



Legislation Text

File #: 1274-2017, **Version:** 1

BACKGROUND:

Havery Run LLC and Riggins Run Apartments I LLC, both Ohio limited liability companies, (“Developers”) erroneously granted the City storm sewer and drainage easements pursuant to recorded Instrument Numbers 201702160023135, 201702160023136, and 201702160023137, Recorder’s Office, Franklin County, Ohio (“Easements”), without City knowledge or approval. The Easements burden real property located in the vicinity of Hayden Run Road, Columbus, Ohio 43026 {Franklin County Tax Parcels 010-296459, 010-296460, and 010-296461 } (“Servient Estates”). The Easements recorded in Instrument Numbers 201702160023135, 201702160023136 and 201702160023137 are for private storm sewers and should not have listed the City as the Grantee. The Developers have asked the City to release any rights under the Easements to clear title to their property. Additionally, an easement recorded in 201608120105984 contains two separate parcels and the owner, Riggins Run Apartments I LLC, has requested a partial release of the approximately 3.576 Acre parcel known as 7-DV1 in exchange for a subsequent easement granted to the City under Instrument Number 201703030029847. The City’s Department of Public Utilities (DPU) has reviewed the requests and agrees that the private storm sewer easements should not have been granted to the City and that the release of the parcel known as 7-DV1 recorded in Instrument Number 201608120105984 does not adversely affect the City and should be granted at no monetary cost.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Not applicable.

To authorize the director of the Department of Public Utilities (DPU) to execute those document(s), as approved by the City Attorney, necessary to release and terminate the City’s easement rights described and recorded in Instrument Numbers 201702160023135, 201702160023136, and 201702160023137 and a partial release of Instrument Number 201608120105984, Recorder’s Office, Franklin County, Ohio. (\$0.00)

WHEREAS, the City intends to release and terminate any storm sewer and drainage easement rights described and recorded in Instrument Numbers 201702160023135, 201702160023136, and 201702160023137, and a portion of the easement rights described in Instrument Number 201608120105984 Recorder’s Office, Franklin County, Ohio; and

WHEREAS, the City, through its Department of Public Utilities (DPU), has reviewed the Easements and determined that instrument numbers 201702160023135, 201702160023136 and 201702160023137 are private storm sewers that were not approved by the City and should not have listed the City as Grantee; and

WHEREAS, DPU has reviewed the request by Riggins Run Apartments I LLC to release the portion of the easement rights recorded in Instrument Number 201608120105984, known as Parcel 7- DV1 and consisting of approximately 3.576 acres, and determined it is no longer needed and should be released; and

WHEREAS, the City intends for the City Attorney to approve of all document(s) associated with this ordinance; and 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 the storm sewer easements recorded in Instrument Numbers 201702160023135, 201702160023136, and 201702160023137, Recorder's Office, Franklin County, Ohio (i.e. Easements).

SECTION 2. That the director of the Department of Public Utilities (DPU) is authorized to execute any document(s) necessary to release and terminate the 3.576 acre, more or less, portion of easement area known as Parcel 7-DV1 described and recorded in Instrument Number 201608120105984, Recorder's Office, Franklin County, Ohio (i.e. Easement).,

SECTION 3. 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 4. That this ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.