



Legislation Text

File #: 1764-2017, **Version:** 1

BACKGROUND:

The City possesses title to a storm water detention basin easement described and recorded in Instrument Number 201602260023364, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement burdens real property located near the intersection of Feder Road and Evans Way Court, Columbus, Ohio 43228 {Franklin County Tax Parcel 010-245518} ("Servient Estate") currently owned by The Attleigh LLC, an Ohio limited liability company. The City's Department of Public Utilities (DPU) has reviewed the Easement and determined that this is a private storm basin that erroneously contained language placing ownership and maintenance responsibilities on the City. DPU has determined that terminating the City's rights to the Easement does not adversely affect the City and should be granted at no monetary cost.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency action is requested in order to release the city from ownership and maintenance responsibilities for the Easement which will preserve the public peace, health, property, safety, and welfare.

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 Number 201602260023364, Recorder's Office, Franklin County, Ohio; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to release and terminate its easement rights described and recorded in Instrument Number 201602260023364, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), because DPU has reviewed the request and determined that the described 0.363 acre Easement is a private storm water detention basin that was erroneously recorded in the City's name; and

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

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to authorize the Director to execute those document(s) necessary to release and terminate the City's easement rights; **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 0.063 acre, more or less, tract of easement area described and recorded in Instrument Number 201602260023364, Recorder's Office, Franklin County, Ohio (*i.e.* Easement),

SECTION 2. 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 3. That this ordinance, for the reasons stated in the preamble, which are made a part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance's passage and approval by the Mayor or ten (10) days after its passage if the Mayor neither approves nor vetoes this ordinance.