



Legislation Details (With Text)

File #: 2124-2016 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 8/17/2016 **In control:** Public Utilities Committee
On agenda: 9/19/2016 **Final action:** 9/22/2016
Title: To release and terminate certain portions of the City's sewer easement rights located in the vicinity of Main Street and Market Street, New Albany, Ohio 43054; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ex-A_Ord 2124-2016; 8.17.2016

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 9/22/2016 | 1 | CITY CLERK | Attest | |
| 9/21/2016 | 1 | MAYOR | Signed | |
| 9/19/2016 | 1 | COUNCIL PRESIDENT | Signed | |
| 9/19/2016 | 1 | Columbus City Council | Approved | Pass |

BACKGROUND:

The City possesses title to sewer utility easements described and recorded in Instrument Numbers 199803270071832, 199711200148595, 199709250102293, and 199709220097865 Recorder's Office, Franklin County, Ohio (collectively, "Easements"). The Easements burden real property located in the vicinity of Main Street and Market Street, New Albany, Ohio 43054 {Franklin County Tax Parcel(s) 222-004559 & 222-004556} (collectively, "Servient Estate"). The existing owners of the Servient Estate, The New Albany Company LLC, a Delaware limited liability company (see Ins. 201307050113295, Recorder's Office, Franklin County, Ohio), and the City of New Albany, Ohio, an Ohio municipal corporation (see Ins. 201307050113290, Recorder's Office, Franklin County, Ohio) - (collectively, "Property Owners"), requested the City to release and terminate certain portions of its rights to the Easements in order to clean the Servient Estate's title for the Property Owners to redevelop the Servient Estate. The City's Department of Public Utilities (DPU) reviewed the Property Owners' request and determined releasing and terminating a portion of the City's rights to the Easements does not adversely affect the City and should be granted at no monetary cost, because (i) the City removed, abandoned, or relocated the infrastructure associated with the portions of the Easements requested to be released, and (ii) to foster redevelopment of the Servient Estate.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency action is required to allow for the timely release of the Easements in order to clean the Servient Estate's title permitting the Property Owners to redevelop the Servient Estate, which will preserve the public peace, property, health, safety, and welfare.

To release and terminate certain portions of the City's sewer easement rights located in the vicinity of Main Street and Market Street, New Albany, Ohio 43054; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to release and terminate its easement rights to certain portions of the Easements, because (i) the City removed, abandoned, or relocated the infrastructure associated with the portions of the Easements requested to be released, and (ii) to foster redevelopment of the Servient Estate;

WHEREAS, the City intends for the City Attorney to approve of all document(s) executed by City personnel or affecting City interests pursuant to this ordinance;

WHEREAS, an emergency exists in DPU's usual daily operations in that it is immediately necessary to release certain portions of the Easements in order to prevent unnecessary delay cleaning the Servient Estate's title permitting the Property Owners to redevelop the Servient Estate, 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 forever release and terminate only the 0.015 acre, more or less, tract of easement area described and recorded in Instrument Number 199803270071832, Recorder's Office, Franklin County, Ohio (*i.e.* Easements), which is also found in the two (2) page attachment, Exhibit-A, and fully incorporated for reference as if rewritten.

SECTION 2. The director of the DPU is authorized to execute any document(s) necessary to forever release all of the City's sewer utility easement rights described and recorded in Instrument Numbers 199711200148595, 199709250102293, and 199709220097865, Recorder's Office, Franklin County, Ohio (*i.e.* Easements).

SECTION 3. The City Attorney is required to approve all document(s) executed by City personnel or affecting City interests pursuant to this ordinance.

SECTION 4. This ordinance, for the reasons stated in the preamble of this ordinance, which are fully incorporated for reference as if rewritten, is declared to be an emergency measure and is required take effect and be in force from and after its passage and approval by the Mayor or ten (10) days after its passage if the Mayor neither approves nor vetoes this ordinance.