



## Legislation Details (With Text)

**File #:** 0368-2019      **Version:** 1

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

**File created:** 1/25/2019      **In control:** Public Utilities Committee

**On agenda:** 2/25/2019      **Final action:** 2/28/2019

**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 Official Record 0646, Page 061, Recorder's Office, Delaware County, Ohio, and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Partial Easement Release Dury Southeast, Inc.

Date	Ver.	Action By	Action	Result
2/28/2019	1	ACTING CITY CLERK	Attest	
2/27/2019	1	MAYOR	Signed	
2/25/2019	1	COUNCIL PRESIDENT	Signed	
2/25/2019	1	Columbus City Council	Approved	Pass

**BACKGROUND:** The City possesses title to a sanitary sewer easement described and recorded in Official Record 0646, Page 061, Recorder's Office, Delaware County, Ohio ("Easement"). The Easement burdens real property located at 8805 Orion Place, Columbus, OH 43240 {Delaware County Tax Parcel 318-442-02-026-003} ("Servient Estate") currently owned by Drury Southwest, Inc., a Missouri for profit corporation. The City's Department of Public Utilities (DPU) has reviewed the request by the property owner to vacate a portion of the existing easement and determined that the sanitary sewer was relocated under CC 18055, 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 immediately release the easement to allow for further development of the parcel.

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 Official Record 0646, Page 061, Recorder's Office, Delaware County, Ohio, and to declare an emergency. (\$0.00)

**WHEREAS,** the City intends to release and terminate only a 0.103 acre, more or less, portion of its sewer easement rights described and recorded in Official Record 0646, Page 061, Recorder's Office, Delaware County, Ohio (*i.e.* Easement), because DPU has reviewed the request and determined that the described 0.103 acre portion of the sanitary sewer easement is no longer needed as the sewer has been relocated under Sanitary Plan CC 18055 and a new easement has been recorded in Deed Book 1573, Page 563; 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 the Department of Public Utilities in that it is immediately necessary to release the easement to allow for further development of the property; **now, therefore**,

**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 0.103 acre, more or less, portion of the easement area described and recorded in Official Record 0646, Page 061, Recorder's Office, Delaware County, Ohio (*i.e.* Easement), which is also found in the two (2) 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 this ordinance, for the reasons stated in the preamble, which are made part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance's passage and approval by the Mayor or ten (10) days after its passage if the Mayor neither approves nor vetoes this ordinance.