



## Legislation Details (With Text)

**File #:** 2873-2013      **Version:** 1

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

**File created:** 11/25/2013      **In control:** Recreation & Parks Committee

**On agenda:** 1/27/2014      **Final action:** 1/29/2014

**Title:** To authorize the Director of the Recreation and Parks Department to execute those documents approved by the Columbus City Attorney, Real Estate Division, to quit claim grant temporary and perpetual easement rights to the Columbia Gas of Ohio, Inc., an Ohio corporation, upon portions of the City's real property located at 1900 Wilson Road, Columbus, Ohio 43228; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
1/29/2014	1	CITY CLERK	Attest	
1/28/2014	1	MAYOR	Signed	
1/27/2014	1	COUNCIL PRESIDENT	Signed	
1/27/2014	1	Columbus City Council	Approved	Pass

**BACKGROUND :**

The Columbus Recreation and Parks Department on behalf of the City of Columbus, Ohio, an Ohio municipal corporation ("City"), desires to quit claim grant to the Columbia Gas of Ohio, Inc., an Ohio corporation ("CGO"), perpetual and temporary easement rights in, on, over, across, upon, through, and burdening portions of the City's real property located at 1900 Wilson Road, Columbus, Ohio 43228 [Franklin County Tax Parcel 560-154646] ("Raymond Golf Course"). CGO is replacing and upgrading its utility infrastructure, and CGO needs a new, replacement easement from the City at Raymond Golf Course. CGO no longer needs the easement rights associated with its existing easement described and recorded in Ohio Record Volume 5, Page 498, Recorder's Office, Franklin County, Ohio ("Old-Easement"), burdening Raymond Golf Course. In exchange for the City granting a new, replacement easement to CGO, CGO is releasing its easement rights in the Old Easement. CGO will only be permitted to use the new, replacement easement for the rights to install, control, construct, reconstruct, replace, operate, maintain, repair, and remove an underground natural gas pipeline and its appurtenances (collectively, "Improvement"). The City's Recreation and Parks Department determined that the new, replacement easement requested by CGO to construct the Improvement should be granted for consideration in the amount of Twenty Thousand and 00/100 U.S. Dollars (\$20,000.00). Therefore, this ordinance authorizes the City's Director of the Columbus Recreation and Parks Department to execute those documents approved by the Columbus City Attorney, Real Estate Division, to quit claim grant an easement to CGO.

**CONTRACT COMPLIANCE №:** Not applicable.

**FISCAL IMPACT :** The City's receipt of the Twenty Thousand and 00/100 U.S. Dollars (\$20,000.00) from CGO will be deposited with the City's Golf Division Fund, Fund № 284.

**EMERGENCY JUSTIFICATION :** Emergency action is requested so to not delay the construction of natural gas

utilities, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Recreation and Parks Department to execute those documents approved by the Columbus City Attorney, Real Estate Division, to quit claim grant temporary and perpetual easement rights to the Columbia Gas of Ohio, Inc., an Ohio corporation, upon portions of the City's real property located at 1900 Wilson Road, Columbus, Ohio 43228; and to declare an emergency. (\$0.00)

**WHEREAS**, the Recreation and Parks Department desires to quit claim grant to CGO perpetual and temporary easement rights in, on, over, across, upon, through, and burdening portions of the City's real property located at 1900 Wilson Road, Columbus, Ohio 43228 [Franklin County Tax Parcel 560-154646] ("Raymond Golf Course");

**WHEREAS**, CGO is replacing and upgrading its utility infrastructure, and CGO needs a new, replacement from the City at Raymond Golf Course;

**WHEREAS**, CGO no longer needs the easement rights associated with its existing easement described and recorded in Ohio Record Volume 5, Page 498, Recorder's Office, Franklin County, Ohio ("Old-Easement"), burdening Raymond Golf Course;

**WHEREAS**, in exchange for the City granting a new, replacement easement to CGO, CGO is releasing its easement rights in the Old Easement;

**WHEREAS**, CGO will only be permitted to use the new, replacement easement for the rights to install, control, construct, reconstruct, replace, operate, maintain, repair, and remove an underground natural gas pipeline and its appurtenances (collectively, "Improvement");

**WHEREAS**, the Recreation and Parks Department determined that the new, replacement easement requested by CGO to construct the Improvement should be granted for consideration in the amount of Twenty Thousand and 00/100 U.S. Dollars (\$20,000.00)

**WHEREAS**, an emergency exists in the usual daily operations of the City, because it is immediately necessary to authorize the Director of the Columbus Recreation and Parks Department to execute those documents approved by the Columbus City Attorney, Real Estate Division, to quit claim grant an access and construction easement to CGO, which will preserve the public health, peace, property, safety, and welfare; and **NOW, THEREFORE**;

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO ("CITY"):**

**SECTION 1.** The Director of Recreation and Parks Department is authorized to execute those documents approved by the Columbus City Attorney, Real Estate Division, to quit claim grant perpetual and nonexclusive easement rights under, in, on, across, upon, through, and burdening the following described first tract of real property ("Perpetual-Easement-Area") to the Columbia Gas of Ohio, Inc., an Ohio corporation ("CGO"):

