



Legislation Text

File #: 0301-2018, **Version:** 1

BACKGROUND:

The City owns real property located at 3738 Weeping Willow Boulevard {Franklin County Tax Parcel 530-138294}, commonly known as Williams Creek Park, 3860 Bixby Road {Franklin County Tax Parcel 530-138294}, and 0000 Williams Road, {Franklin County Tax Parcel 530-234278} commonly known as Three Creeks Metro Park. ("Property"). The property is managed by the Recreation and Parks Department (CRPD). Columbia Gas Transmission, LLC ("Columbia") has existing easement rights for its B-111 gas pipeline. The easements, acquired before the City purchased this property, are for the installation, construction, and maintenance of underground pipelines for the transmission of natural gas. Columbia is currently engaged in upgrading and replacing its pipelines in the area, including the B-111 natural gas pipeline, consisting of approximating fourteen miles of pipe, a portion of which traverses Three Creeks Metro Park and Williams Creek Park. CRPD is requesting an amendment of Columbia's existing easements ("Amendment"), which will better define the locations, width, types and the rights under the existing easements and the responsibilities of Columbia and the City. Columbia is also requesting temporary construction easement(s) ("Construction Easement") in order to remove the existing pipe and install the new pipe. Finally, Columbia is requesting a perpetual access easement ("Access Easement") in order to allow Columbia to access the pipeline during construction and for future maintenance. The Amendment, Construction Easement and Access Easement, are collectively referred to as ("Easements"). CRPD, in coordination with Metro Parks, and Columbia have done extensive reviews of the plans in an effort to preserve the natural state of the parks, limit the environmental impact of the construction, and limit the disruptions to the public's use and enjoyment of the parks. With knowledge that Columbia already has easements for the existing gas pipeline, CRPD supports granting the Easements in consideration that (i) Columbia pays the City at least the fair market value for the additional easements, which will be based upon independent appraisals provided by Columbia, (ii) Columbia complies with all terms and conditions of the Easements, a restoration agreement, and Columbia's Federal Energy Regulatory Commission certification, and (iii) the Easements are non-exclusive.

CONTRACT COMPLIANCE:

Not applicable.

FISCAL IMPACT:

Not applicable

EMERGENCY JUSTIFICATION:

Emergency action is requested in order to allow Columbia to install the gas line in a timely manner allowing the project to be completed without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the director of the Recreation and Parks Department to execute and acknowledge any document(s), as approved by the City Attorney, necessary to grant Columbia Gas Transmission, LLC certain non-exclusive easement rights burdening a portion of the City's real property located at 3738 Weeping Willow Boulevard, commonly known as Williams Creek Park, and 3860 Bixby Road and 0000 Williams Road, commonly known as Three Creeks Metro Park; and to declare an emergency.

WHEREAS, the City intends to amend and grant Columbia Gas Transmission, LLC (“Columbia”) certain non-exclusive easement rights burdening a portion of the City’s property located at 3738 Weeping Willow Boulevard {Franklin County Tax Parcel 530-138294}, commonly known as Williams Creek Park, 3860 Bixby Road {Franklin County Tax Parcel 530-138294}, and 0000 Williams Road, {Franklin County Tax Parcel 530-234278} commonly known as Three Creeks Metro Park, (“Property”) in order for Columbia to reconstruct and maintain a pipeline for the transmission of odorized natural gas; and

WHEREAS, Columbia shall be required to pay the City at least the fair market value for the easements rights, which will be based upon independent appraisals provided by Columbia; and

WHEREAS, Columbia shall comply with all terms and conditions of the easements, a restoration agreement, and Columbia’s Federal Energy Regulatory Commission certification; and

WHEREAS, the City intends for the director of the Recreation and Parks Department (CRPD) to execute and acknowledge any document(s) necessary to amend and grant the easement rights to Columbia; 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 operations of CRPD in that it is immediately necessary to grant the easements right in order to prevent unnecessary delay in completing the project, which will preserve the public peace, property, health, welfare, and safety; **now, therefore:**

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

SECTION 1. That the director of the Recreation and Parks Department (CRPD) is authorized to execute and acknowledge any document(s) or agreements necessary to amend existing easements and/or grant temporary construction and perpetual access easements to Columbia Gas Transmission, LLC, (“Columbia”), and its successors and assigns, on the City’s real property located at 3738 Weeping Willow Boulevard {Franklin County Tax Parcel 530-138294}, commonly known as Williams Creek Park, 3860 Bixby Road {Franklin County Tax Parcel 530-138294} and , 0000 Williams Road, {Franklin County Tax Parcel 530-234278}, commonly known as Three Creeks Metro Park, (“Property”), as the same is substantially described and depicted in the attached Exhibit-A, in order for Columbia to reconstruct and maintain certain subsurface gas pipelines and associated appurtenances for the transmission of odorized natural gas.

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

SECTION 3. That for the reasons stated in the preamble of this ordinance, which are fully incorporated into this ordinance as if rewritten, this ordinance 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 ordinance.