Legislation Details (With Text)

File #:	2049-2019 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	7/15/2019	**In control:**	Public Service & Transportation Committee
On agenda:	7/29/2019	**Final action:**	7/31/2019
Title:	To authorize the Director of the Department of Public Service to execute those documents necessary to release an easement on a portion of an alley between Hawthorne Avenue and Phale D Hale Drive, and to declare an emergency.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Exhibit 0.102 Acres.pdf		

Date	Ver.	Action By	Action	Result
7/31/2019	1	CITY CLERK	Attest	
7/30/2019	1	MAYOR	Signed	
7/29/2019	1	COUNCIL PRESIDENT	Signed	
7/29/2019	1	Columbus City Council	Approved	Pass

1. BACKGROUND:
In 1965, pursuant to Ordinance 1594-65, the City of Columbus vacated a portion of an alley the alley ran between Hawthorne Avenue and Phale D Hale Drive and reserved a utility easement for existing utilities. The Department of Public Service recently received a request from the Ohio State University, asking that the City release the reserved easement over this area to clear title for this site. After receipt of this request the Department of Public Service Division of Infrastructure Management verified with all the public and private utility companies that there are no public utilities or need for this easement, located within the requested area and that they have no objections to this portion of the easement being released. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary to release the portions of easement described below and attached exhibit to allow the area to clear title for this site.

2. FISCAL IMPACT
The City will receive a total of $500.00, to be deposited in Fund 7748, Project P537650 for releasing of the easement so the property can be clear title.

3. EMERGENCY DESIGNATION
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 to execute those documents necessary to release an easement on a portion of an alley between Hawthorne Avenue and Phale D Hale Drive, and to declare an emergency.

WHEREAS, in 1965, pursuant to Ordinance 1594-65, the City of Columbus vacated a portion of an alley the alley ran between Hawthorne Avenue and Phale D Hale Drive and reserved a utility easement for existing utilities; and

WHEREAS, the Department of Public Service recently received a request from the Ohio State University, asking that the

City release the reserved easement over this area to clear title for this site; and

WHEREAS, Department of Public Service Division of Infrastructure Management verified with all the public and private utility companies that there are no public utilities or need for this easement, located within the requested area and that they have no objections to this portion of the easement being released; and

WHEREAS, to authorizes the Director of the Department of Public Service to execute those documents necessary to release the easement areas as described below and attached exhibit to allow the area to clear title for this site;

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 of Public Service 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, thereby preserving the public health, peace, property, safety, and welfare; **now, therefore,**

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

SECTION 1. The Director of the Department of Public Service is hereby authorized to execute those documents necessary to release the easement areas as described below to execute the document as necessary and approved by the Real Estate Department, City Attorney's Office, to release the portion of easement areas as described below and attached exhibit:

Easement Areas to be released:

0.102 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of the Samuel Hughes Subdivision Plat Book 3, Page 272 and a 9.72 acre tract conveyed to The Ohio State University by Instrument Number 199904090088853 and being more particularly described as follows:
Commencing at a point at the intersection of Hawthorne Avenue (50 feet wide), and the centerline of Burt Street (50 feet wide);
Thence leaving said intersection, across the grantor's property with a bearing for reference of North 21° 39' 38" West, a distance of 253.35 feet to a point on the easterly line of an existing Sanitary Easement recorded by Official Record 10883 Page A07 in the Franklin County Recorder's Office and being the ***True Point of Beginning***;
Thence **North 70°59'16" West,** a distance of **15.21 feet** crossing said existing sanitary easement to a point on the westerly line of said existing sanitary easement;
Thence **North 28°32'40" East,** a distance of **120.44 feet** along said existing sanitary easement line to a point;
Thence **North 03°55'01" East,** a distance of **6.64 feet** along the westerly line of a vacation ordinance 1594-65 to a point;
Thence **North 86°04'59" West,** a distance of **144.24 feet** along said existing sanitary easement line to a point;
Thence **North 03°55'01" East,** a distance of **15.00 feet** along said existing sanitary easement line to a point;
Thence **South 86°04'59" East,** a distance of **164.24 feet** along said existing sanitary easement line to a point;
Thence **South 03°55'01" West,** a distance of **14.01 feet** along the easterly line of a vacation ordinance 1594-65 to a point;
Thence **South 28°32'40" West,** a distance of **133.19 feet** leaving the easterly line of said vacation ordinance and along said existing sanitary easement line to the ***True Point of Beginning*** and containing **0.102 acres (2922.95 Sq. Ft.)**, more or less, and being subject to all other legal easements, agreements, and rights-of-way of record.
This description was prepared by Tony W. Meacham, Ohio Professional Surveyor Number 7799 from an actual field survey performed in 2016.
The bearing of **North 86°35'04" West** on the centerline of Hawthorne Avenue is referenced to the Ohio State Plane Coordinate System (South Zone), NAD 83 (NSRS 2007).

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby 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 days after passage if the Mayor neither approves nor vetoes the same.

powered by Legistar™

powered by Legistar™