



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Details (With Text)

File #: 1557-2011 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/15/2011 **In control:** Public Service & Transportation Committee

On agenda: 10/17/2011 **Final action:** 10/19/2011

Title: To authorize the Director of the Department of Public Service to execute those documents necessary to release unto Nationwide Mutual Insurance Company, an Ohio mutual insurance company, the City's easement rights granted by virtue of a recorded easement, O.R. Vol. 3772, Pg. 563, Recorder's Office, Franklin County, Ohio for so long as and provided that Nationwide grants the City a temporary construction easement, at no cost, in the event the walkway over High Street is to be removed, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/19/2011	1	ACTING CITY CLERK	Attest	
10/18/2011	1	MAYOR	Signed	
10/17/2011	1	COUNCIL PRESIDENT	Signed	
10/17/2011	1	Columbus City Council	Approved	Pass

Background: The City of Columbus, Ohio, ("City") holds title to an easement for an overhead pedestrian connector/walkway over High Street and Nationwide Boulevard, by virtue of recorded deed of easement O.R. Vol. 3772, Pg. 563, Recorder's Office, Franklin County, Ohio. Nationwide Mutual Insurance Company, an Ohio mutual insurance company, ("Nationwide") and the City entered into the Guaranteed Maximum Cost Reimbursement Agreement for the High Street Walkway & Sensenbrenner Park, dated January 17, 2008, as amended, which provides for the transfer of title to the overhead infrastructure. Nationwide has requested the foregoing deed of easement be released in exchange for the commitment and promise that Nationwide, or its successor, will grant the City any necessary temporary construction easement, at no cost, in the future in the event the walkway over High Street is to be removed. The Department of Public Service has determined that as long as a replacement easement, if needed, is granted to the City, at no cost, the release of the City held easement will not adversely affect the City and should be granted.

Fiscal Impact: N/A

Emergency Justification: This request has been thoroughly investigated and contemplated by the Department of Public Service and at this time emergency action is desired and requested to allow for the immediate release of the subject deed of easement as per the City's agreement with Nationwide.

To authorize the Director of the Department of Public Service to execute those documents necessary to release unto

NATIONWIDE MUTUAL INSURANCE COMPANY, an Ohio mutual insurance company, the City's easement rights granted by virtue of a recorded easement, O.R. Vol. 3772, Pg. 563, Recorder's Office, Franklin County, Ohio for so long as and provided that Nationwide grants the City a temporary construction easement, at no cost, in the event the walkway over High Street is to be removed, and to declare an emergency.

WHEREAS, the City of Columbus, Ohio, a municipal corporation, ("City") holds title to an easement for an overhead pedestrian connector/walkway by virtue of a recorded easement, O.R. Vol. 3772, Pg. 563, Recorder's Office, Franklin County, Ohio; and,

WHEREAS, Nationwide Mutual Insurance Company, an Ohio mutual insurance company, ("Nationwide") and the City entered into the Guaranteed Maximum Cost Reimbursement Agreement for the High Street Walkway & Sensenbrenner Park, by the City of Columbus and Nationwide Mutual Insurance Company, dated January 17, 2008, as amended, which provides for the transfer of title to the overhead infrastructure that serves as a pedestrian walkway over High Street and Nationwide Boulevard; and,

WHEREAS, Nationwide has requested the foregoing deed of easement be released in exchange for the commitment and promise that Nationwide will grant the City a temporary construction easement, at no cost, in the future in the event the walkway over High Street is to be removed; and

WHEREAS, the Department of Public Service has determined that as long as a replacement easement, if needed, is granted to the City, at no cost, the release of said deed of easement, O.R. Vol. 3772, Pg. 563, will not adversely affect the City;

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, that it is immediately necessary to authorize the Director of Public Service to execute those instruments as prepared by the Real Estate Division, Department of Law, necessary to release the aforementioned City owned easement rights 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 Public Service be, and hereby is authorized to execute those documents, prepared by the Department of Law, Real Estate Division, necessary to release unto NATIONWIDE MUTUAL INSURANCE COMPANY, an Ohio mutual insurance company, the easement rights granted in O.R. Vol. 3772, Pg. 563, for so long as and provided that Nationwide grants the City a temporary construction easement, at no cost, in the future in the event the walkway over High Street is to be removed:

Section 2. 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 its passage if the Mayor neither approves nor vetoes the same.