



City of Columbus
Mayor Michael B. Coleman

Public Service Department
Mark Kelsey, Director

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 # 07-05

DATE: October 12, 2007

Attached please find a request to sell that portion of Old Stelzer Road from Rylett Avenue north to Morse Road, and those portions of Rylett Avenue east and west of Relocated Stelzer Road, Eastman Court east of Old Stelzer Road and Burnbury Road east and west of Old Stelzer Road to MORSO Holding Co. Sale of these rights-of-way will allow for consolidation of MORSO's adjacent lands for proposed future redevelopment within the area. The City Attorney's Real Estate Division has established a value of \$386,333.64 for these rights-of-way as indicated on the attached form. Current Land Review Commission policy requires that the City obtain an independent fee appraisal when the estimated value of the rights-of-way is greater than \$75,000.00, however, it is my understanding MORSO Holding Co., has chosen to request the Land Review Commission waive this requirement. It is also my understanding Jill Tangeman, counsel for MORSO Holding Co., has submitted a request for mitigation of the \$386,333.64 to your office.

It is now necessary for the Department of Development to review the information provided 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, Transportation Division
Clyde R. Garrabrant, P. S., R/W Manager
P:\marylu\letters\0705 transmittal.doc

614-645-8290 Director's Office
614-645-3111 311 Service Center
614-645-6400 Parking Violations Bureau
614-645-7620 Refuse Collection Division
614-645-8376 Transportation Division

City Hall / 90 W. Broad Street, 3rd Floor, Columbus, Ohio 43215-9009
2100 Alum Creek Drive, Columbus, Ohio 43207-1705
400 W. Whittier Street, Columbus, Ohio 43215-5036
2100 Alum Creek Drive / Columbus, Ohio 43207-1705
100 N. Front Street, 3rd Floor / Columbus, Ohio 43215-9023

FAX 645-7805
FAX 645-3053
FAX 645-7357
FAX 645-7296
FAX 645-6938



City of Columbus
Mayor Michael B. Coleman

Public Service Department
Mark Kelsey, Director

REQUEST FOR CONVEYANCE OF CITY OWNED LAND
By Transportation Division

Name of Petitioner: MORSO Holding Co. (Jill Tangeman, Counsel)

File No. 07-05

REQUEST IS TO:

- Sell excess right-of-way
- Vacate excess right-of-way
- Grant an easement
- Transfer excess right-of-way at no charge
- Grant a lease
- Release an easement

BRIEF DESCRIPTION OF AREA UNDER CONSIDERATION:

That portion of Old Stelzer Road, from Rylett Avenue north to Morse Road, and those portions of Rylett Avenue east and west of Relocated Stelzer Road, Eastman Court east of Old Stelzer Road and Burnbury Road east and west of Old Stelzer Road.

PROPOSED USE OF AREA:

To allow for consolidation of MORSO's adjacent lands for proposed future redevelopment within the area

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: *Patti Asokills* Date: 10/14/07
Transportation Division Administrator

Estimated Value from County Tax Records: \$386,333.64 (5.068 acres @ \$76,230.00/acre)
(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/MLE
cc: File No. 07-05
K:\Right of Way & Utilities\Right-of-Way Sales etcvacate 07\0705\REQUEST FOR CONVEYANCE.DOC

614-645-8290 Director's Office
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FAX 645-7805
FAX 645-3053
FAX 645-7357
FAX 645-7296
FAX 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: Boyer Safford III Date: 10/15/07
by Hunter

**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: MORSO Holding Co., by Jill Tangeman, Counsel
File No. 07-05

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

52 East Gay St.
PO Box 1008
Columbus, OH 43216-1008
614.464.6400

www.vorys.com

Founded 1909

C
O
P
Y

Jill S. Tangeman
Direct Dial (614) 464-5608
Facsimile (614) 719-4638
E-Mail: js tangeman@vorys.com

