



## Legislation Details (With Text)

**File #:** 2694-2020      **Version:** 1

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

**File created:** 11/17/2020      **In control:** Public Service & Transportation Committee

**On agenda:** 12/7/2020      **Final action:** 12/11/2020

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary to release a temporary construction easement related to the Hamilton Road Extension project; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 2694-2020 11T Temp Easement, 2. ORD 2694-2020 11T Property Description, 3. ORD 2694-2020 Release Request

Date	Ver.	Action By	Action	Result
12/11/2020	1	CITY CLERK	Attest	
12/10/2020	1	MAYOR	Signed	
12/7/2020	1	COUNCIL PRESIDENT	Signed	
12/7/2020	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to release a temporary construction easement (known as Parcel 11-T) prior to its duration being completed for the Roadway Improvements - Hamilton Road Extension - Central College to Walnut Road project, Capital Improvement Project number 530161-100202, hereafter referred to as the Hamilton Road Extension project.

Ordinance 2579-2019 authorized a construction contract with Miller Brothers Construction to construct the Hamilton Road Extension project. The work consists of widening Central College Road for development of turn lanes at the Hamilton Road intersection and at the intersection of High Rock Drive; widening Hamilton Road to the south of Central College Road; extending Hamilton Road approximately 1,100 feet to the north of Central College Road; installing a new span wire traffic signal at the intersection of Hamilton Road and Central College Road; and other improvements including sidewalk, shared use path, new waterline, storm sewer trunk line, lighting, and pedestrian facilities,

The City possesses a temporary construction easement for the Hamilton Road Extension project described and recorded in Instrument Number 201812070165760, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement burdens real property in the area of the construction owned by Homewood Corporation, an Ohio corporation, known as Parcel Number 11T, for a period of up to 18 months following entry upon the property for actual construction purposes. The temporary easement period started 1/7/20 and runs through 7/7/21. The Department of Public Service has received a request to release the temporary easement on this property. After review of the request it was determined all project work has been completed within the temporary easement area, the City would not be negatively impacted by releasing the temporary easement ahead of schedule, and that releasing the easement rights will allow private development to proceed without delay.

### 2. FISCAL IMPACT

There is no fiscal impact to the City for releasing the easement.

### **3. EMERGENCY JUSTIFICATION**

Emergency action is requested in order to allow for the timely release of easement rights which will allow private development on the site to occur without unnecessary delay.

To authorize the Director of the Department of Public Service to execute those documents necessary to release a temporary construction easement related to the Hamilton Road Extension project; and to declare an emergency. (\$0.00)

**WHEREAS**, the City is engaged in the Roadway Improvements - Hamilton Road Extension - Central College to Walnut Road project; and

**WHEREAS**, a temporary construction easement was obtained for the project as described and recorded in Instrument Number 201812070165760, Recorder's Office, Franklin County, Ohio; and

**WHEREAS**, this temporary construction easement burdens real property in the area of the construction owned by Homewood Corporation known as Parcel Number 11T for a period of up to 18 months through 7/7/21; and

**WHEREAS**, the City received a request to release this temporary easement early; and

**WHEREAS**, after review of the request it was determined all project work has been completed within the temporary easement area and the City would not be negatively impacted by releasing the temporary easement ahead of schedule; and

**WHEREAS**, the City intends to release the easement; and

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to authorize the Director to execute those documents necessary to release and terminate the City's easement rights to allow private development on the site to occur without unnecessary delay, preserving the public peace, property, health, welfare, and safety; **now, therefore,**

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

**SECTION 1.** The Director of the Department of Public Service is authorized to execute any documents necessary to release and terminate the temporary construction easement area described and recorded in Instrument Number 201812070165760, Recorder's Office, Franklin County, Ohio.

**SECTION 2.** The City Attorney is required to approve all documents associated with this ordinance prior to the director of the Department of Public Service executing and acknowledging any of those documents.

**SECTION 3.** This ordinance, for the reasons stated in the preamble, which are made of part hereof, 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 same.