Legislation Details (With Text)

File #:	1451-2017 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	5/25/2017	**In control:**	Public Service & Transportation Committee
On agenda:	6/5/2017	**Final action:**	6/8/2017
Title:	To authorize the director of the Department of Public Service (DPS) to execute those document(s), as approved by the City Attorney, Real Estate Division, necessary to release and terminate a portion of the City's easement rights described and recorded in Instrument Number 201604220049440, Recorder's Office, Franklin County, Ohio, and to declare an emergency. ($0.00)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Exhibit A - Temporary Easement Release Hamilton S Curve		

Date	Ver.	Action By	Action	Result
6/8/2017	1	CITY CLERK	Attest	
6/7/2017	1	MAYOR	Signed	
6/5/2017	1	COUNCIL PRESIDENT	Signed	
6/5/2017	1	COUNCIL PRESIDENT	Signed	
6/5/2017	1	Columbus City Council	Approved	Pass

BACKGROUND:

The City possesses a temporary construction easement described and recorded in Instrument Number 201604220049440, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement burdens real property located along Hamilton Road, Columbus, OH 43054 {Franklin County Tax Parcels 545-175661 and 545-295523} ("Servient Estate") currently owned by Hamilton Crossing LLC, an Ohio limited liability company. The City's Department of Public Service (DPS) has reviewed the request by the property owner to vacate a portion of the existing easement and determined that the public work has been completed on the portion to be released and that releasing the easement rights will allow the private development to proceed without delay. DPS has determined that 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.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency action is requested in order to allow for the timely release of certain easement rights which will allow development on the site to occur without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the director of the Department of Public Service (DPS) to execute those document(s), as approved by the

City Attorney, Real Estate Division, necessary to release and terminate a portion of the City's easement rights described and recorded in Instrument Number 201604220049440, 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 temporary construction easement rights described and recorded in Instrument Number 201604220049440, Recorder's Office, Franklin County, Ohio (i.e. Easement), because DPS has reviewed the request and determined that the described portion of the temporary construction easement is no longer needed as the public portion of the work in the easement area has been completed; and

WHEREAS, the City intends for the City Attorney, Real Estate Division, to approve of all document(s) associated with this ordinance; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to authorize the Director to execute those documents necessary to release and terminate a portion of the City's easement rights in order to prevent unnecessary delay to development on the Servient Estate, which will preserve the public peace, property, health, welfare, and safety; now, therefore,

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

SECTION 1. The director of the Department of Public Service (DPS) is authorized to execute any document(s) necessary to release and terminate a portion of temporary construction easement area described and recorded in Instrument Number 201604220049440, Recorder's Office, Franklin County, Ohio (i.e. Easement), which is also generally depicted in the one (1) page attachment, Exhibit-A, and fully incorporated for reference as if rewritten.

SECTION 2. The City Attorney, Real Estate Division, is required to approve all document(s) associated with this ordinance prior to the director of DPS executing and acknowledging any of those document(s).

SECTION 3. This ordinance, for the reasons stated in the preamble, which are made of part hereof, is declared to be an emergency measure and shall 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 same.

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