



Legislation Text

File #: 2302-2013, **Version:** 1

BACKGROUND:

The City of Columbus, Ohio ("City"), holds title to a sewer utility easement described and recorded in Instrument Number 200509080186040 ("Easement"), Recorder's Office, Franklin County, Ohio. The Grantor of the Easement, The Reserve at Preston Woods LLC ("Preston"), an Ohio limited liability company, requests the City to release a certain portion of the City's rights from the Easement where the sewer line was removed, abandoned, and relocated under RP-11849 through 11853 (formerly CC-14274) for CC-15979. The City's Department of Public Utilities, Division of Sewerage and Drains, reviewed, approved, and determined releasing a certain portion of the City's rights to the Easement does not adversely affect the City and should be granted at no cost, because the portion of the easement area Preston requests released is no longer needed by the City and deemed unnecessary. Therefore, this ordinance authorizes the Director of the Department of Public Utilities to execute those documents prepared and approved by the Columbus City Attorney, Real Estate Division, necessary to release to Preston a certain portion of the City's sewer utility rights from the Easement.

FISCAL IMPACT: Not applicable.

EMERGENCY JUSTIFICATION: Not applicable.

To authorize the Director of the Department of Public Utilities on behalf of the City of Columbus, Ohio, to execute those documents prepared by the Columbus City Attorney, Real Estate Division, necessary to release to The Reserve at Preston Woods LLC, an Ohio limited liability company, a certain portion of the City's sewer utility easement rights described and recorded in Instrument Number 200509080186040, Recorder's Office, Franklin County, Ohio. (\$0.00)

WHEREAS, the City of Columbus, Ohio ("City"), holds title to a sewer utility easement described and recorded in Instrument Number 200509080186040 ("Easement"), Recorder's Office, Franklin County, Ohio;

WHEREAS, the Grantor of the Easement, The Reserve at Preston Woods LLC ("Preston"), an Ohio limited liability company, requests the City to release a certain portion of the City's rights from the Easement where the sewer line was removed, abandoned, and relocated under RP-11849 through 11853 (formerly CC-14274) for CC-15979;

WHEREAS, the Department of Public Utilities, Division of Sewerage and Drains, reviewed, approved, and determined releasing a certain portion of the City's rights to the Easement does not adversely affect the City and should be granted at no cost, because the portion of the easement area Preston requests released is no longer needed by the City and deemed unnecessary; and **now, therefore:**

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

SECTION 1. That the Director of the Department of Public Utilities on behalf of the City of Columbus, Ohio ("City"), is authorized to execute those documents prepared and approved by the Columbus City Attorney, Real Estate Division, to forever release, relinquish, vacate, and discharge to The Reserve at Preston Woods LLC ("Preston"), an Ohio limited liability company, the City's easement rights in only the following described easement area:

0.300 ACRE EASEMENT AREA RELEASE
[South Side of Warner Road, West of Hamilton Road]

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2, Range 16, United States Military District, being the vacation of part of an existing sanitary sewer easement recorded in Instrument Number 200509080186040 and runs through a portion of a 7.244 acre remainder parcel conveyed to The Village at Preston Woods LLC by deed of record in Instrument Number 200509200195889, and described as follows:

BEGINNING, FOR REFERENCE, at the northwest corner of The Village at Preston Woods Condominiums - Phase VIII as recorded in Condominium Plat Book 210, Page 66, a southwest corner of said 7.244 acre remainder parcel;

Thence S 86° 31' 14" E, along the north line of said The Village at Preston Woods Condominiums - Phase VIII, a south line of said 7.244 acre parcel, 119.03 feet to a point on an said existing sanitary sewer easement;

Thence the following courses and distances along said existing sanitary sewer easement:

- N 00° 14' 08" W, 2.87 feet;
- N 03° 28' 46" E, 10.01 feet to the **TRUE POINT OF BEGINNING**;
- **N 03° 28' 46" E, 349.93 feet;**
- **S 86° 33' 00" E, 198.75 feet;**
- **S 03° 27' 00" W, 25.00 feet;**
- **N 86° 33' 00" W, 173.77 feet;**
- **S 03° 28' 46" W, 324.13 feet;**

Thence **N 88° 22' 35" W, 25.01 feet** to the **TRUE POINT OF BEGINNING**, containing **0.300 acres** of area to be vacated, more or less.

The above description was prepared by Advanced Civil Design, Inc. in July 2011 and is based on existing records. An exhibit of the above description is attached hereto and made a part thereof.

Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.

Douglas R. Hock, P.S. 7661; 7/25/2011

SECTION 2. That the City's remaining easement rights in the easement described and recorded in Instrument Number 200509080186040, Recorder's Office, Franklin County, Ohio, not released by this ordinance continues to be effective against Preston and its successors and assigns.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.