



City Of Columbus
Mayor Michael B. Coleman

Public Service Department

Henry Guzmán, Director

MEMORANDUM

TO: Mark Barbash, Director
Department of Development

Attention: Donna Hunter, Administrator
Land Management Office

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

SUBJ.: SALE OF EXCESS RIGHT OF WAY - FILE # 06-20

DATE: February 9, 2007

Attached please find a request to sell a 7 1/2 foot wide strip of right-of-way along the east line of Fourth Street from Gay Street to a point 75 feet ± north thereof, a 6 foot wide strip of right-of-way along the north line of Gay Street from Fourth Street to Fifth Street and Young Street from the north right-of-way line of Gay Street north to the south right-of-way line of Elm Street to Edwards Company. Sale of these rights-of-way will allow for redevelopment of the area and construction of the proposed Gay Street condominium project (Phase 1). The Real Estate Division has established a value of \$133,424.80 for these rights-of-way as indicated on the attached form. Edwards Company has been notified of this value and it is my understanding their representative, Jeffrey Brown, Esq., will submit a request for mitigation of this amount.

It is now necessary for the Development Department to review the attached information and any information submitted by Mr. Brown to determine the validity of the request to mitigate the fee for the transfer of these rights-of-way. When your review is complete and any outstanding issues have been resolved, please complete the final portion of the 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
Randy Bowman, P.E., City Engineer and Assistant Administrator
Clyde R. Garrabrant, P. S., R/W Manager
P:\marylu\letters\0620 transmittal.doc

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614-645-8281 Fleet Management Division
614-645-7620 Refuse Collection Division
614-645-8376 Transportation Division

90 West Broad Street, 3rd Floor Columbus, Ohio 43215-9009
423 Short Street Columbus, Ohio 43215-5614
2100 Alum Columbus, Ohio 43207-1714
109 North Front Street, 3rd Floor Columbus, Ohio 43215-9023

FAX: 645-7805
FAX: 645-7347
FAX: 645-3053
FAX: 645-6938



City Of Columbus
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Henry Guzmán, Director

REQUEST FOR CONVEYANCE OF CITY OWNED LAND By Division of Transportation

Name of Petitioner: Jeffrey L. Brown, Esq., Counsel for Edwards Company File No. 06-20

REQUEST IS TO:

<input type="checkbox"/> Sell excess right-of-way	<input checked="" 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:

A seven and one half (7 1/2) foot wide strip of land along the east side of Fourth Street from Gay Street to a point 75 feet ± north thereof;

A six (6) foot wide strip of land along the north side of Gay Street, from Fourth Street to Fifth Street; Young Street from the north right-of-way line of Gay Street north to the south right-of-way line of Elm Street

PROPOSED USE OF AREA:

Redevelopment of the area and construction of the proposed Gay Street Condominium project (Phase 1)

ACTION BY DIVISION INITIATING REQUEST:

(Please CHECK the Correct Answer)

All Departments and Divisions contacted for comments/approval of request:

YES NO

All Utilities contacted for comments/approval of request:

YES NO

Area Commission/Civic Association contacted for comments:

YES NO

All abutting property owners notified of request:

YES NO

Petitioner notified of need for survey and metes & bounds description:

YES NO

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

Signature: Patricia Austin (CIC)

Transportation Division Administrator

Date: 2/8/07

Estimated Value from County Tax Records:

Fourth St. & Gay between Fourth and Young	\$ 47,044.80 (1568.16 Sq. Ft. @ \$30.00 per square foot)
Gay between Young and Fifth	\$ 23,980.00 (1090 Sq. Ft. @ \$22.00 per square foot)
Young Street	<u>\$ 62,400.00</u> (4800 Sq. Ft. @ \$13.00 per square foot)
Total	\$133,424.80 (per City Attorneys Office Real Estate Division)

Easements to be retained:

YES NO

Petitioner contacted for comments:

YES NO

Petitioner agreed to purchase price:

YES NO

PAA/CRG/mle

cc: File No. 06-20

K:\Right of Way & Utilities\Right-of-Way Sales etc\vacate 06\0620 conveyance.DOC

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DEPARTMENT OF DEVELOPMENT ACTION:

(Please CHECK the correct answer)

Mitigating Circumstances Identified: YES NORecommended Action: DISAPPROVED TRANSFER AT NO CHARGE SELL VACATE GRANT EASEMENT RELEASE AN EASEMENTSignature: Mark Barbash
by Donna Hunter Date: 2/9/07**IDENTIFICATION OF MITIGATING CIRCUMSTANCES
AND BRIEF EXPLANATION OF EACH**

_____ 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.

_____ 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: Jeffrey L. Brown, Esq., for Edwards Company
File No. 06-20

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

SMITH & HALE
ATTORNEYS AND COUNSELORS AT LAW
37 WEST BROAD STREET
COLUMBUS, OHIO 43215-4199
614/221-4255

HARRISON W. SMITH
1900-1978

February 8, 2007

Ms. Donna Hunter
Administrator, Office of Land Management
109 North Front Street
Columbus, OH 43215

RE: LRC file 06-20-Gay Street
residential development by Edwards Companies

Dear Donna:

My client and I have reviewed the list of mitigating circumstances and believe that the proposed vacation request deserves mitigation based on the following factors:

1. *The value of improvements undertaken by the purchaser(s) upon property owned by the City that further the interest and welfare of the general public.*

The applicant is proposing to create a new streetscape along its Gay Street frontage which will include new street trees, landscape beds including ornamental fencing and an irrigation system. New sidewalks and where appropriate new curbing will also be part of the applicant's overall design package. The applicant is also working with the city to see what improvements can be made to the south side of Gay Street across from his development. The applicant will also bury the overhead utility lines that currently exist along Fifth Street which will improve the aesthetics of the property.

