



Legislation Text

File #: 1022-2019, **Version:** 1

BACKGROUND: The City possesses title to a sanitary sewer easement described and recorded in Official Record 14288, Page B04, Recorder's Office, Franklin County, Ohio ("Easement"). The Easement burdens real property located at 4255 South Hamilton Road, Columbus, OH 43125 {Franklin County Tax Parcel 530-114084} ("Servient Estate") currently owned by Ricart Properties Inc., an Ohio for profit corporation. 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 the sanitary sewer was relocated under CC 16778 and portions of the existing easement are no longer needed. 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 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) necessary to release and terminate a portion of the City's easement rights described and recorded in Official Record 14288, Page B04, 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 Official Record 14288 Page B04, Recorder's Office, Franklin County, Ohio ("Easement"), because the Department of Public Utilities ("DPU") has reviewed the request and determined that the described 0.084 acre portion of the sanitary sewer easement is no longer needed as the sewer has been relocated under Sanitary Plan CC 16778; 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 DPU in that it is immediately necessary to release the easement to allow for further development which will preserve the public peace, health, property, safety; and welfare; **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 0.084 acre, more or less, portion of the easement area described and recorded in Official Record 14288, Page B04, Recorder's Office, Franklin County, Ohio ("Easement"), which is also found in the three (3) 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 ordinance.