



Legislation Details (With Text)

File #: 1477-2009 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 10/26/2009 **In control:** Public Service & Transportation Committee

On agenda: 11/9/2009 **Final action:** 11/11/2009

Title: To vacate those public rights-of-way located on the Whittier Peninsula that are no longer necessary for public ingress and egress to this site; to retain a general utility easement in, over, across, on and through said public rights-of-way; to the extent they may apply to waive the competitive bidding provisions and the Land Review Commission requirements of Columbus City Codes; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Whittier vacation #2.pdf

Date	Ver.	Action By	Action	Result
11/11/2009	1	ACTING MAYOR	Signed	
11/11/2009	1	CITY CLERK	Attest	
11/10/2009	1	COUNCIL PRESIDENT	Signed	
11/9/2009	1	Columbus City Council	Approved	Pass
10/28/2009	1	SERVICE DIRECTOR	Reviewed and Approved	
10/28/2009	1	Service Drafter	Sent for Approval	
10/28/2009	1	CITY ATTORNEY	Reviewed and Approved	
10/28/2009	1	Service Drafter	Sent to Clerk's Office for Council	
10/26/2009	1	Service Drafter	Sent for Approval	

1. Background:

As a part of the Whittier Peninsula Redevelopment project, the City of Columbus desires to vacate those public rights-of-way located within that area identified as the Whittier Peninsula that are no longer necessary for public ingress and egress. The public rights-of-way to be vacated are more fully described as 1) River Street, from Furnace Street to the westerly terminus of said River Street; 2) a portion of Furnace Street from the southerly limited access line of Interstate 70 to the southerly terminus of said Furnace Street; 3) all those publicly dedicated alleys within that strip of land bounded on the west by the Scioto River, on the east by the ingress/egress easement granted to the City by virtue of a deed of easement of record in the Franklin County, Ohio, Recorder's office as instrument number 200808290131765 and that portion of Maier Place dedicated to the City by Ordinance 0617-2008, on the north by that portion of Maier Place dedicated to the City by Ordinance 91-90 and extending approximately 2500 feet in a southerly direction.

After review by the Department of Public Service, it has been determined that redevelopment potential within the area designated as the Whittier Peninsula will be enhanced as a result of these vacations.

2. Fiscal Impact:

N/A

3. Emergency Justification:

Emergency action is requested so proposed redevelopment contracts can be issued by the Board of Park Commissioners of the Columbus and Franklin County Metropolitan Park District ("Metro Parks") yet this year and work on the Whittier Peninsula site can continue throughout this fall and winter.

To vacate those public rights-of-way located on the Whittier Peninsula that are no longer necessary for public ingress and egress to this site; to retain a general utility easement in, over, across, on and through said public rights-of-way; to the extent they may apply to waive the competitive bidding provisions and the Land Review Commission requirements of Columbus City Codes; and to declare an emergency.

WHEREAS, after review it has been determined that the redevelopment potential for that area designated as the Whittier Peninsula Redevelopment project area will be enhanced as a result of the vacation of those public rights-of-way located within this area that are no longer necessary for public ingress and egress; and

WHEREAS, as a part of this redevelopment project, the City of Columbus desires to vacate those public rights-of-way more fully described as 1) River Street, from Furnace Street to the westerly terminus of said River Street; 2) a portion of Furnace Street from the southerly limited access line of Interstate 70 to the southerly terminus of said Furnace Street; 3) all those publicly dedicated alleys within that strip of land bounded on the west by the Scioto River, on the east by the ingress/egress easement granted to the City by virtue of a deed of easement of record in the Franklin County, Ohio, Recorder's office as instrument number 200808290131765 and that portion of Maier Place dedicated to the City by Ordinance 0617-2008, on the north by that portion of Maier Place dedicated to the City by Ordinance 91-90 and extending approximately 2500 feet in a southerly direction; and

WHEREAS, after investigation it was determined there are no objections to the vacation of these unimproved rights-of-way subject to the retention of a general utility easement for the utilities currently located within them; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to vacate these rights-of-way so redevelopment contracts can be issued by the Board of Park Commissioners of the Columbus and Franklin County Metropolitan Park District ("Metro Parks") yet this year and work on the Whittier Peninsula site can continue throughout this fall and winter thereby preserving 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 public rights-of-way more fully described as 1) River Street, from Furnace Street to the westerly terminus of said River Street; 2) a portion of Furnace Street from the southerly limited access line of Interstate 70 to the southerly terminus of said Furnace Street; 3) all those publicly dedicated alleys within that strip of land bounded on the west by the Scioto River, on the east by the ingress/egress easement granted to the City by virtue of a deed of easement of record in the Franklin County, Ohio, Recorder's office as instrument number 200808290131765 and that portion of Maier Place dedicated to the City by Ordinance 0617-2008, on the north by that portion of Maier Place dedicated to the City by Ordinance 91-90 and extending approximately 2500 feet in a southerly direction be and hereby are vacated.

Section 2. 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 3. 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 4. That this Council has determined it is in the best interest of the City of Columbus to allow these rights-of-way to be vacated without requiring competitive bidding and hereby waives the competitive bidding provision of Columbus City Codes (1959) Revised, Section 329.29 with regards to the vacation of these rights-of-way.

Section 5. That this Council has determined it is in the best interest of the City of Columbus to allow these rights-of-way to be vacated without requiring a recommendation from Land Review Commission and hereby waives the Land Review Commission provision of Columbus City Codes (1959) Revised, Section 328.01 with regards to the vacation of these rights-of-way.

Section 6. 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.