



Legislation Details (With Text)

File #: 2028-2015 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/15/2015 **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 document(s), as approved by the City Attorney, necessary to release certain utility easement rights to the State of Ohio, described in Ordinance Numbers 13-65, 968-64, 1600-65, 179-66, 919-75, and 835-63 and recorded in Plat Book 37, Page 56, Recorder’s Office, Franklin County, Ohio and to accept the replacement easement recorded as Instrument Number 201507170097567; 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 possess certain utility easement rights described and reserved in Ordinance Numbers 13-65, 968-64, 1600-65, 179-66, 919-75, and 835-63 and recorded in Plat Book 37, Page 56, Recorder’s Office, Franklin County, Ohio (collectively, "Easements"). The Easements are presently burdening real property located in the vicinity southwest of the intersection of High Street and Lane Avenue, Columbus, Ohio 43201 (“Servient Estate”). The owner of the existing servient tenement, the State of Ohio acting through its Department of Administrative Services, General Services Division, Office of Real Estate and Planning, on behalf of The Ohio State University (“Property Owner”), requested the City to release its rights to the Easements, in exchange for a replacement perpetual easement granted to the City, being Instrument Number 201507170097567, Recorder’s Office, Franklin County, Ohio. The Department of Public Utilities (DPU) reviewed the Property Owner’s request and determined releasing the City’s rights to the Easements do not adversely affect the City and should be granted at no cost.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency legislation is requested to allow for the timely release of the Easements and redevelopment of The Ohio State University’s North Residential District Transformation Project, which will preserve the public peace, property, health, safety, and welfare.

To authorize the director of the Department of Public Utilities to execute those document(s), as approved by the City Attorney, necessary to release certain utility easement rights to the State of Ohio, described in Ordinance Numbers 13-65, 968-64, 1600-65, 179-66, 919-75, and 835-63 and recorded in Plat Book 37, Page 56, Recorder's Office, Franklin County, Ohio and to accept the replacement easement recorded as Instrument Number 201507170097567; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to release certain utility easement rights described in Ordinance Numbers 13-65, 968-64, 1600-65, 179-66, 919-75, and 835-63 and recorded in Plat Book 37, Page 56, Recorder's Office, Franklin County, Ohio (i.e. Easements) as depicted and shown on Exhibit "A" in exchange for a replacement easement granted by the State of Ohio and recorded in Instrument Number 201507170097567, Recorder's Office, Franklin County Ohio; and

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

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 prevent unnecessary delays in The Ohio State University redeveloping its real property, 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 any document(s) necessary to release certain City utility easement rights described in Ordinance Numbers 13-65, 968-64, 1600-65, 179-66, 919-75, and 835-63 and recorded in Plat Book 37, Page 56, Recorder's Office, Franklin County, Ohio, (i.e. Easements), as depicted and shown on Exhibit "A", in exchange for the replacement easement recorded in Instrument Number 201507170097567, Recorder's Office, Franklin County, Ohio, which is hereby accepted.

SECTION 2. 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. 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.