File #: 3110-2018, **Version:** 1

BACKGROUND: The City owns real property located in the vicinity of the intersection of East Town Street and South Washington Avenue Columbus, Ohio 43215 {Franklin County Tax Parcel 010-067009} which is managed by the Recreation and Parks Department ("CRPD") and commonly known as Topiary Park. Motorist Mutual Insurance Company, through their development company MIG Realty LLC ("MIG"), is developing the parcel immediately to the North of Topiary Park. As part of that development the City previously released right-of-way known as Library Park North. A portion of this property was deeded to MIG and a portion to the City. The City's portion was subsequently combined with Topiary Park. MIG is now requesting that CRPD grant four easements across a portion of Topiary Park in what was the former right-of-way. These easements consist of a temporary construction easement, a storm sewer easement, a duct bank easement, and an electric easement. CRPD has reviewed the easements and supports granting them as part of an overall plan for the former right-of-way that will allow for the development of the MIG parcel and enhance Topiary Park through the addition of a pedestrian promenade in the location of the former right-of-way. The Easements are more fully described in the four (4) attachments to this ordinance.

This ordinance authorizes the director of CRPD, on behalf of the City, to execute and acknowledge any necessary instrument(s), as approved by the City Attorney, in order to quit claim grant the four Easements to MIG and to allow third party utility companies to locate utilities within the duct bank.

CONTRACT COMPLIANCE NO.: Not applicable.

FISCAL IMPACT: The City will receive $16,865.00 for the granting of these easements. These funds will be deposited in Fund 7747 the Recreation and Parks Permanent Improvement Fund.

EMERGENCY JUSTIFICATION: Emergency action is requested to allow the development project to move forward in a timely manner to meet its construction schedule.

To authorize the director of the Recreation and Parks Department to execute and acknowledge any document(s) necessary to grant MIG Realty LLC four easements burdening a portion of the City's real property located in the vicinity of the intersection of East Town Street and South Washington Avenue and commonly known as Topiary Park, and to declare an emergency. ($0.00)

WHEREAS, the City intends to grant MIG Realty LLC (*i.e.* MIG) four easements to burden a portion of the City's property located in the vicinity of the intersection of East Town Street and South Washington Avenue and commonly known as Topiary Park in order to allow MIG to install, operate, and maintain a duct bank, storm sewer, and electric lines. (*i.e.* Easements); and

WHEREAS, the City intends for the Director of the Recreation and Parks Department (*i.e.* CRPD) to execute and acknowledge any document(s) necessary to quit claim grant the Easements to MIG; and

WHEREAS, the City intends for the Director of CRPD to execute and acknowledge any document(s) necessary to allow third parties to install utilities within the duct bank; and

WHEREAS, the City intends for the Director of the Recreation and Parks Department to sign all document(s) associated

with this ordinance; and

WHEREAS, the City intends 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 City of Columbus, in that it is immediately necessary authorize the Director of the Recreation and Parks Department to execute those documents necessary to grant the Easements to MIG at the earliest feasible date thereby allowing the project to proceed in a timely manner so as to preserve the public health, peace, property, safety, and welfare; now, therefore:

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

SECTION 1. That the Director of the Recreation and Parks Department is authorized to execute and acknowledge any document(s) necessary to quit claim grant to MIG Realty LLC (*i.e.* MIG), and MIG's successors and assigns, four non-exclusive easements to burden a portion of the City's real property located in the vicinity of the intersection of East Town Street and South Washington Avenue Columbus, Ohio 43215 {Franklin County Tax Parcel 010-067009} which is managed by the Recreation and Parks Department ("CRPD") and commonly known as Topiary Park. These easements are for the purpose of installing, operating, and maintaining a duct bank, storm sewer, and electric lines (*i.e.* Easements) and are further described and depicted in the four (4) attachments, which are fully incorporated for reference as if rewritten.

SECTION 2 That the Director the Recreation and Parks Department is authorized to execute and acknowledge any documents necessary to allow third parties to install utilities within the duct bank.

SECTION 3. That the Director of the Recreation and Parks Department is required to approve all documents executed by the City pursuant to this ordinance.

SECTION 3. That the City Attorney is required to approve all instrument(s) associated with this ordinance prior to the director the Recreation and Parks Department executing and acknowledging any of those instrument(s).

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

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