



## Legislation Text

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**File #:** 1120-2017, **Version:** 1

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### **1. BACKGROUND:**

In 2015, pursuant to Ordinance 2755-2014, the City of Columbus reserved general utility easements over a 0.199 acre parcel of Lot 1, a 0.028 acre parcel of Lot 2, and a 0.177 acre parcel of Lot 3, per a recorded plat entitled "South of Gateway" as recorded in Plat Book 118, Pgs. 56- 58. The Department of Public Service recently received a request from Edwards Companies, owner of the property for this project, asking that the City release the reserved general utility easements from this property to allow for the redevelopment of the property. After receipt of this request the Division of Infrastructure Management verified with all the public and private utility companies that there are no facilities located within these reserved general utility easements and that they have no objections to the release of these easements. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary to release the general utility easements that were reserved in 2015 pursuant to Ordinance 2755-2014. A value of \$500.00 was established for the release of this portion 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 these easements to be released.

### **3. Emergency Justification**

Emergency action is requested to allow this project to proceed as currently scheduled.

To authorize the Director of the Department of Public Service to execute those documents necessary to release general utility easements that were reserved in 2015 pursuant to Ordinance 2755-2014; and to declare an emergency. (\$0.00)

**WHEREAS**, in 2015, pursuant to Ordinance 2755-2014, the City of Columbus reserved easements over a 0.199 acre parcel of Lot 1, a 0.028 parcel of Lot 2 and a 0.177 acre parcel of Lot 3, as recorded in the plat entitled a "South of Gateway", Plat Book 118, Pgs. 56-58, reserving general utility easements for those utilities located within the right-of-way at that time; and

**WHEREAS**, the Department of Public Service recently received a request from Edwards Companies, owner of the property for this project, asking that the City release the reserved general utility easements from this property to allow for the redevelopment of the property; 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 easements and that they have no objections to the release of these easements; and

**WHEREAS**, the City intends for the Director of the Department of Public Service to execute and acknowledge any document(s) necessary to release these utility easements; and

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

**WHEREAS**, a value of \$500.00 was established for the release of this portion of the general utility easement to be deposited in Fund 7748, Project P537650 for granting these easements to be released; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is

immediately necessary to authorize the Director to execute and acknowledge any document(s) necessary to release these utility easements to allow the redevelopment of the "South of Gateway" project to proceed as currently scheduled; now therefore

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

**Section 1.** That the Director of the Department of Public Service is authorized to execute those documents necessary to release the general utility easements that were reserved for the 0.199 acre parcel of Lot 1, the 0.028 acre parcel of Lot 2, 0.177 acre parcel of Lot 3, pursuant to Ordinance 2755-2014 and recorded in Plat Book 118, Pages 56-58. The portions to be released are described as follows; to-wit:

Description of 0.199 Acre Parcel

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1, Range 18, United States Military Lands, being on, over and across Lot 1 of the subdivision entitled "South of Gateway", of record in Plat Book 118, Page 56, of said Lot 1 being Conveyed to Redstone Realty Company, LLC by deed of record in Instrument Number 201507130094597 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the intersection of the northerly right-of-way line of 8<sup>th</sup> Avenue and the westerly right-of-way of Pearl Street, Vacated by Ordinance Number 3144-2015;

Thence North 86° 47' 09" West, with said northerly right-of-way line, a distance of 20.03 feet to a point;

Thence North 08° 25' 11" West, crossing said Lot 1, a distance of 379.80 feet to a point in the southerly right-of-way line of 9<sup>th</sup> Avenue;

Thence South 86° 47' 09" East, with said southerly right-of-way line, a distance of 20.42 feet to a point;

Thence South 08° 25' 11" East, crossing said Lot 1, a distance of 178.67 feet to a point;

Thence South 86° 47' 09" East, crossing said Lot 1, a distance of 50.81 feet to a point in said westerly right-of-way line;

Thence South 03° 24' 03" West, with said westerly right-of-way line, a distance of 22.00 feet to a point;

Thence North 86° 47' 09" West, crossing said Lot 1, a distance of 46.21 feet to a point;

Thence South 08° 25' 11" East, crossing said Lot 1, a distance of 178.34 feet to a point in said westerly right-of-way line;

Thence South 48° 24' 03" West, with said westerly right-of-way line, a distance of 0.45 feet to the POINT OF BEGINNING, containing 0.199 acre of land, more or less.

Description of 0.028 Acre Parcel

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1, Range 18, United States Military Lands, being on, over and across Lot 3 of the subdivision entitled "South of Gateway", of record in Plat Book 118, Page 56, of said Lot 3 being conveyed to Terrace Place, LLC by deed of record in Instrument Number 201507130094596 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at a northeasterly corner of Lot 2 of said subdivision, in the westerly right-of-way line of an Alley, Vacated by Ordinance Number 3144-2015;

Thence North  $86^{\circ} 57' 28''$  West, with said northerly line of said Lot 2, a distance of 108.07 feet to a corner thereof;

Thence North  $03^{\circ} 02' 59''$  East, with an easterly line of said Lot 2, a distance of 11.32 feet to a point;

Thence South  $86^{\circ} 47' 09''$  East, crossing said Lot 3 a distance of 108.10 feet to a point in said westerly right-of-way line;

Thence South  $03^{\circ} 12' 51''$  West, with said westerly right-of-way line, a distance of 11.00 feet to the POINT OF BEGINNING, containing 0.028 acre of land, more or less.

#### Description of 0.177 Acre Parcel

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1, Range 18, United States Military Lands, being on, over and across Lot 3 of the subdivision entitled "South of Gateway", of record in Plat Book 118, Page 56, of said Lot 2 being Conveyed Edwards OSU Apartments South, LLC by deed of record in Instrument Number 201507300104315 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at a southerly corner of Lot 3 of said "South of Gateway", in the westerly right-of-way line of an Alley;

Thence South  $03^{\circ} 12' 51''$  West, with said westerly right-of-way line, a distance of 11.00 feet to the northwesterly corner of Lot 17 of the subdivision entitled "Fishers North High St. Addition", of record in Plat Book 2, Page 194;

Thence North  $86^{\circ} 47' 09''$  West, crossing said Lot 2, a distance of 404.92 feet to the easterly right-of-way line of Pearl Street, vacated by Ordinance Number 3144-2015;

Thence North  $03^{\circ} 24' 03''$  East, with said easterly right-of-way line, a distance of 22.00 feet to a point;

Thence South  $86^{\circ} 47' 09''$  East, crossing said Lot 2, a distance of 296.75 feet to a point in the westerly line of Lot 3 of said "South of Gateway";

Thence South  $03^{\circ} 02' 59''$  West, with said westerly line, a distance of 11.32 feet to the southwestly corner of said Lot 3;

Thence South  $86^{\circ} 57' 28''$  East, with the southerly line of said Lot 3, a distance of 108.07 feet to the POINT OF BEGINNING, containing 0.177 acre of land, more or less.

The foregoing legal descriptions were written based upon existing records.

**Section 2.** That the City Attorney is required to approve all document(s) executed by the City pursuant to this ordinance.

**Section 3.** That a value of \$500.00 was established for the release of this portion of the general utility easement to be deposited in Fund 7748, Project P537650 for granting these easements to be released; and

**Section 4.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.