



Legislation Details (With Text)

File #: 1290-2009 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/25/2009 **In control:** Utilities Committee

On agenda: 10/19/2009 **Final action:** 10/20/2009

Title: To authorize the Director of the Department of Public Utilities to execute those documents necessary to release a certain utility easement, located in the vicinity of Harlem Road and Central College Road, at the request of New Albany Company LLC, in exchange for a replacement easement previously granted to the City of Columbus, Ohio and to declare an emergency

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/20/2009	1	MAYOR	Signed	
10/20/2009	1	CITY CLERK	Attest	
10/19/2009	1	Columbus City Council	Approved	
10/19/2009	1	COUNCIL PRESIDENT	Signed	
10/6/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
10/5/2009	1	Utilities Reviewer	Reviewed and Approved	
10/5/2009	1	Atty Drafter	Sent for Approval	
10/5/2009	1	CITY ATTORNEY	Reviewed and Approved	
9/28/2009	1	Utilities Reviewer	Sent for Approval	
9/28/2009	1	UTILITIES DIRECTOR	Reviewed and Approved	
9/25/2009	1	Atty Drafter	Sent for Approval	
9/25/2009	1	Atty Reviewer	Reviewed and Approved	
9/25/2009	1	Atty Drafter	Sent for Approval	

Background: The City of Columbus, Ohio holds title to an easement, located in the vicinity of Harlem Road and Central College Road, by virtue of a recorded deed of easement. New Albany Company LLC, has requested that the subject easement be released in exchange for a replacement easement previously granted to the City of Columbus. The Division of Sewerage and Drainage has determined that the proposed exchange of easements will not adversely affect the City and therefore should be granted. The following legislation authorizes the Director of the Department of Public Utilities to execute those instruments necessary to release the aforementioned sewer easement in exchange for a previously granted replacement easement.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested to allow for the immediate release of the subject easement in exchange for an easement already receive by the City as not to delay the development of the property.

To authorize the Director of the Department of Public Utilities to execute those documents necessary to release a certain utility easement, located in the vicinity of Harlem Road and Central College Road, at the request of New Albany Company LLC, in exchange for a replacement easement previously granted to the City of Columbus, Ohio and to declare an emergency

WHEREAS, The City of Columbus, Ohio holds title to an easement, located in the vicinity of Harlem Road and Central College Road, by virtue of a recorded deed of easement; Instrument Number: 200905120067738, Franklin County Recorder's Office; and

WHEREAS, The New Albany Company LLC, a Delaware limited liability company, has requested that said easement described below be released in exchange for the replacement easement given to the City of Columbus, Ohio, Instrument No. 200907280110336, Franklin County Recorder's Office; and

WHEREAS, the Division of Sewerage and Drainage has determined that the release of said easement, Instrument No. 200905120067738, will not adversely affect the City of Columbus; and

WHEREAS, an emergency exists in the usual daily operation of the City, in that it is necessary to immediately authorize the Director of the Department of Public Utilities to execute those documents necessary to release a certain utility easement at the request of New Albany Company LLC, for the immediate preservation of the public health, peace, property, safety and welfare; 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, prepared by the Department of Law, Real Estate Division, necessary to release unto New Albany Company LLC, a Delaware limited liability company, the sewer easement rights in the following described real property:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 14, Quarter Township 2, Township 2, Range 16, United States Military Lands, being out of that 4.998 acre tract as conveyed to The New Albany Company LLC by deed of record in Instrument Number 200511100239032 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and described as follows:

Beginning at the northeast corner of Grantors tract;

Thence South 05° 44' 42" East, with an easterly line of Grantor's tract, a distance of 187.12 feet to the southeast corner of Grantor's tract;

Thence North 86° 11' 50" West, with Grantor's south line, a distance of 25.35 feet to a point;

Thence North 05° 44' 42" West, across Grantor's tract, a distance of 187.12 feet to a point in Grantor's north line;

Thence South 86° 11' 49" East, with said north line, a distance of 25.35 feet to the POINT OF BEGINNING, and containing 0.107 acres of land, more or less.

Franklin County Tax Parcel Number: 460-282291 Prior Instrument Reference: 200905120067738,
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 passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.