



## Legislation Details (With Text)

**File #:** 0130-2014      **Version:** 2

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

**File created:** 1/9/2014      **In control:** Recreation & Parks Committee

**On agenda:** 2/3/2014      **Final action:** 2/6/2014

**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 perpetual, nonexclusive, electrical utility easement rights to the Ohio Power Company, an Ohio corporation, upon a portion of the City's real property located at 1190 Hard Road, Columbus, Ohio 43235 [Franklin County Tax Parcel 610-263644], and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ex-A (Legal Description), 2. Ex-B (Map Exhibition), 3. Ex-C (Deed)

Date	Ver.	Action By	Action	Result
2/6/2014	2	MAYOR	Signed	
2/6/2014	2	CITY CLERK	Attest	
2/3/2014	2	COUNCIL PRESIDENT	Signed	
2/3/2014	1	Columbus City Council	Amended as submitted to the Clerk	Pass
2/3/2014	1	Columbus City Council	Approved as Amended	Pass
1/27/2014	2	Columbus City Council	Read for the First Time	

**BACKGROUND :**

The City of Columbus, Ohio, an Ohio municipal corporation ("City"), owns real property located at 1190 Hard Road, Columbus, Ohio 43235 [Franklin County Tax Parcel 610-263644] ("Property"). The Columbus Recreation and Parks Department ("CRPD") desires to construct a maintenance zone facility at the Property. CRPD contracted with the Ohio Power Company, an Ohio corporation ("AEP"), to service electric utilities to the Property. AEP requires an easement from the City over portions of the Property in order to install, control, construct, reconstruct, replace, operate, maintain, repair, and remove the necessary electric utility infrastructure, specifically an above-ground pole, a pad-mounted transformer, aerial and underground electric cables, and their appurtenances (collectively, "Improvement"), needed to exclusively service electricity to the Property. CRPD reviewed and determined that the Easement Area requested by AEP for the Improvement will benefit the City and should be granted at no charge, because the Improvement exclusively services the City's Property. Therefore, this ordinance authorizes the Director of CRPD to execute those documents approved by the Columbus City Attorney, Real Estate Division, to quit claim grant perpetual, nonexclusive, electric utility easement rights to AEP in, on, over, under, through, and burdening a portion of the Property to exclusively service the Property.

**CONTRACT COMPLIANCE №:** Not applicable.

**FISCAL IMPACT :** Not Applicable.

**EMERGENCY JUSTIFICATION :** Emergency action is requested so to not delay the City's construction of the

maintenance zone facility at the Property, 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 perpetual, nonexclusive, electrical utility easement rights to the Ohio Power Company, an Ohio corporation, upon a portion of the City's real property located at 1190 Hard Road, Columbus, Ohio 43235 [Franklin County Tax Parcel 610-263644], **and to declare an emergency** . (\$0.00)

**WHEREAS** , the City owns real property located at 1190 Hard Road, Columbus, Ohio 43235 [Franklin County Tax Parcel 610-263644] ("Property");

**WHEREAS** , CRPD desires to construct a maintenance zone facility at the Property, and CRPD contracted with AEP to service electric utilities to the Property;

**WHEREAS** , AEP requires an easement from the City over a portion of the Property in order to install, control, construct, reconstruct, replace, operate, maintain, repair, and remove the necessary electric utility infrastructure, specifically an above-ground pole, a pad-mounted transformer, aerial and underground electric cables, and their appurtenances (collectively, "Improvement"), needed to exclusively service electricity to the Property;

**WHEREAS** , CRPD reviewed and determined that the Easement Area requested by AEP for the Improvement will benefit the City and should be granted at no charge, because the Improvement exclusively services the City's Property;

**WHEREAS** , an emergency exists in the usual daily operations of the City, because it is immediately necessary to authorize the Director of CRPD to execute those documents approved by the Columbus City Attorney, Real Estate Division, to quit claim grant perpetual, nonexclusive, electric utility easement rights to AEP in, on, over, under, through, and burdening a portion of the Property to exclusively service the City's Property, 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:**

**SECTION 1.** On behalf of the City of Columbus, Ohio, an Ohio municipal corporation ("City"), the Director of the Columbus Recreation and Parks Department is authorized to execute those documents approved by the Columbus City Attorney, Real Estate Division, to quit claim grant perpetual, nonexclusive, electrical utility easement rights to the Ohio Power Company, an Ohio corporation ("AEP"), in, on, over, under, through, and burdening the tract of real property ("Easement Area") surveyed in **Exhibit-A** and mapped in **Exhibit-B** , which each exhibit are fully incorporated for reference into this Ordinance.

**SECTION 2.** The City intends for the Easement Area granted to AEP to exclusively benefit the City's real property located at 1190 Hard Road, Columbus, Ohio 43235 [Franklin County Tax Parcel 610-263644; City's deed of ownership attached in **Exhibit-C** , which is fully incorporated for reference into this Ordinance].

**SECTION 3.** 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.