October 12, 2007

VIA US MAIL

Ms. Donna Hunter
Administrator of Land Management Office
Development Department
City of Columbus, Ohio
109 N. Front Street
Columbus, OH 43215

Re: Road Vacation Application
--Old Stelzer Road and Adjoining Roads

Dear Ms. Hunter:

With reference to the October 11, 2007 letter (the "Valuation Letter") from Mary Lu English, Right-of-Way Coordinator for the City of Columbus (the "City"), to the undersigned, as counsel for the road vacation applicant MORSO Holding Co. ("MORSO"), please be advised that MORSO desires to proceed with the acquisition of the rights-of-way referenced in the Valuation Letter (the "Vacation Land") and has signed and returned the "Authorization to Proceed" in connection therewith. In the Valuation Letter, Ms. English also advised that we should contact you relative to any potential "mitigating circumstances" which could affect the valuation of the Vacation Land. In fact, as discussed with John Klein of the Columbus City Attorney's Office, there is a mitigating circumstance for consideration in connection with the City's ultimate valuation of the Vacation Land.

Under the certain "Guaranteed Maximum Price Reimbursement Agreement For Easton Square Place Roadway Improvements" dated August 25, 2006 by and between the City and MORSO (the "Reimbursement Agreement"), the City has engaged MORSO to act as its general contractor for the engineering, design and construction of the "Improvements" described in the Reimbursement Agreement, essentially being a portion of the Easton Square Place roadway and related utilities and improvements. In connection therewith, the City has agreed to reimburse MORSO for certain costs and expenses associated with the performance of its duties.

Ms. Donna Hunter

October 12, 2007

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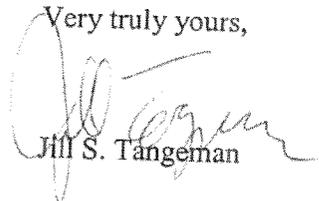
C Under the terms of the Reimbursement Agreement, one of the agreed reimbursement items relates to the right-of-way upon which the Improvements are situated, to be valued for reimbursement purposes in a per acre amount based upon the \$250,000 per acre price paid to MORSO for transfer of the adjoining 13.4 acre Alliance Data Systems site. Attached to this letter is a copy of the proposed roadway plat prepared by Evans, Mechwart, Hambleton & Tilton, Inc., reflecting a total of 1.549 acres of right-of-way to be dedicated to the City in connection with the Improvements. Based upon the agreed per acre value, the total amount payable to MORSO by the City under the Reimbursement Agreement for right-of-way is \$387,250.00 (the "ESP ROW Credit").

Y For a variety of reasons, including the proximate timing of the requested road vacations and the completion of the Improvements, it was suggested and discussed with the prior City Development Director that, in lieu of a direct reimbursement payment by the City to MORSO, the ESP ROW Credit should be treated as a mitigating circumstance (i.e., as a "land donation") in connection with the road vacation application. MORSO remains agreeable to such an approach, and hereby respectfully requests that you consider a credit of \$387,250.00 as a mitigating circumstance reduction in the valuation of the Vacation Land. In connection therewith, MORSO is willing to waive the City's payment of any amount by which the ESP ROW Credit exceeds the Vacation Land value as established in the Valuation Letter.

If you have any questions in connection with these matters, please contact the undersigned at 614-464-5608. It is our understanding that John Klein of the City Attorney's Office also is prepared to address any questions which you might have.

Thank you for your attention to these matters.

Very truly yours,



Jill S. Tangeman

JST/clj

cc: John C. Klein III, Esq.
Mary Lu English
John T. Kranyak, Esq.
John P. Wellner, Esq.

