



Legislation Details (With Text)

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On agenda: 7/27/2015 **Final action:** 7/30/2015

Title: To authorize the director of the Department of Public Service to execute and acknowledge any necessary instrument(s), as approved by the City Attorney, with The Ohio State University, an instrumentality of the state of Ohio, in order to amend an easement described and recorded in Instrument Number 201410080133496, Recorder's Office, Franklin County, Ohio, in order to replace and increase its acreage; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ex-A

Date	Ver.	Action By	Action	Result
7/30/2015	1	CITY CLERK	Attest	
7/29/2015	1	MAYOR	Signed	
7/27/2015	1	COUNCIL PRESIDENT	Signed	
7/27/2015	1	Columbus City Council	Approved	Pass

BACKGROUND:

The Ohio State University, an instrumentality of the state of Ohio (“OSU”), previously granted the City an easement for roadway purposes described and recorded in Instrument Number 201410080133496, Recorder’s Office, Franklin County, Ohio (“Easement”). The Easement is located in the vicinity of OSU’s campus along North High Street between previously vacated portions of West Woodruff Avenue and West Eighteenth Street, Columbus, Ohio 43201. The City’s Department of Public Service (DPS) recently determined additional easement areas is needed. As a result, OSU and DPS desire to amend the Easement by replacing and increasing the Easement’s acreage. However, all other provisions of the Easement will be unmodified and remain in full force and effect and fully binding upon OSU and the City. Accordingly, this ordinance authorizes the director of DPS on behalf of the City to execute and acknowledge any necessary instrument (s), as approved by the City Attorney, in order to amend the Easement by replacing and increasing the Easement’s acreage.

CONTRACT COMPLIANCE:

Not applicable.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency action is requested to allow for DPS to maintain the roadway and associated appurtenances of the Easement

without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the director of the Department of Public Service to execute and acknowledge any necessary instrument(s), as approved by the City Attorney, with The Ohio State University, an instrumentality of the state of Ohio, in order to amend an easement described and recorded in Instrument Number 201410080133496, Recorder's Office, Franklin County, Ohio, in order to replace and increase its acreage; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to amend an easement described and recorded in Instrument Number 201410080133496, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), with The Ohio State University, an instrumentality of the state of Ohio (*i.e.* OSU), in order to replace and increase the Easement's acreage;

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

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service (DPS) in the it is immediately necessary to authorize the amendment of the Easement, which will preserve the public peace, property, health, welfare, and safety; and **now, therefore**,

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

SECTION 1. The director of the Department of Public Service (DPS) is authorized to execute and acknowledge any instrument(s) necessary to amend an easement described and recorded in Instrument Number 201410080133496, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), with The Ohio State University, an instrumentality of the state of Ohio (*i.e.* OSU), in order to replace and increase the acreage of the Easement from 0.429 acres to 0.453 acres, as described in the attachment, Exhibit-A, which is fully incorporated into this ordinance for reference.

SECTION 2. Except for amending the Easement's acreage, all other provisions of the Easement remain in full force and effect and continue to be fully binding upon the City and OSU.

SECTION 3. The City Attorney is required to approve all instrument(s) associated with this ordinance prior to the director of DPS executing and acknowledging any of those instrument(s).

SECTION 4. The City formally accepts the Easement's amendment pursuant to this ordinance and to be recorded in the public land records of the Recorder's Office, Franklin County, Ohio, for the public purposes of managing roadway and associated appurtenances.

SECTION 5. For the reasons stated in the preamble of this ordinance, which are made a part of this ordinance, this ordinance is declared an emergency measure and shall take effect and be in force from and after this ordinance's passage and approval by the Mayor, or ten (10) days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.