



## Legislation Details (With Text)

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

**File created:** 2/13/2017      **In control:** Public Service & Transportation Committee

**On agenda:** 4/3/2017      **Final action:** 4/5/2017

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary to release a portion of the general utility easement that was retained in 2015 pursuant to Ordinance 3144-2015. (REPEALED BY ORD. 1387-2017; PASSED 6/5/2017)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/5/2017	1	CITY CLERK	Attest	
4/5/2017	1	ACTING MAYOR	Signed	
4/3/2017	1	COUNCIL PRESIDENT	Signed	
4/3/2017	1	Columbus City Council	Approved	Pass
3/27/2017	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

In 2015, pursuant to Ordinance 3144-2015, the City of Columbus disposed of the unnamed east/west right-of-way east of Pearl Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues. The City reserved a general utility easement for those utilities located within this right-of-way at that time. The subject parcel is scheduled for development by Edwards Communities Development Company. The Department of Public Service recently received a request from Edwards Communities Development Company, developer of the property for this project, asking that the City release a portion of the reserved general utility easement from this property to help clear title and allow for the building development. After receipt of this request the Division of Infrastructure Management verified with all the public and private utility companies that there are no public utilities located within this reserved general utility easement and that they have no objections to the release of the portion of this easement. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary to release a portion of the general utility easement that was retained in 2015 pursuant to Ordinance 3144-2015. A value of \$500.00 was established for the release of this portion of the general utility easement.

### 2. FISCAL IMPACT

The City will receive a total of \$500.00, to be deposited in Fund 7748, Project P537650, for granting this portion of easements to be released.

To authorize the Director of the Department of Public Service to execute those documents necessary to release a portion of the general utility easement that was retained in 2015 pursuant to Ordinance 3144-2015. (REPEALED BY ORD. 1387-2017; PASSED 6/5/2017)

**WHEREAS**, in 2015, pursuant to Ordinance 3144-2015, the City of Columbus transferred the unnamed east/west right-

of-way east of Pearl Street between 8th and 9th Avenues, reserving a general utility easement for those utilities located within the alley at that time; and

**WHEREAS**, the subject parcel, now known as South of Gateway; and

**WHEREAS**, the Department of Public Service recently received a request from Edwards Communities Development Company, developer of the property for this project, asking that the City release a portion of the reserved general utility easement from this property so that they can help clear title and allow for the development; and

**WHEREAS**, after receipt of this request the Division of Infrastructure Management verified with all public and private utility companies that there are no utilities located within this portion of reserved general utility easement and that they have no objections to the release of this portion of easement; and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director to execute those documents necessary to release a portion of the general utility easement; now therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Director of the Department of Public Service be and is hereby authorized to execute those documents necessary to release the general utility easement that was retained for the unnamed east/west right-of-way east of Pearl Street between 8th and 9th Avenues. The portions to be released is described as follows; to-wit:

Easement Vacation  
0.028 Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1, Range 18, United States Military Lands, being on, over and across Lot 3 of the subdivision entitled "South of Gateway", of record in Plat Book 118, Page 56, of said Lot 3 being conveyed to Terrace Place, LLC by deed of record in Instrument Number 201507130094596 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at a northeasterly corner of Lot 2 of said subdivision, in the westerly right-of-way line of an Alley, Vacated by Ordinance Number 3144-2015;

Thence North  $86^{\circ} 57' 28''$  West, with said northerly line of said Lot 2, a distance of 108.07 feet to a corner thereof;

Thence North  $03^{\circ} 02' 59''$  East, with an easterly line of said Lot 2, a distance of 11.32 feet to a point;

Thence South  $86^{\circ} 47' 09''$  East, crossing said Lot 3 a distance of 108.10 feet to a point in said westerly right-of-way line;

Thence South  $03^{\circ} 12' 51''$  West, with said westerly right-of-way line, a distance of 11.00 feet to the POINT OF BEGINNING, containing 0.028 acre of land, more or less.

The foregoing legal description was written based upon existing records.

Easement Vacation  
0.177 Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1, Range 18, United States Military Lands, being on, over and across Lot 3 of the subdivision entitled "South of Gateway", of record in Plat Book 118, Page 56, of said Lot 2 being Conveyed Edwards OSU Apartments South, LLC by deed of record in Instrument Number 201507300104315 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at a southerly corner of Lot 3 of said “South of Gateway”, in the westerly right-of-way line of an Alley;

Thence South 03° 12’51” West, with said westerly right-of-way line, a distance of 11.00 feet to the northwesterly corner of Lot 17 of the subdivision entitled “Fishers North High St. Addition”, of record in Plat Book 2, Page 194;

Thence North 86° 47’09” West, crossing said Lot 2, a distance of 404.92 feet to the easterly right-of-way line of Pearl Street, vacated by Ordinance Number 3144-2015;

Thence North 03° 24’03” East, with said easterly right-of-way line, a distance of 22.00 feet to a point;

Thence South 86° 47’09” East, crossing said Lot 2, a distance of 296.75 feet to a point in the westerly line of Lot 3 of said “South of Gateway”;

Thence South 03° 02’ 59” West, with said westerly line, a distance of 11.32 feet to the southwesterly corner of said Lot 3;

Thence South 86° 57’28” East, with the southerly line of said Lot 3, a distance of 108.07 feet to the POINT OF BEGINNING, containing 0.177 acre of land, more or less.

The foregoing legal description was written based upon existing records.

**Section 2.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.