



## Legislation Text

**File #:** 0365-2019, **Version:** 1

**BACKGROUND:** The City possesses title to a temporary construction easement described and recorded in Instrument Number 200908180121130, Recorder's Office, Franklin County, Ohio ("Temporary Easement"). The Temporary Easement burdens real property located on Alum Creek Drive {Franklin County Tax Parcel 152-001456} ("Servient Estate") currently owned by 2499 McGraw, LLC, an Indiana limited liability company ("Owner"). The Owner recently contacted the City requesting that the Temporary Easement be released as part of a planned sale of the property. The City's Department of Public Utilities ("DPU") has reviewed the request by the Owner to vacate the existing easement and determined that the Temporary Easement is no longer needed. In exchange the Owner has agreed to transfer to the City an adjacent portion of real property upon which the City's has an odor control facility consisting of approximately 0.211 acres that is currently located in an easement recorded in Instrument Number 200310310348980, Recorder's Office, Franklin County, Ohio ("Permanent Easement"). DPU has determined that terminating a portion of the City's rights to the Temporary Easement in exchange for the transfer in fee of the Permanent Easement benefits 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 temporary easement to allow the property sale to proceed in a timely manner.

To authorize the Director of the Department of Public Utilities (DPU) to execute those document(s) necessary to release and terminate the City's temporary easement rights described and recorded in Instrument Number 200908180121130, Recorder's Office, Franklin County, Ohio, and to declare an emergency. (\$0.00)

**WHEREAS,** the City intends to release and terminate its temporary construction easement described and recorded in Instrument Number 200908180121130, Recorder's Office, Franklin County, Ohio ("Temporary Easement"), because DPU has reviewed the request and determined that the described 0.714 acre Temporary Easement is no longer needed; and

**WHEREAS,** in exchange, 2499 McGraw, LLC, an Indiana limited liability company ("Owner"), has agreed to transfer to the City an adjacent portion of real property upon which the City's has an odor control facility consisting of approximately 0.211 acres that is currently located in an easement recorded in Instrument Number 200310310348980, Recorder's Office, Franklin County, Ohio ("Permanent Easement"); 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 to allow a property sale to proceed in a timely manner and allow the City to obtain fee title to the City's odor control facility; 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 0.714 acre, more or less, tract of temporary easement area

described and recorded in Instrument Number 200908180121130, Recorder's Office, Franklin County, Ohio, which is also found in the two (2) page attachment, Exhibit-A, and fully incorporated for reference as if rewritten.

**SECTION 2.** That the Director of DPU is authorized to accept fee title to a certain 0.211 tract of real property, as described in an easement recorded in Instrument Number 200310310348980, Recorder's Office, Franklin County, Ohio, from 2499 McGraw, LLC, an Indiana limited liability.

**SECTION 3.** 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 the document(s).

**SECTION 4.** 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 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.