



## Legislation Text

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**File #:** 0663-2020, **Version:** 1

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**BACKGROUND:** The City owns real property located at 4747 Refugee Road and 2845 Noe-Bixby Road, Columbus, Ohio, 43232 {Franklin County Tax Parcels 180-003876 and 010-118520} ("Property") which is managed by the Recreation and Parks Department ("CRPD") and part of Nafzger Park and the surrounding area ("Nafzger"). The Franklin County Commissioners ("Franklin County") are working with the Ohio Department of Transportation on the MAD-CR14-5.99 (PID 60416) project and as part of that project a multi-use path will be constructed. As part of that construction, there will need to be floodplain compensatory mitigation measures undertaken ("Improvements"). In order to accommodate the construction of the Improvements, Franklin County has requested two twenty-four month non-exclusive temporary easements ("Easements") through the Property. CRPD has reviewed the easements and has no objection to their location and to granting them at no cost as the Improvements will benefit the City. The Easements are more fully described in the five (5) 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 Franklin County.

**CONTRACT COMPLIANCE NO.:** Not applicable.

**FISCAL IMPACT:** The City will not receive any compensation for the granting of this easement as the Improvements will benefit the City.

**EMERGENCY JUSTIFICATION:** Emergency action is requested to allow these Easements to be granted in a timely manner and meet Franklin County and the Ohio Department of Transportation's construction schedule which will preserve the public peace, health, property, safety and welfare.

To authorize the Director of the Recreation and Parks Department to execute and acknowledge any document(s) necessary to grant the Franklin County Commissioners two non-exclusive, temporary easements burdening a portion of the City's real property located at 4747 Refugee Road and 2845 Noe-Bixby Road, Columbus, Ohio, 43232; and to declare an emergency. (\$0.00)

**WHEREAS,** it is necessary to grant the Franklin County Commissioners. ("Franklin County") two twenty-four month non-exclusive temporary easements ("Easements") burdening a portion of the City's property located at 4747 Refugee Road and 2845 Noe-Bixby Road, Columbus, Ohio, 43232 which is part of Nafzger Park and the surrounding area in order to allow for floodplain compensatory mitigation improvements to accommodate the construction of a multi-use path, ("Improvements"); and

**WHEREAS,** it is necessary for the Director of the Recreation and Parks Department ("CRPD") to execute and acknowledge any document(s) necessary to quit claim grant the Easements to Franklin County; and

**WHEREAS,** the City Attorney's office shall approve all instrument(s) associated with this ordinance; and

**WHEREAS,** an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary authorize the Director to execute those documents necessary to grant the easements to Franklin County at the earliest feasible date thereby allowing the construction of the Improvements to proceed in a timely manner

so as to preserve the public health, peace, property, safety, and welfare; and **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 the Franklin County Commissioners. ("Franklin County") and Franklin County's successors and assigns, two twenty-four month non-exclusive easements to burden a portion of the City's real property located at 4747 Refugee Road and 2845 Noe-Bixby Road, Columbus, Ohio, 43232 which is part of Nafzger Park and the surrounding area {Franklin County Tax Parcels 180-003876 and 010-118520}. These easements are for the purpose of floodplain compensatory mitigation and are further described and depicted in the five (5) page attachment, which is fully incorporated for reference as if rewritten.

**SECTION 2.** That the Director of CRPD 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 of CRPD 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.