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. (HCG)
Right-of-Way Coordinator

SUBJ.: Sale of Right-of-Way
File # 07-05

DATE: September 7, 2007

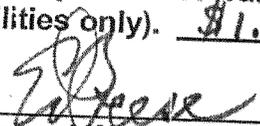
The Department of Public Service, Transportation Division, has been asked to sell that portion of Old Stelzer Road, from Rylett Avenue north to Morse Road and those portions of Rylett Avenue east and west of Relocated Stelzer Road, Eastman Court east of Old Stelzer Road, and Burnbury Road east and west of Old Stelzer Road (see attached map). At this time please determine the per square foot value of these rights-of-way both with the retention of general utility easements and without the retention of such easements 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: To be determined by survey

Per square foot value without reserved general utility easement rights.
\$5.25

Per square foot value with reserved general utility easement rights (for City Utilities only). \$1.75


Edmond W. Reese

10-2-07
Date

EMH&T

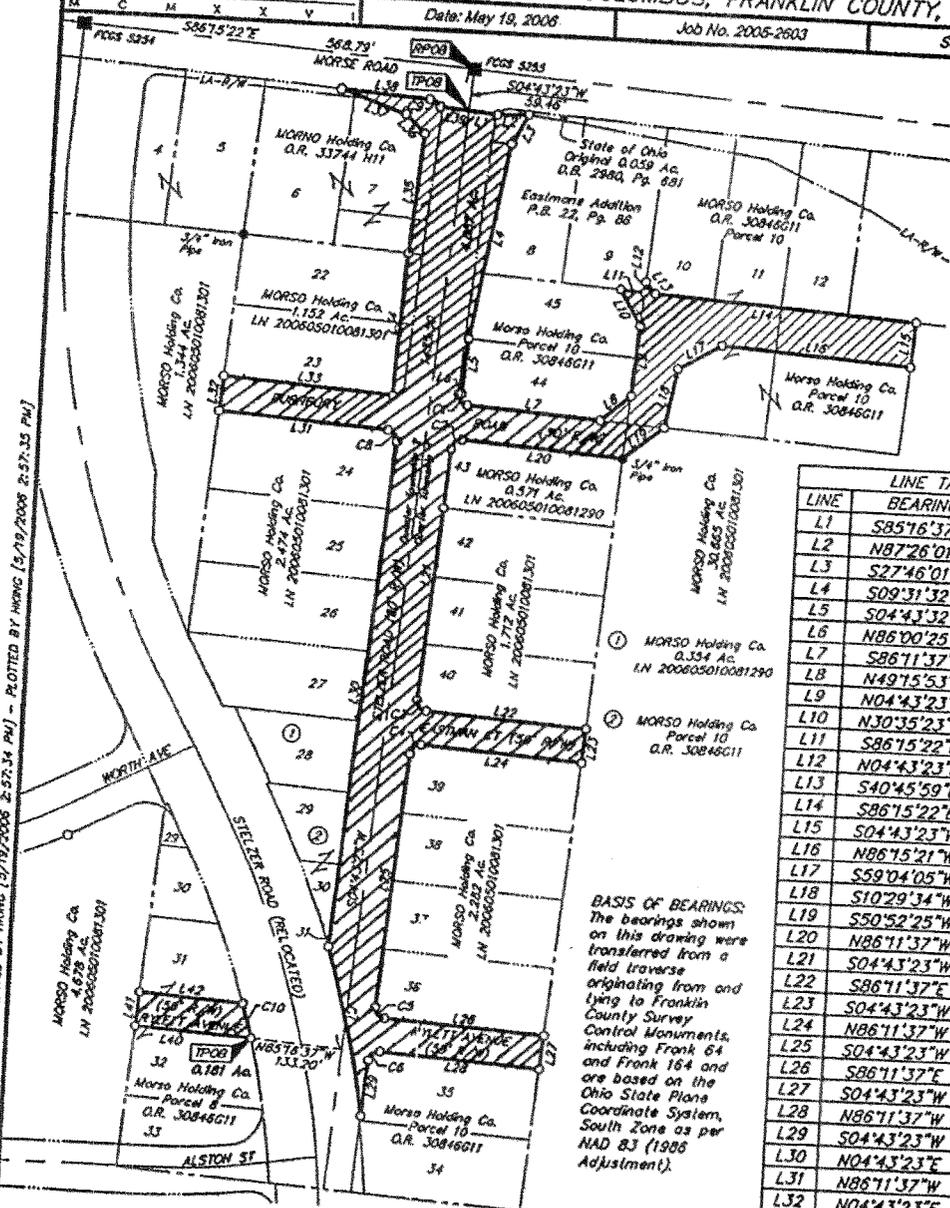
Evans, Mechwart, Hamblen & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5300 New Albany Road, Columbus, OH 43204
 Phone: 614.773.4500 Fax: 614.773.4600

