



## Legislation Details (With Text)

**File #:** 0469-2017      **Version:** 1

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

**File created:** 2/16/2017      **In control:** Public Service & Transportation Committee

**On agenda:** 2/27/2017      **Final action:** 3/2/2017

**Title:** To authorize the Director of the Department of Public Service to execute those document(s), as approved by the City Attorney, necessary for the City to grant a Quitclaim Deed of Easement and Maintenance Agreement to the Franklin County Convention Facilities Authority for a 0.981 acre of real property in order to construct and maintain certain improvements that will occur within the public rights -of-way of the intersection of North High Street and Ohio Center Way East and the intersection of North High Street and Ohio Center Way West; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2015-0405 Easement Legal Size Plat.pdf, 2. 2015-0405 Ohio Center Way Easement.pdf

Date	Ver.	Action By	Action	Result
3/2/2017	1	MAYOR	Signed	
3/2/2017	1	CITY CLERK	Attest	
2/27/2017	1	COUNCIL PRESIDENT	Signed	
2/27/2017	1	Columbus City Council	Approved	Pass

### BACKGROUND

THE FRANKLIN COUNTY CONVENTION FACILITIES AUTHORITY (“CFA”), has requested that the City of Columbus (“City”) grant a Quitclaim Deed of Easement and Maintenance Agreement to assign a determinable, nonexclusive easement appurtenant, which shall include the right to construct and maintain certain improvements that will occur within the public rights-of-way of the “City”, and along with the rights of public ingress and egress on, over, across, above and through following described air rights of a 0.981 acre parcel of real property (collectively “Easement Area”) as described in the attached exhibits, for so long as it is used for the purposes therein mentioned in the Quitclaim Deed of Easement and Maintenance Agreement.

Accordingly, this legislation authorizes the director of the Department of Public Service to execute those document(s), as approved by the City Attorney, necessary for the “City” to grant a Quitclaim Deed of Easement and Maintenance Agreement to “CFA” allowing for the continued construction and maintenance of certain improvements in the “Easement Area”.

**FISCAL IMPACT:** Not applicable

**EMERGENCY JUSTIFICATION:** Emergency action is requested to allow for “CFA” to construct and maintain certain improvements that will occur within the “Easement Area” of the “City” without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Public Service to execute those document(s), as approved by the City

Attorney, necessary for the City to grant a Quitclaim Deed of Easement and Maintenance Agreement to the Franklin County Convention Facilities Authority for a 0.981 acre of real property in order to construct and maintain certain improvements that will occur within the public rights-of-way of the intersection of North High Street and Ohio Center Way East and the intersection of North High Street and Ohio Center Way West; and to declare an emergency. (\$0.00)

**WHEREAS**, the Franklin County Convention Facilities Authority (the "CFA"), a body corporate and politic organized and existing pursuant to Ohio Revised Code Chapter 351.02, has requested that the City grant a Quitclaim Deed of Easement and Maintenance Agreement in order to construct and maintain certain improvements that will occur within the public rights-of-way of North High Street and Ohio Center Way East and the intersection of North High Street and Ohio Center Way West; and

**WHEREAS**, it is in the City's best interest to authorize the director of the Department of Public Service to execute any instrument(s) necessary to grant the Quitclaim Deed to in order to allow CFA to construct and maintain certain improvements that will occur within the public rights-of-way of for a 0.981 acre of real property at the intersection of North High Street and Ohio Center Way East and the intersection of North High Street and Ohio Center Way West; and

**WHEREAS**, the City Attorney shall approve all document(s) associated with this legislation; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to execute a Quitclaim Deed of Easement and Maintenance Agreement, prepared by the City Attorney's Office, that will allow "CFA" to construct and maintain certain improvements to the premises more fully described in the body of this legislation, for the preservation of the public health, peace, property, safety and welfare; now, therefore

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

**SECTION 1.** That the director of the Department of Public Service is authorized to execute those document(s) necessary to grant a Quitclaim Deed of Easement and Maintenance Agreement with the Franklin County Convention Facilities ("CFA"), a body corporate and politic organized and existing pursuant to Ohio Revised Code Chapter 351.02, and its successors and assigns, in order to construct and maintain certain improvements that will occur within the "Easement Area" for a 0.981 acre of real property which is described and depicted in the corresponding attachment, and fully incorporated into this ordinance for reference:

**DESCRIPTION OF 0.981 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus and being located in Ohio Center Way (Plat Book 58, Page 15) and in Columbus Convention Center Drive Dedication Plat Part 2 (Plat Book 109, Page 88) and being more particularly described as follows:

**Beginning** at the intersection of the southerly right of way line of Ohio Center Way East as recorded in Plat Book 58, Page 15 with the easterly right of way line of North High Street;

Thence **N 08° 17' 17" W**, a distance of **43.48 feet** leaving the southerly existing right of way line of Ohio Center Way East and the easterly existing right of way line of North High Street across said existing right of ways to a point;

Thence **S 81° 56' 53" W**, a distance of **6.00 feet** continuing across said existing right of ways to a point;

Thence **N 08° 03' 07" W**, a distance of **67.35 feet** continuing across said existing right of ways to a point;

Thence **N 54° 20' 06" E**, a distance of **6.44 feet** continuing across said existing right of ways to a point;

Thence **N 08° 17' 17" W**, a distance of **81.11 feet** continuing across said existing right of ways to a point at the intersection of the northerly existing right of way line of Ohio Center Way West and the easterly existing right of way line

of North High Street;

Thence southeasterly with a curve to the left having a radius of 23.83 feet, a delta angle of 116°26'25" and a chord which bears **S 66° 30' 30" E**, with a chord distance of **40.52 feet** leaving the easterly existing right of way line of North High Street and along the northerly existing right of way line of Ohio Center Way West to a point;

Thence **N 55° 16' 18" E**, a distance of **240.04 feet** continuing along said northerly right of way line and an extension thereof across the right of way to a point;

Thence **S 23° 46' 01" E**, a distance of **142.70 feet** continuing across said right of way to a point in the southerly existing right of way line of Ohio Center Way East;

Thence **S 55° 16' 18" W**, a distance of **321.04 feet** along said southerly existing right of way line to the **Point of Beginning** and containing **0.981 Acres**, more or less, and subject to all other legal easements, agreements and rights-of-way of record.

This description was prepared by Tony W. Meacham, Ohio Professional Surveyor Number 7799 from an actual field survey performed by Korda Nemeth Engineering Inc. in November, 2015.

The bearings in this description are referenced to Ohio State Plan Coordinates, South Zone, NAD 83(2007) and based on the southerly existing right of way line of Ohio Center Way East being S 55° 16' 18" W.

The above description is based on and referenced to an right of way sheet titled "Exhibit A" prepared by Tony W. Meacham, P.S., attached hereto and made a part hereof.

**SECTION 2.** That the City Attorney is required to approve all documents(s) associated with this ordinance prior to the director of the Department of Public Service executing and acknowledging any of those document(s) on behalf of the City.

**SECTION 3.** That for the reasons stated in the preamble of this ordinance, which are made a part of this ordinance, this ordinance is declared an emergency measure and shall take effect and be in force from and after this ordinance's passage and approval by the Mayor, or ten (10) days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.