



Legislation Details (With Text)

File #: 2439-2016 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/21/2016 **In control:** Recreation & Parks Committee

On agenda: 10/17/2016 **Final action:** 10/20/2016

Title: To authorize the director of the Recreation and Parks Department to execute and acknowledge any documents, as approved by the City Attorney and in consideration of \$12,422.00, necessary to grant to the Ohio Power Company d.b.a. AEP an electric utility easement to burden portions of the City's real estate located in the vicinity of Interstate 270 and Hayden Run Road, Columbus, Ohio 43221; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ex-A; Ord 2439-2016; 9.21.2016

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|----------|--------|
| 10/20/2016 | 1 | MAYOR | Signed | |
| 10/17/2016 | 1 | COUNCIL PRESIDENT | Signed | |
| 10/17/2016 | 1 | Columbus City Council | Approved | Pass |

BACKGROUND:

The City owns real property located vicinity of Interstate 270 and Hayden Run Road, Columbus, Ohio 43221 {Franklin County Tax Parcel(s) 010-264260} ("Property" via Instrument Numbers 200211210297907, Recorder's Office, Franklin County, Ohio), and possesses title to a conservation easement located adjacent to the Property at 5451 Edwards Farms Road, Columbus, Ohio 43221 {Franklin County Tax Parcel(s) 010-258995} ("Conservation Easement Area" via Instrument Numbers 201409120120969, Recorder's Office, Franklin County, Ohio). The Property and Conservation Easement Area are both managed by the Recreation and Parks Department (CRPD).

The Ohio Power Company, an Ohio corporation doing business as American Electric Power ("AEP"), has electric utility facilities located in the public right-of-way adjacent to the Property and Conservation Easement Area. The Ohio Department of Transportation (ODOT) is improving the public right-of-way of Interstate 270, which requires AEP to relocate its electric utility facilities onto certain portions of the Property and Conservation Easement Area. Accordingly, AEP requests aerial electric utility easement rights to burden a portion of the Property in order to install certain aerial electric facilities and associated appurtenances for the distribution, delivery, and service of electrical energy and impulses ("Easement").

CRPD reviewed and supports granting AEP the Easement in consideration that (i) the Easement supports electricity services in the vicinity of the Property and Conservation Easement Area, (ii) granting the Easement will foster intergovernmental cooperation for ODOT to improve the public right-of-way of Interstate 270, (iii) AEP will appropriately restore the areas affected by the Easement to the written satisfaction of CRPD, and (iv) AEP is monetarily compensating the City Twelve Thousand, Four Hundred Twenty-two, and 00/100 U.S. Dollars (\$12,422.00) for granting the Easement.

CONTRACT COMPLIANCE:

Not applicable.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency action is requested so as to not hinder ODOT's improvement of the public right-of-way of Interstate 270, 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 any documents, as approved by the City Attorney and in consideration of \$12,422.00, necessary to grant to the Ohio Power Company d.b.a. AEP an electric utility easement to burden portions of the City's real estate located in the vicinity of Interstate 270 and Hayden Run Road, Columbus, Ohio 43221; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to support electric services in the vicinity of its real estate located at Interstate 270 and Hayden Run Road, Columbus, Ohio 43221 {Franklin County Tax Parcel(s) 010-264260 & 010-258995} (*i.e.* Property & Conservation Easement Area);

WHEREAS, the City intends to support ODOT's improvement of the public right-of-way of Interstate 270 by granting AEP an aerial utility easement to relocate its electric utility facilities onto certain portions of the Property and Conservation Easement Area (*i.e.* Easement);

WHEREAS, the City intends to grant AEP the Easement in consideration that AEP will appropriately restore the areas affected by the Easement to the written satisfaction of CRPD;

WHEREAS, the City intends to grant AEP the Easement in consideration of monetary compensation from AEP in the amount of Twelve Thousand, Four Hundred Twenty-two, and 00/100 U.S. Dollars (\$12,422.00);

WHEREAS, the City intends for the director of the Recreation and Parks Department (*i.e.* CRPD) to execute and acknowledge any documents necessary to quit claim grant the Easement to AEP;

WHEREAS, the City intends for the City Attorney to preapprove of all documents executed by City personnel pursuant to authority granted by this ordinance;

WHEREAS, an emergency exists in the City's usual daily operations because it is immediately necessary to authorize the granting of the Easement to AEP in order for ODOT to timely and efficiently complete its improvement of the public right-of-way of Interstate 270 without unnecessary delay, 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 documents necessary to quit claim grant to the Ohio Power Company, an Ohio corporation doing business as AEP (*i.e.* AEP), and AEP's successors and assigns an aerial electric utility easement and associated temporary construction rights to burden the 0.190 acre tract and 0.067 acre tract and portions of the City's real estate located in the vicinity of Interstate 270 and Hayden Run Road, Columbus, Ohio 43221 {Franklin County Tax Parcel(s) 010-264260 & 010-258995} (*i.e.* Property & Conservation Easement Area) described and depicted in the one (1) page attachment, Exhibit-A, which is fully incorporated for reference as if rewritten, in order for AEP to install certain electric facilities and associated

appurtenances for the transmission, distribution, delivery, and service of electrical energy and impulses (*i.e.* Easement).

SECTION 2. The granting of the Easement to AEP is contingent upon the City's receipt of consideration in the form of monetary compensation of Twelve Thousand, Four Hundred Twenty-two, and 00/100 U.S. Dollars (\$12,422.00), which will be deposited with CRPD's Permanent Improvement Fund 7747.

SECTION 3. The granting of the Easement to AEP is also contingent upon AEP appropriately restoring the portions of the Property and Conservation Easement Area affected by the Easement to the written satisfaction of CRPD.

SECTION 4. The City Attorney is required to preapprove all documents executed by the City pursuant to this ordinance.

SECTION 5. This ordinance, for the reasons stated in the preamble, which are made a part of this ordinance and fully incorporated as if rewritten, 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 vetoes this ordinance.