RIGHT-OF-WAY VACATION QUARTER TOWNSHIP 1 & 2, TOWNSHIP 1, RANGE 17 UNITED STATES MILITARY LANDS CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO

Date: May 19, 2006

Job No. 2005-2603

Scale: 1" = 200'



LINE	BEARING	DISTANCE
L1	S85°16'37"E	42.51'
L2	N87°26'01"E	46.24'
L3	S27°46'01"W	49.24'
L4	S02°31'32"W	287.86'
L5	S04°43'32"W	81.00'
L6	N86°00'25"W	5.00'
L7	S86°11'37"E	193.51'
L8	N49°15'53"E	57.06'
L9	N04°43'23"E	102.22'
L10	N30°35'23"W	60.60'
L11	S86°15'22"E	35.03'
L12	N04°43'23"E	14.97'
L13	S40°45'59"E	20.99'
L14	S86°15'22"E	385.00'
L15	S04°43'23"W	65.01'
L16	N86°15'21"W	279.78'
L17	S59°04'05"W	71.96'
L18	S10°29'34"W	86.93'
L19	S50°52'25"W	73.48'
L20	N86°11'37"W	233.99'
L21	S04°43'23"W	370.35'
L22	S86°11'37"E	233.75'
L23	S04°43'23"W	50.00'
L24	N86°11'37"W	233.75'
L25	S04°43'23"W	370.00'
L26	S86°11'37"E	233.75'
L27	S04°43'23"W	50.01'
L28	N86°11'37"W	233.75'
L29	S04°43'23"W	81.03'
L30	N04°43'23"E	742.72'
L31	N86°11'37"W	245.00'
L32	N04°43'23"E	50.01'
L33	S86°11'37"E	245.00'
L34	N03°20'45"E	207.15'
L35	N04°27'42"E	173.72'
L36	N46°27'12"W	39.05'
L37	N71°55'41"W	100.99'
L38	S86°15'19"E	129.15'
L39	S85°16'37"E	43.68'
L40	N86°11'37"W	166.79'
L41	N04°43'24"E	50.01'
L42	S86°11'37"E	148.37'

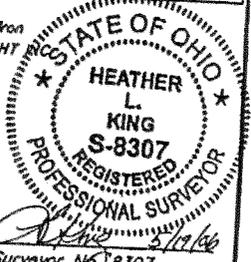
BASIS OF BEARINGS:
 The bearings shown on this drawing were transferred from a field traverse originating from and tying to Franklin County Survey Control Monuments, including Frank 64 and Frank 164 and are based on the Ohio State Plane Coordinate System, South Zone as per NAD 83 (1986 Adjustment).

CURVE	DELTA	RADIUS	ARC	CH BRG	CH
C1	89°59'33"	15.00'	23.56'	S41°11'50"E	21.21'
C2	89°04'33"	15.00'	23.32'	S49°15'53"W	21.04'
C3	89°05'00"	15.00'	23.32'	S40°44'07"E	21.04'
C4	90°55'00"	15.00'	23.80'	S49°15'53"W	21.38'
C5	89°05'00"	15.00'	23.32'	S40°44'07"E	21.04'
C6	90°55'00"	15.00'	23.80'	S49°15'53"W	21.38'
C7	09°36'34"	1502.40'	251.98'	N13°48'39"W	251.69'
C8	89°05'00"	15.00'	23.32'	N40°44'07"W	21.04'
C9	55°33'34"	20.00'	19.39'	S58°26'30"E	18.64'
C10	02°13'48"	1362.40'	53.03'	S15°38'10"E	53.02'



