



## Legislation Details (With Text)

**File #:** 1025-2014      **Version:** 1

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

**File created:** 4/25/2014      **In control:** Finance Committee

**On agenda:** 6/23/2014      **Final action:** 6/26/2014

**Title:** To authorize the Director of the Department of Finance and Management to execute those documents as prepared and approved by the Real Estate Division, Department of Law, to quit claim grant nonexclusive, perpetual, subsurface easement rights to Columbia Gas of Ohio, Inc., an Ohio corporation, to install, control, construct, reconstruct, replace, operate, maintain, repair, and remove an underground natural gas pipeline and its appurtenances in, under, and burdening a portion of the City's real property located at 240 Parsons Avenue; and to declare an emergency. (\$0.00)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Ex-A

Date	Ver.	Action By	Action	Result
6/26/2014	1	CITY CLERK	Attest	
6/24/2014	1	MAYOR	Signed	
6/23/2014	1	COUNCIL PRESIDENT	Signed	
6/23/2014	1	Columbus City Council	Approved	Pass

### BACKGROUND:

Columbia Gas of Ohio, Inc., an Ohio corporation ("CGO"), is required to relocate its existing natural gas pipeline pursuant to the State of Ohio, Department of Transportation, I-70/71 Columbus Crossroads Project (the "I-70/71 Project"). CGO has easement rights from the City to relocate the existing natural gas pipeline under a portion of the City's real property located at 240 Parsons Avenue, Columbus, Ohio 43215, identified as Franklin County Tax Parcel 010-067006, which houses the offices of the City's Health Department. The Department of Finance and Management has reviewed the easement request and determined that it is in the City's best interest to quit claim grant CGO nonexclusive, perpetual, subsurface easement rights for the underground natural gas pipeline and associated appurtenances in, under, and burdening a portion of the City's real property for the benefit of the I-70/71 Project. The Department of Finance and Management has determined the value of the easement to be Ninety-five Thousand and 00/100 U.S. Dollars (\$95,000.00). This ordinance authorizes the Director of the Department of Finance and Management to execute those documents as prepared and approved by the Real Estate Division, Department of Law, to quit claim grant to CGO nonexclusive, perpetual, subsurface easement rights for an underground natural gas pipeline in, on, under, and burdening a portion of the City's real property at 240 Parsons Avenue.

**FISCAL IMPACT:** The City's receipt of the Ninety-five Thousand and 00/100 U.S. Dollars (\$95,000.00) from CGO in consideration for the easement will be deposited with the City's General Permanent Improvement Fund, Fund Number 748, Project 748999.

**EMERGENCY JUSTIFICATION:** Emergency action is requested so to not delay the construction of the Improvement or the State of Ohio, Department of Transportation I-70/71 Project, which preserves the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Finance and Management to execute those documents as prepared and approved by the Real Estate Division, Department of Law, to quit claim grant nonexclusive, perpetual, subsurface easement rights to Columbia Gas of Ohio, Inc., an Ohio corporation, to install, control, construct, reconstruct, replace, operate, maintain, repair, and remove an underground natural gas pipeline and its appurtenances in, under, and burdening a portion of the City's real property located at 240 Parsons Avenue; and to declare an emergency. (\$0.00)

**WHEREAS**, Columbia Gas of Ohio, Inc., an Ohio corporation ("CGO"), is required to relocate its existing natural gas pipeline pursuant to the State of Ohio, Department of Transportation, I-70/71 Columbus Crossroads Project;

**WHEREAS**, CGO has requested easement rights from the City to relocate a natural gas pipeline under a portion of the City's real property located at 240 Parsons Avenue, Columbus, Ohio 43215, identified as Franklin County Tax Parcel 010-067006; and

**WHEREAS**, the Department of Finance and Management has reviewed the easement request and determined that for the benefit of the I-70/71 Project, it is in the City's best interest to quit claim grant CGO nonexclusive, perpetual, subsurface easement rights to install, monitor, construct, reconstruct, replace, operate, maintain, repair, and remove an underground natural gas pipeline and associated appurtenances in, under, and burdening a portion of the City's real property located at 240 Parsons Avenue; and

**WHEREAS**, after investigation, the Department of Finance and Management has determined the value of the easement to be Ninety-five Thousand and 00/100 U.S. Dollars (\$95,000.00); and

**WHEREAS**, an emergency exists in the usual daily operations of the City, that it is immediately necessary to authorize Director of the Department of Finance and Management to execute those documents to quit claim grant to CGO easement rights so as not to delay construction, which will preserve the public health, peace, property, safety, and welfare; **now, therefore:**

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

**SECTION 1.** The Director of the Department of Finance and Management be and hereby is authorized to execute those documents as approved by the Real Estate Division, Department of Law, to quit claim grant to Columbia Gas of Ohio, Inc., an Ohio corporation ("CGO"), nonexclusive, perpetual, subsurface easement rights in, under, and burdening the following described tract of real property (the "Easement Area"):

**0.454 ACRE EASEMENT AREA**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 24, Section 15, Township 5, Range 22 of the Refugee Lands, being a strip of land on, over, and across the 12.164 acre tract conveyed to the City of Columbus by deed of record in Instrument Number 201212310201003, the "Reservation" as shown on "Geo. M. Parson's Subdivision" of record in Plat Book 3, Page 316, the "Reservation" as shown on "John Bryden's Subdivision" of record in Deed Book 21, Page 308 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

**BEGINNING** at the intersection of the easterly right-of-way line of Parsons Avenue (49 1/2 foot right-of-way width) as shown on the Town Plat of Columbus of record in Deed Book "F", Page 332 (destroyed by fire), replatted in Plat Book 3, Page 247 and Plat Book 14, Page 27 with the southerly right-of-way line of Bryden Alley (20 foot right-of-way width) as shown on Plat Book 3, Page 316, being the northwesterly corner of said 12.164 acre tract;

Thence **South 88° 24' 46" East**, with the northerly line of said 12.164 acre tract and said southerly right-of-way line, a distance of **690.30 feet**, to the intersection of said southerly right-of-way line with the westerly right-of-way line of Allen Avenue (right-of-way width unknown);

Thence **South 04° 07' 12" West**, with said westerly right-of-way line, a distance of **25.02 feet**, to a point;

Thence across said 12.164 acre tract, the following courses:

- **North 88° 24' 46" West**, a distance of **486.30 feet**, to a point;
- **South 84° 37' 41" West**, a distance of **206.10 feet**, to the easterly right-of-way line of Parsons Avenue and the westerly line of said 12.164 acre tract;

Thence **North 03° 31' 21" East**, with said easterly right-of-way line and said westerly line, a distance of **50.00 feet**, to the **POINT OF BEGINNING**, containing **0.454 acre**, more or less.

This legal description of the Easement Area is depicted on the attached map drawing, **Exhibit "A"**, which is fully incorporated into this ordinance for reference.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer, P.S. № 8485; 7/9/2013

**SECTION 2.** The City's grant of the easement is contingent upon the receipt of Ninety-five Thousand and 00/100 U.S. Dollars (\$95,000.00) from CGO, as consideration, to be deposited in the General Permanent Improvement Fund, Fund Number 748, Project 748999.

**SECTION 3.** 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 its passage if the Mayor neither approves nor vetoes the same.