



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed  
**File created:** 3/9/2005      **In control:** Public Service & Transportation Committee  
**On agenda:** 3/28/2005      **Final action:** 3/31/2005  
**Title:** To authorize the Director of Public Service to execute an Easement and Maintenance Agreement with NWD Investments, LLC., and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/31/2005	1	CITY CLERK	Attest	
3/30/2005	1	MAYOR	Signed	
3/28/2005	1	Columbus City Council	Approved	Pass
3/28/2005	1	COUNCIL PRESIDENT	Signed	
3/14/2005	1	Atty Drafter	Sent to Clerk's Office for Council	
3/11/2005	1	SERVICE DIRECTOR	Reviewed and Approved	
3/11/2005	1	SERVICE DIRECTOR	Reviewed and Approved	
3/11/2005	1	CITY ATTORNEY	Reviewed and Approved	
3/9/2005	1	Atty Drafter	Sent for Approval	
3/9/2005	1	Atty Reviewer	Reviewed and Approved	
3/9/2005	1	Atty Drafter	Sent for Approval	
3/9/2005	1	Service Drafter	Sent for Approval	

**Background:** In 1998, the City and NWD Investments, LLC (hereafter "NWD") entered into a Capital Improvement Project Development and Reimbursement Agreement for the Nationwide Arena District which, among other matters, provided for the reimbursement or payment by the City to NWD for certain infrastructure improvements within the District. NWD has made certain improvements to the area north of the pedestrian bridge over the railroad tracks in the vicinity of former Ludlow Alley which for purposes of enhancing public access to the arena and the area the City desires to obtain a pedestrian easement and the dedication of public right of way for Columbus Convention Center Drive and for an expanded School Alley. NWD has also requested permission to place identifying and illuminated signs on the pedestrian bridge. This legislation will authorize the Director of Public Service to sign an Easement and Maintenance Agreement which details the various conveyances necessary for the City to obtain a pedestrian easement and the additional right of way and to grant NWD the necessary permission to place the identifying signs on the bridge.

**Fiscal Impact:** The cost of obtaining the pedestrian easement is covered by the Capital Improvement Project Development and Reimbursement Agreement for the Nationwide Arena District for which expenditure authority is provided by separate ordinance.

**Emergency Justification:** Immediate dedication of rights of way and the pedestrian easement are necessary to provide for safe public access.

To authorize the Director of Public Service to execute an Easement and Maintenance Agreement with NWD Investments, LLC., and to declare an emergency.

**WHEREAS**, the City entered into a Capital Improvement Project Development and Reimbursement Agreement for Nationwide Arena District previously authorized by Ordinance No. 2202-98 which provided in part for the reimbursement or payment by the City of certain infrastructure improvements within the District; and

**WHEREAS**, NWD Investments, LLC has undertaken certain improvements in the area north of the railroad tracks, south of Vine, east of Park and West of Kilbourne which the City desires to obtain title for purposes of enhancing public access to the area, including public pedestrian access through portions of the former Ludlow Alley north of the railroad tracks, the dedication of public right of way to be part of School Alley and Columbus Convention Center Drive; and

**WHEREAS**, the City has agreed to release a portion of a pedestrian access and use agreement which it reserved upon vacating a portion of Park Street and convey in fee simple a 0.084 acre to parcel at the Southwest corner of Vine Street and Park Street reserving an easement for utilities and traffic control devices; and

**WHEREAS**, NWD Investments, LLC, subject to necessary approvals of the Downtown Commission and/or the Graphics Commissions wishes to obtain permission to place identifying graphics on the City's pedestrian bridge over the railroad tracks at the former Ludlow Alley location and for permission to use portions of Columbus Convention Center Drive right of way for electric service lines to the graphics on the pedestrian bridge; and

**WHEREAS**, it is necessary to authorize the Director of Public Service to sign the Easement and Maintenance Agreement in substantially the form as on file with the City Clerk at the time of passage of this Ordinance, for the purpose of setting forth the details of the conveyances, obligations and responsibilities of the City and NWD Investments, LLC; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize in the Director of Public Service to execute than Easement and Maintenance Agreement thereby preserving the public, health, peace, property, safety and welfare; now therefore

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

**Section 1.** That the Director of Public Service is hereby authorized to execute the Easement and Maintenance Agreement in substantially the form as is on file with the City Clerk at the time of passage of this ordinance.

**Section 2.** That in the granting of permission for the placement of identifying graphics on the pedestrian bridge and electrical service lines in Columbus Convention Center Drive, it is hereby determined to be in the best interest of the City to waive the fee provisions of Section 910.07 of the Columbus City Codes, and such fees are hereby waived.

**Section 3.** That for the reasons state 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.