GRAPHIC SCALE (IN FEET)

● = I.P. FND.
 ○ = I.P. SET
 I.P. Set are 1 1/16" I.D. iron pipe with cap inscribed EMHT



By *Heather L. King*
 Professional Surveyor No. 8307

11/04/01/211 SURVEY PROJECT/20052603/0MC/5260.3RW/INTELLIGENTIAL PORTRAITS - NO XREFS - LAST SAVED BY HONG [5/19/2006 2:57:34 PM] - PLOTTED BY HONG [5/19/2006 2:57:35 PM]

EASTON SQUARE PLACE EXTENSION SECTION 1 DEDICATION AND EASEMENTS

1/2

Approved in the name of the City of Columbus, Ohio, by the Board of Public Works, on this 11th day of March, 1977, at Columbus, Ohio, in the presence of the following witnesses: _____

The undersigned, _____, Mayor of the City of Columbus, Ohio, do hereby certify that the foregoing is a true and correct copy of the original as recorded in the office of the Recorder of Deeds for the County of Franklin, Ohio, on this 11th day of March, 1977, at Columbus, Ohio.

Witness my hand and the seal of the City of Columbus, Ohio, this 11th day of March, 1977, at Columbus, Ohio.

Approved and attested this _____ day of _____, 1977, by the Mayor of the City of Columbus, Ohio.

In Witness Whereof, I have hereunto set my hand and the seal of the City of Columbus, Ohio, this _____ day of _____, 1977.

Mayor of the City of Columbus, Ohio

Approved and attested this _____ day of _____, 1977, by the Recorder of Deeds for the County of Franklin, Ohio.

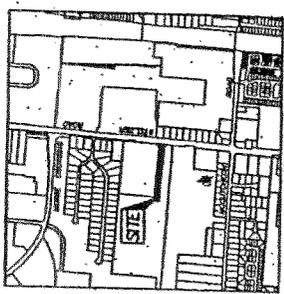
Recorder of Deeds for the County of Franklin, Ohio

Witness my hand and the seal of the County of Franklin, Ohio, this _____ day of _____, 1977.

Recorder of Deeds for the County of Franklin, Ohio

In Witness Whereof, I have hereunto set my hand and the seal of the County of Franklin, Ohio, this _____ day of _____, 1977.

Recorder of Deeds for the County of Franklin, Ohio



LOCATION MAP AND BACKGROUND DRAWING
SCALE: 1" = 100'

PROPERTY DATA

NAME OF PLATTEE: The foregoing extension section, with all easements and appurtenances thereto, shall be known as Easton Square Place, Section 1, Township 17 N., Range 11 E., County of Franklin, Ohio, and shall be subject to the provisions of the plat of Easton Square Place, Section 1, Township 17 N., Range 11 E., County of Franklin, Ohio, recorded in the office of the Recorder of Deeds for the County of Franklin, Ohio, on this 11th day of March, 1977, at Columbus, Ohio.

NAME OF PLATTEE: The foregoing extension section, with all easements and appurtenances thereto, shall be known as Easton Square Place, Section 1, Township 17 N., Range 11 E., County of Franklin, Ohio, and shall be subject to the provisions of the plat of Easton Square Place, Section 1, Township 17 N., Range 11 E., County of Franklin, Ohio, recorded in the office of the Recorder of Deeds for the County of Franklin, Ohio, on this 11th day of March, 1977, at Columbus, Ohio.

