



Legislation Text

File #: 2610-2015, **Version:** 1

BACKGROUND:

The City possesses title to a temporary construction easement described and recorded in Instrument Number 201409160122035, Recorder's Office, Franklin County, Ohio ("Easement"), in order to perform the Department of Public Utilities (DPU) Central College Subtrunk (CC16264-16265) Public Improvement Project ("Public Project"). The Easement is presently burdening real property located in the vicinity of Central College Road and Hamilton Road, Westerville, Ohio 43081 {Franklin County Tax Parcel 010-203822} ("Servient Estate"). The existing owner of the Servient Estate, Cardinal Title Holding Company, an Ohio corporation ("Property Owner"), requested the City to release all its rights to the Easement. DPU reviewed the Property Owner's request and determined releasing all of the City's rights to the Easement does not adversely affect the City and should be granted at no cost, because the Property Owner granted the City a replacement temporary construction easement in order to perform the Public Project described and recorded in Instrument Number 201510020139825, Recorder's Office, Franklin County Ohio.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

In order to allow for the timely release of the Easement in order for DPU to proceed with the Public Project, which will preserve the public peace, property, health, safety, and welfare.

To authorize the director of the Department of Public Utilities to execute those document(s), as approved by the City Attorney, necessary to release all of the City's easement rights described and recorded in Instrument Number 201409160122035, Recorder's Office, Franklin County, Ohio; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to release its temporary construction easement rights described and recorded in Instrument Number 201409160122035, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), because the City does not need the Easement in order to perform the Department of Public Utilities (DPU) Central College Subtrunk (CC16264-16265) Public Improvement Project (*i.e.* Public Project);

WHEREAS, the City intends to release the Easement in consideration that the Property Owner granted the City a replacement temporary construction easement in order to perform the Public Project described and recorded in Instrument Number 201510020139825, Recorder's Office, Franklin County Ohio;

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

WHEREAS, an emergency exists in the Department of Public Utilities usual daily operations in that it is immediately necessary to release the Easement in order to prevent unnecessary delay in completing the Public Project, which will preserve the public peace, property, health, safety, and welfare; and **now, therefore**,

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

SECTION 1. The director of the Department of Public Utilities (DPU) is authorized to execute any document(s) necessary to forever release all of the City's temporary construction easement rights described and recorded in Instrument Number 201409160122035, Recorder's Office, Franklin County, Ohio (*i.e.* Easement).

SECTION 2. 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. For the reasons stated in this ordinance's preamble, which are fully incorporated into this ordinance, this ordinance is declared to be an emergency measure and will take effect and be in force from and after this ordinance's passage and approval by the Mayor or ten (10) days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.