



Legislation Text

File #: 1071-2015, **Version:** 1

BACKGROUND :

The City manages real property located at 240 West Oakland Avenue, Columbus, Ohio 43201 {Franklin County Tax Parcel 010-001819} commonly known as Tuttle Park ("Park"). Columbia Gas of Ohio, Inc., an Ohio corporation ("Columbia"), requests a perpetual, nonexclusive, subsurface gas utility easement under and burdening a portion of the Park in order to install, control, construct, reconstruct, replace, operate, maintain, repair, upgrade, and remove a subsurface natural gas service pipeline and associated appurtenances ("Easement"). The Columbus Recreation and Parks Department (CRPD) reviewed and supports granting Columbia the Easement at no cost but in consideration that the Easement is exclusively for the benefit of providing gas utility service to the Park's facilities. Accordingly, this ordinance authorizes the director of CRPD to execute any instrument(s), as approved by the City Attorney, necessary to quit claim grant Columbia the Easement.

CONTRACT COMPLIANCE No: Not applicable.

FISCAL IMPACT : Not applicable.

EMERGENCY JUSTIFICATION : Emergency action is requested so to not hinder the service of gas utilities at the Park, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Recreation and Parks Department to execute any instrument(s), as approved by the City Attorney, necessary to quit claim grant Columbia Gas of Ohio, Inc., an Ohio corporation, a gas utility easement burdening a portion of Tuttle Park in order to exclusively service natural gas to facilities at Tuttle Park; and to declare an emergency. (\$0.00)

WHEREAS , it is in the City's best interest to authorize the Director of the Recreation and Parks Department to execute any instrument(s) necessary quit claim grant to Columbia Gas of Ohio, Inc., an Ohio corporation (*i.e.* Columbia), a perpetual, nonexclusive, subsurface gas utility easement in, on, over, and burdening a portion of Tuttle Park (*i.e.* Park) in order to install, control, construct, reconstruct, replace, operate, maintain, repair, upgrade, and remove a subsurface natural gas service pipeline and associated appurtenances (*i.e.* Easement);

WHEREAS , it is in the City's best interest to grant Columbia the Easement at no cost but in consideration that the Easement is exclusively for the benefit of providing gas utility service to the Park's facilities;

WHEREAS , it is in the City's best interest for the City Attorney to approve all instrument(s) associated with this ordinance; and

WHEREAS , an emergency exists in the usual daily operation of the Recreation and Parkd Department in that it is immediately necesarry to grant Columbia the Easement to prevent delay of gas utility service to the Park, 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 any instrument(s) necessary to quit claim grant to Columbia Gas of Ohio, Inc., an Ohio corporation (*i.e.* Columbia), and Columbia's successors and assigns a perpetual, nonexclusive, subsurface gas utility easement under and burdening the 0.110 acre, more or less, tract of easement area located on a portion of the City's real property at 240 West Oakland Avenue, Columbus, Ohio 43201 {Franklin County Tax Parcel 010-001819} commonly known as of Tuttle Park (*i.e.* Park) described and depicted in the attachment, Exhibit-A, which is fully incorporated into this ordinance for reference, in order to install, control, construct, reconstruct, replace, operate, maintain, repair, upgrade, and remove a subsurface natural gas service pipeline and associated appurtenances (*i.e.* Easement).

SECTION 2. The City Attorney is required to approve any instrument(s) associated with this ordinance prior to the City's execution of those instrument(s).

SECTION 3. For the reasons stated in the preamble of this ordinance, which are made a part of this ordinance, this ordinance 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.