



Legislation Details (With Text)

File #: 0494-2015 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 2/9/2015 **In control:** Public Utilities Committee

On agenda: 3/2/2015 **Final action:** 3/4/2015

Title: To authorize the director of the Department of Public Utilities to execute those document(s), as approved by the City Attorney, necessary to release certain portions of a sewer utility easement described and recorded in Instrument Number 200508190168830, Recorder's Office, Franklin County, Ohio. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit-A

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 3/4/2015 | 1 | CITY CLERK | Attest | |
| 3/3/2015 | 1 | MAYOR | Signed | |
| 3/2/2015 | 1 | COUNCIL PRESIDENT | Signed | |
| 3/2/2015 | 1 | Columbus City Council | Approved | Pass |
| 2/23/2015 | 1 | Columbus City Council | Read for the First Time | |

BACKGROUND:

The City possesses title to a sewer utility easement described and recorded in Instrument Number 200508190168830, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement is presently burdening real property located in the vicinity of Hartford Village Boulevard, Columbus, Ohio 43228 {Franklin County Tax Parcel № 010-243602} ("Servient Estate"). The existing servient tenement of the Easement, Hartford Village Common LLC, an Ohio limited liability company ("Property Owner" via Ins. № 200902190022456, Recorder's Office, Franklin County, Ohio), requested the City to release certain portions of the Easement, because portions of the Easement may unnecessarily burden the Servient Estate. The Department of Public Utilities, Division of Sewerage and Drainage, reviewed the Property Owner's request and determined releasing certain portions of the Easement does not adversely affect the City and should be granted at no cost, because the City no longer requires sewer utility easement rights to certain portions of the Easement as the City removed, abandoned, or relocated all of the infrastructure associated with certain portions of the Easement. Accordingly, this ordinance authorizes the City's director of the Department of Public Utilities to execute any document(s), as approved by the City Attorney, necessary to release certain portions of the Easement.

FISCAL IMPACT: Not applicable.

EMERGENCY JUSTIFICATION: Not applicable.

To authorize the director of the Department of Public Utilities to execute those document(s), as approved by the City Attorney, necessary to release certain portions of a sewer utility easement described and recorded in Instrument Number 200508190168830, Recorder's Office, Franklin County, Ohio. (\$0.00)

WHEREAS, it is in the City's best interest to release certain portions of the sewer utility easement described and recorded in Instrument Number 200508190168830, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), because the City removed, abandoned, or relocated all of the City's infrastructure associated with certain portions of the Easement; 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 is authorized to execute any document(s), as approved by the City Attorney, to forever release all of the sewer utility easement rights in only the 0.075 acre, more or less, and 0.126 acre, more or less, tracts of easement area described and depicted in the attachment, Exhibit-A, which is fully incorporated into this ordinance for reference.

SECTION 2. The City's remaining easement rights described and recorded in Instrument Number 200508190168830, Recorder's Office, Franklin County Ohio, not released by this ordinance continue to forever (i) burden and run with the land of the servient estate; and (ii) remain effective against the existing servient tenement, Hartford Village Common LLC, an Ohio limited liability company, and its successors and assigns.

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