



Legislation Details (With Text)

File #: 0942-2008 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/29/2008 **In control:** Judiciary And Court Administration Committee

On agenda: 6/16/2008 **Final action:** 6/18/2008

Title: To authorize the Director of the Department of Finance and Management to execute those documents necessary to grant an utility easement, at the request of The Columbus Southern Power Company, on that City owned real property commonly known as 549 Franklin Avenue, Columbus, Ohio in order to provide electrical service to a performing arts center; to the extent they may be applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/18/2008	1	CITY CLERK	Attest	
6/17/2008	1	ACTING MAYOR	Signed	
6/16/2008	1	Columbus City Council	Approved	Pass
6/16/2008	1	COUNCIL PRESIDENT	Signed	
6/4/2008	1	Utilities Reviewer	Reviewed and Approved	
6/4/2008	1	Atty Drafter	Sent for Approval	
6/4/2008	1	CITY ATTORNEY	Reviewed and Approved	
6/4/2008	1	Atty Drafter	Sent to Clerk's Office for Council	
6/3/2008	1	Atty Reviewer	Reviewed and Approved	
6/3/2008	1	Atty Drafter	Sent for Approval	
6/3/2008	1	Utilities Reviewer	Sent for Approval	
6/3/2008	1	UTILITIES DIRECTOR	Reviewed and Approved	
5/30/2008	1	Atty Drafter	Sent for Approval	

Background: The City of Columbus is the owner of certain real property commonly known as 549 Franklin Avenue, Columbus, Ohio. The Columbus Southern Power Company desires an easement on the City's property in order to provide electrical service to the facility. After investigation, the Department of Finance and Management has determined that the granting of the easement will not adversely affect the City and the resulting improvement will be for the sole benefit of the City and therefore should be granted at no charge. The following legislation authorizes the Director of the Department of Finance and Management to execute those instruments necessary to grant an utility easement on that City owned real property, more fully described within the body of this ordinance.

Fiscal Impact: N/A

Emergency Justification: This request has been thoroughly investigated and contemplated by the Department of Finance and Management and emergency action is requested as not to delay the granting of the easement and the subsequent benefit of electrical

service to the City.

To authorize the Director of the Department of Finance and Management to execute those documents necessary to grant an utility easement, at the request of The Columbus Southern Power Company, on that City owned real property commonly known as 549 Franklin Avenue, Columbus, Ohio in order to provide electrical service to a performing arts center; to the extent they may be applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes, and to declare an emergency.

WHEREAS, The City of Columbus is the owner of certain real property located a 549 Franklin Avenue, Columbus, Ohio, commonly known as a performing arts center; and

WHEREAS, the Columbus Southern Power Company desires an easement in and to the City's property in order to provide electrical service to the facility; and

WHEREAS, after investigation, the Department of Finance and Management has determined that the granting of the easement will not adversely affect the City and the resulting improvement will be for the sole benefit of the City and therefore should be granted at no charge; 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 Finance and Management to execute those documents necessary to grant an utility easement in and to that City owned real property, located at 549, Franklin Avenue, Columbus, Ohio 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 Finance and Management, be and hereby is authorized to execute those documents as approved and/or prepared by the Department of Law, Real Estate Division necessary to grant the following described utility easement on the following described real property, to wit:

Electric Utility Easement

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Outlot fifty-two (52) as designated on the recorded plat of the town, now the City of Columbus, Franklin County, Ohio, as recorded in Deed Book F, page 332, and being part of Parcels 2 and 3 of those lands conveyed to the City of Columbus, Ohio, as recorded in Official Record 28028-D19, all references contained herein are to Franklin County Recorder's records, Franklin County, Ohio and being more particularly described as follows:

Beginning for a point of reference at the southwesterly corner of said City of Columbus, Ohio lands, said point also being the southeasterly corner of a tract of land conveyed to Motorist Mutual Insurance Company, as recorded in Instrument 200112140292198 and being in the northerly line of a twenty (20) foot alley;

Thence N 90° 00' 00" E, 82.92 feet running with the southerly line of said City of Columbus, Ohio lands and the northerly line of said twenty (20) foot alley to a point, said point being the **TRUE POINT OF BEGINNING** of the herein described easement:

Thence, running within said City of Columbus, Ohio lands the following five (5) consecutive courses:

- 1) N 00° 00' 00" E, 32.24 feet to a point;
- 2) S 89° 49' 32" E, 9.96 feet to a point;
- 3) N 00° 10' 28" E, 23.09 feet to a point;
- 4) S 89° 49' 32" E, 18.02 feet to a point;
- 5) S 00° 00' 00" W, 55.24 feet to a point in the southerly line of said City of Columbus, Ohio lands and the northerly line of said twenty (20) foot alley;

Thence, N 90° 00' 00" W, 28.06 feet running with the southerly line of said City of Columbus, Ohio lands and the northerly line of said twenty (20) foot alley to the **TRUE POINT OF BEGINNING** and **containing 0.0303 acres** of land, more or less.

Bearings are based on an assumed bearing of N 90° 00' 00" E for the southerly line of said City of Columbus, Ohio lands.

Prepared by Central Surveying Co. LTD, Reynoldsburg, Ohio-2007-0905

Prior Instrument Reference:	D.B. Vol. 28028, Page D19 Recorder's Office, Franklin County, Ohio.
Franklin County Tax Parcel Number:	010-046341

Section 2. 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 3. 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.