



Legislation Details (With Text)

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File created: 11/3/2016 **In control:** Public Utilities Committee

On agenda: 11/21/2016 **Final action:** 11/23/2016

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 and terminate a portion of the City's easement rights described and recorded in Instrument Number 201310210177877, Recorder's Office, Franklin County, Ohio; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. CC17382 Survey

Date	Ver.	Action By	Action	Result
11/23/2016	1	ACTING CITY CLERK	Attest	
11/23/2016	1	MAYOR	Signed	
11/21/2016	1	COUNCIL PRESIDENT	Signed	
11/21/2016	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City possesses title to a sewer utility easement described and recorded in Instrument Number 201310210177877, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement burdens real property located at the northwest corner of the intersection of U.S. Route 62 and Market Street, New Albany, OH 43054 {Franklin County Tax Parcel 222-004559} ("Servient Estate"). The existing owner of the Servient Estate, DNA MMII LLC, an Ohio limited liability company ("Property Owner" - see Ins. 201608120106038, Recorder's Office, Franklin County, Ohio), requested the City to release and terminate a portion of its rights to the Easement in order to clean the Servient Estate's title. The City's Department of Public Utilities (DPU) reviewed the Property Owner's request and determined releasing and terminating a portion of the City's rights to the Easement does not adversely affect the City and should be granted at no monetary cost, because the City removed, abandoned, or relocated the infrastructure associated with this portion of the Easement.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

The Department of Public Utilities requests emergency designation to allow for the timely release of the Easements in order to timely clean the Servient Estate's title permitting the Property Owners to redevelop the Servient Estate, which will preserve the public peace, property, health, safety, and welfare.

To authorize the director of the Department of Public Utilities to execute those document(s), as approved by the City Attorney, necessary to release and terminate a portion of the City's easement rights described and recorded in Instrument

Number 201310210177877, Recorder's Office, Franklin County, Ohio; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to release and terminate a portion of its sewer easement rights described and recorded in Instrument Number 201310210177877, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), because the City removed, abandoned, or relocated the City's infrastructure associated with a portion of the Easement;

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to authorize the Director to execute those document(s), as approved by the City Attorney, necessary to release and terminate a portion of the City's easement rights; **now, therefore**,

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

SECTION 1. That the director of the Department of Public Utilities (DPU) is authorized to execute any document(s) necessary to release and terminate only the 0.007 acre, more or less, tract of easement area described and recorded in Instrument Number 201310210177877, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), which is also found in the two (2) page attachment and fully incorporated for reference as if rewritten.

SECTION 2. That the City Attorney is required to approve all document(s) associated with this ordinance prior to the director of DPU executing and acknowledging any of those document(s).

SECTION 3. That this ordinance, for the reasons stated in the preamble of this ordinance, which are fully incorporated for reference as if rewritten, is declared to be an emergency measure and is required take effect and be in force from and after its passage and approval by the Mayor or ten (10) days after its passage if the Mayor neither approves nor vetoes this ordinance.