



Legislation Details (With Text)

File #: 0575-2008 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/24/2008 **In control:** Utilities Committee

On agenda: 4/21/2008 **Final action:** 4/23/2008

Title: To authorize the Director of the Department of Public Utilities to execute those documents necessary to grant a deed of easement to Rockies Express Pipeline LLC, a Delaware limited liability company, under and through that City owned real property located in Pickaway County in the vicinity of Walnut Creek Road, commonly known as the Lowell B. Rader farm, and to the extent they may be applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/23/2008	1	CITY CLERK	Attest	
4/22/2008	1	MAYOR	Signed	
4/21/2008	1	Columbus City Council	Approved	Pass
4/21/2008	1	COUNCIL PRESIDENT	Signed	
4/11/2008	1	Atty Drafter	Sent to Clerk's Office for Council	
4/9/2008	1	Atty Drafter	Sent for Approval	
4/9/2008	1	CITY ATTORNEY	Reviewed and Approved	
4/8/2008	1	Utilities Reviewer	Reviewed and Approved	
4/5/2008	1	UTILITIES DIRECTOR	Reviewed and Approved	
3/28/2008	1	UTILITIES DIRECTOR	Reviewed and Approved	
3/24/2008	1	Atty Drafter	Sent for Approval	

Background: Rockies Express Pipeline LLC, a Delaware limited liability company, desires to install, construct, reconstruct, operate, maintain a natural gas pipeline (the "improvement") underneath that City owned real property, commonly known as the Lowell B. Rader farm, which is located in Pickaway County the vicinity of Walnut Creek Road. Rockies Express Pipeline LLC has requested that the City grant them a Deed of Easement under and through the City's property. After investigation, it has been determined by the Department of Public Utilities that the granting of the easement will not adversely affect the City and should be allowed. The Real Estate Division, Department of Law has established \$2,520.00 as the value of the easement. The following ordinance authorizes the Director of the Department of Public Utilities to execute those documents necessary to grant a deed of easement to Rockies Express Pipeline LLC.

Fiscal Impact: The City shall receive \$2,520.00 as consideration for the granting of this easement, which shall be deposited into proper fund as determined by the City Auditor.

Emergency Justification: It is in the best interest of the City of Columbus to allow for the immediate installation of the natural gas

line as not to delay the resulting benefit to the City.

To authorize the Director of the Department of Public Utilities to execute those documents necessary to grant a deed of easement to Rockies Express Pipeline LLC, a Delaware limited liability company, under and through that City owned real property located in Pickaway County in the vicinity of Walnut Creek Road, commonly known as the Lowell B. Rader farm, and to the extent they may be applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised, and to declare an emergency.

WHEREAS, Rockies Express Pipeline LLC, a Delaware limited liability company, desires to install, construct, reconstruct, operate, and maintain a natural gas pipeline (the improvement") underneath that City owned real property, commonly known as the Lowell B. Rader farm which is located in Pickaway County the vicinity of Walnut Creek Road; and

WHEREAS, Rockies Express Pipeline LLC has requested that the City grant them a Deed of Easement under and through the City's property; and

WHEREAS, after investigation, it has been determined by the Department of Public Utilities that the granting of the easement will not adversely affect the City and should be allowed; and

WHEREAS, the Real Estate Division, Department of Law has established \$2,520.00 as the value of the easement; and

WHEREAS, the Department of Public Utilities, has no objection to the granting of said deed of easement, as it has been determined that its granting will not adversely affect the City; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the Director of the Department of Public Utilities, to execute those documents necessary to grant a perpetual easement to Rockies Express Pipeline LLC, a Delaware limited liability company for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

Section 1. That the Director of the Department of Public Utilities be and hereby is authorized to execute those documents, as prepared by the Real Estate Division, Department of Law, necessary to grant a certain perpetual easement to Rockies Express Pipeline LLC, a Delaware limited liability company for the following described real property, to-wit:

Situated in the State of Ohio, County of Pickaway, in the Township of Walnut, and being part of the Northeast Quarter of Section 23, Township 3, Range 22, and being part of a 90.75 acre tract owned by the City of Columbus, Ohio, as recorded in Deed Book 353, Page 688, Recorder's Office, Pickaway County, Ohio, and being more particularly described as follows:

Beginning for reference at the northeast corner of said Section 23; thence, along the north line of said section, N 85° 40' W, a distance of 2,771 feet, passing the grantor's northeast property corner at 2.754 feet, to a point on said section line;

Thence, leaving and perpendicular to said section line, S 04° 20' W, a distance of 2,018 feet to a point in the center of Walnut Creek, said point also being on said grantor's west property line and also being the True Point Of Beginning for the tract herein described;

Thence, leaving the center of Walnut Creek, S 77° 47' E, a distance of 477 feet, to a point on the west bank of the Ohio Canal;

Thence, along said west bank, S 10° 29' W, a distance of 50 feet, to a point;

Thence, leaving said west bank, N 77° 47' W, a distance of 493 feet, to a point in the center of Walnut Creek;

Thence, along the center of Walnut Creek, N 28° 21' E, a distance of 52 feet, to the True Point Of Beginning, containing 0.56 acres, more or less.

The bearings used herein are based on GPS observations.

Prior Instrument Reference: D.B. Vol. 353, Page 688,

Recorder's Office, Franklin County, Ohio

Section 2. That the City Auditor is hereby authorized and directed to deposit the Two Thousand Five Hundred Twenty Dollars (\$2,520.00), to be received by the City as consideration for the granting of the subject easement, in the appropriate City fund.

Section 3. That this Council has determined that it is in the best interest of the City of Columbus to waive and does hereby waive the requirements of Columbus City Codes (1959) Revised, Chapter 328 (*Land Review Commission*) and Section 329.29 (*competitive bidding*) to the extent that they may apply to this transaction with regards to this ordinance only.

Section 4. 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 passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.