



Legislation Details (With Text)

File #: 2072-2015 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 7/28/2015 **In control:** Public Utilities Committee
On agenda: 9/21/2015 **Final action:** 9/23/2015

Title: To authorize the director of the Department of Public Utilities to execute those documents, as approved by the City Attorney, necessary to release all of the City's utility easement rights in nine (9) easements burdening a parcel of real property formerly owned by The Timken Company; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/23/2015	1	CITY CLERK	Attest	
9/22/2015	1	MAYOR	Signed	
9/21/2015	1	COUNCIL PRESIDENT	Signed	
9/21/2015	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City possesses utility easement rights pursuant to the following nine (9) instruments described and recorded in the Recorder's Office, Franklin County, Ohio (collectively, "Easements"): (i) Instrument Number 200710050175061; (ii) Deed Book 556, Page 532; (iii) Deed Book 561, Page 195; (iv) Deed Book 1637, Page 312; (v) Deed Book 561, Page 177; (vi) Deed Book 1637, Page 306; (vii) Deed Book 2640, Page 60; (viii) Deed Book 2611, Page 76; and (ix) Deed Book 2640, Page 63. The Easements are burdening real property in the vicinity of East Fifth Avenue and Cleveland Avenue, Columbus, Ohio 43201 {Franklin County Tax Parcel 010-019405}. The existing servient tenement of the Easements, 1047 Cleveland LLC, an Ohio limited liability company ("Developer"), requested the City to release all of the City's rights from the Easements, because the Easements may unnecessarily burden the Developer's real property. The Department of Public Utilities (DPU) reviewed the Developer's request and determined releasing all of the City's rights to the Easements does not adversely affect the City and should be granted at no cost, because the City removed, abandoned, or relocated all of the infrastructure associated with the Easements.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency designation is requested in order timely redevelop real property formerly owned by The Timken Company, which will preserve the public peace, property, health, safety, and welfare.

To authorize the director of the Department of Public Utilities to execute those documents, as approved by the City

Attorney, necessary to release all of the City's utility easement rights in nine (9) easements burdening a parcel of real property formerly owned by The Timken Company; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to release of all of its utility easement rights in the following nine (9) instruments described and recorded in the Recorder's Office, Franklin County, Ohio (*i.e.* Easements): (i) Instrument Number 200710050175061; (ii) Deed Book 556, Page 532; (iii) Deed Book 561, Page 195; (iv) Deed Book 1637, Page 312; (v) Deed Book 561, Page 177; (vi) Deed Book 1637, Page 306; (vii) Deed Book 2640, Page 60; (viii) Deed Book 2611, Page 76; and (ix) Deed Book 2640, Page 63;

WHEREAS, the City intends to release the Easements, because the City removed, abandoned, or relocated the entire City's infrastructure associated with the Easements;

WHEREAS, the City intends for the City Attorney to approve of all document(s) associated with this ordinance;

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Utilities in that it is immediately necessary to release the Easements in order to timely redevelop real property formerly owned by The Timken Company, which will preserve the public peace, property, health, safety, and welfare; and **now, therefore**,

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

SECTION 1. The director of the Department of Public Utilities (DPU) is authorized to execute those document(s) necessary to forever release all of the City's utility easement rights in the following nine (9) instruments described and recorded in the Recorder's Office, Franklin County, Ohio (*i.e.* Easements): (i) Instrument Number 200710050175061; (ii) Deed Book 556, Page 532; (iii) Deed Book 561, Page 195; (iv) Deed Book 1637, Page 312; (v) Deed Book 561, Page 177; (vi) Deed Book 1637, Page 306; (vii) Deed Book 2640, Page 60; (viii) Deed Book 2611, Page 76; and (ix) Deed Book 2640, Page 63.

SECTION 2. The City Attorney is required to approve any document(s) associated with this ordinance prior to the director of DPU exercising his or her authority under Section One (1) of this ordinance.

SECTION 3. For the reasons stated in this ordinance's preamble, which are fully incorporated into this ordinance, this ordinance is declared to be an emergency measure and will take effect and be in force from and after this ordinance's passage and approval by the Mayor or ten (10) days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.