcels at such time as the City has met the requirements of Ohio Revised Code Section 163.04.

Section 3. That at any time prior or subsequent to the filing of a complaint or complaints for appropriation, the City Manager is hereby authorized, with the approval of the City Solicitor, to acquire by purchase the real property interests described in Section 1 hereof, and in connection with such acquisition, or for the preparation of court proceedings, to enter into special contracts for necessary services, expert or otherwise, as the same may be required.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to acquire all real property interests necessary to construct the Project without delay to ensure the safe, dependable, and uninterrupted provision and protection of the City's water supply.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk