



## Legislation Details (With Text)

**File #:** 1811-2008      **Version:** 1

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

**File created:** 11/6/2008      **In control:** Public Service & Transportation Committee

**On agenda:** 12/1/2008      **Final action:** 12/3/2008

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer those portions of Wall Street from Mound Street north to Main Street and Noble Street from High Street west to Front Street to the Franklin County, Ohio, Board of Commissioners; to waive the Land Review Commission and Competitive Bidding provisions of Columbus City Code and to and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 1811-2008 Wall & Noble.pdf

Date	Ver.	Action By	Action	Result
12/3/2008	1	CITY CLERK	Attest	
12/2/2008	1	MAYOR	Signed	
12/1/2008	1	Columbus City Council	Taken from the Table	Pass
12/1/2008	1	Columbus City Council	Approved	Pass
12/1/2008	1	COUNCIL PRESIDENT	Signed	
11/24/2008	1	Columbus City Council	Tabled to Certain Date	Pass
11/13/2008	1	CITY ATTORNEY	Reviewed and Approved	
11/13/2008	1	Service Drafter	Sent to Clerk's Office for Council	
11/12/2008	1	SERVICE DIRECTOR	Reviewed and Approved	
11/12/2008	1	Service Drafter	Sent for Approval	
11/11/2008	1	Service Reviewer	Reviewed and Approved	
11/11/2008	1	Service Drafter	Sent for Approval	
11/6/2008	1	Service Drafter	Sent for Approval	

### 1. BACKGROUND

The Franklin County, Ohio, Board of Commissioners (the "Commissioners") are engaged in the construction of a new county court house, to be known as the Halls of Justice Building (the "Court House"), on that property bounded by High Street on the east, Mound Street on the south, Front Street on the west and Main street on the north. Plans for this Court House indicate those portions of existing Wall Street, from Mound Street north to Main Street and Noble Street from High Street west to Front Street will be located beneath the building. The Commissioners have requested the City transfer these existing rights of way to them to accommodate construction of the Court House. Per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions. It was determined there are utilities located within these rights of way; however, the Commissioners are working with the individual utility companies to relocate existing facilities and to provide new easements for the relocated utilities. It was also determined the City will need to retain ten foot (10') wide temporary construction easements for the City's River South, Phase 2, project, currently in design, over those portions of Wall Street, adjacent to Main Street and Noble Street adjacent to Front Street being transferred to the Commissioners. An independent appraisal prepared at

the request of the Department of Law, Real Estate Division, on behalf of the Department of Public Service, Division of Transportation, established the value of these rights of way to be \$2,093,000.00. The Commissioners have agreed to recognize the value of these rights of way as a credit toward the City's eventual purchase of the County's interest in the existing Municipal Court Building located at 375 South High Street and the City has agreed to accept this credit in lieu of a cash payment for these rights of way.

## **2. EMERGENCY DESIGNATION**

The Commissioners have requested the City waive the Land Review Commission and Competitive Bidding requirements of Columbus City Code with respect to the transfer of the above referenced portions of Wall Street and Noble Street to them and that City Council consider approving the transfer of these rights of way as an emergency matter so that construction of the Court House can continue without delay.

To authorize the Director of the Department of Public Service to execute those documents required to transfer those portions of Wall Street from Mound Street north to Main Street and Noble Street from High Street west to Front Street to the Franklin County, Ohio, Board of Commissioners; to waive the Land Review Commission and Competitive Bidding provisions of Columbus City Code and to and to declare an emergency.

**WHEREAS**, the Franklin County, Ohio, Board of Commissioners (the "Commissioners") are engaged in the construction of a new county court house, to be known as the "Halls of Justice Building" (the "Court House"), on that property bounded by High Street on the east, Mound Street on the south, Front Street on the west and Main street on the north; and

**WHEREAS**, plans for this Court House indicate those portions of existing Wall Street, from Mound Street north to Main Street and Noble Street from High Street west to Front Street will be located beneath the building; and

**WHEREAS**, the Commissioners have requested the City transfer these existing rights of way to them to accommodate construction of the Court House; and

**WHEREAS**, per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions; and

**WHEREAS**, it was determined there are utilities located within these rights of way; however, the Commissioners are working with the individual utility companies to relocate existing facilities and to provide new easements for the relocated utilities; and

**WHEREAS**, it was also determined the City will need to retain ten foot (10') wide temporary construction easements for the City's River South, Phase 2 project, currently in design, over those portions of Wall Street, adjacent to Main Street and Noble Street adjacent to Front Street being transferred to the Commissioners; and

**WHEREAS**, an independent appraisal prepared at the request of the Department of Law, Real Estate Division, on behalf of the Department of Public Service, Division of Transportation, established the value of these rights of way to be \$2,093,000.00; and

**WHEREAS**, the Commissioners have agreed to recognize the value of these rights of way as a credit toward the City's eventual purchase of the County's interest in the existing Municipal Court Building located at 375 South High Street; and

**WHEREAS**, the City has agreed to accept this credit in lieu of a cash payment for these rights of way; and

**WHEREAS**, an emergency exists in the usual daily operation of the City in that it is immediately necessary to authorize the Director of the Department of Public Service to execute those documents necessary to transfer the above referenced Wall Street and Noble Street rights of way to the Franklin County, Ohio, Board of Commissioners so construction of the Court House can proceed as currently scheduled for the preservation of the public health, peace, property, safety and welfare; 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 quit claim deeds and other incidental instruments prepared by the Department of Law, Real Estate Division, necessary to transfer the following described rights of way to the Franklin County, Ohio, Board of Commissioners; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Wall Street and Noble Street in said City of Columbus as shown and delineated upon the record plat thereof of record in Deed Book "F", Page 332, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a PK Nail set at the intersection of the northerly right-of-way line of Mound Street (82.5 feet in width) and the easterly right-of-way line of Wall Street (33 feet in width), being the southwest corner of Inlot 240;

Thence South  $81^{\circ}56'02''$  West, a distance of 33.00 feet, along the northerly right-of-way line of said Mound Street, across said Wall Street to a cotton gin spindle set at the intersection of said northerly right-of-way line and the westerly right-of-way line of said Wall Street, being the southeast corner of said Inlot 223;

Thence North  $08^{\circ}08'56''$  West, a distance of 188.30 feet, along the westerly right-of-way line of said Wall Street, being the easterly lines of said Inlots 221 thru 223, to a PK Nail set at the intersection of said westerly right-of-way line and the southerly right-of-way line of Noble Street (33 feet in width), being the northeast corner of said Inlot 221;

Thence South  $81^{\circ}39'37''$  West, a distance of 187.57 feet, along the southerly right-of-way line of said Noble Street, being the northerly line of said Inlot 221, to a cotton gin spindle set at the intersection of said southerly right-of-way line and the easterly right-of-way line of Front Street (82.5 feet in width), being the northwest corner of said Inlot 221;

Thence North  $08^{\circ}09'00''$  West, a distance of 33.00 feet, along the easterly right-of-way line of said Front Street across said Noble Street, to a rebar set at the intersection of said easterly right-of-way line and the northerly right-of-way line of said Noble Street, being the southwest corner of said Inlot 220;

Thence North  $81^{\circ}39'37''$  East, a distance of 187.57 feet, along the northerly right-of-way line of said Noble Street, being the southerly line of said Inlot 220, to a PK Nail set at the intersection of said northerly right-of-way line and the westerly right-of-way line of said Wall Street feet, being the southeast corner of said Inlot 220;

Thence North  $08^{\circ}08'56''$  West, a distance of 187.95 feet, along the westerly right-of-way line of said Wall Street, being the easterly lines of said Inlots 218 thru 220, to a cotton gin spindle set at the intersection of said westerly right-of-way line and the southerly right-of-way line of Main Street (82.5 feet in width), being the northeast corner of said Inlot 218;

