



## Legislation Details (With Text)

**File #:** 0811-2007      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/15/2007      **In control:** Recreation & Parks Committee

**On agenda:** 6/4/2007      **Final action:** 6/11/2007

**Title:** To authorize the Director of the Department of Recreation and Parks to execute a Quitclaim Deed necessary to return to the Homewood Corporation a 6.956 acre tract of land, which it conveyed to the City in error, and to the extent they may be applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised, and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/11/2007	1	CITY CLERK	Attest	
6/8/2007	1	MAYOR	Signed	
6/4/2007	1	Columbus City Council	Approved	Pass
6/4/2007	1	COUNCIL PRESIDENT	Signed	
5/22/2007	1	City Clerk's Office	Sent back for Clarification/Correction	
5/22/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
5/21/2007	1	Atty Reviewer	Reviewed and Approved	
5/21/2007	1	Atty Reviewer	Reviewed and Approved	
5/21/2007	1	Atty Drafter	Sent for Approval	
5/21/2007	1	REC & PARKS DIRECTOR	Reviewed and Approved	
5/21/2007	1	Rec & Parks Drafter	Sent for Approval	
5/21/2007	1	CITY ATTORNEY	Reviewed and Approved	
5/21/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
5/16/2007	1	Atty Drafter	Sent for Approval	

**Background:** The Homewood Corporation, an Ohio corporation ("Homewood"), granted the City of Columbus a 33.161 acre tract of land and a 6.956 acre tract of land by virtue of a general warranty deed of record as Official Records Vol. 1444, Pg. 1694, Recorder's Office, Fairfield County, Ohio. Unfortunately, Homewood did not intend to grant the 6.956 acre tract of land to the City, on which exists an apartment complex. Instead of granting the 6.956 acre tract (existing apartment complex), Homewood intended to grant the City the 33.161 acre tract for parkland use, along with certain additional right-of-way that would become a part of Refugee Road. Therefore, in as much as the 6.956 acre tract was erroneously granted to the City, and it has been determined by the Recreation and Parks Department that the return of the property will not adversely affect the City and should be allowed. The following legislation authorizes the Director of the Recreation and Parks Department to execute those documents necessary to convey a 6.956 acre +/- tract back to the Homewood corporation.

**Fiscal Impact:** N/A

**Emergency Justification:** Emergency action is requested to allow for the immediate correction of this error to avoid any potential confusion.

To authorize the Director of the Department of Recreation and Parks to execute a Quitclaim Deed necessary to return to the Homewood Corporation a 6.956 acre tract of land, which it conveyed to the City in error, and to the extent they may be applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised, and to declare an emergency.

WHEREAS, the Homewood Corporation, an Ohio corporation, granted the City of Columbus a 33.161 acre tract of land and a 6.956 acre tract of land by virtue of a general warranty deed of record as Official Records Vol. 1444, Pg. 1694, Recorder's Office, Fairfield County, Ohio; and

WHEREAS, unfortunately, Homewood did not intend to grant the 6.956 acre tract of land to the City, on which exists an apartment complex: and

WHEREAS, instead of granting the 6.956 acre tract (existing apartment complex), Homewood intended to grant the City the 33.161 acre tract for parkland use, along with certain additional right-of-way that would become a part of Refugee Road; and

WHEREAS, in as much as the 6.956 acre tract was erroneously granted to the City, and it has been determined by the Recreation and Parks Department that the return of the property will not adversely affect the City and should be allowed; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the Director of the Department of Recreation and Parks to execute a Quitclaim Deed necessary to return a 6.956 acre tract of land to the Homewood Corporation, which it conveyed to the City in error, for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

Section 1. That the Director of Department of Recreation and Parks be and hereby is authorized to execute those documents, as prepared by the Real Estate Division, Department of Law, necessary to quitclaim the following described real property to the Homewood Corporation:

Situated in the State of Ohio, County of Fairfield, City of Columbus, located in Section 30, Township 16, Range 20, Refugee Lands and being 4.992 acres out of that original 80 acre tract as conveyed to Homewood Corporation by deed of record in Deed Book 572, Page 688, and being 1.947 acres out of that 34.104 acre tract as conveyed to Homewood Corporation by deed of record in Deed Book 591, Page 82 (all references refer to the records of the Recorder's Office, Fairfield County, Ohio) and described as follows:

Beginning for reference at Franklin County Geodetic Survey monument Number 9978 in the Franklin/Fairfield County line marking the south quarter corner of said Section 30, being in the centerline of Refugee Road, being the southwesterly corner of that 1.216 acre tract as conveyed to the City of Columbus by deed of record in Deed Book 584, Page 641, and being the southeasterly corner of that 16.531 acre tract as conveyed to the City of Columbus by deed of record in Deed Book 617, Page 153;

Thence N 03° 50' 35" E, across said Refugee Road, with the westerly line of said 1.216 acre tract, a portion of the westerly line of said 80 acre tract, being the easterly line of said 16.531 acre tract, with the half section line of said Section 30, (passing a 3/4" iron pin found at 40.00 feet) a distance of 50.00 feet to an iron pin set in the proposed northerly right-of-way line of said Refugee Road;

Thence S 86° 06' 30" E, across said original 80 acre tract, with said proposed northerly right-of-way line, being 50.00 feet northerly from and parallel to the centerline of said Refugee Road, a distance of 50.00 feet to an iron pin set at the *True Point Of Beginning*;

Thence N 03° 50' 35" E, continuing across said 80 acre tract and across said 34.104 acre tract, a distance of 30.00 feet to an iron pin set;

Thence, continuing across said 34.104 acre tract, the following courses and distances:

N 63° 09' 59" E, a distance of 542.90 feet to an iron pin set;  
N 24° 15' 34" W, a distance of 12.80 feet to an iron pin set;  
N 65° 48' 53" E, a distance of 66.16 feet to an iron pin set;  
S 25° 25' 43" E, a distance of 9.73 feet to an iron pin set;  
N 63° 09' 59" E, a distance of 506.30 feet to an iron pin set at the northwesterly corner of Lot 114 of that subdivision entitled "Farmbrook Section 3" of record in Cabinet 2, Slot 20;

Section 2. That this Council has determined that it is in the best interest of the City of Columbus to waive and does hereby waive the requirements of Columbus City Codes (1959) Revised, Chapter 328.01 (*Land Review Commission*) and Section 329.29 (*competitive bidding*) to the extent that they may apply to this transaction with regards to this ordinance only.

Section 3. That 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 its passage if the Mayor neither approves nor vetoes the same.