



Legislation Text

File #: 1016-2019, **Version:** 1

To authorize the Director of Recreation and Parks Department, to grant temporary sanitary sewer easement(s) through Upper Albany West Parkland, Franklin County Tax Parcel No. 010-277286, to **M/I HOMES OF CENTRAL OHIO, LLC**, an Ohio limited liability company, ("M/I Homes").

Background: M/I Homes is requesting temporary sanitary sewer easement(s) in, on, over, under, across, within and through the following described real property, known as the Upper Albany West Parkland, until such time as the Department of Public Utilities, completes construction the Big Walnut Main Capital Improvement Project.

The temporary easement rights are limited to duration of no more than 5 years for the main sanitary line and commence upon M/I Home's entry. For initial construction purposes of the sanitary sewer, the temporary construction easement areas will terminate after one (1) year.

In addition to the payment of \$5,000 for the easement(s), M/I Homes, at its sole cost and expense, is required to perform either of the following at the City's sole discretion: (i) restore all of the easement areas to conditions aesthetically compatible with the residue servient estate according to the City's written specifications and approval; or (ii) monetarily compensate the City for all repair or restoration costs of the easement areas. M/I Homes is also required to make improvements to the parkland, which is included within the Illustrative Plan, including but not limited to:

- 1) Wetland enhancement throughout the parkland
- 2) Mulch path that traverses north to south, providing community connectivity within the parkland.
- 3) Removal, offsite disposal and proper spraying and stump painting of invasive species throughout.
- 4) Tree/Shrub planting throughout
- 5) Pollinator planting on northern portion of the parkland.

M/I Homes is required to (a) complete all restoration and park improvements no later than June 30, 2020, and (b) warrant all restoration through February, 2021.

Principal Parties:

M/I Homes of Central Ohio, LLC
3 Easton Oval 310
Columbus, OH 43219
Josh Barkan, 614-264-4088
Contract Compliance Number: NA

Fiscal Impact: \$5,000 will be deposited into Fund 2223, Subfund 222347.

Emergency Justification: Emergency action is requested to allow the construction of the sanitary sewer to move forward in a timely manner to allow the development and park improvements to occur in a timely manner.

To authorize the Director of the Recreation and Parks Department to grant temporary sanitary sewer easement(s) through real property, known as the Upper Albany West Parkland, Franklin County Tax Parcel No. 010-277286, to M/I Homes of Central Ohio, LLC; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to grant temporary sanitary sewer easement(s) through real property, known as the Upper Albany West Parkland, Franklin County Tax Parcel No. 010-277286, to **M/I HOMES OF CENTRAL OHIO, LLC**, an Ohio limited liability company in order to allow M/I Homes to construct a sanitary sewer (*i.e.* Easement); and

WHEREAS, the City intends for the Director of the Recreation and Parks Department to execute and acknowledge any document(s) necessary to quit claim grant the Easement to M/I Homes; and

WHEREAS, M/I Homes will pay \$5,000.00 for the Easement as well as make improvements to the parkland; and

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

WHEREAS, an emergency exists in the usual daily operation of the City, 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 M/I Homes thereby allowing the sanitary sewer and park improvements to be constructed 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 M/I Homes of Central Ohio, LLC, an Ohio limited liability company, a temporary non-exclusive easement to burden a portion of the City's real property known as the Upper Albany West Parkland, Franklin County Tax Parcel No. 010-277286, which is managed by the Recreation and Parks Department, for the purpose of temporarily installing, operating, and maintaining a sanitary sewer line ("Easement"), as further described and depicted in the attached, which is fully incorporated for reference as if rewritten.

SECTION 2. That the City Attorney's Office, Real Estate Division, 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 3. 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.