



## Legislation Details (With Text)

**File #:** 1714-2021 **Version:** 1

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

**File created:** 6/21/2021 **In control:** Finance Committee

**On agenda:** 7/12/2021 **Final action:** 7/15/2021

**Title:** To authorize the Director of the Department of Finance and Management to execute and acknowledge any document(s), as approved by the City Attorney, necessary to grant AT&T Corp. a subsurface utility easement burdening a portion of the City's real property located at 5433 Fisher Road; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ATT Easement 5433 Fisher Road Legal Description, 2. AT&T Easement 5433 Fisher Road - Plan Profile

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 7/15/2021 | 1    | CITY CLERK            | Attest   |        |
| 7/13/2021 | 1    | MAYOR                 | Signed   |        |
| 7/12/2021 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 7/12/2021 | 1    | Columbus City Council | Approved | Pass   |

**BACKGROUND:** The City owns real property located at 5433 Fisher Road, Columbus, Ohio 43228 {Franklin County Tax Parcel 010-243356} ("Property"), which is commonly known as Fire Station 26 and is managed by the Department of Finance and Management ("Finance"). The Department of Public Service is currently undertaking intersection improvements as part of the Hilliard Rome Road at Fedner Road FRA CR03-12.96 PID 98557 project. In order to complete the project, AT&T Corp. ("AT&T") will need to move an underground fiber optic line from the roadway to a new easement. AT&T now requests the applicable subsurface utility easement burdening a portion of the Property in order to install and maintain a fiber optic cable and associated appurtenances for communications and internet services ("Easement"). Finance reviewed the request and, due to the fiber optic line needing to be moved to accommodate the City's project, supports granting AT&T an approximate 0.505 acre easement at no cost in consideration that (i) the Easement supports public communications and internet services, and (ii), the Easement will be nonexclusive.

**CONTRACT COMPLIANCE:** Not applicable.

**FISCAL IMPACT:** Not applicable.

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to allow for the timely granting of the easements which will allow for the completion of the intersection improvements and avoid any unnecessary delays in construction which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Finance and Management to execute and acknowledge any document(s), as approved by the City Attorney, necessary to grant AT&T Corp. a subsurface utility easement burdening a portion of the City's real property located at 5433 Fisher Road; and to declare an emergency. (\$0.00)

**WHEREAS**, the City intends to grant AT&T a subsurface utility easement burdening a portion of City property located at 5433 Fisher Road, Columbus, Ohio 43228 in order to provide communications and internet services, (“Easement”);

**WHEREAS**, the City intends for the Director of the Department of Finance and Management to execute and acknowledge any document(s) necessary to quitclaim grant the Easement to AT&T;

**WHEREAS**, the City intends for the City Attorney to approve all document(s) associated with this ordinance; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Finance and Management, in that it is immediately necessary to authorize the Director to grant AT&T a subsurface easement burdening a portion of the City's real property located at 5433 Fisher Road, thereby preserving the public health, peace, property, safety, and welfare; and **now, therefore**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**SECTION 1.** That the Director of the Department of Finance and Management (“Finance”) be and hereby is authorized to execute and acknowledge any document(s) necessary to quitclaim grant to AT&T Corp. (“AT&T”), and AT&T's successors and assigns a nonexclusive subsurface utility easement at no cost and burdening a portion of the City's real property located at 5433 Fisher Road, Columbus, Ohio 43228. This easement is further described and depicted in the three (3) page attachment, which is fully incorporated for reference as if rewritten, in order for AT&T to install an underground fiber optic cable and associated appurtenances to provide communications and internet services.

**SECTION 2.** That the City Attorney is required to preapprove all document(s) executed by the City pursuant to this ordinance.

**SECTION 3.** That this ordinance, for the reasons stated in the preamble, which are made a part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.