



MEMORANDUM

TO: Boyce Safford, III, Director
Department of Development

Attention: Donna Hunter, Administrator
Land Redevelopment Office

FROM: Mary Lu English *MLE*
Right-of-Way Coordinator

SUBJECT: SALE OF EXCESS RIGHT OF WAY - FILE # 07-24

DATE: September 15, 2008

Attached please find a request from The Kroger Company asking that the City sell them the first 20 foot wide alley north of East Sixth Street from Courtland Avenue to the east line of Pearl Street and Pearl Street from the north line of the alley north of East Sixth Street to a point approximately 189 feet southerly thereof. Sale of these rights of way will allow for improved parking and traffic flow for the proposed renovated Kroger store on the adjacent property. The City Attorney's Real Estate Division established a value of \$16,278.00 for these rights-of-way as indicated on the attached form. It is my understanding The Kroger Company has submitted a letter to the Development Department requesting mitigation of this value and requesting this item be forwarded to the Land Review Commission for their September 18, 2008 meeting.

It is now necessary for the Development Department to review the attached information and determine the validity of the request for mitigation. When your review is complete and any outstanding issues have been resolved, please complete the final portion of the attached Request for Conveyance form and place this item on the Land Review Commission agenda for their consideration.

If you have any questions or need additional information please call me at 5-5471.

Enclosure

cc: Patricia A. Austin, P.E., Administrator, Transportation Division
Randall J. Bowman, P.E., City Engineer & Assistant Administrator
Clyde R. Garabrant, P. S., R/W Manager
K:\right-of-way information\sales\forms\0724 transmittal.doc

614-645-8290	Director's Office	City Hall, 90 West Broad Street, 3 rd Floor, Columbus, Ohio 43215-9009	FAX: 614-645-7805
614-645-3111	311 Service Center	2100 Alum Creek Drive, Columbus, Ohio 43207-1705	FAX: 614-645-3053
614-645-6400	Parking Violations Bureau	400 W. Whittier Street, Columbus, Ohio 43215-5036	FAX: 614-645-7357
614-645-7620	Refuse Collection Division	2100 Alum Creek Drive, Columbus, Ohio 43207-1705	FAX: 614-645-7296
614-645-8376	Transportation Division	109 North Front Street, 3 rd Floor, Columbus, Ohio 43215-9023	FAX: 614-645-6938



REQUEST FOR CONVEYANCE OF CITY OWNED LAND
By Division of Transportation

Name of Petitioner: The Kroger Company

File No. 07-24

REQUEST IS TO:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Sell excess right-of-way | <input type="checkbox"/> Transfer excess right-of-way at no charge |
| <input type="checkbox"/> Vacate excess right-of-way | <input type="checkbox"/> Grant a lease |
| <input type="checkbox"/> Grant an easement | <input type="checkbox"/> Release an easement |

BRIEF DESCRIPTION OF AREA UNDER CONSIDERATION:

The first 20' wide alley north of East Sixth Street from Courtland Avenue to the east line of Pearl Street and Pearl Street from the north line of the alley north of East Sixth Street to a point 189' southerly

PROPOSED USE OF AREA:

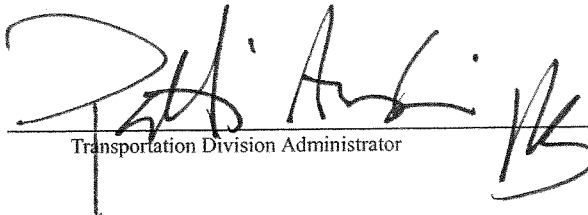
Parking and traffic flow for the renovated Kroger store on adjacent property

ACTION BY DIVISION INITIATING REQUEST:

(Please CHECK the Correct Answer)

- | | | |
|---|---|-----------------------------|
| All Departments and Divisions contacted for comments/approval of request: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| All Utilities contacted for comments/approval of request: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Area Commission/Civic Association contacted for comments: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| All abutting property owners notified of request: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Petitioner notified of need for survey and metes & bounds description: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

