



## Legislation Text

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**File #:** 0135-2016, **Version:** 1

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**BACKGROUND:** The City owns real property located in the vicinity of Refugee Road and Blacklick Creek, Columbus, Ohio 43110 {Franklin County Tax Parcel 530-193324} (“Burdened Property”), which is managed by the Recreation and Parks Department (CRPD). Fischer Development Company, a Kentucky corporation (“Fischer”), is developing real property adjacent to the Burdened Property located in the vicinity of Long Road, Columbus, Ohio 43110 {Franklin County Tax Parcels 530-266200, 530-261302 & 530-267637} (“Benefitted Property”). The Benefitted Property is owned by Abbie Trails Investment, LLC, an Ohio limited liability company, and Fischer is developing the Benefitted Property into “The Village at Abbie Trails Section 4, 5 & 6” development (“Development”).

Fischer is required to construct and temporarily maintain certain new sewer utility facilities and associated appurtenances pursuant to the Department of Public Utilities’ (DPU) sewer plans CC-16895 (“Improvement”). Fischer already secured certain sewer easement rights on behalf of the City described and recorded in Instrument Number 201510020139822, Recorder’s Office, Franklin County, Ohio, in order to construct a portion of the Improvement. Fischer now requests a one (1) year temporary construction easement (“Temporary Construction Easement”) and a temporary sewer utility easement (“Temporary Sewer Easement”) to temporarily burden portions of the Burdened Property in order to temporarily construct and maintain portions of the Improvement for the Development. DPU will assume maintenance responsibilities of the Improvement five (5) to ten (10) years after commencement of the Improvement’s construction at the completion of the Improvement’s construction inspection period.

CRPD reviewed and supports granting Fischer the Temporary Construction Easement to temporarily burden a portion of the Burdened Property in consideration of monetary compensation from Fischer in the amount of Nine Hundred-fourteen and 60/100 U.S. Dollars (\$914.60). CRPD reviewed and supports granting Fischer the Temporary Sewer Easement to temporarily burden a portion of the Burdened Property in consideration of monetary compensation from Fischer in the amount of Nine Thousand, Nine Hundred-fourteen, and 00/100 U.S. Dollars (\$9,914.00). Furthermore, CRPD reviewed and supports granting Fischer the Temporary Construction Easement and Temporary Sewer Easement in consideration that Fischer will appropriately restore the Burdened Property.

### **CONTRACT COMPLIANCE:**

Not applicable.

### **FISCAL IMPACT:**

Not applicable.

### **EMERGENCY JUSTIFICATION:**

Emergency action is requested so to not hinder Fischer’s timely completion of the Development, which will preserve the public peace, health, property, safety, and welfare.

To authorize the director of the Recreation and Parks Department to execute and acknowledge all instrument(s), as approved by the City Attorney, necessary to quit claim grant to the Fischer Development Company, a Kentucky corporation, temporary construction and sewer utility easements to construct and maintain certain sewer facilities and associated appurtenances burdening the City’s real property in the vicinity of Refugee Road and Blacklick Creek,

Columbus, Ohio 43110, in consideration of total payment in the amount of \$10,828.60 U.S. Dollars; and to declare an emergency. (\$0.00)

**WHEREAS**, the City intends to support the Fischer Development Company, a Kentucky corporation (*i.e.* Fischer), in establishing “The Village at Abbie Trails Section 4, 5 & 6” development (*i.e.* Development);

**WHEREAS**, the City intends to support the Development by quit claim granting Fischer a one (1) year temporary construction easement (*i.e.* Temporary Construction Easement) in order to construct new sewer facilities and associated appurtenances consistent with the Department of Public Utilities’ (DPU) sewer plans CC-16895 (*i.e.* Improvement) to burden a portion of the City’s real property located in the vicinity of Refugee Road and Blacklick Creek, Columbus, Ohio 43110 {Franklin County Tax Parcel 530-193324} (*i.e.* Burdened Property);