**TRACT 1: 0.499 ACRE PERPETUAL-EASEMENT-AREA**

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey Number 544, being located in that 212.854 acre (by Auditor's tax roll) tract as described in a deed to the City of Columbus, of record in Deed Book 1507, Page 396 (Commonly known as Raymond Memorial Golf Course), all records referenced herein being to those located in the Recorder's Office, Franklin County, Ohio, and being a gas pipelines easement and temporary construction easement more particularly described as follows:

**BEGINNING** at an iron pipe found at a northwest corner of said 212.854 acre tract, at a southeast corner of that 0.24 acre tract of land as described in a deed to Columbia Gas of Ohio (formerly known as Ohio Fuel Gas Company) of record in Deed Book 1209, Page 377, and being the **TRUE PLACE OF**

**BEGINNING** of the herein described gas pipelines easement;

Thence through said 212.854 acre tract the following five courses:

1. **South 67°00'50" West**, a distance of **20.00 feet** to a point;
2. **North 22°59'10" West**, a distance of **95.00 feet** to a point;
3. **North 67°00'50" East**, a distance of **45.19 feet** to a point;
4. **North 22°26'29" West**, a distance of **304.26 feet** to a point;
5. **North 66°06'58" East**, a distance of **582.95 feet** to a point in the northerly line of said 212.854 acre tract, in the southerly line of the CSX Railroad;

Thence **South 39°15'18" East**, along the common line between said 212.854 acre tract and said Railroad, a distance of **20.74 feet** to a point at a northeast corner of said 212.854 acre tract, at the northwest corner of that 5.020 acre tract as described in a deed to Scioto, LLC, of record in Instrument Number 200603030041072;

Thence **South 66°06'58" West**, along a common line between said 212.854 acre and 5.020 acre tracts, a distance of **563.94 feet** to a point at a common corner;

Thence **South 22°26'29" East**, along another common line between said 212.854 acre and 5.020 acre tracts, a distance of **304.53 feet** to an iron pipe found at the northwest corner of said 0.24 acre tract;

Thence **South 66°52'52" West**, along a common line between said 212.854 acre and 0.24 acre tracts, a distance of **50.00 feet** to a point at a common corner;

Thence **South 22°59'10" East**, along another common line between said 212.854 acre and 0.24 acre tracts, a distance of **75.00 feet** to the **TRUE PLACE OF BEGINNING** of the herein described gas pipelines easement, containing **0.499 acre** of land.

**SECTION 2.** The Director of the Recreation and Parks Department is authorized to execute those documents approved by the Columbus City Attorney, Real Estate Division, to quit claim grant temporary and nonexclusive easement rights under, in, on, across, upon, through, and burdening the following described second tract of real property ("Temporary-Easement-Area") to CGO:

**TRACT 2: 0.584 ACRE TEMPORARY-EASEMENT-AREA**

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey Number 544, being located in that 212.854 acre (by Auditor's tax roll) tract as described in a deed to the City of Columbus, of record in Deed Book 1507, Page 396 (Commonly known as Raymond Memorial Golf Course), all records referenced herein being to those located in the Recorder's Office, Franklin County, Ohio, and being a gas pipelines easement and temporary construction easement more particularly described as follows:

**BEGINNING FOR REFERENCE** at an iron pipe found at a northwest corner of said 212.854 acre tract, at a southeast corner of that 0.24 acre tract of land as described in a deed to Columbia Gas of Ohio (formerly known as Ohio Fuel Gas Company) of record in Deed Book 1209, Page 377, thence South 67° 00'50" West, a distance of 20.00 feet to a point, being the **TRUE PLACE OF BEGINNING** of the herein described temporary construction easement;

Thence through said 212.854 acre tract the following seven courses:

1. **South 67°00'50" West**, a distance of **20.00 feet** to a point;
2. **North 22°59'10" West**, a distance of **115.00 feet** to a point;
3. **North 67°00'50" East**, a distance of **45.38 feet** to a point;
4. **North 22°26'29" West**, a distance of **263.94 feet** to a point;
5. **South 66°06'58" West**, a distance of **112.96 feet** to a point;
6. **North 23°53'02" West**, a distance of **40.00 feet** to a point;
7. **North 66°06'58" East**, a distance of **710.91 feet** to a point in the northerly line of said 212.854 acre tract, in the southerly line of the CSX Railroad;

Thence **South 39°15'18" East**, along the common line between said 212.854 acre tract and said Railroad, a distance of **20.74 feet** to a point;

Thence again through said 212.854 acre tract the following four courses:

1. **South 66°06'58" West**, a distance of **582.95 feet** to a point;
2. **South 22°26'29" East**, a distance of **304.26 feet** to a point;

3. **South 67°00'50" West** , a distance of **45.19 feet** to a point;
4. **South 22°59'10" East** , a distance of **95.00 feet** to the **TRUE PLACE OF BEGINNING** of the herein described temporary construction easement, containing 0.584 acre of land. Bearings herein are referenced to State Plane Grid, Ohio South Zone, per a VRS GPS survey.

This legal description for tracts 1 and 2 were prepared by Westerville Land Surveying, LLC, based on the results of an actual field survey in 2012 and 2013.

**SECTION 3.** The City's receipt of Twenty Thousand and 00/100 U.S. Dollars (\$20,000.00), as consideration for granting the Perpetual-Easement-Area and Temporary-Easement-Area to CGO, will be deposited with the City's Golf Administration, Fund № 284 - Golf Operations, OCA Code 025110.

**SECTION 4.** For the reasons stated in the preamble hereto which are made a part hereof, this ordinance is hereby 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 the same.