



## Legislation Details (With Text)

**File #:** 0473-2018      **Version:** 1

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

**File created:** 2/6/2018      **In control:** Public Utilities Committee

**On agenda:** 4/16/2018      **Final action:** 4/18/2018

**Title:** To authorize the director of the Department of Public Utilities (DPU) to execute those document(s) necessary to release and terminate a portion of the City's easement rights described and recorded in Instrument Number 199809100230655, Recorder's Office, Franklin County, Ohio, and to declare an emergency. (\$0.00)

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**Attachments:** 1. CC17703 Easement Release legal description

Date	Ver.	Action By	Action	Result
4/18/2018	1	CITY CLERK	Attest	
4/17/2018	1	MAYOR	Signed	
4/16/2018	1	COUNCIL PRESIDENT	Signed	
4/16/2018	1	Columbus City Council	Approved	Pass

### BACKGROUND:

The City possesses title to a sanitary sewer easement described and recorded in Instrument Number 199809100230655, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement burdens real property located at 5868 North Hamilton Road {Franklin County Tax Parcel 545-295523 and 545-297480} ("Servient Estate") currently owned by Hamilton Crossing LLC, an Ohio limited liability company and OhioHealth Corporation, an Ohio Corporation. The City's Department of Public Utilities (DPU) has reviewed the request by the property owners to vacate a portion of the existing easement and determined that the sanitary sewer was relocated under CC 17703, and portions of the existing easement are no longer needed. DPU 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 release the Easement which will allow for the redevelopment of the property and preserve the public peace, health, property, safety, and welfare.

To authorize the director of the Department of Public Utilities (DPU) to execute those document(s) necessary to release and terminate a portion of the City's easement rights described and recorded in Instrument Number 199809100230655, 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 199809100230655, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), because DPU has reviewed the request and determined that the described 0.187 and 0.011 acre portions of the sanitary sewer easement are longer needed as the sewer has been relocated under Sanitary Plan CC 17703 and new easemenst recorded in Instrument Numbers 201705050060526 and 201707120095264; and

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

**WHEREAS**, an emergency exists in the usual daily operations of DPU in that it is immediately necessary to release this easement in order to prevent unnecessary delay in the redevelopment of the property, which will preserve the public peace, property, health, welfare, and safety; and **now, therefor**,

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

**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 0.187 and 0.011 acre, more or less, tracts of easement area described and recorded in Instrument Number 199809100230655, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), which arre also found in the six (6) page attachment, Exhibit-A, 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 for the reasons stated in the preamble of this ordinance, which are fully incorporated into this ordinance as if rewritten, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.