



City of Columbus

Office of City Clerk
90 West Broad Street
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Legislation Text

File #: 3119-2016, **Version:** 1

Background: It has been presented to the City, by Thomas Kessler and Danita Kessler, the owners of 5030 Woodhaven Drive, Galena, Ohio, being real property located adjacent to Hoover Reservoir, that a need exists to protect their property due to the presence of a vertical surface of highly erodible soil. Proposed erosion control measures have been presented by the Kesslers to the City and authorized by the U.S. Army Corps of Engineers, which would permit the removal of soils from the Kessler's property and provide for installation of erosion control measures adjacent to the City's real property. As a result of the proposed excavation on the Kessler's property, certain soil will need to be removed from the City's property to prevent the remaining vertical soils from eroding and entering Hoover Reservoir. The Department of Finance and Management, Recreation and Parks Department, and the Department of Public Utilities, have determined that the granting of certain temporary construction rights to allow the removal of certain remaining soils on City owned property will not adversely affect the City and should be allowed in exchange for the Kesslers and any abutting property owners executing Release and Satisfaction Agreements, therein releasing the City from any past or future liability associated with the operation of Hoover Reservoir, including but not limited to erosion and flooding.

Fiscal Impact: Not applicable.

Emergency Justification: Emergency action is requested to expedite the installation of prevention of erosion control measures to prevent the highly erodible soils in existence on property adjacent to Hoover Reservoir, from runoff into Hoover Reservoir. Such runoff results in the addition of sediments to the drinking water reservoir and will increase the turbidity of the water which has been shown to be potentially detrimental to wildlife, a cause for potential loss of water volume that may negatively impact the storage capacity of the reservoir, and can lead to a potential increase in the water treatment costs required to remove the turbidity from the drinking water supply.

To authorize the Director of the Department of Finance and Management, on behalf of the Department of Public Utilities, to execute a Release and Satisfaction Agreement with Thomas Kessler and Danita Kessler and any abutting property owners in order to limit erosion and flooding in the vicinity of 5030 Woodhaven Drive, Galena, Ohio; and to declare an emergency.

WHEREAS, it has been presented to the City, by Thomas Kessler and Danita Kessler, the owners of 5030 Woodhaven Drive, Galena, Ohio, being real property located adjacent to Hoover Reservoir, that a need exists to protect their property due to the presence of a vertical surface of highly erodible soil; and

WHEREAS, the proposed erosion control measures presented by the Kesslers to the City and authorized by the U.S. Army Corps of Engineers would permit the removal of soils from the Kessler's property and provide for installation of erosion control measures adjacent to the City's real property; and

WHEREAS, as result of the proposed excavation on the Kessler's property and possibly abutting property owners of the Kesslers, certain soil will need to be removed from the City's property to prevent the remaining vertical soils from eroding and entering Hoover Reservoir; and

WHEREAS, the Department of Finance and Management, Recreation and Parks Department and the Department of Public Utilities, have determined that the granting of certain temporary construction rights to allow the removal of the remaining soils on City owned property will not adversely affect the City and should be allowed in exchange for Release

and Satisfaction Agreements, releasing the City from any past or future liability associated with the operation of Hoover Reservoir, including but not limited to erosion and flooding; and

WHEREAS, an emergency exists in the usual daily operations of the City in that it is immediately necessary to authorize the Director of Finance and Management to enter into a Release and Satisfaction Agreement in order to protect drinking water and the Hoover Reservoir, thereby preserving the public peace, property, health, welfare, and safety; now, therefore,

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

SECTION 1. That the Director of the Department of Finance and Management be and hereby is authorized, on behalf of the Department of Public Utilities, to execute those documents, prepared by the City Attorney's Office, Department of Law, Real Estate Division, necessary to enter into Release and Satisfaction Agreements with Thomas Kessler and Danita Kessler and their abutting property owners.

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is 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 passage if the Mayor neither approves nor vetoes the same.