



Legislation Details (With Text)

File #: 0949-2020 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/8/2020 **In control:** Public Utilities Committee

On agenda: 7/20/2020 **Final action:** 7/23/2020

Title: To authorize the director of the Department of Public Utilities to execute those document(s) necessary to release and terminate a portion of the City's easement rights described and recorded in Instrument Number 201509300138244, Recorder's Office, Franklin County, Ohio. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Partial Esmt Rel DPS - 5th Cleveland LLC legal description

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 7/23/2020 | 1 | CITY CLERK | Attest | |
| 7/22/2020 | 1 | MAYOR | Signed | |
| 7/20/2020 | 1 | COUNCIL PRESIDENT | Signed | |
| 7/20/2020 | 1 | Columbus City Council | Approved | Pass |
| 7/6/2020 | 1 | Columbus City Council | Read for the First Time | |

BACKGROUND: The City possesses title to a sanitary sewer easement described and recorded in Instrument Number 201509300138244, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement burdens real property located in the vicinity of East 5th Avenue {Franklin County Tax Parcel 010-298110} ("Servient Estate") currently owned by 5th Cleveland LLC, an Ohio limited liability company. The City's Department of Public Utilities ("DPU") has reviewed the request by the property owner to vacate a portion of the existing easement and determined that the easement was for a future sanitary sewer that was never installed and the easement is no longer needed. DPU has determined that terminating a portion of the City's rights to the Easement does not adversely affect the City and should be granted at no monetary cost.

FISCAL IMPACT: Not applicable.

EMERGENCY JUSTIFICATION: Not applicable.

To authorize the director of the Department of Public Utilities to execute those document(s) necessary to release and terminate a portion of the City's easement rights described and recorded in Instrument Number 201509300138244, Recorder's Office, Franklin County, Ohio. (\$0.00)

WHEREAS, the City intends to release and terminate portions of its sewer easement rights described and recorded in Instrument Number 201509300138244, Recorder's Office, Franklin County, Ohio ("Easement"), because DPU has reviewed a request from the owner and determined that the described 0.009 acre portions of the sanitary sewer easement is no longer needed as the sewer easement was for a future sewer that is no longer needed; and

WHEREAS, the City intends for the City Attorney to approve all document(s) associated with this ordinance; and **now, therefore**,

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

SECTION 1. That the Director of the Department of Public Utilities (“DPU”) is authorized to execute any document(s) necessary to release and terminate only the described 0.009 acre, more or less, tract of easement area described and recorded as tract one in Instrument Number 201509300138244, Recorder’s Office, Franklin County, Ohio (“Easement”), which is further described and depicted in the two (2) page attachment, Exhibit-A, and fully incorporated for reference as if rewritten.

SECTION 2. That the City Attorney is required to approve all document(s) associated with this ordinance prior to the director of DPU executing and acknowledging any of those document(s).

SECTION 3. That this ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.