

MEMORANDUM

TO: Dublin City Council
Marsha I. Grigsby, City Manager
Michelle L. Crandall, Assistant City Manager
Dana McDaniel, Director of Economic Development
Paul A. Hammersmith, P.E., Director of Engineering/City Engineer

FROM: Stephen J. Smith, Law Director
Philip K. Hartmann

DATE: September 19, 2013

RE: Resolution No. 52-13
AEP Easement to Service Fleet Maintenance Buildings

PROJECT BACKGROUND:

The City of Dublin ("City") owns 17.228 acres, more or less, with commonly known addresses of 6351- 6371 Shier Rings Road (the "Property"), which house much of the City's fleet. The City desires that AEP add electrical capacity to one of the City's fleet maintenance buildings on the Property to power a new automated truck and car wash for the City to be installed next spring. AEP requires the City execute the proposed easement in this Resolution to provide the necessary power to the City's building.

ACTION TAKEN IN THIS CASE:

The City reached out to AEP regarding providing additional necessary electrical service to one of the City's existing fleet maintenance buildings. In return, AEP prepared the proposed easement for the City to execute. The Legal Department has reviewed the easement and has approved it as to form for execution.

RECOMMENDATION:

The Law Department recommends approval of Resolution No. 52-13.

RECORD OF RESOLUTIONS

Dayton Legal Blank Inc., Form No. 30045

52-13

Resolution No. _____

Passed _____

, 20 _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY EASEMENT TO AEP OHIO FOR THE PROPERTY LOCATED AT 6353 SHIER-RINGS ROAD

WHEREAS, the City of Dublin (the "City") owns 17.228 acres, more or less, with commonly known addresses of 6351-6371 Shier Rings Road (the "Property"); and

WHEREAS, the City desires that electrical service be extended onto the Property and has requested that American Electric Power ("AEP") prepare an easement agreement to provide these services; and

WHEREAS, the City desires that AEP add electrical capacity to the one of the City's Fleet Maintenance buildings to power an automated truck and car wash; and

WHEREAS, the easement attached hereto as Exhibit "A" will enable AEP to provide electrical service to the Property as requested by the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. The City Manager is hereby authorized to execute the attached Easement Agreement with AEP for an easement necessary to provide electrical service to support an automated truck and car wash at a City Fleet Maintenance building.

Section 2. This Resolution shall take effect upon passage, in accordance with Section 4.04(a) of the Revised Charter.

Passed this _____ day of _____, 2013.

Mayor – Presiding Officer

ATTEST:

Clerk of Council



AEP Ohio
850 Tech Center Drive
Gahanna, OH 43230
AEPOhio.com

1 August, 2013

Dear Sirs;

The attached easement is required for Ohio Power Company to place electric equipment on/over/under property owned by

CITY OF DUBLIN, OHIO

and located at 6353 SHIER-RINGS RD.

Please have the easement signed before a Notary and mail it back in the enclosed envelope. If there are questions regarding this easement, please call me at my home office, (614) 276-2313, or on my cell phone at (614) 353-8942.

Thank you,

Carl J. Latscha
Contract Right of Way Agent

Encls.: Easement Document, Business Card, SSAE

Eas. _____



Easement & Right of Way

CITY OF DUBLIN, OHIO, an Ohio Municipal Corporation, "Grantor(s)", in consideration of \$1.00, the easement terms, and other good and valuable consideration from Ohio Power Company, an Ohio corporation and a unit of American Electric Power, 850 Tech Center Drive, Gahanna, OH 43230-6605, "Grantee", the receipt and sufficiency of which is acknowledged, grants and conveys with general warranty covenants to Grantee its successors, assigns, lessees, licensees and tenants, a right of way and easement, "Easement" for electric and other current/future energy or communication purposes, overhead and underground, in, on, over, through and across the following described lands situated in the State of Ohio, County of Franklin, and in the City of Dublin, and being known as a part of Virginia Military Survey Number 3004, and as part of the 34.295 acre tract conveyed from Alvin W. Rings and Doris L. Rings described in ORV I1693A05, of the Franklin County Recorder's Office (Parcel # 274-000004-00) .

The easement shall be Fifteen (15) feet wide, lying Seven and one-half (7 1/2) feet on each side of the facilities as constructed. The approximate location of said easement is depicted on Exhibit A, attached hereto and incorporated herein.

This Easement conveys all necessary and convenient rights for the Easement's use, including, without limitation, the rights to: construct, operate, maintain, inspect, protect, repair, replace, enlarge, upgrade, extend and remove utility facilities and relocate within the Easement, all necessary and convenient facilities which include but are not limited to: poles, anchors, guys, supporting structures, conductors, conduits, enclosures, grounding systems, foundations, manholes, transformers, and associated equipment, adding thereto from time to time; perform grading or filling for such facilities; cut, trim, remove and/or otherwise control, with herbicides or by other means, at Grantee's option (without any liability to Grantor), any trees, limbs or branches, brush, shrubs, undergrowth, of whatever size, buildings, structures, or other obstructions that in Grantee's reasonable judgment endanger or interfere with the safety or use of its facilities, both within and adjoining the Easement. Within the Easement, Grantor shall not: place any structures, piles or debris, interfere with lateral support, change the level of the ground by excavation or mounding without Grantee's written consent, allow any construction that would be inconsistent with the National Electric Safety Code or Grantee's design standards, and, for underground lines, permit or cause any excavation, except for other utilities, provided such utilities rights do not conflict with this Easement. This Easement also conveys the right of ingress and egress in and over any reasonable routes at all times. If any governmental authority requires Grantee to relocate the facilities contemplated by this grant, this

Easement conveys the right to relocate such facilities to a comparable location of Grantee's choosing, without the need for a new easement.

Grantor may use its property for all purposes not inconsistent with the full enjoyment of the Easement, but Grantor acknowledges high voltage electric lines will be constructed within the Easement and Grantor shall use its property in a manner consistent with all applicable safety rules and regulations for working near electric lines. Safety/required clearance issues may be referred to Grantee's Engineering Group. Grantee shall restore the premises or pay reasonable damages done to fences, drains, seeded lawns (not landscaping), gates, ditches and crops caused by Grantee's use of the Easement. Grantor has authority to grant this Easement. No delay or omission by Grantee in exercising any right hereunder shall operate as a waiver or forfeiture of such right. This Easement grant is effective and binding upon the parties, their successors, assigns, lessees, licensees, heirs and legal representatives, and if any term hereunder is held invalid, the remainder shall not be affected thereby.

WITNESS, Grantor(s) signed this Easement on the ____ day of _____, 201__.

CITY OF DUBLIN, OHIO

By: _____ By: _____
Print Name: _____ Print Name: _____
Title: _____ Title: _____

STATE OF _____ }
COUNTY OF _____ }

The foregoing instrument was acknowledged before me this ____ day of _____, 201__,
by _____.

Notary Public
My Commission Expires _____

Easement prepared by Ohio Power Company CL

CALL BEFORE YOU DIG !!! Address: 6353 Shier Rings Rd. Dwg. No. 49788747 W0 49788747

EXHIBIT A

