



Legislation Details (With Text)

File #: 2876-2013 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/25/2013 **In control:** Public Utilities Committee

On agenda: 1/13/2014 **Final action:** 1/15/2014

Title: To authorize the Director of the Department of Public Utilities on behalf of the City of Columbus, Ohio, to execute those documents approved by the Columbus City Attorney, Real Estate Division, necessary to release a certain portion of the City's platted utility easement rights described and recorded in Plat Cabinet 2, Slide 20, Recorder's Office, Fairfield County, Ohio. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/15/2014	1	CITY CLERK	Attest	
1/14/2014	1	MAYOR	Signed	
1/13/2014	1	COUNCIL PRESIDENT	Signed	
1/13/2014	1	Columbus City Council	Approved	Pass
12/16/2013	1	Columbus City Council	Read for the First Time	

BACKGROUND:

The City of Columbus, Ohio, an Ohio municipal corporation ("City"), holds title to a platted utility easement described and recorded in Plat Cabinet 2, Slide 20, Recorder's Office, Fairfield County, Ohio ("Easement"). The existing servient tenement of the Easement, Turnberry Creek Apartments II, LLC, an Ohio limited liability company ("Turnberry"), requests the City to release a certain portion of the City's rights from the Easement where the City's infrastructure were removed, abandoned, or relocated pursuant to sanitary sewer plan CC-13193. 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 Turnberry requests released are no longer needed and deemed unnecessary by the City. Therefore, this ordinance authorizes the Director of the Department of Public Utilities to execute those documents approved by the Columbus City Attorney, Real Estate Division, necessary to release to 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 approved by the Columbus City Attorney, Real Estate Division, necessary to release a certain portion of the City's platted utility easement rights described and recorded in Plat Cabinet 2, Slide 20, Recorder's Office, Fairfield County, Ohio. (\$0.00)

WHEREAS, the City of Columbus, Ohio, an Ohio municipal corporation ("City"), holds title to a platted utility easement

described and recorded in Plat Cabinet 2, Slide 20, Recorder's Office, Fairfield County, Ohio ("Easement");

WHEREAS, the existing servient tenement of the Easement, Turnberry Creek Apartments II, LLC, an Ohio limited liability company ("Turnberry"), requests the City to release a certain portion of the City's rights from the Easement where the City's infrastructure were removed, abandoned, or relocated pursuant to sanitary sewer plan CC-13193;

WHEREAS, The Department of Public Utilities, Division of Sewerage and Drains, has reviewed this request and has determined that 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 Turnberry requests released are no longer needed and deemed unnecessary by the City, **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO ("CITY"):

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 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 described tract of platted easement area:

0.058 ACRE EASEMENT AREA RELEASE

Situate in the State of Ohio, County of Fairfield, City of Columbus, lying in Section 30, Township 16, Range 20, Refugee Lands, being on, over and across that 7.176 acre tract conveyed to Turnberry Creek Apartments, LLC by deed of record in Official Record 1505, Page 1972, (all references refer to the records of the Recorder's Office, Fairfield County, Ohio) being more particularly described as follows:

BEGINNING in the easterly line of said 7.176 acre tract at the common corner of Lots 108 and 109 of "Farmbrook Section 3", of record in Plat Cabinet 2, Slide 20;

Thence **South 03° 50' 20" West**, with the line common to said 7.176 acre tract and said Lot 108, a distance of **16.55 feet** to a point;

Thence across said 7.176 acre tract, the following courses and distances:

- **North 65° 09' 40" West**, a distance of **129.55 feet** to a point;
- **North 24° 50' 20" East**, a distance of **20.00 feet** to a point;
- **South 65° 09' 40" East**, a distance of **121.87 feet** to a point on the line common to said 7.176 acre tract and said Lot 109;

Thence **South 03° 50' 20" West**, with the line common to said 7.176 acre tract and said Lot 109, a distance of **4.87 feet** to the **POINT OF BEGINNING**, containing **0.058 acre**, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.
Heather L. King, PS № 8307; 11/4/2013

SECTION 2. That the City's remaining easement rights described and recorded in Plat Cabinet 2, Slide 20, Recorder's Office, Fairfield 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, Turnberry Creek Apartments II, LLC, an Ohio limited liability company, 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.