



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 6/10/2024 **In control:** Finance & Governance Committee

On agenda: 6/24/2024 **Final action:** 6/26/2024

Title: To authorize the Director of the Department of Finance and Management to execute and acknowledge any document(s), as approved by the Department of Law, Real Estate Division, necessary to grant to the Ohio Power Company d.b.a. AEP an electric utility easement to burden a portion of the City's real property in the vicinity of Teton Road; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

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Attachments: 1. AEP MORSE-CLINTON 3.525 AC EASEMENT PLAT, 2. AEP MORSE-CLINTON 3.525 LEGAL DESCRIPTION

Date	Ver.	Action By	Action	Result
6/26/2024	1	CITY CLERK	Attest	
6/25/2024	1	MAYOR	Signed	
6/24/2024	1	COUNCIL PRESIDENT	Signed	
6/24/2024	1	Columbus City Council	Approved	Pass

BACKGROUND: The City owns real property located in the vicinity of Teton Road, Columbus, Ohio 43230 {Franklin County Tax Parcel 600-137530} ("Property"), which is managed by the Recreation and Parks Department ("CRPD"). The Ohio Power Company, an Ohio corporation doing business as American Electric Power ("AEP"), currently has an existing easement recorded in Volume Number 2085, Page 510, Franklin County Recorder's Office, for transmission lines running through the site. However, due to the age of the infrastructure, AEP needs to upgrade the service and add an additional pole that would not be allowed under the terms of the existing easement. CRPD and the Department of Finance and Management ("Finance") have reviewed the request by AEP and determined that it is in the best interest of the City to move forward with the upgrade. CRPD and Finance support granting the easement due to the fact that AEP is willing to release the 3.525 acre portion of the existing easement that is located on the Property and enter in to a new easement. The new easement will better define the easement area and provides additional protections for the City that are not present in the exiting easement from 1959. AEP now requests the applicable electric utility easement to burden a portion of the Property in order to maintain certain electric facilities and associated appurtenances for the transmission of electrical energy and impulses ("Easement"). Finance and CRPD reviewed the plans and support granting AEP the replacement Easement at no cost in consideration that (i) the Easement supports the transmission of electricity, (ii) the Easement will be nonexclusive, and (iii) AEP releases the 3.525 acre portion of existing easement on the City's property in exchange for the granting of the new easement.

CONTRACT COMPLIANCE: Not applicable.

FISCAL IMPACT: Not applicable.

EMERGENCY JUSTIFICATION: Emergency action is requested so that AEP may enter the property and replace the failing infrastructure, which includes the sagging of the existing transmissions lines during hot weather, prior to the rising temperatures of July and August thereby preserving the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Finance and Management to execute and acknowledge any document(s), as approved by the Department of Law, Real Estate Division, necessary to grant to the Ohio Power Company d.b.a. AEP an electric utility easement to burden a portion of the City's real property in the vicinity of Teton Road; and to declare an emergency. (\$0.00)

WHEREAS, the City owns property in the vicinity of Teton Road, Columbus, Ohio 43230 {Franklin County Tax Parcel 600-137530} ("Property"); and

WHEREAS, the City intends to quitclaim grant The Ohio Power Company, an Ohio corporation doing business as American Electric Power ("AEP"), an electric utility easement to burden a portion of the Property in order to maintain certain electric facilities and associated appurtenances for the transmission of electrical energy and impulses ("Easement"); and

WHEREAS, in exchange for the granting of the new easement, AEP agrees to release a portion of their existing easement covering the same area as the new easement the City will be granting thereby updating the description and terms of the easement instead of the outdated terms of the exiting 1959 easement; and

WHEREAS, the City intends to quitclaim grant AEP the Easement in consideration that (i) the Easement supports the transmission of electricity, (ii) the Easement will be nonexclusive, and (iii) AEP releases the 3.525 acre portion of existing easement on the City's property in exchange for the granting of the new easement; and

WHEREAS, the City intends for the director of the Department of Finance and Management (Finance) to execute and acknowledge any document(s) necessary to quitclaim grant the Easement to AEP; and

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

WHEREAS, an emergency exists in the usual daily operation of the Finance and Management Department in that it is immediately necessary to authorize the Director to execute those documents necessary to grant the Easement to AEP at the earliest feasible date thereby providing for the immediate preservation of the public health, peace, property, 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 (Finance) be, and hereby is, authorized to execute and acknowledge any document(s), including a release of an existing easement, as necessary to quitclaim grant to the Ohio Power Company, an Ohio corporation doing business as AEP, and its successors and assigns a 3.525 acre electric utility easement to burden a portion of the City's real property located in the vicinity of Teton Road, Columbus, Ohio 43230 {Franklin County Tax Parcel 600-137530} ("Property"), in order for AEP to nonexclusively maintain certain electric facilities and associated appurtenances for the transmission of electrical energy and impulses. The Easement is further described and depicted in the two (2) page attachment, Exhibit-A, which is fully incorporated for reference as if rewritten.

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

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby 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 days after passage if the Mayor neither approves nor vetoes the same.