- Division Recommendation: SELL VACATE TRANSFER AT NO CHARGE
 GRANT EASEMENT GRANT LEASE RELEASE AN EASEMENT

Signature:  Date: 6/12/08
Transportation Division Administrator

Estimated Value from County Tax Records: \$16,278.00 (5426± Sq. Ft. @ \$3.00/Sq. Ft.)
(Per City Attorneys Office Real Estate Division)

- | | | |
|--------------------------------------|---|--|
| Easements to be retained: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Petitioner contacted for comments: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Petitioner agreed to purchase price: | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |

PAA/MLE

cc: File No. 07-24

K:\Right of Way & Utilities\Right-of-Way Sales etc\07 vacate\0724 REQUEST FOR CONVEYANCE.DOC

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614-645-8376	Transportation Division	109 North Front Street, 3 rd Floor, Columbus, Ohio 43215-9023	FAX: 614-645-6938

DEPARTMENT OF DEVELOPMENT ACTION:

(Please CHECK the correct answer)

Mitigating Circumstances Identified: YES NO

Recommended Action: DISAPPROVED TRANSFER AT NO CHARGE
 SELL VACATE GRANT EASEMENT RELEASE AN EASEMENT

Signature: *Depe Safford* Date: 9/16/08
by Dana Hunter

**IDENTIFICATION OF MITIGATING CIRCUMSTANCES
AND BRIEF EXPLANATION OF EACH**

X The value of improvements undertaken by purchaser(s) upon property of the City which further the interest and welfare of the public.

_____ The value of land donations or other services being made to the City by the petitioner(s)

_____ The willingness of the purchaser(s) to absorb the cost of utility relocation from the property being purchased if not discounted in the fair market value of the property.

X The substantial increase in tax revenue, including but not limited to real property and income taxes, generated by the development of the property to be purchased.

_____ The identification of improvements that further the general welfare of the City through significant improvements to the physical environment.

Name of Petitioners: The Kroger Company
File No. 07-24



City of Columbus
 Mayor Michael B. Coleman

Public Service Department

Mark Kelsey, Director

June 9, 2008

David L. Hodge
 Smith & Hale LLC
 37 West Broad Street
 Columbus, Ohio 43215-4199

*WOULD LIKE
 ON SEPT. 18TH.*

Dear Mr. Hodge:

The City of Columbus, Transportation Division, has completed their reviewed of the revised request that was submitted on behalf of The Kroger Company regarding their proposed acquisition of the 20 foot wide alley north of East Sixth Avenue from Courtland Avenue to the east line of Pearl Street and Pearl Street from the north line of the first alley north of East Sixth Avenue to a point 201.79 feet southerly there from. The City understands that acquisition of this right-of-way will allow the Kroger Company to demolish their existing store and construct a much larger, more customer friendly store on this site. Columbus City Council Resolution Number 113X-86 provides for the sale of City owned property. After investigation, the City has determined there are no objections to the proposed sale of these rights-of-way subject to the retention of a general utility easement for those utilities currently located within these rights-of-way. The City estimated a value of \$16,278.00 for these rights-of-way based upon information provided by the Franklin County, Ohio, Auditor's Office.

If the Kroger Company desires to proceed with the acquisition of these rights-of-way please have this "Authorization to Proceed to Land Review Commission" letter signed and dated in the space provided below then return, within thirty days, to Ms. Patricia A. Austin, P.E., Administrator, Transportation Division, Public Service Department, 109 North Front Street, 3rd Floor, Columbus, Ohio 43215, Attention: Mary Lu English.

