



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 11/15/2016      **In control:** Public Service & Transportation Committee

**On agenda:** 12/12/2016      **Final action:** 12/15/2016

**Title:** To authorize the Director of the Department of Public Service and the Director of the Department of Public Utilities to execute those documents necessary to release a portion of the general utility easement that was retained in 1990 pursuant to Ordinance 633-90.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/15/2016	1	CITY CLERK	Attest	
12/14/2016	1	MAYOR	Signed	
12/12/2016	1	COUNCIL PRESIDENT	Signed	
12/12/2016	1	Columbus City Council	Approved	Pass
12/5/2016	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

In 1990, pursuant to Ordinance 633-90, the City of Columbus vacated the alley west of Cleveland Avenue from the north line of Lehner Road to the north terminus of the alley. The City reserved a general utility easement for those utilities located within the alley at that time. The subject parcel, now known as Columbus Metropolitan Library at 4093 Cleveland Avenue. The Department of Public Service recently received a request from Columbus Metropolitan Library, owner of the property for this project, asking that the City release a portion of the reserved general utility easement from this property to help clear title and allow for the building expansion. After receipt of this request the Division of Infrastructure Management verified with all the public and private utility companies that there are no public utilities located within this reserved general utility easement and that they have no objections to the release of the portion of this easement. The following legislation authorizes the Director of the Department of Public Service and the Director of the Department of Public Utilities to execute those documents necessary to release a portion of the general utility easement that was retained in 1990 pursuant to Ordinance 633-90. A value of \$500.00 was established for the release of this portion of the general utility easement. The City will receive a total of \$500.00, to be deposited in Fund 7748, for granting the requested release of the general utility easement.

### 2. FISCAL IMPACT

The City will receive a total of \$500.00 to be deposited in Fund 7748, Project P537650, for granting this portion of easements to be released.

To authorize the Director of the Department of Public Service and the Director of the Department of Public Utilities to execute those documents necessary to release a portion of the general utility easement that was retained in 1990 pursuant to Ordinance 633-90.

**WHEREAS**, in 1990 pursuant to Ordinance 633-90, the City of Columbus vacated an alley west of Cleveland Avenue from the north line of Lehner Road to the north terminus of the alley, reserving a general utility easement for those utilities located within the alley at that time; and

**WHEREAS**, the subject parcel is now known as Columbus Metropolitan Library at 4093 Cleveland Avenue; and

**WHEREAS**, the Department of Public Service recently received a request from Columbus Metropolitan Library, owner of the property for this project, asking that the City release a portion of the reserved general utility easement from this property so they can provide clear title and allow for the building expansion; and

**WHEREAS**, a value of \$500.00 was established to release this portion of the general utility easement; and

**WHEREAS**, after receipt of this request the Division of Infrastructure Management verified with all public and private utility companies that there are no utilities located within this portion of reserved general utility easement and that they have no objections to the release of this portion of the easement; and

**WHEREAS**, it has become necessary in the usual daily operation of the Departments of Public Service and Public Utilities to authorize the Directors to execute those documents necessary to release a portion of the easement; **now, therefore:**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Director of the Department of Public Service and the Director of the Department of Public Utilities are hereby authorized to execute those documents necessary to release a portion of the general utility easement that was retained for the alley west of Cleveland Avenue from the north line of Lehner Road to the north terminus of the alley. The portion to be released is described as follows; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 1, Township 1 North, Range 18 West, United States Military Lands, and being a part of a 1.265 acre tract lying on the west side of Cleveland Avenue conveyed to the Grantor by deed of record in Official Record Volume OR 16177, Page G 05, Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows;

Commencing at the point of intersection of the westerly existing right-of-way line of Cleveland Avenue and the northerly existing right-of-way of Lehner Road, the POINT OF BEGINNING;

Thence, with the existing right-of-way of Lehner Road, North 86° 21' 09" West, a distance of 40.04 feet to a point on the proposed westerly right-of-way of Cleveland Avenue;

Thence, leaving the existing northerly right-of-way line and with the proposed westerly right-of-way line of Cleveland Avenue, North 43° 19' 44" East, a distance of 39.28 feet to a point;

Thence North 3° 44' 00" East, a distance of 232.26 feet to a point on the Grantor's northerly property line;

Thence, leaving the proposed right-of-way line and with the said northerly property line, South 86° 20' 08" East, a distance of 15 feet to a point on the existing westerly right-of-way line of Cleveland Avenue;

Thence, with the said existing right-of-way, South 3° 44' 00" West, a distance of 262.49 feet to a point, to the POINT OF BEGINNING.

The above described tract contains 0.0991 acre, more or less, of which the present roadway occupies 0.00 acres.

This area is acquired from Franklin County Auditor's Parcel Number 010-218850.

The Grantor reserves the right of ingress and egress to and from the residual areas.

Bearings for the above description are derived from a GPS survey by the Franklin County Engineer originating on Franklin County monuments Frank 63 and Frank 64, and are based on the Ohio State Plane Coordinate System, South Zone, North American Datum of 1983.

The above description was prepared by Benatec Associates by Rodney K. Bennet, Ohio Registered Surveyor Number 6007.

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