



Legislation Details (With Text)

File #: 0880-2010 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 6/4/2010 **In control:** Utilities Committee

On agenda: 6/21/2010 **Final action:** 6/23/2010

Title: To authorize the Director of the Department of Public Utilities to execute a Quitclaim Release Of Easement, by and between with the Franklin County Commissioners as approved by the Department of Law, Real Estate Division, necessary to quitclaim and release unto Columbus Gaming Ventures, Inc., an Ohio Corporation, the sewer easement rights in Vol. 1472, Page 381, Recorder's Office Franklin County, Ohio and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/23/2010	1	CITY CLERK	Attest	
6/22/2010	1	MAYOR	Signed	
6/21/2010	1	Columbus City Council	Approved	Pass
6/21/2010	1	COUNCIL PRESIDENT PRO-TEM	Signed	
6/10/2010	1	Atty Drafter	Sent for Approval	
6/10/2010	1	CITY ATTORNEY	Reviewed and Approved	
6/10/2010	1	Atty Drafter	Sent to Clerk's Office for Council	
6/9/2010	1	Utilities Reviewer	Sent for Approval	
6/8/2010	1	Utilities Reviewer	Sent for Approval	
6/8/2010	1	UTILITIES DIRECTOR	Reviewed and Approved	
6/7/2010	1	Atty Reviewer	Reviewed and Approved	
6/7/2010	1	Atty Drafter	Sent for Approval	
6/4/2010	1	Atty Drafter	Sent for Approval	

Background: On September 3, 1948, an easement for sewer line sewer improvement No. 254 was conveyed to the Board of County Commissioners, Franklin County, Ohio and recorded in Vol. 1472, Pg. 381, Recorder's Office, Franklin County, Ohio. The City of Columbus, Ohio, may be the successor in interest to the aforementioned easement. Columbus Gaming Ventures, Inc. has requested that the easement be released in exchange for easements the corporation will grant to the City that were necessary to the City's Franklin Main Phase III Project. The Franklin County Commissioners a.k.a. Board of County Commissioners, Franklin County, Ohio and the City of Columbus, through its Division of Sewerage and Drainage, has determined that the release of said easement in Vol. 1472, Pg. 381, Recorder's Office, Franklin County, Ohio, will not have an adverse affect and should be allowed at no charge. The following legislation authorizes the Director of the Department of Public Utilities to execute those instruments necessary to release the subject easement.

Fiscal Impact: N/A

Emergency Justification: This request has been investigated by the Division of Sewers and Drains and emergency action is requested as not to delay the development of the property.

To authorize the Director of the Department of Public Utilities to execute a Quitclaim Release Of Easement, by and between with the Franklin County Commissioners as approved by the Department of Law, Real Estate Division, necessary to quitclaim and release unto Columbus Gaming Ventures, Inc., an Ohio Corporation, the sewer easement rights in Vol. 1472, Page 381, Recorder's Office Franklin County, Ohio and to declare an emergency.

WHEREAS, on September 3, 1948, an easement for sewer line sewer improvement No. 254 was conveyed to the Board of County Commissioners, Franklin County, Ohio and recorded in Vol. 1472, Pg. 381, Recorder's Office, Franklin County, Ohio; and

WHEREAS, Columbus Gaming Ventures, Inc. has requested that the easement be released in exchange for easements the corporation granted to the City that were necessary to the City's Franklin Main Phase III Project; and,

WHEREAS, the Franklin County Commissioners a.k.a. Board of County Commissioners, Franklin County, Ohio and the City of Columbus, through its Division of Sewerage and Drainage, has determined that the release of said easement in Vol. 1472, Pg. 381, Recorder's Office, Franklin County, Ohio, will not have an adverse affect; and

WHEREAS, after investigation it has been determined by the Department of Public Utilities, Division of Sewerage and Drainage that the release of said easement will not adversely affect the operations of the City of Columbus, Ohio and should be allowed at no charge; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, that it is immediately necessary to authorize the Director of Public Utilities to execute those instruments prepared by the Real Estate Division, Department of Law, necessary to execute a Quitclaim Release Of Easement, by and between with the Franklin County Commissioners as approved and prepared by the Department Of Law, Real Estate Division, necessary to quitclaim and release unto Columbus Gaming Ventures, Inc., an Ohio Corporation, the sewer easement rights in Vol. 1472, Page 381, Recorder's Office Franklin County, Ohio, for the immediate 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 a Quitclaim Release of Easement, by and between the City of Columbus, Ohio and the FRANKLIN COUNTY COMMISSIONERS as approved and prepared by the Department of Law, Real Estate Division, necessary to quitclaim and release unto COLUMBUS GAMING VENTURES, INC., an Ohio corporation, the sewer easement rights in Vol. 1472, Pg. 381, Recorder's Office Franklin County, Ohio.

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