



Legislation Details (With Text)

File #: 2722-2014 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/11/2014 **In control:** Recreation & Parks Committee

On agenda: 12/15/2014 **Final action:** 12/18/2014

Title: To authorize the director of the Recreation and Parks Department to execute all instrument(s), as approved by the City Attorney, necessary to quit claim grant a nonexclusive general utility easement and a fee transfer of a portion of Harrison Park to Royal Tallow Holdings Ltd., an Ohio limited liability company, in consideration of Thirteen Thousand, Six Hundred Sixty-three, and 30/100 U.S. Dollars (\$13,663.30); to accept a fee transfer of real property to the City; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit-A, 2. Exhibit-B, 3. Exhibit-C

Date	Ver.	Action By	Action	Result
12/18/2014	1	CITY CLERK	Attest	
12/16/2014	1	MAYOR	Signed	
12/15/2014	1	COUNCIL PRESIDENT	Signed	
12/15/2014	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City owns and manages real property located at 995 Harrison Park Place, Columbus, Ohio 43201, which is commonly known as Harrison Park (“Park”). Royal Tallow Holdings Ltd., an Ohio limited liability company (“RTH”), desires to develop the Harrison Park Place Condominiums on real property adjacent to the Park. In order for RTH to proceed with its development, RTH requests to (i) exchange fee title to two (2) parcels of real property with the City; and (ii) for the City to grant a general utility easement over portions of the Park.

The Columbus Recreation and Parks Department (“CRPD”) reviewed and supports RTH’s proposed exchange of real property ownership and easement in consideration of monetary compensation in the amount of Thirteen Thousand, Six Hundred Sixty-three, and 30/100 U.S. Dollars (\$13,663.30) from RTH. Accordingly, in consideration of the monetary compensation and land transfer to the City, this ordinance authorizes CRPD’s director to execute all instrument(s), as approved by the City Attorney, necessary to (i) quit claim grant to RTH and RTH’s successors and assigns a perpetual, nonexclusive general utility easement in, on, over, under, across, upon, through, and burdening a tract of the Park; (ii) quit claim grant to RTH and RTH’s successors and assigns fee title to a portion of the Park; and (iii) to accept fee title to a portion of RTH’s real property adjacent to the Park, which will also be an extension of the Park.

FISCAL IMPACT: The City’s receipt of the Thirteen Thousand, Six Hundred Sixty-three, and 30/100 U.S. Dollars (\$13,663.30) consideration from RTH will be deposited in the Permanent Improvement Fund, Fund Number 747.

EMERGENCY JUSTIFICATION: Emergency action is requested so to not delay RTH’s development adjacent to the Park, which will preserve the public peace, health, property, safety, and welfare.

To authorize the director of the Recreation and Parks Department to execute all instrument(s), as approved by the City Attorney, necessary to quit claim grant a nonexclusive general utility easement and a fee transfer of a portion of Harrison Park to Royal Tallow Holdings Ltd., an Ohio limited liability company, in consideration of Thirteen Thousand, Six Hundred Sixty-three, and 30/100 U.S. Dollars (\$13,663.30); to accept a fee transfer of real property to the City; and to declare an emergency. (\$0.00)

WHEREAS, it is in the City's best interest to authorize the director of the Columbus Recreation and Parks (*i.e.* CRPD) to execute all instrument(s) necessary to quit claim grant to Royal Tallow Holdings Ltd., an Ohio limited liability company (*i.e.* RTH) and RTH's successors and assigns (i) a perpetual, nonexclusive general utility easement in, on, over, under, across, upon, through, and burdening a tract of the City's real property located at 995 Harrison Park Place, Columbus, Ohio 43201, which is commonly known as Harrison Park (*i.e.* Park); and (ii) a fee transfer of a portion of the Park;

WHEREAS, it is in the City's best interest to accept consideration of Thirteen Thousand, Six Hundred Sixty-three, and 30/100 U.S. Dollars (\$13,663.30) from RTH;

WHEREAS, it is in the City's best interest to accept fee title to real property adjacent to the Park from RTH, which is intended to be an extension of the Park;

WHEREAS, it is in the City's best interest for the City Attorney to approve all instrument(s) associated with this ordinance; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Recreation and Parks in that it is immediately necessary to authorize the Director to grant the easement for the preservation of the public peace, property, health, welfare, and safety; and **now, therefore:**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. The Director of the Columbus Recreation and Parks Department is authorized to execute all instrument(s) necessary to quit claim grant to the Royal Tallow Holdings Ltd., an Ohio limited liability company (*i.e.* RTH), and its successors and assigns a perpetual, nonexclusive general utility easement in, on, over, across, upon, through, and burdening the tract of real property described and depicted in the attachment, **Exhibit-A**, which is fully incorporated into this ordinance for reference, for so long as RTH only uses this tract of real property to install, inspect, control, construct, reconstruct, replace, operate, maintain, repair, and remove general utilities and associated appurtenances.

SECTION 2. The Director of the Columbus Recreation and Parks Department is authorized to execute all instrument(s) necessary to quit claim grant to RTH and its successors and assigns fee title to the parcel of real property described and depicted in the attachment, **Exhibit-B**, which is fully incorporated into this ordinance for reference.

SECTION 3. The City accepts fee title to the parcel of real property described and depicted in the attachment, **Exhibit-C**, which is fully incorporated in to this ordinance for reference, and this parcel of real property will be used for public parkland and conservation.

SECTION 4. The Director of the Department of Recreation and Parks is authorized to enter into tax agreement(s) associated regarding the disposition of real estate interests described in Sections One (1), Two (2), and Three (3) of this ordinance.

SECTION 5. The City Attorney is required to approve all instrument(s) regarding the disposition of real property interests described in Sections One (1), Two (2), and Three (3) of this ordinance.

SECTION 6. The City's grant of the real property interests described in Sections One (1) and Two (2) of this ordinance are contingent upon the receipt of consideration in the amount of Thirteen Thousand, Six Hundred Sixty-three, and

30/100 U.S. Dollars (\$13,663.30) from RTH, which is required to be deposited in the Permanent Improvement Fund, Fund Number 747.

SECTION 7. For the reasons stated in the preamble of this ordinance, which are made a part of this ordinance, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten (10) days after its passage if the Mayor neither approves nor vetoes this ordinance.