

EMERGENCY

Legislative Resolution

TWH

EESW

RESOLUTION NO. 45 - 2023

DECLARING the intent to appropriate 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 Water Main Replacement Project.

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

Section 1. That it is hereby declared to be the intent of Council to appropriate to public use permanent easements in, on, under, and across the real property described on Attachment A, attached hereto and incorporated by reference, and depicted on Attachment B, attached hereto and incorporated herein by reference (collectively, "Property"), 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 ("Project"), which interests in the Property are hereby deemed necessary to ensure the construction of the Project and the undisturbed operation and maintenance of the water mains and related fixtures, equipment, and appurtenances. The owners of record of the Property are as follows:

<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 at any time after the effective date of this Resolution and before the passage of an ordinance to appropriate, the City Manager is hereby authorized, with the advice and assistance of the City Solicitor, to acquire by purchase any and all interests in the Property necessary to carry out the Project and, in accordance with such acquisition, to enter into special contracts for necessary services, expert or otherwise, as the City Manager deems necessary or appropriate.

Section 3. That this Resolution shall be an emergency measure necessary for the preservation of the 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: June 1, 2023

Jamichael P. Kearney
Vice Mayor

Attest: Nicole Mays
Acting Clerk