



## Legislation Text

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**File #:** 0348-2015, **Version:** 1

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### **BACKGROUND:**

The City possesses title to a sewer utility easement described and recorded in Official Record 139, Page H14, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement is presently burdening real property located at 4692 Kenny Road Columbus, Ohio 43220 {Franklin County Tax Parcel № 010-129789} ("Servient Estate"). The existing servient tenement of the Easement, William C. Brunk, an Ohio resident ("Property Owner" via Ins. № 199907070172295, Ins. № 201411170153580, & D.B. 1541, Pg. E12, Recorder's Office, Franklin County, Ohio), requested the City to release a portion of the Easement, because the Easement may unnecessarily burden the Servient Estate. The Department of Public Utilities, Division of Sewerage and Drainage, reviewed the Property Owner's request and determined releasing a portion of 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 requested to be released, as the City removed, abandoned, or relocated all of the infrastructure associated with the portion of the Easement the Property Owner requests released. Accordingly, this ordinance authorizes the City's director of the Department of Public Utilities to execute any document (s), as approved by the City Attorney, necessary to release a portion of 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 sewer utility easement described and recorded in Official Record 139, Page H14, Recorder's Office, Franklin County, Ohio. (\$0.00)

**WHEREAS**, it is in the City's best interest to release a portion of the sewer utility easement described and recorded in Official Record 139, Page H14, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), because the City removed, abandoned, or relocated all of the City's infrastructure associated with the portion of the Easement requested to be released; 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 any document(s), as approved by the City Attorney, to forever release all of the sewer utility easement rights in only the 0.023 acre, more or less, tract of easement area described and depicted in the attachment, **Exhibit-A**, which is fully incorporated into this ordinance for reference.

**SECTION 2.** The City's remaining easement rights described and recorded Official Record 139, Page H14, 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, William C. Brunk, an Ohio resident, and his heirs, beneficiaries, executors, administrators, and assigns.

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

