



Legislation Details (With Text)

File #: 2151-2013 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/4/2013 **In control:** Public Utilities Committee

On agenda: 9/30/2013 **Final action:** 10/1/2013

Title: To authorize the Director of the Department of Public Utilities on behalf of the City of Columbus, Ohio, to execute those documents, as prepared by the Columbus City Attorney, necessary to release to Morso Holding Co., a Delaware corporation, certain portions of the City's sewer utility easement rights described and recorded in Deed Volume 3451, Page 35, and Instrument Number 201101100004974, Recorder's Office, Franklin County, Ohio. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/1/2013	1	CITY CLERK	Attest	
10/1/2013	1	MAYOR	Signed	
9/30/2013	1	COUNCIL PRESIDENT	Signed	
9/30/2013	1	Columbus City Council	Approved	Pass
9/23/2013	1	Columbus City Council	Read for the First Time	

BACKGROUND:

The City of Columbus, Ohio ("City") holds title to two (2) sewer utility easements described and recorded in Deed Volume 3451, Page 35, and Instrument Number 201101100004974 (collectively, "Easement"), Recorder's Office, Franklin County, Ohio. As grantor and successor-Grantor of portions of the Easement, Morso Holding Co. ("Morso"), a Delaware corporation, requests the City to release certain portions of the City's easement rights in the Easement that were removed and abandoned under Sanitary CC-16347. The City's Department of Public Utilities, Division of Sewerage and Drains, reviewed, approved, and determined releasing portions of the City's sewer utility easement rights in the Easement do not adversely affect the City and should be granted at no cost, because the City removed and abandoned infrastructure in the easement area Morso requests released. Therefore, this legislation authorizes the Director of the Department of Public Utilities to execute those documents, as prepared and approved by the Columbus City Attorney, necessary to release to Morso certain portions of the City's easement rights in 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, as prepared by the Columbus City Attorney, necessary to release to Morso Holding Co., a Delaware corporation, certain portions of the City's sewer utility easement rights described and recorded in Deed Volume 3451, Page 35, and Instrument Number 201101100004974, Recorder's Office, Franklin County, Ohio. (\$0.00)

WHEREAS, The City of Columbus, Ohio ("City") holds title to two (2) sewer utility easements described and recorded in Deed Volume 3451, Page 35, and Instrument Number 201101100004974 (collectively, "Easement"), Recorder's Office, Franklin County, Ohio;

WHEREAS, as grantor and successor-Grantor of portions of the Easement, Morso Holding Co. ("Morso"), a Delaware corporation, requests the City to release certain portions of the City's easement rights in the Easement that were removed and abandoned under Sanitary CC-16347;

WHEREAS, the City's Department of Public Utilities, Division of Sewerage and Drains, reviewed, approved, and determined releasing portions of the City's sewer utility easement rights in the Easement do not adversely affect the City and should be granted at no cost, because the City removed and abandoned infrastructure in the easement area Morso requests 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 on behalf of the City of Columbus, Ohio ("City"), is authorized to execute those documents, as prepared and approved by the Columbus City Attorney, to forever release, relinquish, and discharge to Morso Holding Co. ("Morso"), a Delaware corporation, the City's easement rights in only the following described easement area:

0.224 ACRE EASEMENT AREA RELEASE

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 1, Township 1, Range 17, United States Military Lands, being across that 45.431 acre tract as conveyed to Morso Holding Co. by deed of record in Instrument Number 200902170020898, being part of that 0.260 acre Sanitary Sewer Easement conveyed to City of Columbus, Ohio by deed of record in Instrument Number 201101100004974 and part of that 5,756 square foot Sanitary Sewer Easement conveyed to City of Columbus, Ohio by deed of record in Deed Book 3451, Page 35 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, at a point on the easterly right-of-way line of Stelzer Road, being the northwesterly corner of that 18.865 acre tract as conveyed to Aladdin Temple A.A.O.N.M.S. by deed of record in Deed Book 2965, Page 402, a southwesterly corner of said Parcel 10;

Thence South 86° 11' 40" East, with the line common to said Parcel 10 and said 18.865 acre tract, a distance of 228.75 feet to a southeasterly corner of said Parcel 10, a southwesterly corner of said 45.431 acre tract;

Thence North 04° 43' 23" East, with the line common to said Parcel 10 and said 45.431 acre tract, partially with the westerly line of said Sanitary Sewer Easement (D.B. 3451, P. 35), a distance of 132.88 feet to the **TRUE POINT OF BEGINNING**;

Thence partially with said common line and across said 45.431 acre tract, partially with the lines of and across said Sanitary Sewer Easements, the following courses and distances:

- **North 04° 43' 23" East**, a distance of **77.22 feet** to a point;
- **North 86° 12' 55" West**, a distance of **166.59 feet** to a point;
- **North 03° 36' 36" East**, a distance of **40.00 feet** to a point;
- **South 86° 12' 55" East**, a distance of **167.36 feet** to a point;
- **North 04° 43' 23" East**, a distance of **5.21 feet** to a point;
- **South 86° 11' 37" East**, a distance of **25.00 feet** to a point;
- **South 04° 43' 23" West**, a distance of **122.83 feet** to a point; and
- **North 85° 16' 37" West**, a distance of **25.00 feet** to the **TRUE POINT OF BEGINNING**, containing **0.224 acre**, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.
Heather L. King, 3/1/2013, Registered Surveyor № 8307

SECTION 2. The City's remaining easement rights in the two (2) easements described and recorded in Deed Volume 3451, Page 35, and Instrument Number 201101100004974, Recorder's Office, Franklin County, Ohio, not released by this ordinance continues to remain effective against Morso and its successors and assigns.

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