**WHEREAS**, the City intends to support the Development by quit claim granting Fischer a temporary sewer utility easement (*i.e.* Temporary Sewer Easement) in order to maintain the Improvement until DPU accepts maintenance responsibilities of the Improvement five (5) to ten (10) years after the Improvement’s construction and at the completion of the Improvement’s construction inspection period;

**WHEREAS**, the City intends to quit claim grant to Fischer the Temporary Construction Easement and Temporary Sewer Easement in consideration of total monetary compensation from Fischer in the amount of Ten Thousand, Eight Hundred Twenty-eight, and 60/100 U.S. Dollars (\$10,828.60);

**WHEREAS**, the City intends to quit claim grant to Fischer the Temporary Construction Easement and Temporary Sewer Easement in consideration that Fischer will appropriately restore the Burdened Property;

**WHEREAS**, the City intends for the City Attorney to preapprove all instrument(s) executed by City personnel pursuant to authority granted by this ordinance; and

**WHEREAS**, an emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to quit claim grant the Temporary Construction Easement and Temporary Utility Easement in order for Fischer to timely complete the Development, which will preserve the public peace, property, health, welfare, and safety; and **now, therefore**

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

**SECTION 1.** The director of the Recreation and Parks Department (CRPD) is authorized to execute and acknowledge any instrument(s) necessary to quit claim grant to the Fischer Development Company, a Kentucky corporation (*i.e.* Fischer), and Fischer’s successors and assigns, a temporary easement on, under, through, and burdening the 0.269 acre, more or less, tract of easement area and portion of the City’s real property located in the vicinity of Refugee Road and Blacklick Creek, Columbus, Ohio 43110 {Franklin County Tax Parcel 530-193324} (*i.e.* Burdened Property) described in the one (1) page attachment, Exhibit-A, and depicted in the one (1) page attachment, Exhibit-C, which are fully incorporated for reference as if rewritten, in order for Fischer to temporarily maintain new sewer facilities and associated appurtenances (*i.e.* Improvement) for the benefit of Fischer’s development located in the vicinity of Long Road, Columbus, Ohio 43110 {Franklin County Tax Parcels 530-266200, 530-261302 & 530-267637} (*i.e.* Benefitted Property).

**SECTION 2.** The granting of the easement rights to Fischer described in Section One (1) of this ordinance are required to expire and terminate upon the earlier occurrence of the following: (i) the Department of Public Utilities’ (DPU) written acceptance of assuming the Improvement’s maintenance responsibilities; or (ii) June 30, 2026.

**SECTION 3.** The director of CRPD is authorized to execute and acknowledge any instrument(s) necessary to quit claim grant to Fischer and Fischer’s successors and assigns a one (1) year temporary easement on, under, through, and

burdening the 0.538 acre, more or less, tract of easement area and portion of the Burdened Property described in the one (1) page attachment, Exhibit-B, and depicted in the one (1) page attachment, Exhibit-C, which are fully incorporated for reference as if rewritten, in order for Fischer to construct the Improvement for the benefit of Fischer's development located at the Benefitted Property.

**SECTION 4.** The granting of the easement rights to Fischer described in Section Three (3) of this ordinance are required to expire and terminate upon the earlier occurrence of the following: (i) Fischer's completion of the Improvement's construction; or (ii) June 30, 2017.

**SECTION 5.** The granting of the easement rights to Fischer described in Sections One (1) and Three (3) of this ordinance are contingent upon (i) the City's receipt of consideration in the form of monetary compensation of Ten Thousand, Eight Hundred Twenty-eight, and 60/100 U.S. Dollars (\$10,828.60) from AEP, which will be deposited with CRPD's Waterway Nature Preserve Fund is 065664-0833-223062, and (ii) Fischer's appropriate restoration of the Burdened Property.

**SECTION 6.** The City Attorney is required to preapprove all instrument(s) executed by the director of CRPD pursuant to Sections One (1) and Three (3) of this ordinance.

**SECTION 7.** For the reasons stated in the preamble of this ordinance, which are made a part of this ordinance and fully incorporated as if rewritten, this ordinance is declared an emergency measure and shall take effect and be in force from and after this ordinance's passage and approval by the Mayor, or ten (10) days after this ordinance's passage if the Mayor neither approves nor veto.