If the Kroger Company objects to the stated transfer price of \$16,278.00, you will need to contact Ms. Donna Hunter to discuss a possible reduction of this amount. Ms. Hunter's address is: City of Columbus, Development Department, 109 North Front Street, Columbus, Ohio 43215, Attention Donna Hunter, Administrator, Land Management Office, and her telephone number is: (614) 645-3895. For your convenience, I have attached a list of valid mitigating factors that the City will consider when reducing right-of-way transfer prices. Please include a copy of any correspondence you send to Ms. Hunter when you return this "authorization to proceed" letter. Unless the Transportation Division identifies mitigating factors that directly benefit the Division, policy requires that the Transportation Division forward a recommendation to transfer at full price to the Development Department.

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The City of Columbus is an Equal Opportunity Employer

Mr. Hodge
June 9, 2008
Page Two


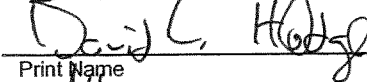
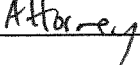
After an agreement on the transfer price is reached, the Development Department will place this request on the Land Review Commission agenda for their consideration.

If you have any questions concerning this matter, please contact me at 645-5471.

Sincerely,


Mary Lu English
Right of Way Coordinator

AUTHORIZATION TO PROCEED TO LAND REVIEW COMMISSION
The Kroger Company

By:  8/12/08
Date

Print Name
Title: 
Attorney

Enclosures

cc: Patricia A. Austin, P.E., Administrator, Transportation Division
Randall J. Bowman, P.E., City Engineer and Assistant Administrator
Clyde R. Garrabrant, P.S., R/W Manager
File 07-24
K:\right-of-way information\right-of-way sales\07 vacate\0724\cl#1 authorization to proceed.doc

BEN W. HALE, JR.
JEFFREY L. BROWN
GLEN A. DUGGER
JACKSON B. REYNOLDS, III
NICHOLAS C. CAVALARIS
DAVID L. HODGE
AARON L. UNDERHILL

HARRISON W. SMITH, JR.
OF COUNSEL

SMITH & HALE LLC
ATTORNEYS AND COUNSELORS AT LAW
37 WEST BROAD STREET
COLUMBUS, OHIO 43215-4199

614/221-4255

HARRISON W. SMITH
1900-1978

August 12, 2008.

Ms. Donna Hunter
City of Columbus
Development Department
109 N. Front St.
Columbus, OH 43215

Re: Kroger – North High Street redevelopment
Right-of-way vacation / mitigating factors

Dear Ms. Hunter:

The City of Columbus recently approved a rezoning request by the Kroger Company for approximately 3.48+/- acres located at 1350 North High Street. The rezoning request was approved by City Council on July 14, 2008 by Ordinance 0926 – 2008.

Before beginning the rezoning process, to provide for their significant improvement of the property and the neighborhood, Kroger acquired six residential lots located at the southeast corner of the property. Kroger paid approximately \$950,000 to the owner's of these properties. In addition, through the redevelopment process, Kroger will be investing approximately \$7,000,000 towards construction and the improvement of the property. Including miscellaneous fees, Kroger's investment in this neighborhood amenity is in excess of \$8,000,000.

This is an important redevelopment for the City of Columbus. This property is located along a portion of the North High Street corridor that is in need of improvement. To the south of this property is the Short North, to the north of this property is Campus Gateway. Kroger, along with the City of Columbus, is optimistic that this development will spur development of other properties between these two excellent areas of the City of Columbus. Furthermore, this Kroger redevelopment has long been a priority of Columbus planners, being reflected on several land use plans for this area.

This project was closely scrutinized by the Columbus Planning Division, Department of Development, City Council, the University Area Commission, the University Area Review Board, and the Weinland Park Civic Association all of whom have determined that this development is an important step towards making this a better


neighborhood in furtherance of the general welfare of the residents of the City of Columbus through this significant improvement to the physical environment.

Lastly, in conjunction with this redevelopment, Kroger will be dedicating .0318+/- acres of right-of-way at the south side of the property. Kroger is requesting that this be factored against the portion of right-of-way that they are requesting be vacated. The vacation request is .125+/- acres, the amount dedicated is .0318+/- acres, for a total Columbus right-of-way difference of .0932+/- acres.

