



## Legislation Text

**File #:** 2960-2018, **Version:** 1

**BACKGROUND:** The City possesses title to a sanitary sewer easement described and recorded in Instrument Number 200503220052837, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement burdens real property located at 1662 Harrisburg Pike {Franklin County Tax Parcel 425-270757} ("Servient Estate") currently owned by Briggsdale Apartments II, LLC, an Ohio limited liability company. The City's Department of Public Utilities (DPU) has reviewed the request by the property owner to vacate a portion of the existing easement and determined that a portion of the sanitary sewer installed under CC 14071 (now R.P. 11666-68) was not needed and could be removed or abandoned in place under this new plan, CC 17620. DPU has determined that terminating a portion of 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 immediately release the easement to allow for further development of the parcel.

To authorize the Director of the Department of Public Utilities (DPU) to execute those document(s) necessary to release and terminate a portion of the City's easement rights described and recorded in Instrument Number 201706270087078, Recorder's Office, Franklin County, Ohio, and to declare an emergency. (\$0.00)

**WHEREAS,** the City intends to release and terminate a portion of its sewer easement rights described and recorded in Instrument Number 200503220052837, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), because DPU has reviewed the request and determined that the described 0.095 acre portion of the sanitary sewer easement is no longer needed as it has been removed under Sanitary Plan CC 17620; and

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

**WHEREAS,** an emergency exists in the usual daily operations of the Department of Public Utilities in that it is immediately necessary to release the easement for further development; **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 only the 0.095 acre, more or less, portion of the easement area described and recorded in Instrument Number 200503220052837, Recorder's Office, Franklin County, Ohio (*i.e.* Easement), which is also found in the two (2) page attachment, Exhibit-A, and fully incorporated for reference as if rewritten.

**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 part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and being 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 resolution.

