



## Legislation Details (With Text)

**File #:** 0635-2009      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 4/21/2009      **In control:** Utilities Committee

**On agenda:** 5/4/2009      **Final action:** 5/6/2009

**Title:** To authorize the Director of the Department of Public Utilities to execute those instruments necessary to release certain easements, located in the vicinity of Livingston and Parson Avenue, at the request of the Nationwide Children's Hospital, an Ohio non profit corporation, for the purpose of constructing permanent underground foundations, footers, buttresses and shoring of the hospital's underground parking garage, and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/6/2009	1	MAYOR	Signed	
5/6/2009	1	CITY CLERK	Attest	
5/4/2009	1	Columbus City Council	Approved	Pass
5/4/2009	1	COUNCIL PRESIDENT	Signed	
4/24/2009	1	UTILITIES DIRECTOR	Reviewed and Approved	
4/24/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
4/23/2009	1	Atty Drafter	Sent for Approval	
4/23/2009	1	Utilities Drafter	Sent for Approval	
4/21/2009	1	Atty Drafter	Sent for Approval	
4/21/2009	1	CITY ATTORNEY	Reviewed and Approved	

**Background:** The City of Columbus, Ohio holds certain easements to real property, located in the vicinity of East Livingston Avenue and Parson Avenue, by virtue of recorded deeds of easement. Nationwide Children's Hospital, an Ohio non profit corporation, has requested the City release its easements, in part, for the purpose of constructing permanent underground foundations, footers, buttresses and shoring of the hospitals underground parking garage. After investigation, it has been determined that the proposed release of the City's easements is in the best interest of the City and should be allowed. The following legislation authorizes the Director of the Department of Public Utilities to execute those documents necessary to release certain City's easements, as more fully described within the body of this legislation.

**Fiscal Impact:** N/A

**Emergency Justification:** Emergency action is requested as not to delay the construction of the permanent underground foundations, footers, buttresses and shoring of the hospital's underground parking garage for the preservation of the public's health, property and safety.

To authorize the Director of the Department of Public Utilities to execute those instruments necessary to release certain easements, located in the vicinity of Livingston and Parson Avenue, at the request of the Nationwide Children's Hospital, an Ohio non profit corporation, for the purpose of constructing permanent underground foundations, footers, buttresses and shoring of the hospital's underground parking garage, and to declare an emergency.

WHEREAS, the City of Columbus, Ohio holds certain easements to real property, located in the vicinity of East Livingston Avenue and Parson Avenue, by virtue of recorded deeds of easement; and

WHEREAS, Nationwide Children's Hospital has requested the City release certain easements, in part, for the purpose of constructing permanent underground foundations, footers, buttresses and shoring of the hospitals underground parking garage; and

WHEREAS, after investigation, it has been determined that the proposed release of easement is in the best interest of the City and should be allowed; and

WHEREAS, an emergency exists in the usual daily operation of The Department of Public Utilities, Division of Sewerage and Drainage, that it is immediately necessary to authorize the Director of Public Utilities to execute those documents necessary to release the subject easements, as described in the body of this legislation, for the preservation of the public health, peace, property and safety; now, therefore:

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

Section 1. That the Director of the Department of Public Utilities be, and hereby is authorized to execute those documents, as prepared by the Department of Law, Real Estate Division, necessary to release the following described easements at the request of Nationwide Children's Hospital, an Ohio non profit corporation, for the purpose of constructing permanent underground foundations, footers, buttresses and shoring of the hospitals underground parking garage:

Foundation, Footer, Buttress and Shoring Encroachment  
0.062 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 22, Township 5, Range 22, Refugee Lands, being across Parcel 2B, Parcel 3 and Parcel 5A of that plat entitled "Children's Hospital Urban Renewal Area Plat A", of record in Plat Book 43, Page 17, conveyed to Nationwide Children's Hospital by deeds of record in Instrument Number 200607270147359, Instrument Number 200807140107794 and Instrument Number 200807140107795 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, at an angle point in the northerly right-of-way line of Livingston Avenue, at the northwesterly corner of that 0.072 acre tract conveyed to City of Columbus by deed of record in Instrument Number 200712310221612, being the northeasterly line of that 0.005 acre tract conveyed to City of Columbus by deed of record in Instrument Number 200703230050310;

thence South 68° 56' 45" East, with the northerly line of said 0.072 acre tract and the northerly right-of-way line of said Livingston Avenue, a distance of 57.62 feet to a point;

thence North 21° 03' 15" East, across said Parcel 5A, a distance of 20.06 feet to the TRUE POINT OF BEGINNING;

thence across said Parcels 5A, 3, and 2B, the following courses and distances:

South 86° 21' 51" East, a distance of 21.77 feet to a point;

South 68° 59' 20" East, a distance of 618.42 feet to a point;

North 20° 43' 40" East, a distance of 33.28 feet to a point;

South 69° 14' 46" East, a distance of 3.00 feet to a point;

South 20° 43' 40" West, a distance of 36.29 feet to a point;

North 68° 59' 20" West, a distance of 429.44 feet to a point;

South 21° 00' 40" West, a distance of 3.50 feet to a point;

North 68° 59' 20" West, a distance of 212.77 feet to the TRUE POINT OF BEGINNING and containing 0.062 acre of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Heather L. King, Registered Surveyor No. 8307

Shoring Encroachment  
0.038 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 22, Township 5, Range 22, Refugee Lands, being across Parcel 2B, Parcel 3 and Parcel 5A of that plat entitled "Children's Hospital Urban Renewal Area Plat A", of record in Plat Book 43, Page 17, conveyed to Nationwide Children's Hospital by deeds of record in Instrument Number 200607270147359, Instrument Number 200807140107794 and Instrument Number 200807140107795 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, at an angle point in the northerly right-of-way line of Livingston Avenue, at the northwesterly corner of that 0.072 acre tract conveyed to City of Columbus by deed of record in Instrument Number 200712310221612, being the northeasterly line of that 0.005 acre tract conveyed to City of Columbus by deed of record in Instrument Number 200703230050310;

thence South 68° 56' 45" East, with the northerly line of said 0.072 acre tract and the northerly right-of-way line of said Livingston Avenue, a distance of 270.39 feet to a point;

thence North 21° 03' 15" East, across said Parcel 5A, a distance of 20.22 feet to the TRUE POINT OF BEGINNING;

thence across said Parcels 5A, 3, and 2B, the following courses and distances:

North 21° 00' 40" East, a distance of 3.50 feet to a point;

South 68° 59' 20" East, a distance of 429.44 feet to a point;

North 20° 43' 40" East, a distance of 36.29 feet to a point;

South 69° 14' 46" East, a distance of 3.50 feet to a point;

South 20° 43' 40" West, a distance of 39.81 feet to a point; and

North 68° 59' 20" West, a distance of 432.95 feet to the TRUE POINT OF BEGINNING and containing 0.038 acre of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Heather L. King, Registered Surveyor No. 8307

Section 2. 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 passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.