



## Legislation Text

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File #: 0093-2013, Version: 1

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### **..Explanation**

**BACKGROUND:** The City of Columbus, Ohio ("City") holds title to two (2) sanitary sewer utility easements recorded in Deed Book 2844, Page 237, and Deed Book 2832, Page 61 ("Old Easements"), Recorder's Office, Franklin County, Ohio. As Grantor-successor in interest of the Old Easements, CVS 5060 OH, L.L.C. n.k.a. FDG C39 OH Columbus LLC ("FDG"), a Delaware limited liability company, now requests the City to release its sanitary sewer easement rights in the Old Easements. The City's Department of Public Utilities reviewed, approved, and determined that the release of the sanitary sewer utility easement rights in the Old Easements will not adversely affect the City and should be granted at no cost, because FDG granted the City a new, replacement sanitary sewer utility easement recorded in Instrument № 201109120114808 ("Replacement Easement"), Recorder's Office, Franklin County, Ohio. Therefore, the following legislation authorizes the Director of the Department of Public Utilities to execute those documents necessary to release the City's easement rights in the Old Easements.

**FISCAL IMPACT:** N/A

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to not unnecessarily burden title to FDG's real property located at Franklin County Tax Parcel № 010-113911, which preserves the public peace, health, property, safety, and welfare.

To authorize the City's Director of the Department of Public Utilities to execute those documents necessary to release to CVS 5060 OH, L.L.C. n.k.a. FDG C39 OH Columbus LLC, a Delaware limited liability company, the City's sanitary sewer easement rights recorded in Deed Book 2844, Page 237, and Deed Book 2832, Page 61, Recorder's Office, Franklin County, Ohio, which relates to certain real property located at Franklin County Tax Parcel № 010-113911; and to declare an emergency.

**WHEREAS**, the City of Columbus, Ohio ("City"), holds title to two (2) sanitary sewer utility easements recorded in Deed Book 2844, Page 237, and Deed Book 2832, Page 61 ("Old Easements"), Recorder's Office, Franklin County, Ohio; and

**WHEREAS**, CVS 5060 OH, L.L.C. n.k.a. FDG C39 OH Columbus LLC ("FDG"), a Delaware limited liability company, granted the City a new, replacement easement recorded in Instrument № 201109120114808 ("Replacement Easement"), Recorder's Office, Franklin County, Ohio; and

**WHEREAS**, as accommodation for the Replacement Easement, FDG now requests the City to release its sanitary sewer easement rights in the Old Easements; and

**WHEREAS**, the City's Department of Public Utilities reviewed, approved, and determined that the release of the sanitary sewer utility easement rights in the Old Easements will not adversely affect the City and should be granted at no cost, because FDG granted the City the Replacement Easement, Instrument № 201109120114808; and

**WHEREAS**, an emergency exists in the usual daily operations of the City in that it is immediately necessary to partially release the Old Easements in order to not unnecessarily burden title to FDG's real property located at Franklin County

Tax Parcel № 010-113911, which preserves the public health, peace, property, safety, and welfare; now, therefore:

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

**SECTION 1.** The City's Director of the Department of Public Utilities is authorized to execute those documents prepared by the Columbus City Attorney, Real Estate Division, necessary to release to CVS 5060 OH, L.L.C. n.k.a. FDG C39 OH Columbus LLC, a Delaware limited liability company, its sanitary sewer utility easement rights in Deed Book 2844, Page 237, and Deed Book 2832, Page 61, Recorder's Office, Franklin County, Ohio:

**SECTION 2.** For the reasons stated in the preamble of this ordinance, which is made a part legislation, this ordinance is declared to be an emergency measure and shall take effect and be in force after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.