



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 2/13/2014 **In control:** Development Committee

On agenda: 3/3/2014 **Final action:** 3/6/2014

Title: To authorize the Director of the Department of Public Service and the Director of the Department of Development to execute those documents approved by the Columbus City Attorney, Real Estate Division, necessary to release the City's reserved utility rights described and recorded in Instrument Number 201311260196272, Recorder's Office, Franklin County, Ohio, and Columbus City Ordinance Number 0851-2011; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ex-A (201311260196272)

Date	Ver.	Action By	Action	Result
3/6/2014	1	CITY CLERK	Attest	
3/5/2014	1	MAYOR	Signed	
3/3/2014	1	COUNCIL PRESIDENT	Signed	
3/3/2014	1	Columbus City Council	Approved	Pass

BACKGROUND:

As authorized by Columbus City Ordinance Number 0144-2013, the Department of Development on behalf of the City of Columbus, Ohio, an Ohio municipal corporation ("City"), transferred real property known as Franklin County Tax Parcel Number 010-044235 ("Servient-Estate") to Parsons One, LLC, an Ohio limited liability company. In the City's deed of conveyance to Parsons One, LLC described and recorded in Instrument Number 201311260196272, Recorder's Office, Franklin County, Ohio, and pursuant to the City's previous vacation of right-of-way in Columbus City Ordinance Number 0851-2011, the City reserved utility easement rights burdening the entire Servient-Estate (collectively, "Easement-Reservations"). The existing servient tenement of the Easement, Parsons Senior, LLC, an Ohio limited liability company, requested the City to release the Easement-Reservations, because Parsons Senior LLC is developing the Servient-Estate. The City has reviewed and determined that a release of the Easement-Reservations does not adversely affect the City and should be granted at no cost, because Parsons Senior LLC granted the City two (2) replacement easements described and recorded in Instrument Numbers 201402040014706 and 201402200021215, Recorder's Office, Franklin County, Ohio (collectively, "Replacement-Easements"). Therefore, this ordinance authorizes the Directors of the Department of Public Service and the Director of the Department of Development to execute those documents approved by the Columbus City Attorney, Real Estate Division, necessary to release the Easement-Reservations.

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 Parsons Senior LLC' development of the Servient-Estate, which preserves the public peace, health, property, safety,

and welfare.

To authorize the Director of the Department of Public Service and the Director of the Department of Development to execute those documents approved by the Columbus City Attorney, Real Estate Division, necessary to release the City's reserved utility rights described and recorded in Instrument Number 201311260196272, Recorder's Office, Franklin County, Ohio, and Columbus City Ordinance Number 0851-2011; and to declare an emergency. (\$0.00)

WHEREAS , as authorized by Ordinance Number 0144-2013, the Department of Development transferred the Servient-Estate to Parsons One, LLC;

WHEREAS , from transferring the Servient-Estate to Parsons One, LLC, and previously vacating right-of-way, the City holds title to the Easement-Reservations burdening the entire Servient-Estate;

WHEREAS , the existing servient tenement of the Easement, Parsons Senior LLC, requested the City to release the Easement-Reservations, because Parsons Senior LLC is developing the Servient-Estate;

WHEREAS , the City has reviewed and determined that a release of the Easement-Reservations does not adversely affect the City and should be granted at no cost, because Parsons Senior LLC granted the Replacement-Easements;

WHEREAS , an emergency exists in the usual daily operations of the City, because it is immediately necessary to authorize the Director of the Department of Public Service and the Director of the Department of Development to execute those documents approved by the Columbus City Attorney, Real Estate Division, necessary to release the Easement-Reservations so that Parsons Senior LLC may develop the Servient-Estate, which are 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:

SECTION 1. That the Director of the Department of Public Service and the Director of the Department of Development are authorized to execute those documents approved by the Columbus City Attorney, Real Estate Division, to forever release the City's reserved utility easement rights described and recorded in Instrument Number 201311260196272, Recorder's Office, Franklin County, Ohio, which is attached as **Exhibit-A** and fully incorporated into this ordinance for reference, and Columbus City Ordinance Number 0851-2011.

SECTION 2. That any of the City's remaining restrictive covenants, terms, conditions, and rights described and recorded in Instrument Number 201311260196272, Recorder's Office, Franklin County, Ohio, or otherwise in the servient estate's chain-of-title not released by this ordinance continue to forever burden and run with the land of the servient estate and remain effective against the servient tenement, Parsons Senior, LLC, an Ohio limited liability company, and its successors and assigns.

SECTION 3. That for the reasons stated in the preamble hereto, which are made a part hereof, 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.