Thence North  $81^{\circ}39'37''$  East, a distance of 33.00 feet, along the southerly right-of-way line of said Main Street across said Wall Street to a cotton spindle set at the intersection of said southerly right-of-way line and the easterly right-of-way line of said Wall Street, being the northwest corner of Inlot 245, being the same as the northwest corner of Lot 6 as shown and delineated of "Slusser and Doyles Subdivision of Inlot 245 of record in Plat Book 1, Page 231;

Thence South  $08^{\circ}08'56''$  East, a distance of 187.95 feet, along the easterly right-of-way line of said Wall Street, being the westerly lines of Inlots 243 thru 245, to a PK Nail set at the intersection of said easterly right-of-way line and the northerly right-of-way line of said Noble Street, being the southwest corner of Inlot 243;

Thence North  $81^{\circ}39'37''$  East, a distance of 187.57 feet, along the northerly right-of-way line of said Noble Street, being the southerly line of said Inlot 243, to a cotton gin spindle set at the intersection of said northerly right-of-way line and the westerly right-of-way line of South High Street (100 feet in width), being the southeast corner of said Inlot 243;

Thence South  $08^{\circ}08'56''$  East, a distance of 33.00 feet, along the westerly right-of-way line of said South High Street, across Noble Street, to a cotton gin spindle set at the intersection of said westerly right-of-way line and the southerly right-of-way line of said Noble Street, being the northeast corner of Inlot 242,

Thence South  $81^{\circ}39'37''$  West, a distance of 187.57 feet, along the southerly right-of-way line of said Noble Street, being the northerly line of said Inlot 242, to a cotton gin spindle set at the intersection of said southerly right-of-way line and the easterly right-of-way line of said Wall Street, being the northwest corner of said Inlot 221;

Thence South  $08^{\circ}08'56''$  East, a distance of 188.46 feet, along the easterly right-of-way line of said Wall Street, being the westerly lines of Inlots 240 thru 242 to the Point of Beginning, containing 0.594 acres, more or less, subject to all easements, restrictions and rights-of-way of record.

The bearings shown herein are based on the grid bearing of North  $81^{\circ}39'37''$  East for the southerly right-of-way line of Main Street as determined by a GPS network of field observations performed in March, 2005 (State Plane Coordinate System, South Zone, 1995 Adjustment-CORS)

R.D.ZANDE & ASSOCIATES, INC.  
Robert J. Sands,  
Professional Surveyor No. S-8053

**Section 2.** That the above referenced real property shall be considered excess road rights of way and the public rights therein shall terminate upon the Director's execution and delivery of said quit claim deed to the grantee thereof.

**Section 3.** That an independent appraisal established the value of these rights of way to be \$2,093,000.00; that the Commissioners have agreed to recognize the value of these rights of way as a credit toward the City's eventual purchase of the County's interest in the existing Municipal Court Building located at 375 South High Street and that the City has agreed to accept this credit in lieu of a cash

payment for these rights of way.

**Section 4.** That a general utility easement in, on, over, across and through the above described rights of way shall be and hereby is retained unto the City of Columbus for those utilities currently located within said rights of way.

**Section 5.** That upon notification and verification of the relocation of all utilities located within the retained general utility easement 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 6.** That ten foot (10') wide temporary construction easements over those portions of Wall Street, adjacent to Main Street, and Noble Street, adjacent to Front Street, being transferred to the Commissioners shall be retained for the City's River South, Phase 2, project, currently in design.

**Section 7.** That this Council has determined it is in the best interest of the City of Columbus to allow these rights of way to be transferred without requiring a recommendation from the Land Review Commission and without requiring competitive bidding and to the extent that they may apply hereby waives the Land Review Commission provisions of Columbus City Codes (1959) Revised, Section 328 and the competitive bidding provisions of Columbus City Codes (1959) Revised, Section 329.29 with regards to the transfer of these rights of way.

**Section 8.** 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 passage if the Mayor neither approves nor vetoes the same.