



## Legislation Details (With Text)

**File #:** 1625-2008      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/8/2008      **In control:** Public Service & Transportation Committee  
**On agenda:** 10/27/2008      **Final action:** 10/27/2008

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary to grant easements for a tunnel easement beneath Mound Street connecting the proposed new Halls of Justice Building to the existing courthouse and minor encroachment easements into the right of way abutting the new courthouse, and/or pavilion, 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:** Hearcel Craig, Maryellen O'Shaughnessy

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/27/2008	1	Columbus City Council	Approved	Pass
10/27/2008	1	COUNCIL PRESIDENT	Signed	
10/20/2008	1	SERVICE DIRECTOR	Reviewed and Approved	
10/20/2008	1	CITY ATTORNEY	Reviewed and Approved	
10/20/2008	1	Atty Drafter	Sent to Clerk's Office for Council	
10/17/2008	1	Service Reviewer	Reviewed and Approved	
10/8/2008	1	Atty Drafter	Sent for Approval	

**Background:** The Franklin County Commissioners (the "County") is engaged in the construction of a new county courthouse on the corner of South High Street and West Mound Street. The plans include the construction of a 50 foot wide tunnel, running underneath Mound Street that connects the existing courthouse to the proposed new "Hall of Justice". The County has requested that the City of Columbus (the "City") grant a tunnel easement necessary to the construction of the tunnel. After investigation, it has been determined by the Department of Public Service that the easement will not adversely affect the City and should be granted. The following legislation authorizes the Director of the Department of Public Services to execute those documents necessary to grant an easement to the County necessary for the construction of a 50' tunnel beneath Mound Street.

**Fiscal Impact:** The City will receive \$120,000.00, as consideration for the granting of this easement.

**Emergency Justification:** Emergency action is requested in the spirit of inter-governmental cooperation to allow this matter to proceed immediately as not to delay the construction of the tunnel and the subsequent benefit to the City from the existence of the new Halls of Justice Building.

To authorize the Director of the Department of Public Service to execute those documents necessary to grant easements for a tunnel easement beneath Mound Street connecting the proposed new Halls of Justice Building to the existing courthouse and minor encroachment easements into the right of way abutting the new courthouse, and/or pavilion, 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, the Board of Commissioners for Franklin County (the "County") is engaged in the construction of a new county courthouse on the northwest corner of South High Street and West Mound Street; and

WHEREAS, the plans include the construction of a 50 foot wide tunnel, running underneath Mound Street that connects the existing courthouse to the proposed new "Halls of Justice"; and

WHEREAS, the County has requested that the City of Columbus (the "City") grant a tunnel easement necessary to the construction of the tunnel; and

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

WHEREAS, the County has agreed to pay the City \$120,000 for the tunnel easement; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, that it is immediately necessary to authorize the Director of the Department of Public Service to execute a quitclaim deed of easement and any ancillary documents, as approved by the Department of Law, Real Estate Division, necessary to grant the Franklin County Commissioners a tunnel easement in connection with the construction of the new "Halls of Justice" Building and such minor encroachment easements for the new courthouse, and/or pavilion, 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 a quitclaim deed of easement and any ancillary documents, as approved by the Department of Law, Real Estate Division, necessary to grant the County a tunnel easement beneath the following describe real property, to wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a strip of land 50 feet in width across the dedicated right-of-way of Mound Street in the City of Columbus and being more particularly described as follows:

Begin for reference at the intersection of the northerly right-of-way line of Mound Street (82.5 feet in width) and the westerly right-of-way line of South High Street (100 feet in Width), being the southeast corner of Inlot 240 as numbered and delineated upon the record plat thereof being of record in Deed Book "F", Page 332 in said City;

Thence South 81°56'02" West, a distance of 152.17 feet, along the northerly right-of-way line of said Mound Street to a point, being the Point of True Beginning, for the herein described easement;

Thence South 21°20'25" East, a distance of 84.76 feet, across said Mound Street to a point on the southerly right-of-way line;

Thence South 81°56'02" West, a distance of 51.37 feet, along the southerly right-of-way line to a point;

Thence North 21°20'25" West, a distance of 84.76 feet across said Mound Street to a point on the northerly right-of-way line;

Thence North 81°56'02" East, a distance of 51.37 feet, along said northerly right-of-way line to the Point of True Beginning, containing 0.0973 acres (4238.23 square feet);

Section 2. That the Director of the Department of Public Service be and hereby is authorized to execute quitclaim deed of easements and any ancillary documents, as approved by the Department of Law, Real Estate Division, at no additional cost, as may be necessary for minor encroachments into the right of way abutting the new courthouse and/or pavilion.

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.