



Legislation Details (With Text)

File #: 0587-2017 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 2/28/2017 **In control:** Public Utilities Committee

On agenda: 3/27/2017 **Final action:** 3/29/2017

Title: To authorize the director of the Department of Public Utilities (DPU) to execute those document(s), as approved by the City Attorney, necessary to release and terminate a portion of the City's easement rights described and recorded in Instrument Number 200403040047956, Recorder's Office, Franklin County, Ohio; and to declare an emergency (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. CC 17003 Jeffrey Place Exhibit

Date	Ver.	Action By	Action	Result
3/29/2017	1	CITY CLERK	Attest	
3/28/2017	1	MAYOR	Signed	
3/27/2017	1	COUNCIL PRESIDENT	Signed	
3/27/2017	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City possesses title to a sanitary sewer easement described and recorded in Instrument Number 200403040047956, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement burdens real property located along Civitas Ave., Columbus, OH 43215 {Franklin County Tax Parcels 010-293345 and 010-293348} ("Servient Estate") currently owned by The Jeffrey Place New Community Authority, a body corporate and politic and performing essential governmental function of the State of Ohio, duly created and existing under and by virtue of Chapter 349 of the Ohio Revised Code, and Jeffrey New Day LLC, an Ohio limited liability company. The City's Department of Public Utilities (DPU) has reviewed the request by the property owners to vacate the existing easement and determined that the sewer was relocated under CC 17003 (now Record Plan 17951 -17954) and recorded in Instrument Numbers 201601290011925 and 201601290011926. 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:

Emergency action is requested in order to allow for the vacation of this easement to allow timely redevelopment of the site which will preserve the public peace, health, property, safety, and welfare.

To authorize the director of the Department of Public Utilities (DPU) to execute those document(s), as approved by the City Attorney, necessary to release and terminate a portion of the City's easement rights described and recorded in

Instrument Number 200403040047956, Recorder's Office, Franklin County, Ohio; and to declare an emergency (\$0.00)

WHEREAS, the City intends to release and terminate a portion of its sewer easement rights described and recorded in Instrument Number 200403040047956, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), because DPU has reviewed the request and determined that the described 0.174 and 0.190 acre portions of the sanitary sewer easement are no longer needed as the sewer has been relocated under Sanitary Plan CC 17003 (now Record Plan 17951-17954) and recorded in Instrument Numbers 201601290011925 and 201601290011926; 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 operation of the Department of Public Utilities in that it is immediately necessary to authorize the Director to execute the necessary documents; **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 and terminate only the 0.174 and 0.190 acre, more or less, tracts of easement area described and recorded in Instrument Number 200403040047956, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), which is also found in the five (5) page attachment, Exhibit-A, and fully incorporated for reference as if rewritten.

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. This ordinance, for the reasons stated in the preamble, which are made of part of this resolution and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this resolution's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this resolution.