



## Legislation Text

File #: 2199-2016, Version: 1

### 1. BACKGROUND:

In 2015, pursuant to Ordinance 3144-2015, the City of Columbus disposed of a portion of the north/south Pearl Street right-of-way between 8<sup>th</sup> and 9<sup>th</sup> Avenues, and the unnamed east/west right-of-way east of Pearl Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues. The City reserved a general utility easement for those utilities located within this right-of-way at that time. The subject parcel is scheduled for development by Edwards Communities Development Company. The Department of Public Service recently received a request from Edwards Communities Development Company, developer of the property for this project, asking that the City release a portion of the reserved general utility easement from this property to help clear title and allow for the building development. After receipt of this request the Division of Infrastructure Management verified with all the public and private utility companies that there are no public utilities located within this reserved general utility easement and that they have no objections to the release of the portion of this easement. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary to release a portion of the general utility easement that was retained in 2015 pursuant to Ordinance 3144-2015. A value of \$500.00 was established for the release of this portion of the general utility easement.

### 2. FISCAL IMPACT

The City will receive a total of \$500.00, to be deposited in Fund 7748, for granting this portion of easements to be released.

To authorize the Director of the Department of Public Service to execute those documents necessary to release a portion of the general utility easement that was retained in 2015 pursuant to Ordinance 3144-2015.

**WHEREAS**, in 2015, pursuant to Ordinance 3144-2015, the City of Columbus transferred a portion of the north/south Pearl Street right-of-way between 8th and 9th Avenues, and the unnamed east/west right-of-way east of Pearl Street between 8th and 9th Avenues, reserving a general utility easement for those utilities located within the alley at that time; and

**WHEREAS**, the subject parcel, now known as South of Gateway; and

**WHEREAS**, the Department of Public Service recently received a request from Edwards Communities Development Company, developer of the property for this project, asking that the City release a portion of the reserved general utility easement from this property so that they can provide help clear title and allow for the development; and

**WHEREAS**, after receipt of this request the Division of Infrastructure Management verified with all public and private utility companies that there are no utilities located within this portion of reserved general utility easement and that they have no objections to the release of this portion of easement; now therefore

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

**Section 1.** That the Director of the Department of Public Service be and is hereby authorized to execute those documents necessary to release the general utility easement that was retained for a portion of the north/south Pearl Street right-of-way between 8th and 9th Avenues, and the unnamed east/west right-of-way east of Pearl Street between 8th and 9th Avenues. The portions to be released are described as follows; to-wit:

Being situated in the State of Ohio, County of Franklin, City of Columbus and being all of the Alley South of Cherry Street, North of East Main Street, and East of Ohio Avenue, and being further described as follows;

Beginning at the S.W. corner of Lot 15 as recorded in F. F. Hoffman, et al. Subdivision (P.B. 4, Page 136)

Thence Easterly, with the S. line of Lot 15, also being the N. line of a 13' alley, a distance of 134.32' to the S.E. corner of Lot 15;

Thence Northerly, with the E. line of Lot 15, also being the V. line of a 15' alley, a distance of 37.00' to the N.E. corner of Lot 15, also being the S. line of Cherry Street;

Thence Easterly, with the S. line of Cherry Street, a distance of 15.00' to the N. line of said 15' alley, also being the N.W. corner of Lot 12, Hoffman & McGrews Subdivision:

Thence Southerly, with the E. line of said 15' alley, a distance of 50.00' to the S. line of the said 13' alley;

Thence Westerly with the S. Line of said 13' alley and the N. line of Lots 16, 17, 18 & 19 in the F.F. Hoffman et al Subdivision, a distance of 149.32' to the E. line of Ohio Avenue;

Thence Northerly, with the E. line of Ohio Avenue, 13.00' to the point of beginning, containing 2496.00 sq. ft.;

The foregoing described real property is subject to all conditions, restrictions and easements of record, and further the Grantor hereby retains a perpetual general utility easement in, over, under, across and through the entire described real property.

The foregoing legal description was written based upon existing records.

**Section 2.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.