



## Legislation Text

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**File #:** 0452-2017, **Version:** 1

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### **BACKGROUND:**

The City owns real property located in the vicinity of the intersection of Smothers and Sunbury Roads, Westerville, Ohio 43205, which is commonly known as Hoover Reservoir {Delaware County Tax Parcel 317-442-04-001-000} ("Property"). The property is managed by the Department of Finance and Management ("Finance") and is further described and recorded in Deed Book 248 Page, 118, Recorder's Office, Delaware County, Ohio. The Ohio Power Company, an Ohio corporation doing business as American Electric Power ("AEP"), has electric poles located in the public right-of-way along Smothers Road. The City of Westerville is engaged in a road widening project along Smothers Road that requires the poles to be relocated a few feet to the north of the existing right-of-way. AEP now requests the applicable electric utility easement to burden a portion of the Property in order to maintain certain electric facilities and associated appurtenances for the distribution, delivery, and service of electrical energy and impulses for the benefit of real estate in the Property's vicinity ("Easement"). Finance along with the Recreation and Parks Department and the Department of Public Utilities reviewed the plans and support granting AEP the Easement in consideration that (i) the Easement supports electricity services in the vicinity of the Property, (ii) AEP performs all activities in the area in a manner consistent with the Department of Public Utilities "Best Watershed Management Practices" and (iii) 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 transfer of the Real Estate so that AEP may move the electric poles in a timely manner allowing the Public Project to be completed without unnecessary delay, 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 to the Ohio Power Company d.b.a. AEP a nonexclusive electric utility easement to burden a portion of the City's real property near the intersection of Smothers and Sunbury Roads, Westerville, Ohio 43082; and to declare an emergency. (0.00)

**WHEREAS**, the City intends to support electric services in the vicinity of its real property located near the intersection of Smothers and Sunbury Roads, Westerville, Ohio 43205 {Delaware County Tax Parcel 317-442-04-001-000} ("Property"); and

**WHEREAS**, the City intends to grant AEP an electric utility easement to burden a portion of the Property in order to maintain certain electric facilities and associated appurtenances for the distribution, delivery, and service of electrical energy and impulses ("Easement") for the benefit of real estate in the Property's vicinity; and

**WHEREAS**, the City intends to quit claim grant AEP the Easement in consideration of (i) the Easement supports electricity services in the vicinity of the Property, (ii) AEP performs all activities in the area in a manner consistent with the Department of Public Utilities “Best Watershed Management Practices” and (iii) the Easement will be nonexclusive; and

**WHEREAS**, the City intends to quit claim grant AEP the Easement in consideration for compensation to the City of One Thousand Five Hundred and 00/100 U.S. Dollars (\$1,500.00) for granting the Easement; and

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

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Finance and Management to authorize the Director to execute and acknowledge any document(s) necessary to quit claim grant the Easement to AEP; **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) is authorized to execute and acknowledge any document(s) necessary to quit claim grant to the Ohio Power Company, an Ohio corporation doing business as AEP and its successors and assigns an electric utility easement to burden the 0.045 acre, more or less, tract and portion of the City’s real property in the vicinity of the intersection of Smothers and Sunbury Roads, Westerville, Ohio 43205, which is commonly known as Hoover Reservoir {Delaware County Tax Parcel 317-442 -04-001-000} (“Property”), described and depicted in the two (2) page attachment, Exhibit-A, which is fully incorporated for reference as if rewritten, in order for AEP to nonexclusively maintain certain electric facilities and associated appurtenances for the distribution, delivery, and service of electrical energy and impulses for the benefit of real estate in the Property’s vicinity.

**SECTION 2.** That the granting of the Easement to AEP is contingent upon the City’s receipt of consideration in the form of monetary compensation of One Thousand Five Hundred and 00/100 U.S. Dollars (\$1,500.00) from AEP, which will be deposited with CRPD’s Waterway/Nature Preserve Fund.

**SECTION 3.** That the City Attorney is required to preapprove all document(s) executed by the City pursuant to this ordinance.

**SECTION 4.** That for the reasons stated in the preamble of this resolution, which are fully incorporated into this resolution as if rewritten, this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this resolution.