



Legislation Text

File #: 3107-2019, **Version:** 1

Background: It has been presented to the City by Gianni Romanelli and Sara P. Romanelli, the owners of 8299 West Shore Drive, Westerville, Ohio, being real property located adjacent to the Hoover Reservoir, that a need exists to protect their property due to the presence of a vertical surface of highly erodible soil. The Romanelli's proposed erosion protection measures to the City, and they will obtain a permit from the U.S. Army Corps of Engineers (if required) to allow the removal of the soil. As a result of the proposed excavation on the Romanelli's property, certain soil and trees will need to be removed from the City's property to prevent the remaining vertical soils from eroding and entering Hoover Reservoir. The Departments of Finance and Management, Recreation and Parks, and Public Utilities have determined that permitting certain temporary construction rights to allow the removal of certain erodible soils will have minimal impact on City property and benefit the City's property by providing shoreline stabilization. As a result the Departments support granting a temporary construction easement at no cost. Construction will require the removal of some trees on City property and the Romanelli's will be required to provide a planting plan consistent with Executive Order 2015-01 to replace any trees that are removed. The City possesses a Release and Satisfaction agreement, recorded as [Volume 461, pages 508-511, Delaware County, Ohio Recorder's Office] on the entire parcel therein releasing the City from any past or future liability associated with the operation of Hoover Reservoir, including but not limited to erosion and flooding.

Fiscal Impact: None.

To authorize the director of the Department of Finance and Management, on behalf of the Department of Public Utilities, to execute a Temporary Construction Easement with Gianni Romanelli and Sara P. Romanelli in order to limit erosion and flooding in the vicinity of 8299 West Shore Drive, Westerville, Ohio. (\$0.00)

WHEREAS, it has been presented to the City, by Gianni Romanelli and Sara P. Romanelli, owners of 8299 West Shore Drive, Westerville, Ohio, being real property located adjacent to Hoover Reservoir, that a need exists to protect their property due to the presence of a vertical surface of highly erodible soil; and

WHEREAS, the Romanelli's will obtain a permit from the U.S. Army Corps of Engineers if needed, to allow the removal of soils and provide for installation of erosion control measures adjacent to the City's real property to implement the proposed erosion control measures presented to the City; and

WHEREAS, as a result of the proposed excavation on the Romanelli's property, certain soil and trees will need to be removed from the City's property to prevent the remaining vertical soils from eroding and entering Hoover Reservoir; and

WHEREAS, the Romanelli's have agreed to a planting plan to replace any trees that are removed from City Property in a manner consistent with Executive Order 2015-01; and

WHEREAS, the Departments of Finance and Management, Recreation and Parks, and Public Utilities have determined that granting certain temporary construction rights to allow the removal of certain erodible soils on City-owned property will have a minimal impact on the City and the temporary rights should be granted to Gianni Romanelli and Sara P. Romanelli at no cost because the erosion control construction project will provide shoreline stabilization for both the Romanelli-owned and City-owned properties; and

WHEREAS, the City has obtained a Release and Satisfaction agreement for the entire parcel, which releases the City from any past or future liability associated with operation of Hoover Reservoir, including but not limited to erosion and flooding; and now, therefore:

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

SECTION 1. That the director of the Department of Finance and Management be and hereby is authorized, on behalf of the Department of Public Utilities, to execute those documents, prepared by the City Attorney's Office, Department of Law, Real Estate Division, necessary to grant the Temporary Construction Easement to Gianni Romanelli and Sara P. Romanelli contingent on the Romanelli's obtaining all applicable permits.

SECTION 2. That this ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.