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

The applicant has created a master drawing which shows the overall development as well as the street vacations and dedications for all phases of the project. The applicant is donating 0.656 acres while requesting only 0.236 acres in return thereby increasing the city's right-of-way by 0.42 acres by the end of the development. In addition, the applicant has agreed to maintain the landscaping and the irrigation system in the Gay Street median for the city.

Ms. Donna Hunter
February 8, 2007
Page 2

3. *The purchaser(s) willingness to absorb the cost of relocating utilities from the property being purchased, if not discounted in the fair market value of the property.*

The applicant has agreed to relocate utility lines in Young Street. The cost of relocate the gas line, the phone line, the sewer and the electric line is estimated to be approximately to \$400,000.

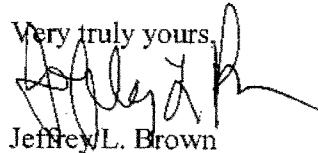
4. *A substantial increase in tax revenue, including but not limited to real property and income taxes, generated by the development of the property to be purchased.*

The site is developed with surface parking lots and two buildings. The proposed development includes 260 residential units with a total estimated sales value of over \$65 million at completion. This proposal is a substantial increase in current valuation of the existing properties.

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

The Mayor has indicated that downtown housing is an important component in the overall health of the city. His administration has encouraged downtown housing developments with tax abatement or other economic tools. This residential development provides a key connection between the core downtown area and the large institutional uses to the east CCAD and Columbus State. The increase in downtown residents will help support the restaurants and retailers along the Gay Street corridor. In addition the construction of townhome unit type with private exterior green spaces proposed in the development will contribute to diversity of housing type in the downtown district and create a downtown neighborhood in an area that is currently asphalt covered parking lots.

Thank you for your consideration in this matter. If you need any additional information please feel free to contact me.

Very truly yours,

Jeffrey L. Brown

JLB/ncp

hunter.ltr
2/8/07 F:Docs



City Of Columbus
Mayor Michael B. Coleman

Public Service Department

Henry Guzmán, Director

February 8, 2007

Jeffrey L. Brown, Esq.
Smith & Hale
37 West Broad Street
Columbus, Ohio 43215-4199

Dear Mr. Brown:

The City of Columbus, Transportation Division, has reviewed the request you submitted on behalf of your client, Edwards Company, regarding the acquisition of Young Street from the north right-of-way line of Gay Street to the south right-of-way line of Elm Street and the acquisition of portions of existing sidewalk right-of-way along the east side of Fourth Street and along the north side of Gay Street from Fourth Street to Fifth Street. It is the City's understanding acquisition of these rights-of-way will allow your client to consolidate properties and construct a residential development on Gay Street. After investigation by the Transportation Division staff it was determined the City does not have any objections to the sale of these rights-of-way subject to the retention of a general utility easement for the use and benefit of the utilities currently located within Young Street. Pursuant to Columbus City Council Resolution Number 113X-86, which provides for the sale of City owned property and based upon information provided by the Franklin County Auditor the City has estimated a value of \$133,424.80 (Sidewalk west of Young Street - 1568.16 square feet @ \$30.00 per; Sidewalk east of Young Street - 1090 square feet @ \$22.00 per; and Young Street - 4800 square feet @ \$13.00 per with reservation of utility rights) for this right-of-way.

If your client desires to proceed with the acquisition of the above referenced right-of-way please have this 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 your client objects to the estimated value of \$133,424.80 for this right-of-way you will need to contact Ms. Donna Hunter to discuss a possible reduction of this amount. Ms. Hunter's address is: Development Department, Attention Donna Hunter, Administrator, Office of Land Management, 109 North Front Street, Columbus, Ohio 43215. Please provide a copy of any correspondence you send to Ms. Hunter to me for my file.

For your convenience I have attached a list of valid mitigating circumstances that the City will consider when reducing right-of-way transfer prices. Unless mitigating circumstances that directly benefit the Transportation Division can be identified, our Division policy requires that a recommendation to transfer at full price be forwarded from this Division to the Development Department.

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Mr. Brown
February 6, 2007
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 (614) 645-5471.

Sincerely,

Mary Lu English
Right of Way Coordinator

AUTHORIZATION TO PROCEED

Edwards Company

By: Jeffrey W. Edwards 2.7.07
Signature Date

JEFFREY W. EDWARDS
Print name

Its: PRESIDENT

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., RW Services Manager
File 06-20
P:\marylu\Letters\0620cl#1 Brown.doc

M E M O R A N D U M

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

Attn.: Edmond W. Reese
Real Estate Negotiator

FROM: Clyde R. Garrabrant, P.S. *cre/mre*

SUBJ.: Sale of Right-of-Way
File # 06-20

DATE: February 6, 2007

The Department of Public Service, Transportation Division, has been asked to sell **Young Street from the north right-of-way line of Gay Street to the south right-of-way line of Elm Street and to sell portions of existing sidewalk right-of-way along the east side of Fourth Street and along the north side of Gay Street from Fourth Street to Fifth Street** (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: 4800± (Young Street)

Number of square feet to be sold: 1480± (West of Young Street)

Number of square feet to be sold: 1090± (East of Young Street)

Per square foot value without reserved general utility easement rights:

West of Young Street \$.30,00;

East of Young Street \$.24,00.

Per square foot value with reserved general utility easement rights (for City Utilities only) – Young Street. \$.18,00

ED W REESE
Edmond W. Reese

2-8-07
Date