Obviously this substantial improvement and investment of the Kroger Company will increase the real property value and provide employment opportunities to the neighborhood, which will increase tax revenue to the City of Columbus through both income tax and real property tax. On behalf of the Kroger Company, and in consideration of the important and valuable improvement that they are making to the neighborhood and the City of Columbus, I respectfully request that the right-of-way be vacated without requiring the Kroger Company to make payment therefore to the City of Columbus.

I look forward to discussing this with you in detail should you have any questions or require any additional information. Please do not hesitate to contact me at your convenience.

Very truly yours,


David L. Hodge

krogerhighvacation.ltr
8/12/08

MEMORANDUM

TO: John C. Klein, Chief Real Estate Attorney
Real Estate Division

Attn.: Edmond W. Reese
Real Estate Negotiator

FROM: Henry C. (Hank) Graham Jr.
Right-of-Way Coordinator

SUBJ.: Sale of Right-of-Way
File # 07-24

DATE: August 30, 2007

The Department of Public Service, Transportation Division, has been asked to sell the portion of the alley north of east 6th Avenue between Courtland Avenue and Pearl Street, and the portion of Pearl Street between east 6th Avenue and the alley north of east 6th Avenue (see attached map). At this time please determine the per square foot value of this right-of-way both with the retention of a general utility easement and without the retention of such an easement then provide this information to me along with copies of the documents used to determine these values.

Thank you for your help in this matter.

Number of square feet to be sold: 6080 +/-

Per square foot value without reserved general utility easement rights.
\$ 5.67 (SAV) \$ 6.00 / sq ft

Per square foot value with reserved general utility easement rights (for City Utilities only). \$ 2.83 (SAV) \$ 3.00 / sq ft


Edmond W. Reese

9-12-07
Date

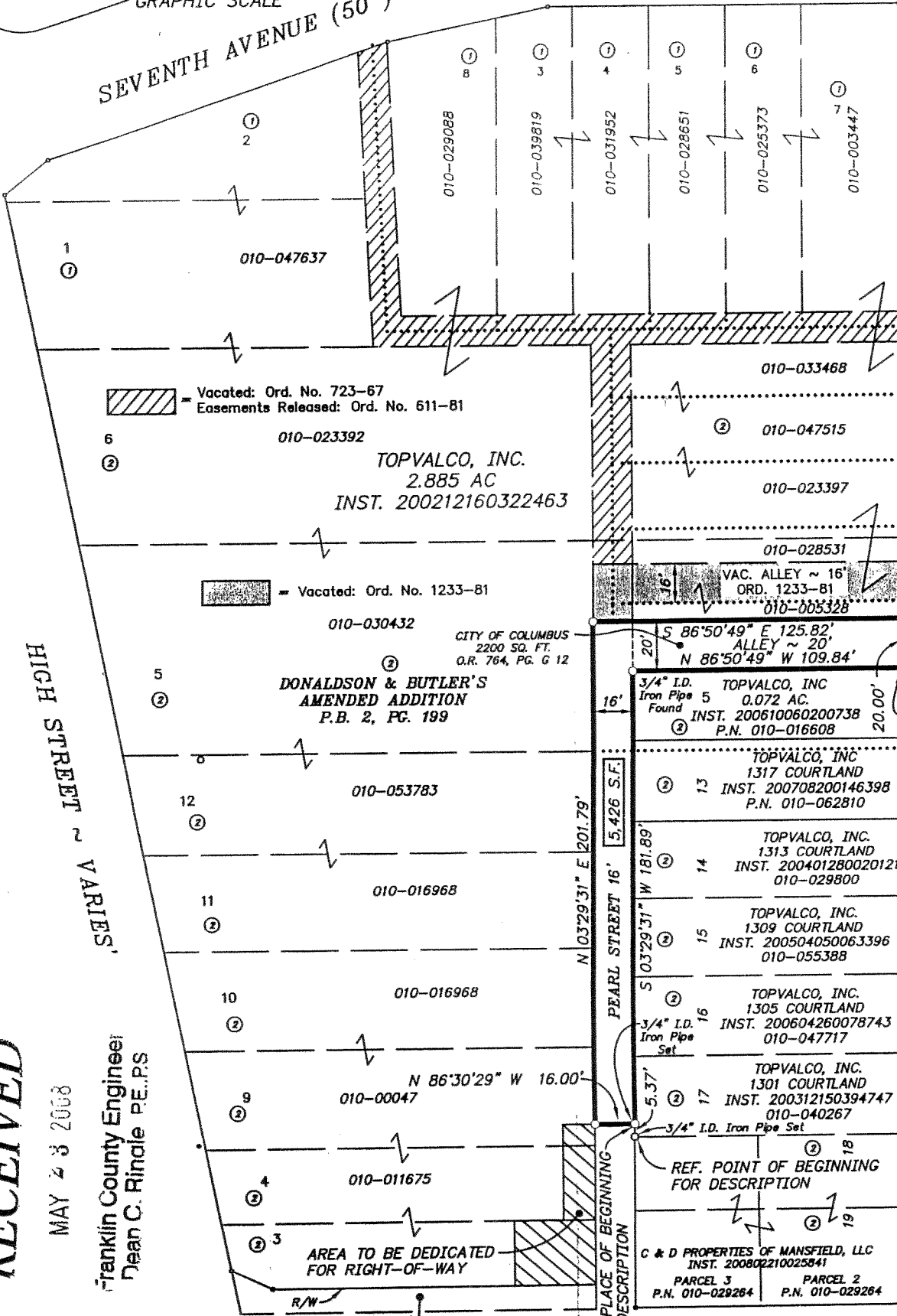
SCALE: 1" = 60'



