



Legislation Text

File #: 0418-2018, **Version:** 1

BACKGROUND:

The City owns real property located at 555 Nationwide Boulevard, Columbus, Ohio 43215 {Franklin County Tax Parcel 010-066777} ("Burdening Property"), which is managed by the Finance and Management Department ("Finance"). Pursuant to authority granted in Ordinance 2862-2014, the City previously granted approximately 1.346 acres of the Property, which is now known as 589 Nationwide Boulevard {Franklin County Tax Parcel 010-29423} ("Benefitting Property"), to Municipal Light Plant, LLC an Ohio limited liability company ("MLP"), described and recorded in Instrument Number 201412290172002, Recorder's Office, Franklin County, Ohio.

MLP now requests an easement to maintain and repair pavement and associated appurtenances for vehicular ingress and egress access via a portion of the Burdening Property to and from the Benefitting Property and public right-of-way of Nationwide Boulevard ("Access Easement"). Finance and MLP determined that granting MLP vehicular access via a portion of the Burdening Property to and from the Benefitting Property satisfies Section 30 of the Real Estate Purchase and Sale Contract, which was the basis of MLP's acquisition of the Benefitting Property ("Contract"). Finance reviewed and supports granting MLP the Access Easement via a portion of the Burdening Property in consideration that the Access Easement satisfies the City's obligations under the Contract.

CONTRACT COMPLIANCE:

Not applicable.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency action is requested so to not hinder the City's contractual obligations, which will preserve the public peace, health, property, safety, and welfare.

To authorize the director of the Finance and Management Department to execute and acknowledge all instrument(s), as approved by the City Attorney, necessary to grant to the Municipal Light Plant, LLC, an Ohio limited liability company, an easement burdening a portion of the City's real property at 555 Nationwide Boulevard, Columbus, Ohio 43215 to maintain and repair pavement and associated appurtenances for vehicular ingress and egress access; and to declare an emergency. (\$0.00)

WHEREAS, the City supports granting Municipal Light Plant, LLC, an Ohio limited liability company (*i.e.* MLP), a nonexclusive, appurtenant easement on and burdening a portion (*i.e.* Access Easement) of the City's real property located at 555 Nationwide Boulevard, Columbus, Ohio 43215 {Franklin County Tax Parcel 010-066777} (*i.e.* Burdening Property) in order for MLP to maintain and repair pavement and associated appurtenances for vehicular access to and from MLP's real property located at 589 Nationwide Boulevard {Franklin County Tax Parcel 010-29423} (*i.e.*

Benefitting Property) and the public right-of-way of Nationwide Boulevard;

WHEREAS, the City intends to abide by all obligations described in the Real Estate Purchase and Sale Contract, which was the basis of MLP's acquisition of the Benefitting Property (*i.e.* Contract);

WHEREAS, the City intends to quit claim grant to MLP the Access Easement in consideration that the Access Easement satisfies the City's obligations under the Contract;

WHEREAS, the City intends for the director of the Finance and Management Department (*i.e.* Finance) to execute and acknowledge any instrument(s) necessary to quit claim grant the Access Easement to MLP;

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

WHEREAS, an emergency exists in Finance's usual daily operations, because it is immediately necessary to quit claim grant the Access Easement to MLP in order to comply with the Contract, 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:

SECTION 1. The director of the Finance and Management Department (*i.e.* Finance) is authorized to execute and acknowledge any instrument(s) necessary to quit claim grant to Municipal Light Plant, LLC, an Ohio limited liability company (*i.e.* MLP), and MLP's successors and assigns, a nonexclusive, appurtenant easement on and burdening the 0.138 acre, more or less, tract of easement area and portion of 555 Nationwide Boulevard, Columbus, Ohio 43215 {Franklin County Tax Parcel 010-066777} (*i.e.* Burdening Property) described and depicted in the three (3) page attachment, Exhibit-A, which is fully incorporated for reference as if rewritten, in order for MLP to maintain and repair pavement and associated appurtenances for vehicular ingress and egress access (*i.e.* Access Easement) via the Burdening Property to and from MLP's real property located at 589 Nationwide Boulevard {Franklin County Tax Parcel 010-29423} (*i.e.* Benefitting Property) and the public right-of-way of Nationwide Boulevard.

SECTION 2. The City Attorney is required to approve all instrument(s), including but not limited to the Access Easement, associated with this ordinance.

SECTION 3. For the reasons stated in the preamble of this ordinance, which are made a part of this ordinance and fully incorporated as if rewritten, 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.