



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 2604-2013, **Version:** 1

BACKGROUND:

The City of Columbus, Ohio, an Ohio municipal corporation ("City"), holds title to a utility easement described and recorded in Official Record 21865, Page A01, Recorder's Office, Franklin County, Ohio ("Easement"). The existing servient tenement of the Easement, Community Shelter Board, an Ohio nonprofit corporation ("Board"), requests the City to release portions of the City's rights from the Easement where the City's infrastructure were removed, abandoned, or relocated. The City's Department of Public Utilities, Division of Sewerage and Drains, reviewed, approved, and determined releasing certain portions of the City's rights to the Easement does not adversely affect the City and should be granted at no cost, because the portions of easement area the Board requests released are no longer needed by the City and are deemed unnecessary. Therefore, this ordinance authorizes the Director of the Department of Public Utilities to execute those documents prepared and approved by the Columbus City Attorney, Real Estate Division, necessary to release to the Board certain portions 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 on behalf of the City of Columbus, Ohio, to execute those documents prepared by the Columbus City Attorney, Real Estate Division, necessary to release certain portions of the City's utility easement rights described and recorded in Official Record 21865, Page A01, Recorder's Office, Franklin County, Ohio. (\$0.00)

WHEREAS, the City of Columbus, Ohio, an Ohio municipal corporation ("City"), holds title to a utility easement described and recorded in Official Record 21865, Page A01, Recorder's Office, Franklin County, Ohio ("Easement");

WHEREAS, the existing servient tenement of the Easement, Community Shelter Board, Community Shelter Board, an Ohio nonprofit corporation ("Board"), requests the City to release portions of the City's rights from the Easement where the City's infrastructure were removed, abandoned, or relocated;

WHEREAS, the City's Department of Public Utilities, Division of Sewerage and Drains, reviewed, approved, and determined releasing certain portions of the City's rights to the Easement does not adversely affect the City and should be granted at no cost, because the portions of easement area the Board requests released are no longer needed by the City and are deemed unnecessary, **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 on behalf of the City of Columbus, Ohio, an Ohio municipal corporation ("City"), is authorized to execute those documents prepared and approved by the Columbus City Attorney, Real Estate Division, to forever release, relinquish, vacate, and discharge the City's easement rights in only the following two (2) described tracts of easement area:

TRACT 1: 0.324 ACRE EASEMENT AREA RELEASE

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Eaton's Farm, Plat Book 1, Page 68, in Virginia Military Survey No. 44, and being a portion of an existing sanitary sewer easement twenty (20) feet in width conveyed as Easement 2 to City of Columbus, Ohio by deed of record in Official Record 21865, Page A 01, said easement currently through a portion of a 5.547 acre tract of land conveyed to Columbus Paper Box Corporation, of record in Instrument 200210300275199, all references being to the Recorder's Office, Delaware County, Ohio, said portion of said easement to be vacated bounded and described as follows:

BEGINNING at a point within said 5.547 acre tract and at the most southwesterly corner of said Easement 2;

Thence crossing a portion of said 5.547 acre tract and along lines of said Easement 2 the following nine (9) courses:

1. N 20° 30' 49" W a distance of **20.00 feet** to a point;
2. N 69° 29' 11" E a distance of **144.87 feet** to a point;
3. N 01° 25' 40" E a distance of **190.02 feet** to a point;
4. N 59° 20' 34" W a distance of **149.38 feet** to a point;
5. N 32° 21' 09" W a distance of **150.62 feet** to a point;
6. N 57° 38' 51" E a distance of **20.00 feet** to a point;
7. S 32° 21' 09" E a distance of **145.82 feet** to a point;
8. S 59° 20' 34" E a distance of **145.90 feet** to a point;
9. N 25° 28' 34" E a distance of **44.05 feet** to a point in a curved northeasterly line of said 5.547 acre tract and in a curved southwesterly line of a 0.210 acre portion of additional dedicated right-of-way for Van Buren Drive, as shown upon the plat of West Edge Business Center, of record in Plat Book 99, Page 60;

Thence southeasterly along a portion of the northeasterly line of said 5.547 acre tract, along a portion of the curved southwesterly line of said 0.210 acre portion of Van Buren Drive right-of-way, crossing said Easement 2 and with a **curve to the left**, data of which is: **radius = 311.00 feet**, and **delta = 03° 41' 57"**, **arc length = 20.08 feet**, a **chord distance of 20.08 feet** bearing **S 69° 32' 06" E** to a point;

Thence crossing a portion of said 5.547 acre tract and along lines of said Easement 2 the following three (3) courses:

1. S 25° 28' 34" W a distance of **68.32 feet** to a point;
2. S 01° 25' 40" W a distance of **191.62 feet** to a point;
3. S 69° 29' 11" W a distance of **158.38 feet** to the **PLACE OF BEGINNING**;

Containing **14,121 square feet (= 0.324 acre)** of land more or less.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio from an actual field survey in December 2003. Basis of Bearings were derived from a VRS observation referencing monument, PID designation of COLB and establishing a bearing of N 10° 57' 12" W for Mt. Calvary Avenue, and all other bearing are based upon this meridian.

Kevin L. Baxter; Ohio Surveyor No 7697; 9/23/2013

TRACT 2: 0.234 ACRE EASEMENT AREA RELEASE

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Eaton's Farm, Plat Book 1, Page 68, in Virginia Military Survey No. 44, and being a portion of an existing sanitary sewer easement twenty (20) feet in width conveyed as Easement 4 to City of Columbus, Ohio by deed of record in Official Record 21865, Page A 01, said easement currently through a portion of a 5.547 acre tract of land conveyed to Columbus Paper Box Corporation, of record in Instrument 200210300275199, all references being to the Recorder's Office, Delaware County, Ohio, said portion of said easement to be vacated bounded and described as follows:

BEGINNING at a point within said 5.547 acre tract, at the most southeasterly corner of said Easement 4;

Thence **S 79° 31' 08" W** crossing a portion of said 5.547 acre tract and along a south line of said

Easement 4 a distance of **20.00 feet** to a point at a southwest corner of said Easement 4;

Thence **N 10° 28' 52" W** crossing a portion of said 5.547 acre tract and along a portion of a west line of said Easement 4 a distance of **509.83 feet** to a point;

Thence **N 79° 31' 08" E** crossing a portion of said 5.547 acre tract and crossing said Easement 4 a distance of **20.00 feet** to a point at a corner of said Easement 4;

Thence **S 10° 28' 52" E** crossing a portion of said 5.547 acre tract and along an east line of said Easement 4 a distance of **509.83 feet** to the **PLACE OF BEGINNING**;

Containing **10,197 square feet (= 0.234 acre)** of land more or less.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio from an actual field survey in December 2003. Basis of Bearings were derived from a VRS observation referencing monument, PID designation of COLB and establishing a bearing of N 10° 57' 12" W for Mt. Calvary Avenue, and all other bearing are based upon this meridian.

Kevin L. Baxter; Ohio Surveyor No 7697; 9/23/2013

SECTION 2. That the City's remaining easement rights described and recorded in Official Record 21865, Page A01, Recorder's Office, Franklin County, Ohio, not released by this ordinance continue to run with the land of the servient estate and continue to remain effective against the servient tenement, Community Shelter Board, an Ohio nonprofit corporation, and its successors and assigns.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.