GRAPHIC SCALE

MRS. FANNIE THOMPSON'S
AMENDED PLAT OF
JOHN G. THOMPSON'S
and OTHERS SUBDIVISION
P.B. 4, PG. 494

SEVENTH AVENUE (50')



= Vacated: Ord. No. 723-67
Easements Released: Ord. No. 611-81

= Vacated: Ord. No. 1233-81

RECEIVED
MAY 23 2008
Franklin County Engineer
Dean C. Rinaldi P.E., P.S.

Situate in the State of Ohio, County of Franklin,
City of Columbus and being part of Lot Number Five
(5) and a portion of Pearl Street as shown in Donaldson
And Butler Amended Addition of record in Plat Book 2,
Page 199.

EAST SIXTH AVENUE ~ VARIES

BASIS OF BEARINGS: The west line of Courtland Avenue, Being S 03° 26' 31" W, as transferred from a GPS survey of Franklin County Monuments FCGS "GRANDVIEW" and FCGS 5028 performed by the Franklin County Engineers Office in 1991, and is, based on the NAD83, 1986 Adjustment, Ohio State Plane Coordinate System, South Zone.

REV. FEBRUARY 28, 2008
FEBRUARY 21, 2008

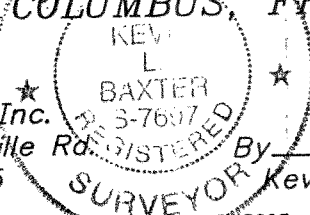
**0.125 AC. (5,426 SQ. FT.) STREET & ALLEY VACATION
FOR THE KROGER STORE AT 1350 NORTH HIGH STREET,
CITY OF COLUMBUS, FRANKLIN CO., OHIO**

SCALE: 1" = 60'

REV. MAY 23, 2008



C.F. Bird & R.J. Bull, Inc.
2875 W. Dublin-Granville Rd.
Columbus, Ohio 43235



Kevin L. Baxter
Kevin L. Baxter ~ Ohio Surveyor No. 7697