



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 9/15/2010 **In control:** Utilities Committee

On agenda: 9/27/2010 **Final action:** 9/29/2010

Title: To authorize the Director of the Department of Public Utilities to execute those instruments necessary to release a certain portion of a storm sewer easement located in the vicinity of Scherer's Court and Alta View Boulevard, at the request of Gammit, LLC, an Ohio limited liability company in order to alleviate an encroachment upon the City's existing easement, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/29/2010	1	MAYOR	Signed	
9/29/2010	1	CITY CLERK	Attest	
9/27/2010	1	Columbus City Council	Approved	Pass
9/27/2010	1	COUNCIL PRESIDENT	Signed	
9/20/2010	1	UTILITIES DIRECTOR	Reviewed and Approved	
9/20/2010	1	Utilities Reviewer	Sent for Approval	
9/20/2010	1	CITY ATTORNEY	Reviewed and Approved	
9/20/2010	1	Atty Drafter	Sent to Clerk's Office for Council	
9/17/2010	1	Atty Reviewer	Reviewed and Approved	
9/17/2010	1	Atty Drafter	Sent for Approval	
9/17/2010	1	Utilities Reviewer	Sent for Approval	
9/15/2010	1	Atty Drafter	Sent for Approval	

Background: The City of Columbus, Ohio, holds title to a storm water drainage easement by virtue of recorded deed of easement, Vol. 6494, Pg. D14, Franklin County Recorder's Office, Ohio. Gammit, LLC, an Ohio limited liability company, has requested that said easement be partially released in order to alleviate a building which encroaches upon the City's easement. After investigation, the Division of Sewerage and Drainage has determined that the partial release of said easement will not adversely affect the City of Columbus and should be granted at no charge. The following legislation authorizes the Director of the Department of Public Utilities to execute those instruments necessary to release the requested aforementioned sewer easement.

Fiscal Impact: N/A

Emergency Justification: Emergency Justification: This request has been investigated by the Division of Sewers and Drains and emergency action is requested as to immediately alleviate the encroachment on the City's easement.

To authorize the Director of the Department of Public Utilities to execute those instruments necessary to release a certain portion of a storm sewer easement located in the vicinity of Scherer's Court and Alta View Boulevard, at the request of Gammit, LLC, an Ohio limited liability company in order to alleviate an encroachment upon the City's existing easement, and to declare an emergency.

WHEREAS, the City of Columbus, Ohio, holds title to a storm water drainage easement by virtue of recorded deed of easement, Vol. 6494, Pg. D14, Franklin County Recorder's Office, Ohio; and

WHEREAS, Gammit, LLC, an Ohio limited liability company, has requested that said easement be partially released; and

WHEREAS, the Division of Sewerage and Drainage has determined that the partial release of said easement, Vol. 6494, Pg. D14, to the extent and as described below herein, will not adversely affect the City of Columbus;

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, that it is immediately necessary to authorize the Director of Public Utilities to execute those instruments prepared by the Real Estate Division, Department of Law, necessary to release a portion of an existing storm sewer easement across certain real property located in the vicinity of Scherer's Court and Alta View Boulevard, for the immediate preservation of the public health, peace, property and safety; 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 GAMMIT, LLC, an Ohio limited liability company, the sewer easement rights, acquired by virtue of a deed of easement recorded in Official Records, Recorded Instrument Number Vol. 6494, Page D14 in the Recorder's Office, Franklin County, Ohio in the following described real property:

Partial Storm Water Drainage Easement Release
City of Columbus

South Side of Scherer's Court - Continuing in a Southerly Direction

Situated in the State of Ohio, County of Franklin, City of Columbus, and being 0.176 acres out of that 2.000 acre tract (Parcel I) as conveyed to Gammit, LLC in Instrument Number 200809240143937, Recorder's Office, Franklin County, Ohio. Said partial Storm Water Drainage Easement Release being a part of an existing Storm Water Drainage Easement of record in Vol. 6494, page D14 and being more particularly described as follows:

Commencing for reference at the northeasterly corner of said 2.000 acre (Parcel I) and in the southerly right-of-way line of Scherer's Court (aka Dearborn Park Lane as platted in Plat Book 67, page 52;

Thence, along the northerly line of said 2.000 acre (Parcel I) and along the southerly right-of-way line of said Scherer's Court, North 86°49'58" West, a distance of 10.03 feet to a point, said point being THE TRUE PLACE OF BEGINNING of the herein described portion of said existing Storm Water Drainage Easement to be released;

Thence, through said 2.000 acre (Parcel I) and through said existing Storm Water Drainage Easement, South 01° 06' 15" East, a distance of 510.14 feet to a point in the southerly line of said 2.000 acre (Parcel I) and said Storm Water Drainage Easement;

Thence, along the southerly line of said 2.000 acre (Parcel I) and said existing Storm Water Drainage Easement, North 86°55'20" West, a distance of 15.04 feet to a point at the southwesterly corner of said existing Storm Water Drainage Easement;

Thence, through said 2.000 acre (Parcel I) and along the westerly line of said existing Storm Water Drainage Easement, North 01° 06' 15" West, a distance of 510.02 feet to a point at in the northerly line of said 2.000 acre (Parcel I), the northwesterly corner of said existing Storm Water Drainage Easement and in the southerly right-of-way line of said Scherer's Court;

Thence, along the northerly line of said 2.000 acre (Parcel I), the northerly line of said existing Storm Water Drainage Easement and the southerly right-of-way line of said Scherer's Court and along the arc of a curve to the right, having a radius of 50.00 feet, an arc distance of 3.82 feet, a delta angle of 04°22'48", a chord bearing of South 89°01'20" East, a chord distance of 3.82 feet to a point;

Thence continuing along the northerly line of said 2.000 acre (Parcel I), the northerly line of said existing Storm Water Drainage Easement and the southerly right-of-way line of said Scherer's Court, South 86°49'58" East,

a distance of 11.21 feet to THE PLACE OF BEGINNING.

Containing 7652.1 square feet or 0.176 acres of land. Subject to all easements, restrictions and rights-of-way or record.

Bearings are based on North 86°49'58" West as given for the centerline of Scherer's Court (aka Dearborn Park Lane) of record in Plat Book 67, page 52.

All references are to records of the Recorder's Office, Franklin County, Ohio.

Pomeroy & Associates, Ltd, Consulting Engineers

David B. McCoy, Professional Surveyor No. 7632

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 its passage, and approval by the Mayor, or ten days after its passage if the Mayor neither approves nor vetoes the same.