

City of Columbus
City Bulletin Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Number: 3185-2021

Drafting Date: 11/23/2021

Version: 1

Current Status: Passed

Matter Ordinance

Type:

1. Background

The City of Columbus, Department of Public Service, received a request from Laura M. Comek on behalf of her client, Mulby Place Homes LLC, to transfer two portions of City right-of-way. The portions are approximately 21,690+/- square foot in total. The details are as follows:

No Name Alley - The first portion of the right-of-way area is an unnamed alley running southwest to northeast directionally. It is the first alley east of Cleveland Avenue; abuts with Myrtle Avenue at the north and a no name alley at the south at the Cleveland Avenue and Briarwood Avenue intersection. **(0.110 Acre)**.

Linden Avenue - The second portion of the right-of-way area is one street east of the unnamed alley identified in item 1 and is running southwest to northeast directionally. It abuts with Myrtle Avenue at the north and a no name alley at the south at the Cleveland Avenue and Briarwood Avenue intersection. **(0.357 Acre)**.

The intended use for the portions of right-of-way to be transferred is to combine them with parcels adjacent to the right-of-way to support a project being proposed by Mulby Place Homes LLC. This proposed project will include a small mixed-use of neighborhood-scale commercial structures along the Cleveland Avenue frontage and then affordable senior housing within the remainder of the site. The Department of Public Service has agreed to transfer the right-of-way as described and shown within attached legal description and exhibit, and extinguishes its need for this public right-of-way.

Per current practice, comments were solicited from interested parties, including City agencies, private utilities and the applicable area commission, before it was determined that, subject to the retention of a general utility easement for those utilities currently located within this right-of-way, the City will not be adversely affected by the transfer of this right-of-way. The Department of Public Service submitted a request to the City Attorney's Office, asking that they establish a value for this right-of-way, and a value of \$16,267.00 was established. Laura Comek, on behalf of Mulby Place Homes LLC, requested full Mitigation. This request went before the Land Review Commission on November 18, 2021. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Mulby Place Homes LLC, at no cost to them.

2. FISCAL IMPACT

There is no fiscal impact to the City to grant the Right-of-Way transfer.

3. EMERGENCY JUSTIFICATION

Emergency action is requested to allow the redevelopment of the site and to meet current development schedules.

To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of an approximately 21,690+/- square foot portion of City right-of-way to Mulby Place Homes LLC; and to declare an emergency. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Laura M. Comek on behalf of her client, Mulby Place Homes LLC, to transfer two portions of the City right-of-way. The portions are approximately 21,690+/- square foot in total. The details are as follows:

No Name Alley - The first portion of the right-of-way area is an unnamed alley running southwest to northeast directionally. It is the first alley east of Cleveland Avenue; abuts with Myrtle Avenue at the north and a no name alley at the south at the Cleveland Avenue and Briarwood Avenue intersection. **(0.110 Acre)**.

Linden Avenue - The second portion of the right-of-way area is one street east of the unnamed alley identified in item 1 and is running southwest to northeast directionally. It abuts with Myrtle Avenue at the north and a no name alley at the south at the Cleveland Avenue and Briarwood Avenue intersection. **(0.357 Acre)**; and

WHEREAS, the intended use for the portions of right-of-way to be transferred is to combine them with parcels adjacent to the right-of-way to support a project being proposed by Mulby Place Homes LLC. This proposed project will include a small mixed-use of neighborhood-scale commercial structures along the Cleveland Avenue frontage and then affordable senior housing within the remainder of the site; and

WHEREAS, the Department of Public Service has agreed to transfer the right-of-way as described and shown within the attached legal description and exhibit, and extinguishes its need for this public right-of-way; and

WHEREAS, per current practice, comments were solicited from interested parties, including City agencies, private utilities and the applicable area commission, before it was determined that, subject to the retention of a general utility easement for those utilities currently located within this right-of-way, the City will not be adversely affected by the transfer of this right-of-way; and

WHEREAS, the Department of Public Service submitted a request to the City Attorney's Office, asking that they establish a value for this right-of-way; and

WHEREAS, a value of \$16,267.00 was established; and

WHEREAS, this request went before the Land Review Commission on November 18, 2021; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Mulby Place Homes LLC, at no cost to them;

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize this legislation so that redevelopment of the site can continue and to meet current development schedules; **now, therefore,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Department of Public Service be and is hereby authorized to execute a quit claim deed and other incidental instruments prepared by the City Attorney's Office, necessary to transfer the legal description as described below and attached exhibit of right-of-way to Mulby Place Homes LLC, to-wit:

DESCRIPTION OF PART OF THAT UNNAMED ALLEY, WEST OF LINDEN AVENUE, SOUTH OF
MYRTLE AVENUE, AND EAST OF CLEVELAND

AVENUE, NEW LINDEN ADDITION, PLAT BOOK 13, PAGE 18~0.110 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, containing 0.110 acre of land, more or less, and being part of that unnamed Alley, west of Linden Avenue, south of Myrtle Avenue, and east of Cleveland Avenue, dedicated by New Linden Addition, as shown on the recorded plat thereof, of record in Plat Book 13, Page 18, (all references used in *this* description refer to the records of the Recorder's Office, Franklin County, Ohio), and being that part of the unnamed Alley lying west of Lots 39-45, and part of 46, also being east of Lots 23-27, and part of Lots 22 and 28, all lots being of said New Linden Addition, said 0.110 acre Alley being more particularly described as follows:

