



Legislation Details (With Text)

File #: 0624-2020 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/3/2020 **In control:** Recreation & Parks Committee

On agenda: 5/4/2020 **Final action:** 5/7/2020

Title: To authorize the Director of the Recreation and Parks Department to grant a 0.112 acre temporary easement and a 0.210 acre non-exclusive permanent easement through the Upper Albany West Parkland, Franklin County Tax Parcel No. 010-277286, to Phillips Farm, LLC, an Ohio limited liability Company; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit-A Legal descriptions of the Easements for Phillips Farm LLC 4.14...., 2. Exhibit-B RESTORATION PLAN AGREEMENT 4.14.pdf

Date	Ver.	Action By	Action	Result
5/7/2020	1	CITY CLERK	Attest	
5/6/2020	1	MAYOR	Signed	
5/4/2020	1	COUNCIL PRESIDENT	Signed	
5/4/2020	1	Columbus City Council	Approved	Pass

To authorize the Director of the Recreation and Parks Department to grant a 0.012 acre temporary easement and a 0.210 acre non-exclusive permanent easement through the Upper Albany West Parkland, identified as Franklin County Tax Parcel No. 010-277286, to Phillips Farm, LLC, an Ohio limited liability Company ("Phillips").

Background: Phillips is requesting a 0.112 acre temporary construction easement and a 0.210 acre non-exclusive permanent sanitary sewer easement, as further describe in Exhibit A which is attached to this ordinance, to be located in, on, over, under, across, within and through real property known as the Upper Albany West Parkland.

The temporary easement rights are limited to the duration of the initial construction work necessary to install the sanitary sewer and will terminate after one (1) year.

The permanent private non-exclusive sanitary sewer easement will provide sanitary sewer service to the Phillips Farms residential development which will be completed in several phases. The City has approved Phase I of the development which needs to be constructed prior to the City's ability to complete the Big Walnut Main Capital Improvement Project which has been delayed and is now not projected for completion until 2024. While the grant of these private easements across the Upper Albany West Parkland is an extraordinary exception to the City's policy regarding non-park use of city parkland, after consideration of a number of alternatives, it has been determined that the grant of these easements is necessary and the only feasible solution. The grant of this exception is a singular case and does not in any way change the City's policies concerning non-park use of city parkland or third party use of city-owned properties used in city operations. In consideration of the City granting this exception, Phillips Farm LLC has agreed to provide significant improvements for the Upper Albany West Parkland and will donate parkland beyond that required for the Phillips Farm development.

Phillips will pay \$10,000.00 for the temporary and permanent easements and, at its sole cost and expense, will restore all

of the easement areas in the parkland in compliance with the Restoration Plan Agreement, as further describe in Exhibit B which is attached to this ordinance. Phillips is required to (a) complete all restoration and park improvements no later than May, 31, 2021 and (b) warrant all restoration work through June 1, 2022.

Principal Parties:

Phillips Farm, LLC
250 Old Wilson Bridge Road
Worthington, Ohio
Attn: Joe Ciminello

Emergency Justification: An emergency is being requested in order to execute the documents necessary to grant the easements to Phillips Farm, LLC to allow construction of the sanitary sewer and park improvements to begin in the spring of 2020 and be completed by May 31, 2021.

Community Input/Issues: This project has gone before the BZS and Development Commissions, soliciting public input.

Area(s) Affected: Rocky Fork - Blacklick (33)

Master Plan Relation: Conserving, protecting, and enhancing the city's safety, patrolling and natural resource protection and overall health and safety for this and future generations.

Fiscal Impact: The proceeds from this easement will be deposited into the Recreation and Parks Waterways Nature Preservation Special Purpose Sub-fund.

To authorize the Director of the Recreation and Parks Department to grant a 0.112 acre temporary easement and a 0.210 acre non-exclusive permanent easement through the Upper Albany West Parkland, Franklin County Tax Parcel No. 010-277286, to Phillips Farm, LLC, an Ohio limited liability Company; and to declare an emergency.

WHEREAS, due to unique and extraordinary circumstances limiting the City's ability to extend public sewer service to this residential development in a timely manner, it is necessary to provide easements across the Upper Albany West Parkland as a singular case exception and does change the City's policies concerning non-park use of city parkland and third party use of city-owned properties used in city operations; and

WHEREAS, it is now necessary to authorize and direct the Director of the Recreation and Parks Department to grant a 0.112 acre temporary construction easement and a 0.210 acre non-exclusive permanent easement through the Upper Albany West Parkland, identified as Franklin County Tax Parcel No. 010-277286, to Phillips Farm, LLC, an Ohio limited liability Company, which easements are fully described in the attached Exhibit A and incorporated into this ordinance for reference; and

WHEREAS, as a condition of the grant of the temporary and permanent easements, Phillips will enter into a Restoration Plan Agreement, as approved by the Department of Law, Real Estate Division, which is fully described in the attached Exhibit B and incorporated into this ordinance for reference; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to authorize the Director to execute the documents necessary to grant temporary and permanent easements to Phillips Farm, LLC to allow the construction of the sanitary sewer and park improvements to be started in spring 2020, thereby preserving the public health, peace, property, safety, and welfare; **NOW, THEREFORE**,

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

SECTION 1. That the Director of the Recreation and Department be, and hereby is, authorized to execute easements

and other ancillary documents necessary, as approved by the Department of Law, Real Estate Division, to grant a 0.112 acre temporary construction easement and a 0.210 acre non-exclusive permanent easement which are fully described in the attached Exhibit A and incorporated into this ordinance for reference, through the Upper Albany West Parkland, identified as Franklin County Tax Parcel No. 010-277286, to Phillips Farm, LLC, an Ohio limited liability Company.

SECTION 2. That this grant of easements is a singular case exception and does change either the City's policy concerning non-park use of city parkland or policy regarding third party use of city-owned properties used in city operations, and as a condition of the grant of the temporary and permanent easements, Phillips will enter into a Restoration Plan Agreement, as approved by the Department of Law, Real Estate Division, which is fully described in the attached Exhibit B and incorporated into this ordinance for reference; and

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 its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.