



## Legislation Details (With Text)

**File #:** 2931-2013      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/2/2013      **In control:** Public Utilities Committee

**On agenda:** 12/16/2013      **Final action:** 12/19/2013

**Title:** To authorize the Director of the Department of Public Utilities to execute those documents approved by the Columbus City Attorney, Real Estate Division, necessary to release a certain portion of the City's sewer utility easement rights described and recorded in Instrument Number 199904090089345, Recorder's Office, Franklin County, Ohio, and Deed Book 589, Page 611, Recorder's Office, Delaware County, Ohio; and to declare an emergency. (\$0.00)

### Sponsors:

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### Code sections:

### Attachments:

Date	Ver.	Action By	Action	Result
12/19/2013	1	CITY CLERK	Attest	
12/18/2013	1	ACTING MAYOR	Signed	
12/16/2013	1	COUNCIL PRESIDENT	Signed	
12/16/2013	1	Columbus City Council	Approved	Pass

### BACKGROUND:

The City of Columbus, Ohio, an Ohio municipal corporation ("City"), holds title to two sewer utility easements described and recorded in Instrument Number 199904090089345, Recorder's Office, Franklin County, Ohio, and Deed Book 589, Page 611, Recorder's Office, Delaware County, Ohio (collectively, "Easement"). The existing servient tenement of the Easement, J.P. Morgan Chase National Corporate Services, Inc., a New York corporation ("Chase"), requests the City to release a certain portion of the City's rights from the Easement, because Chase is conducting construction to upgrade security measures at its corporate facilities located at the servient estate. 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 portion of easement area Chase requests released is 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.

**CONTRACT COMPLIANCE №:** Not applicable.

**FISCAL IMPACT :** Not applicable.

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to not delay the benefit to the City resulting from Chase upgrading the security at its corporate facility, which preserves the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Public Utilities to execute those documents approved by the Columbus City Attorney, Real Estate Division, necessary to release a certain portion of the City's sewer utility easement rights described and recorded in Instrument Number 199904090089345, Recorder's Office, Franklin County, Ohio, and Deed

Book 589, Page 611, Recorder's Office, Delaware County, Ohio; and to declare an emergency. (\$0.00)

**WHEREAS**, the City holds title to two sewer utility easements described and recorded in Instrument Number 199904090089345, Recorder's Office, Franklin County, Ohio, and Deed Book 589, Page 611, Recorder's Office, Delaware County, Ohio (collectively, "Easement");

**WHEREAS**, the existing servient tenement of the Easement, Chase, requests the City to release a certain portion of the City's rights from the Easement, because Chase is conducting construction to upgrade security measures at its corporate facilities located at the servient estate;

**WHEREAS**, 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 Chase requests released are no longer needed and deemed unnecessary by the City;

**WHEREAS**, an emergency exists in the usual daily operations of the City, because it is immediately necessary to release a certain portion of the Easement so that Chase may construct and upgrade security measures at its corporate facilities located at the servient estate, which is for the immediate preservation of the public peace, health, property, safety, and welfare; **NOW, THEREFORE**,

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

**SECTION 1.** The Director of the Department of Public Utilities 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 easement area:

**0.417 ACRE EASEMENT AREA RELEASE**

**[South of Polaris Parkway, East of South Old State Road, Columbus, Ohio]**

Situated in the State of Ohio, County of Delaware, City of Columbus, being in Farm Lot 1, Section 3, Township 3, Range 18, United States Military Lands, being all of that Sanitary Sewer Easement as described in Instrument No. 199904090089345 (Franklin County, Ohio Recorder's Office) and part of that Sanitary Sewer Easement as described in Deed Book 589, Page 611, (Delaware County, Ohio Recorder's Office) both easement herein are located within that 95.308 acre tract as described in a deed to Banc One Corporation, of record in Deed Book 573, Page 460, area to be release being more particularly described as follows:

Beginning FOR REFERENCE at a point in the westerly right-of-way line of Old South State Road, 40.00 feet easterly from the centerline of said road, at the northwesterly corner of that 3.404 acre tract as described in a deed to Banc One Corporation, of record in Deed Book 573, Page 479; thence South 16°47'29" West, along said right-of-way line, a distance of 30.91 feet to a point;

Thence through said 3.404 acre tract, said 95.308 acre tract and along the perimeter of said Sanitary Sewer Easement of record in Deed Book 589, Page 611, the following courses:

1. South 87°10'47" East, a distance of 460.45 feet to a point;
2. South 58°52'14" East, a distance of 543.11 feet to a point
3. South 21°53'28" West, a distance of 97.15 feet to a point;
4. South 19°18'35" West, a distance of 290.63 feet to a point;
5. South 47°13'14" West, a distance of 320.38 feet to a point
6. South 22°11'36" West, a distance of 8.33 feet to the **TRUE PLACE OF BEGINNING** .

Thence **South 67°48'24" East**, through said easement, a distance of **15.00 feet** to a point;

Thence along the perimeter of said easements and through said 95.308 acre tract the following courses:

1. **South 22°11'36" West**, a distance of **130.49 feet** to a point;
2. **South 01°52'34" West**, a distance of **71.76 feet** to a point;
3. **South 22°07'49" West**, a distance of **315.77 feet** to a point
4. **South 18°38'21" West**, a distance of **52.61 feet** to a point;
5. **South 22°07'49" West**, a distance of **278.86 feet** to a point;

6. South 00°20'43" East , a distance of 78.47 feet to a point;
7. South 22°07'49" West , a distance of 283.49 feet to a point;
8. North 67°52'11" West , a distance of 15.00 feet to a point;
9. North 22°07'49" East , a distance of 280.51 feet to a point;
10. North 00°20'43" West , a distance of 78.47 feet to a point;
11. North 22°07'49" East , a distance of 281.38 feet to a point;
12. North 18°38'21" East , distance of 52.61 feet to a point;
13. North 22°07'49" East , a distance of 313.55 feet to a point;
14. North 01°52'34" East , a distance of 71.77 feet to a point;
15. North 22°11'36" East , a distance of 133.18 feet to the TRUE PLACE OF BEGINNING and containing 0.417 acres, more or less.

This description was prepared by M•E/IBI Group, Inc. based on information obtained from records.

M•E/IBI Group, Inc.

David L. Chiesa, RS № 7740; 11/18/2013

**SECTION 2.** The City's remaining easement rights described and recorded in described and recorded in Instrument Number 199904090089345, Recorder's Office, Franklin County, Ohio, and Deed Book 589, Page 611, Recorder's Office, Delaware 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, J.P. Morgan Chase National Corporate Services, Inc., a New York corporation, and its successors and assigns.

**SECTION 3.** For the reasons stated in the preamble, which are made a part of this ordinance, 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 this ordinance.