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DRAWN & PLATED BY
EMHT

In the presence of the following witnesses: _____

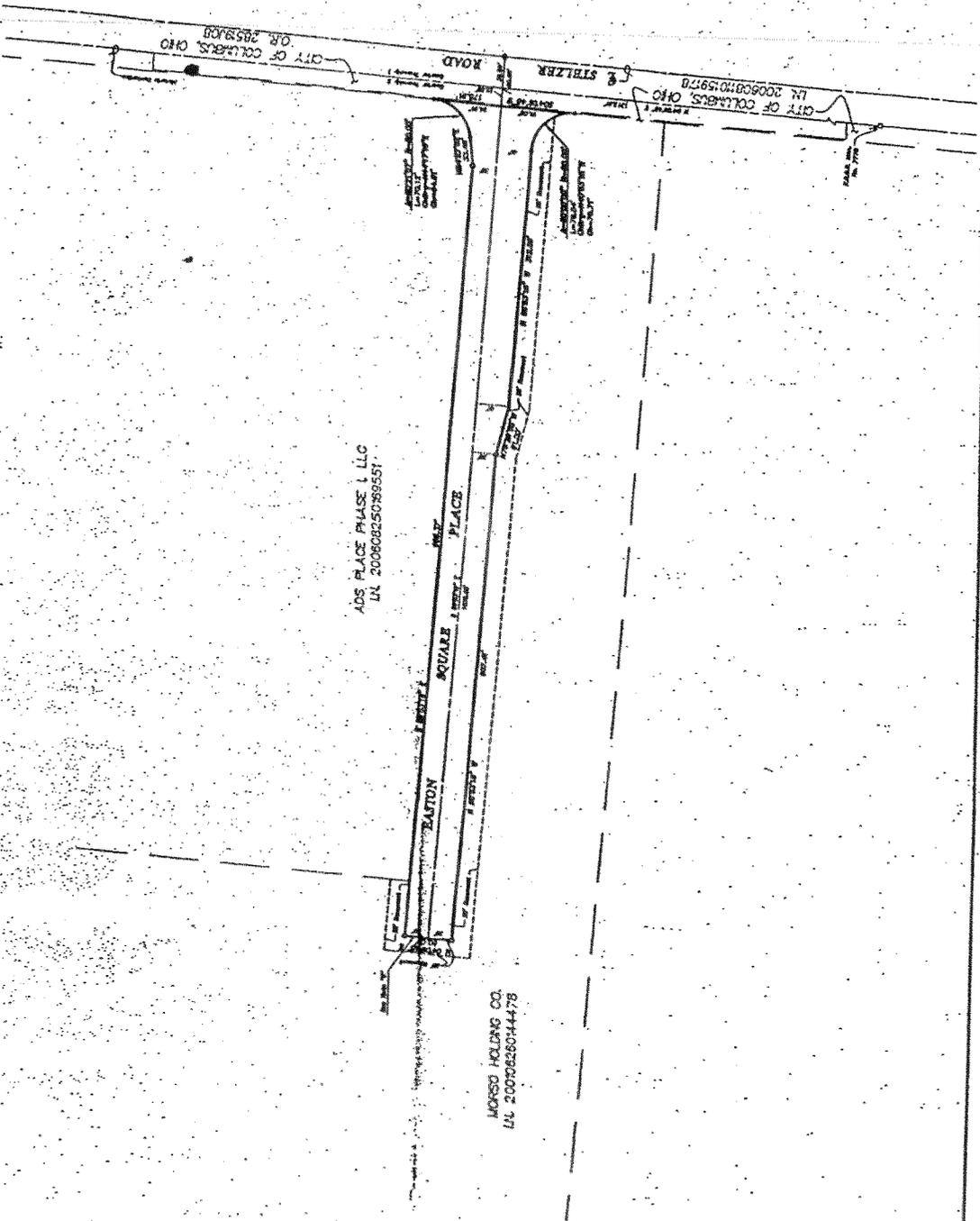
Recorder of Deeds for the County of Franklin, Ohio

