



Legislation Text

File #: 1221-2024, **Version:** 1

BACKGROUND: The City owns real property located at 4850 West Powell Road, Powell, Ohio 43065 {Delaware County Tax Parcel 319-331-01-003-000} (“Property”), commonly known as the Columbus Zoo and Aquarium (“Zoo”), which is managed by the Department of Finance and Management (“Finance”) and leased to the Zoo. The Zoo is currently engaged in upgrading some exhibits and infrastructure including the construction of a new bird holding building and upgrades to the water service infrastructure. In order to accommodate the construction of the bird holding building, a portion of an existing easement granted to Columbia Gas of Ohio, Inc., an Ohio corporation, (“Columbia”) will need to be relocated. Columbia is requesting that the existing easement recorded in Deed Book 581, Page 161, Recorder’s Office, Delaware County, Ohio be amended to add an approximate 0.032 acre strip of land adjacent to the existing easement to allow for the gas line to be relocated. In exchange for the new easement area Columbia has agreed to release a similar portion of their existing easement to allow for the construction of the new bird holding building.

Additionally, as part of the Zoo’s infrastructure improvement for their water lines, Del-Co Water Company, Inc (“Del-Co”) is requesting an approximate 0.045 acre easement for the installation of new water infrastructure. Finance reviewed the requests and supports amending Columbia’s existing easement and granting the easement to Del-Co at no cost in consideration that (i) the Columbia easement amendment is being requested by the Zoo to support new construction, (ii) the Del-co easement supports water services to the Property, and (iii), the easements will be nonexclusive.

CONTRACT COMPLIANCE: Not applicable.

FISCAL IMPACT: Not applicable.

EMERGENCY JUSTIFICATION: Emergency action is requested in order to allow for the timely granting of the easements. The Zoo recently became aware of the need for the easement amendment for Columbia and the Del-Co easement and their project is currently on hold awaiting the granting of these easements. The timely granting of these easements will allow for the completion of the new construction and water infrastructure upgrades and avoid any further delays in construction which will preserve the public peace, health, property, safety and welfare.

To authorize the Director of the Department of Finance and Management to execute and acknowledge any document(s), as approved by the City Attorney, necessary to grant Columbia Gas of Ohio, Inc an amendment to their existing easement and Del-Co Water Company, Inc a new easement burdening a portion of the City’s real property located at 4850 West Powell Road, Powell, Ohio 43065; and to declare an emergency. (\$0.00)

WHEREAS, the Columbus Zoo and Aquarium (“Zoo”), is currently engaged in upgrading some exhibits and infrastructure including the construction of a new bird holding building and upgrades to its water infrastructure; and

WHEREAS, in order to accommodate the new construction, a portion of an existing easement granted to Columbia Gas of Ohio, Inc. (“Columbia”) will need to be relocated and Columbia is requesting that the existing easement recorded in Deed Book 581, Page 161, Recorder’s Office, Delaware County, Ohio be amended to add an approximate 0.032 acre strip of land adjacent to the existing easement (“Amendment”) to allow for the gas line to be relocated; and

WHEREAS, in exchange for the new easement area, Columbia has agreed to release a similar portion of their existing

easement to allow for the construction of the new bird holding building; and

WHEREAS, the Zoo is currently upgrading their water infrastructure and as part of that improvement, Del-Co Water Company, Inc (“Del-Co”) is requesting an approximate 0.045 acre easement (“Easement”) for the installation of new water infrastructure; and

WHEREAS, the Department of Finance and Management (“Finance”) reviewed the requests and supports amending Columbia’s existing easement and granting the new easement to Del-Co at no cost in consideration that (i) the Amendment is being requested by the Zoo to support new construction, (ii) the Easement supports water services to the Property, and (iii), the easements will be nonexclusive; and

WHEREAS, the City intends to grant the Amendment and Easement burdening a portion of City property located at 4850 West Powell Road, Powell, Ohio 43065 (“Property”), in order to allow for the construction of a new bird holding building and an upgrade of the water service to the Property; and

WHEREAS, the City intends for the Director of the Department of Finance and Management to execute and acknowledge any document(s) necessary to quitclaim grant the Amendment and Easement; and

WHEREAS, the City intends for the City Attorney to approve all document(s) associated with this ordinance; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Finance & Management in that it is immediately necessary to grant these easements in order to prevent unnecessary delay in completing the project, which will preserve the public peace, property, health, welfare, and safety; **now, therefore:**

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

SECTION 1. That the Director of the Department of Finance and Management (“Finance”) be, and hereby is, authorized to execute and acknowledge any document(s) necessary to allow for the amendment of the existing easement granted to Columbia Gas of Ohio, Inc., and recorded in Deed Book 581, Page 161, Recorder’s Office, Delaware County, Ohio to add an approximate 0.032 acre strip of land adjacent to the existing easement and to release a portion of the existing easement at no cost. The Amendment will burden a portion of the City’s real property located at 4850 West Powell Road, Powell, Ohio 43065 and allow for the construction of a new bird holding building. The amended easement is generally described and depicted in the two (2) page attachment, Exhibit A, which is fully incorporated for reference as if rewritten.

SECTION 2. That the Director of Finance be, and hereby is, authorized to execute and acknowledge any document(s) necessary to allow for the quitclaim granting of an approximate 0.045 acre easement to Del-Co Water Company, Inc. at no cost. The easement will burden a portion of the City’s real property located at 4850 West Powell Road, Powell, Ohio 43065 and allow for the installation of water infrastructure as part of the Zoo’s water infrastructure improvement project. The easement is generally described and depicted in the two (2) page attachment, Exhibit B, which is fully incorporated for reference as if rewritten.

SECTION 3. That the City Attorney is required to preapprove all document(s) executed by the City pursuant to this ordinance.

SECTION 4. That this ordinance, for the reasons stated in the preamble, which are made a part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance’s adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.