Beginning at an iron pipe set at the northwesterly corner of said Lot 39, also being the southwesterly corner of Lot 38 of said New Linden Addition as conveyed to Pamela G. Watson, of record in Instrument Number 201708170114455, also being in the easterly line of said unnamed Alley (16 feet in width);

Thence with the easterly line of said unnamed Alley, also with the westerly line of said Lot 39, and continuing with the westerly line of said Lots 40, 41, 42, 43, 44, 45 and 46, South 25°43'07" West, a distance of 300.41 feet to an iron pipe set at the northwesterly corner of that 0.023 acre tract of land (out of Lot 46) conveyed to the City of Columbus, Ohio, of record in Instrument Number 202109030157054;

Thence with a new division line, across and through said unnamed Alley, North 63°25'35" West, a distance of 16.00 feet to an iron pipe set at the northeasterly corner of that 0.023 acre tract of land (out of Lot 22) conveyed to the City of Columbus, Ohio, of record in Instrument Number 202109030157054, also being in the westerly line of said unnamed Alley, also being in the easterly line of said Lot 22;

Thence with the westerly line of said unnamed Alley, also with the easterly line of said Lot 22, and continuing with the easterly line of said Lots 23, 24, 25, 26, 27 and 28, North 25°43'07" East, a distance of 300.17 feet

Thence with a new division line, across and through said unnamed Alley, South 64°16'53" East, a distance of 16.00 feet to the point of beginning, and containing 0.110 acre of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The easterly Right of Way line of Cleveland Avenue was assigned a bearing of North 26°37'00" East, as shown for record in Plat Book 13, Page 18, Recorder's Office, Franklin County, Ohio.

All iron pipes set are $\frac{3}{4}$ inch inside diameter by 30 inches in length with an orange plastic cap marked "Geo-Graphics".

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in May 2020.

DESCRIPTION OF PART OF LINDEN AVENUE, SOUTH OF MYRTLE AVENUE, EAST OF LOTS
39-46 AND WEST OF LOTS 96-100 OF
NEW LINDEN ADDITION, PLAT BOOK 13, PAGE 18 ~ 0.357 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, containing 0.357 acre of land, more or less, and being part of Linden Avenue, dedicated by New Linden Addition, as shown on the recorded plat thereof, of record in Plat Book 13, Page 18, (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), and being that part of Linden Avenue lying east of Lots 39-45, and part of 46, also being west of Lots 97- 99, and part of Lots 96 and 100, all lots being of said New Linden Addition, said 0.357 acre Right of Way being more particularly described as follows:

Beginning at a 5/8 inch rebar found at the northeasterly corner of said Lot 39, also being the southeasterly corner of Lot 38 of said New Linden Addition as conveyed to Pamela G. Watson, of record in Instrument Number 201708170114455, also being in the westerly Right of Way line of said Linden Avenue (50 feet in width);

Thence with a new division line, across and through said Linden Avenue, South 64°51'34" East, a distance of 50.00 feet to an iron pipe set in the easterly Right of Way line of said Linden Avenue, also being in the westerly line of said Lot 100;

Thence with the easterly Right of Way line of said Linden Avenue, also with the westerly line of said Lot 100, and continuing with the westerly line of said Lots 99, 98, 97 and 96, South 25°08'26" West, a distance of 311.70 feet to an iron pipe set at the northwesterly corner of that 0.017 acre tract of land (out of Lot 96) conveyed to the City of Columbus, Ohio, of record in Instrument Number 202109030157054;

Thence with a new division line, across and through said Linden Avenue, North 63°25'35" West, a distance of 50.02 feet to an iron pipe set at the northeasterly corner of that 0.023 acre tract of land (out of Lot 46) conveyed to the City of Columbus, Ohio, of record in Instrument Number 202109030157054, also being in the westerly Right of Way line of said Linden Avenue, also being in the easterly line of said Lot 46;

Thence with the westerly Right of Way line of said Linden Avenue, also with the easterly line of said Lot 46, and continuing with the easterly line of said Lots 45, 44, 43, 42, 41, 40 and 39, North 25°08'26" East, a distance of 310.45 feet to the point of beginning, and containing 0.357 acre of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The easterly Right of Way line of Cleveland Avenue was assigned a bearing of North 26°37'00" East, as shown for record in Plat Book 13, Page 18, Recorder's Office, Franklin County, Ohio.

All iron pipes set are 3/4 inch inside diameter by 30 inches in length with an orange plastic cap marked "Geo-Graphics".

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in May 2020.

SECTION 2. That the attached referenced real property shall be considered excess road right-of-way and the public rights therein shall terminate upon the Director's execution and delivery of said quitclaim deed to the grantee thereof.

SECTION 3. That a general utility easement in, on, over, across and through the attached legal description and

exhibit describing the right-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said right-of-way.

SECTION 4. That upon notification and verification of the relocation of all utilities located within the retained general utility easement area the Director of the Department of Public Service is hereby authorized to execute those documents necessary to release the retained general utility easement with no additional compensation due to the City and with no further legislative action required by the City.

SECTION 5. For the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.