Recorder of Deeds for the County of Franklin, Ohio

EASTON SQUARE PLACE EXTENSION SECTION 1 DEDICATION AND EASEMENTS

EASTON SQUARE PLACE EXTENSION SECTION I DEDICATION AND EASEMENTS

2/2



ADS PLACE PHASE I, LLC
LN 200608250789551

MORSON HOLDING CO.
LN 20060825044478



NOTE 1: The information on this plan is based on the information provided by the applicant and is not intended to be used for any other purpose. The City of Columbus, Ohio, is not responsible for the accuracy of the information provided by the applicant. The City of Columbus, Ohio, is not responsible for the accuracy of the information provided by the applicant. The City of Columbus, Ohio, is not responsible for the accuracy of the information provided by the applicant.

NOTE 2: The information on this plan is based on the information provided by the applicant and is not intended to be used for any other purpose. The City of Columbus, Ohio, is not responsible for the accuracy of the information provided by the applicant. The City of Columbus, Ohio, is not responsible for the accuracy of the information provided by the applicant. The City of Columbus, Ohio, is not responsible for the accuracy of the information provided by the applicant.

NOTE 3: The information on this plan is based on the information provided by the applicant and is not intended to be used for any other purpose. The City of Columbus, Ohio, is not responsible for the accuracy of the information provided by the applicant. The City of Columbus, Ohio, is not responsible for the accuracy of the information provided by the applicant. The City of Columbus, Ohio, is not responsible for the accuracy of the information provided by the applicant.



City of Columbus
Mayor Michael B. Coleman

Public Service Department
Mark Kelsey, Director

October 11, 2007

Jill S. Tangeman, Esq.
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008

Dear Ms. Tangeman:

The City of Columbus, Transportation Division, has reviewed the request you submitted on behalf of your client, MORSO Holding Co., regarding their acquisition of that portion of Old Stelzer Road, from Rylett Avenue north to Morse Road, and those portions of Rylett Avenue east and west of Relocated Stelzer Road, Eastman Court, east of Old Stelzer Road, and Burnbury Road, east and west of Old Stelzer Road. It is the Transportation Division's understanding acquisition of these rights-of-way will allow property consolidation and will facilitate redevelopment of your client's adjacent properties. After investigation by the Transportation Division staff it was determined the City does not object to the sale of these rights-of-way subject to the retention of general utility easements for those utilities currently located therein. 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 total value of \$386,333.64 (\$76,230.00 per acre X 5.0680 acres) for these rights-of-way. Current Land Review Commission policy requires that the City obtain an independent fee appraisal when the estimated value of the rights-of-way is greater than \$75,000.00, however, it is my understanding your client has chosen to request the Land Review Commission waive this requirement.

If your client desires to proceed with the acquisition of the above referenced rights-of-way please have this "Authorization to Proceed" letter signed and dated in the space provided below then returned, 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 \$386,333.64 you will need to contact Ms. Donna Hunter, Administrator of the Land Management Office, to discuss a possible reduction of this amount. Ms. Hunter's address is: Development Department, 109 North Front Street, Columbus, Ohio 43215 and her telephone number is (614) 645-3895. For your convenience I have attached a list of valid mitigating circumstances 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 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.

614-645-8290 Director's Office
614-645-3111 311 Service Center
614-645-6400 Parking Violations Bureau
614-645-7620 Refuse Collection Division
614-645-8376 Transportation Division

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FAX 645-7296
FAX 645-6938

Ms. Tangeman
October 11, 2007
Page Two

After an agreement on the total 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

MORSO Holding Co.

By:

Signature

10/11/07

Date

Gail M. Stern

Print name

Its: Senior Vice President – Retail Operations, Legal

Enclosures

cc: Patricia A. Austin, P.E., Administrator, Transportation Division
Randall J. Bowman, P.E., Assistant Administrator and City Engineer
Clyde R. Garrabrant, P.S., Mapping, Graphics and RW Services
File 07-05
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