



Legislation Text

File #: 0794-2019, **Version:** 1

BACKGROUND: The City owns real property located at 4850 West Powell Road, Powell Ohio, 43065 {Delaware County Tax Parcel 319-331-01-003-00} which is managed by the Recreation and Parks Department ("CRPD") and part of the Columbus Zoo ("Zoo"). Columbia Gas of Ohio, Inc. ("Columbia") currently has an easement for a gas line on this parcel which runs through a part of the North Elephant Yard. In order to increase the safety of the elephants, the Zoo has requested that the line be moved. Columbia has requested a new easement through the Zoo property to cover the location of the new line. The Zoo has reviewed the easement and has no objection to its location. Previously Ordinance 0195-2019 was submitted authorizing the Director of the Recreation and Parks Department to execute and acknowledge any documents necessary to grant the easement. Since the passage of that ordinance there has been a slight change in the location of the easement and a new legal description has been submitted. This ordinance amends ordinance 0195-2019 by replacing the prior legal description that was attached as an exhibit to that ordinance with the updated legal description which is more fully described in the three (3) page attachment 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 Easement to Columbia.

CONTRACT COMPLIANCE NO.: Not applicable.

FISCAL IMPACT: The City will not receive any compensation for the granting of this easement as the new easement is being granted as part of a Zoo request to move an existing line out of its current easement.

EMERGENCY JUSTIFICATION: Emergency action is requested to allow the relocation of the gas line to move forward in a timely manner and meet the Zoo's construction schedule.

To amend Ordinance Number 0195-2019 authorizing the Director of the Recreation and Parks Department to execute and acknowledge any document(s) necessary to grant Columbia Gas of Ohio, Inc. an easement burdening a portion of the City's real property located at 4850 West Powell Road, Powell Ohio, 43065; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to amend Ordinance 0195-2019 to replace the attached exhibits on that ordinance with the attached exhibits on this ordinance.

WHEREAS, the City intends to grant Columbia Gas of Ohio, Inc. ("Columbia") an easement burdening a portion of the City's property located at 4850 West Powell Road, Powell Ohio, 43065 which is part of the Columbus Zoo ("Zoo") in order to allow Columbia to install, operate, and maintain a gas line. ("Easement"); and

WHEREAS, the City intends for the Director of the Recreation and Parks Department ("CRPD") to execute and acknowledge any document(s) necessary to quit claim grant the Easement to Columbia; 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 Easement to Columbia at the earliest feasible date thereby allowing the relocation 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 Columbia Gas of Ohio, Inc. ("Columbia") and Columbia's successors and assigns, a non-exclusive easement to burden a portion of the City's real property located at 4850 West Powell Road, Powell Ohio, 43065 {Delaware County Tax Parcel 319-331-01-003-00} which is managed by the Recreation and Parks Department ("CRPD") and part of the Columbus Zoo ("Zoo"). This easement is for the purpose of installing, operating, and maintaining a gas line ("Easement") and is further substantially described and depicted in the three (3) page attachment, which is fully incorporated for reference as if rewritten.

SECTION 2. That this ordinance amends Ordinance 0195-2019 by replacing the exhibits attached to that ordinance with the exhibits attached to this ordinance.

SECTION 3. That the Director of CRPD is required to approve all documents executed by the City pursuant to this ordinance.

SECTION 4. That the City Attorney is required to approve all instrument(s) associated with this ordinance prior to the Director of CRPD executing and acknowledging any of those instrument(s).

SECTION 5. 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.