



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1654-2017, **Version:** 1

BACKGROUND:

The City owns real property located at 12075 U S 23, Lockbourne, Ohio 43137, {Pickaway County Tax Parcel D1200020032100} ("Property"). The property is managed by the Department of Finance and Management ("Finance") and the Department of Public Utilities ("DPU") and is further described and recorded in Volume 038, Page, 762, Recorder's Office, Pickaway County, Ohio. The Ohio Power Company, an Ohio corporation doing business as American Electric Power ("AEP"), currently has an easement ("Original Easement") recorded in Easement Volume 121, Page 716, Recorder's Office, Pickaway County, Ohio. AEP is currently upgrading the transmission, distribution, and communication lines and appurtenant equipment located in the Original Easement and the City and AEP desire to amend the Original Easement to define the physical boundaries of the right of way and clarify the rights of the parties ("Amended Easement"). Finance and DPU reviewed the amendments and support their adoption provided that (i) the Easement supports electricity transmission, distribution and communication, (ii) that if/when the City has active production wells on the Property, AEP will be subject to the City's Wellfield Protection Regulations, (iii) the Easement will be nonexclusive, and (iv) AEP pays the City Forty Two Thousand, Four Hundred Thirty-two and 00/100 dollars (\$42,432.00) for the Amended Easement.

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 proceed in a timely manner allowing the Utility 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 Amended Easement and Right of Way to burden a portion of the City's real property located at 12075 U S 23, Lockbourne, Ohio 43137; and to declare an emergency. (\$0.00)

WHEREAS, the City real property located at 12075 U S 23, Lockbourne, Ohio 43137 {Pickaway County Tax Parcel D1200020032100} ("Property") is burdened by an Original Easement for the benefit of the Ohio Power Company d.b.a. AEP; and

WHEREAS, the City intends to enter an Amended Easement and Right of Way ("Amended Easement") to burden a portion of the Property in order to maintain certain electric facilities and associated appurtenances for the transmission, distribution, delivery, and service of electrical energy and impulses ("Easement") for the benefit of the City; and

WHEREAS, the City intends to grant AEP the Amended Easement in consideration that (i) the Easement supports electricity transmission, distribution and communication, (ii) that if/when the City has active production wells on the Property, AEP will be subject to the City's Wellfield Protection Regulations, (iii) the Easement will be nonexclusive; and

WHEREAS, the City intends to grant AEP the Amended Easement in consideration for AEP compensating the City Forty Two Thousand, Four Hundred Thirty-two and 00/100 dollars (\$42,432.00) for the Amended Easement; and

WHEREAS, the City intends for the director of the Department of Finance and Management (Finance) to execute and acknowledge any document(s) necessary to grant the Amended Easement to AEP; and

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 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 Amended Easement and Right of Way; **now, therefore**

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

SECTION 1. That the director of the Department of Finance and Management (Finance) is authorized to execute and acknowledge any document(s) necessary to grant to the Ohio Power Company, an Ohio corporation doing business as AEP and its successors and assigns an Amended Easement and Right of Way ("Amended Easement") on a portion of the City's real property located at 12075 U S 23, Lockbourne, Ohio 43137, {Pickaway County Tax Parcel D1200020032100} ("Property"), described and depicted in the six (6) 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 transmission, distribution, delivery, communication and service of electrical energy and impulses.

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 Forty Two Thousand, Four Hundred Thirty-two and 00/100 dollars (\$42,432.00) from AEP, which will be deposited in DPU's Water Operating 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 above, which are fully incorporated into herein, this ordinance is hereby 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 ordinance.