



Legislation Details (With Text)

File #: 1215-2016 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 4/28/2016 **In control:** Public Utilities Committee
On agenda: 5/23/2016 **Final action:** 5/26/2016

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 and terminate a portion of the City's easement rights described and recorded in Instrument Number 201101100004970, Recorder's Office, Franklin County, Ohio. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ex A; Ins. 201101100004970

Date	Ver.	Action By	Action	Result
5/26/2016	1	ACTING CITY CLERK	Attest	
5/25/2016	1	MAYOR	Signed	
5/23/2016	1	COUNCIL PRESIDENT	Signed	
5/23/2016	1	Columbus City Council	Approved	Pass
5/16/2016	1	Columbus City Council	Read for the First Time	

BACKGROUND:

The City possesses title to water utility easement described and recorded in Instrument Number 201101100004970, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement burdens real property located at the southeast corner of the intersection of Morse Road and Stelzer Road, Columbus, OH 43219 {Franklin County Tax Parcel 010-147168} ("Servient Estate"). The existing owner of the Servient Estate, Easton Gateway, LLC, a Delaware limited liability company ("Property Owner" - see Ins. 201403070028378, Recorder's Office, Franklin County, Ohio), requested the City to release and terminate a portion of its rights to the Easement in order to clean the Servient Estate's title. The City's Department of Public Utilities (DPU) reviewed the Property Owner's request and determined releasing and 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, because the City removed, abandoned, or relocated the infrastructure associated with a portion of the Easement.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Not applicable.

To authorize the director of the Department of Public Utilities 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 201101100004970, Recorder's Office, Franklin County, Ohio. (\$0.00)

WHEREAS, the City intends to release and terminate a portion of its water utility easement rights described and recorded in Instrument Number 201101100004970, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), because the City removed, abandoned, or relocated the City's infrastructure associated with a portion of the Easement;

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

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities to authorize the Director to execute those documents necessary to release and terminate said easement rights; **now, therefore**,

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

SECTION 1. That the director of the Department of Public Utilities (DPU) is authorized to execute any document(s) necessary to release and terminate only the 0.758 acre, more or less, tract of easement area described and recorded in Instrument Number 201101100004970, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), which is also found in the eight (8) page attachment, Exhibit-A, and fully incorporated for reference as if rewritten.

SECTION 2. That 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. That this ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.