



Legislation Details (With Text)

File #: 2923-2014 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 12/2/2014 **In control:** Public Utilities Committee
On agenda: 12/15/2014 **Final action:** 12/18/2014
Title: To authorize the director of the Department of Public Utilities to execute those documents, as approved by the City Attorney, necessary to release a portion of the City's sewer utility easement rights described and recorded in Instrument Number 200503250055636, Recorder's Office, Franklin County, Ohio. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit-A

Date	Ver.	Action By	Action	Result
12/18/2014	1	CITY CLERK	Attest	
12/16/2014	1	MAYOR	Signed	
12/15/2014	1	COUNCIL PRESIDENT	Signed	
12/15/2014	1	Columbus City Council	Read for the First Time	
12/15/2014	1	Columbus City Council	Waive the 2nd Reading	Pass
12/15/2014	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City possesses title to a sewer utility easement described and recorded in Instrument Number 200503250055636, Recorder's Office, Franklin County, Ohio ("Easement"). The existing servient tenement of the Easement, The Ravines at Rocky Ridge, LLC, an Ohio limited liability company ("Developer"), requested the City to release a portion of the City's rights from the Easement, because a portion of the Easement may unnecessarily burden the Developer's real property. The Department of Public Utilities, Division of Sewerage and Drainage, reviewed and determined releasing a portion of the City's rights to the Easement does not adversely affect the City and should be granted at no cost, because the City no longer requires sewer utility easement rights to the portion of the Easement the Developer requests to be released, as the City **(i)** removed, abandoned, and relocated portions of the infrastructure associated with the Easement; and **(ii)** secured a replacement easement described and recorded in Instrument Number 201308290147255, Recorder's Office, Franklin County Ohio. Accordingly, this ordinance authorizes the City's director of the Department of Public Utilities to execute those documents, as approved by the City Attorney, necessary to release a portion of the City's rights from the Easement.

FISCAL IMPACT: Not applicable.

EMERGENCY JUSTIFICATION: Not applicable.

To authorize the director of the Department of Public Utilities to execute those documents, as approved by the City Attorney, necessary to release a portion of the City's sewer utility easement rights described and recorded in Instrument Number 200503250055636, Recorder's Office, Franklin County, Ohio. (\$0.00)

WHEREAS, it is in the City's best interest to release a portion of the City's sewer utility easement rights described and recorded in Instrument Number 200503250055636, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), because the City **(i)** removed, abandoned, and relocated portions of the City's infrastructure associated with the Easement; and **(ii)** secured a replacement easement described and recorded in Instrument Number 201308290147255, Recorder's Office, Franklin County Ohio; 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 is authorized to execute those documents, as approved by the Columbus City Attorney, to forever release all of the City's sewer utility easement rights in only that portion of easement area described and depicted in the attachment, **Exhibit-A**, which is fully incorporated for reference into this ordinance.

SECTION 2. The City's remaining easement rights described and recorded Instrument Number 200503250055636, Recorder's Office, Franklin County Ohio, not released by this ordinance continue to forever **(i)** burden and run with the land of the servient estate; and **(ii)** remain effective against the existing servient tenement, The Ravines at Rocky Ridge, LLC, an Ohio limited liability company, and its successors and assigns.

SECTION 3. This ordinance is required to take effect and be in force from and after the earliest period allowed by law.