



## Legislation Details (With Text)

**File #:** 2248-2014      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 9/25/2014      **In control:** Public Safety & Judiciary Committee

**On agenda:** 10/20/2014      **Final action:** 10/22/2014

**Title:** To authorize the Director of the Department of Finance and Management to execute the instrument(s), as approved by the City Attorney, necessary to quit claim grant an easement to the Ohio Edison Company, in consideration of Ten Thousand and 00/100 U.S. Dollars (\$10,000.00), located at the Scioto River O'Shaughnessy Reservoir Lands in order to maintain existing electric distribution facilities; and to declare an emergency. (\$0.00)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Exhibit-A

Date	Ver.	Action By	Action	Result
10/22/2014	1	CITY CLERK	Attest	
10/21/2014	1	MAYOR	Signed	
10/20/2014	1	COUNCIL PRESIDENT	Signed	
10/20/2014	1	Columbus City Council	Approved	Pass

### BACKGROUND:

The City manages the Scioto River O'Shaughnessy Reservoir Lands at Delaware County Tax Parcel 600-423-01-009-000, which is also in the vicinity of Dublin Road, Harriott Road, and Glick Road, Powell, Ohio 43065 (the "Reservoir Lands"). The Ohio Edison Company, an Ohio corporation ("OEC"), desires to maintain existing electric distribution facilities (the "Improvement") located at three (3) separate tracts of real property of the Reservoir Lands. However, no recorded or unrecorded documentation can be found by either the City or OEC authorizing the placement of the Improvement within the vicinity of the Improvement's existing location at the Reservoir Lands. As a result, OEC requests an easement from the City in order for OEC to appropriately maintain and manage the Improvement now and into the future.

The departments of Recreation and Parks, Public Utilities, and Finance and Management reviewed OEC's easement request and support granting this easement for consideration in the amount of Ten Thousand and 00/100 U.S. Dollars (\$10,000.00) from OEC. Accordingly, in consideration of a Ten Thousand and 00/100 U.S. Dollars (\$10,000.00) from OEC, this ordinance authorizes the Director of the Department of Finance and Management to execute the instrument(s), as approved by the City Attorney, necessary to quit claim grant to OEC and OEC's successors and assigns a perpetual, nonexclusive easement in, on, over, across, upon, through, and burdening three (3) separate tracts of real property of the Reservoir Lands (collectively, the "Easement Area"), for so long as OEC only uses Easement Area to install, inspect, control, construct, reconstruct, replace, operate, maintain, repair, and remove aerial electric lines, cables, wires, meters, transformers, conduits, poles, and associated appurtenances for the distribution and service of electrical current, energy, communication, and impulses (*i.e.* Improvement).

**FISCAL IMPACT:** The City's receipt of the Ten Thousand and 00/100 U.S. Dollars (\$10,000.00) consideration from OEC may be deposited in the General Permanent Improvement Fund, Fund Number 748, or any other City fund deemed

appropriate by the Director of the Department of Finance and Management.

**EMERGENCY JUSTIFICATION:** Emergency action is requested so to not delay OEC's maintenance of the Improvement, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Finance and Management to execute the instrument(s), as approved by the City Attorney, necessary to quit claim grant an easement to the Ohio Edison Company, in consideration of Ten Thousand and 00/100 U.S. Dollars (\$10,000.00), located at the Scioto River O'Shaughnessy Reservoir Lands in order to maintain existing electric distribution facilities; and to declare an emergency. (\$0.00)

**WHEREAS**, it is in the City's best interest to authorize the Director of the Department of Finance and Management to execute the instrument(s) necessary to quit claim grant to the Ohio Edison Company, an Ohio corporation (*i.e.* OEC), a perpetual, nonexclusive easement in, on, over, across, upon, through, and burdening three (3) separate tracts of real property (*i.e.* Easement Area) of the Scioto River O'Shaughnessy Reservoir Lands at Delaware County, (*i.e.* Reservoir Lands), to install, inspect, control, construct, reconstruct, replace, operate, maintain, repair, and remove aerial electric lines, cables, wires, meters, transformers, conduits, poles, and associated appurtenances for the distribution and service of electrical current, energy, communication, and impulses (*i.e.* Improvement);

**WHEREAS**, it is in the City's best interest to grant the Easement Area to OEC in consideration of Ten Thousand and 00/100 U.S. Dollars (\$10,000.00) from OEC;

**WHEREAS**, it is in the City's best interest for the City Attorney to approve all instrument(s) associated with granting the Easement Area to OEC; and

**WHEREAS**, an emergency exists in the usual daily operation of the City in that it is immediately necessary to grant the Easement Area to prevent delay in maintaining the Improvement, 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 Department of Finance and Management is hereby authorized to execute the instrument(s) necessary to quit claim grant to the Ohio Edison Company, an Ohio corporation (*i.e.* OEC), and its successors and assigns a perpetual, nonexclusive easement in, on, over, across, upon, through, and burdening the three (3) separate tracts of real property described and depicted in the attachment, **Exhibit-A**, which is fully incorporated into this ordinance for reference (*i.e.* Easement Area), for so long as OEC only uses the Easement Area to install, inspect, control, construct, reconstruct, replace, operate, maintain, repair, and remove aerial electric lines, cables, wires, meters, transformers, conduits, poles, and associated appurtenances for the distribution and service of electrical current, energy, communication, and impulses (*i.e.* Improvement).

**SECTION 2.** The City Attorney shall approve all instrument(s) necessary to grant the Easement Area to OEC.

**SECTION 3.** The granting of the Easement Area is contingent upon the receipt of consideration in the amount of Ten Thousand and 00/100 U.S. Dollars (\$10,000.00) from OEC, which may be deposited in the General Permanent Improvement Fund, Fund Number 748, or any other City fund deemed appropriate by the Director of the Department of Finance and Management.

**SECTION 4.** For the reasons stated in the preamble of this ordinance, which are made a part of this ordinance, 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 (10) days after its passage if the Mayor neither approves nor vetoes this ordinance.