



## Legislation Details (With Text)

**File #:** 1328-2024      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/2/2024      **In control:** Finance & Governance Committee

**On agenda:** 5/13/2024      **Final action:** 5/15/2024

**Title:** To authorize the Director of the Finance and Management Department, with the approval of the Director of the Department of Public Utilities, to execute those documents, as approved by the Department of Law, Real Estate Division, necessary to grant surface easement rights for a walking path and aerial easement rights for a pedestrian bridge over a natural storm water way to The Board of Education Worthington Schools to burden the City's real property identified as Franklin County Tax Parcel 610-267722 and, if necessary, to grant temporary construction easements to facilitate the replacement of the existing pedestrian bridge and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A.pdf

Date	Ver.	Action By	Action	Result
5/15/2024	1	ACTING CITY CLERK	Attest	
5/14/2024	1	MAYOR	Signed	
5/13/2024	1	COUNCIL PRESIDENT PRO-TEM	Signed	
5/13/2024	1	Columbus City Council	Approved	Pass

**Background:** The City owns real property identified as Franklin County Tax Parcel 610-267722 and platted as Reserve C of Lazelle Woods Section Two ("Property") and is further described and recorded in Instrument Number 200607100133684, Recorder's Office, Franklin County, Ohio. The property contains a naturally occurring storm drainage way managed by the Department of Public Utilities, Division of Sewerage and Drainage ("DOSD"). A pedestrian bridge and walking path linking Worthington Park Elementary School to the Lazelle Woods subdivision were present on the property at the time the previous owner donated the Property to the City in 2006. The City was not aware of Worthington Park Elementary School's use of the property at the time it accepted the property donation. There was no reference in the deed to an access agreement and no recorded easement granting The Board of Education Worthington Schools (Worthington Schools) the right to construct, maintain, and replace the pedestrian bridge and walking path. The pedestrian bridge is now in need of replacement and Worthington Schools has begun a project for the design and construction of a replacement bridge. It is necessary to grant nonexclusive easements to The Board of Education Worthington Schools to define the terms, conditions, and maintenance responsibilities for use of the City's property for the pedestrian bridge and walking paths. In addition, it may also be necessary to grant temporary construction easements to allow for construction of the replacement pedestrian bridge. The Department of Public Utilities is in agreement with the grant of these easements. As the walking path and bridge facilitate pedestrian access to Worthington Park Elementary School, in the interest of inter-governmental cooperation, the City will not charge for the easements.

**Fiscal Impact:** Not applicable.

**Emergency Justification:** An emergency exists in that it is immediately necessary to grant these easements to allow the pedestrian bridge replacement project to proceed without delay, to enable the project to be completed at the earliest possible date.

To authorize the Director of the Finance and Management Department, with the approval of the Director of the Department of Public Utilities, to execute those documents, as approved by the Department of Law, Real Estate Division, necessary to grant surface easement rights for a walking path and aerial easement rights for a pedestrian bridge over a natural storm water way to The Board of Education Worthington Schools to burden the City's real property identified as Franklin County Tax Parcel 610-267722 and, if necessary, to grant temporary construction easements to facilitate the replacement of the existing pedestrian bridge and to declare an emergency.

**WHEREAS**, the City owns that real property identified as Franklin County Tax Parcel 610-267722 ("Property") and platted as Lazelle Woods Section Two, Reserve C; and

**WHEREAS**, the City, received the real property in 2006 as a donation from Homewood Corporation, the developer of the Lazelle Woods subdivision; and

**WHEREAS**, at the time of the donation, the City was not made aware of the existence of the pedestrian bridge and walking path on the real property and the deed to the City of the real property did not reference an access agreement or a recorded easement to The Board of Education Worthington Schools for a walking path and pedestrian bridge to link the Lazelle Woods subdivision to the Worthington Park Elementary School; and

**WHEREAS**, is now necessary to grant nonexclusive surface and aerial easements in order to memorialize the existence of the pedestrian bridge and walking path and to define terms, conditions, and maintenance responsibilities for use of the City's property by The Board of Education Worthington Schools; and

**WHEREAS**, the pedestrian bridge is currently in need of replacement and The Board of Education Worthington Schools has begun a project for the design and construction of a replacement pedestrian bridge to be completed at the earliest possible date; and

**WHEREAS**, it may be necessary to grant a temporary construction easement to allow for the replacement of the pedestrian bridge; and

**WHEREAS**, the City intends for the Director of the Department of Finance, with the approval of the Director of the Department of Public Utilities, to execute and acknowledge any document(s) necessary to quitclaim grant The Board of Education Worthington Schools nonexclusive surface and aerial easements for the walking paths and pedestrian bridge and, if necessary, a temporary construction easement for the bridge replacement; and

**WHEREAS**, the City intends for the Department of Law, Real Estate Division to approve all document(s) associated with this ordinance; and

**WHEREAS**, the City's Department of Finance and Management and the Department of Public Utilities determined that, in the interest of inter-governmental cooperation, the easements should be granted at no cost; and

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Finance and Management in that it is immediately necessary to grant The Board of Education Worthington Schools nonexclusive surface and aerial easements and, if necessary, a temporary construction easement to construct, maintain, and replace a pedestrian bridge and associated walking paths to prevent any unnecessary delay in completing the replacement of the pedestrian bridge which is already underway and which will preserve the public peace, property, health, welfare, and safety; **now, therefore:**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of the Department of Finance and Management, with the approval of the Director of the

Department of Public Utilities, be, and hereby is, authorized to execute and acknowledge any document(s) necessary to quitclaim grant to The Board of Education Worthington Schools both a 0.010 acre and a 0.022 acre nonexclusive surface easement, a 0.011 acre aerial easement and, if necessary, temporary easements for the installation of a replacement pedestrian bridge. The easements are described and depicted in the five (5) page attachment, Exhibit A, which is fully incorporated for reference as if rewritten, and burden a portion of the City's real property identified as Franklin County Tax Parcel 610-267722 and platted as Reserve C of Lazelle Woods Section Two ("Property"). These easements will allow the Worthington Schools to construct, maintain, and replace a pedestrian bridge and associated walking paths linking Worthington Park Elementary to the Lazelle Woods subdivision.

**SECTION 2.** That the Department of Law, Real Estate Division is required to pre-approve all document(s) executed by the City pursuant to this ordinance.

**SECTION 3.** That this ordinance, for the reasons stated in the preamble, which are made a part of this ordinance 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 ordinance's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.