



## Legislation Details (With Text)

**File #:** 0431-2015      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 2/4/2015      **In control:** Public Service & Transportation Committee  
**On agenda:** 2/23/2015      **Final action:** 2/25/2015  
**Title:** To exchange ownership of Franklin County Tax Parcel 010-044365, owned by the City of Columbus and Franklin County Tax Parcel 010-065298, owned by Columbus City Schools; to waive the Land Review Commission requirements of Columbus City Codes; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/25/2015	1	CITY CLERK	Attest	
2/24/2015	1	MAYOR	Signed	
2/23/2015	1	COUNCIL PRESIDENT	Signed	
2/23/2015	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Columbus City Schools asking that the City execute an exchange of ownership of parcels located on Reinhard Avenue. Parcel "A" (ID number 010-044365) is owned by the City of Columbus, as conveyed to the City via a Warranty Deed recorded in Deed Book 1920, Pages 638-639 and is located within the Columbus City School's Heyl Elementary School site. Parcel "B" (ID number 010-065298) is owned by Columbus City Schools, as conveyed via a Warranty Deed recorded in Deed Book 3467, Pages 736-737, and has been maintained by the City of Columbus as a public alley. Exchange of ownership of these parcels will facilitate the resolution of a number of title issues and allow for the continued use and maintenance of the public alley. After investigation by the Division of Infrastructure Management staff, it was determined that the exchange of these parcels will benefit both Columbus City Schools and the City of Columbus. It was also determined that, subject to a general utility easement for facilities located within parcel "A", the City will not be adversely affected by the exchange of these parcels.

### 2. EMERGENCY JUSTIFICATION:

Emergency action is requested to allow this exchange to occur as soon as possible, thereby allowing Columbus City Schools to proceed with the plans for the parcels involved without further delay in order to avoid incurring additional costs that would place strain on the project budget.

To exchange ownership of Franklin County Tax Parcel 010-044365, owned by the City of Columbus and Franklin County Tax Parcel 010-065298, owned by Columbus City Schools; to waive the Land Review Commission requirements of Columbus City Codes; and to declare an emergency.

**WHEREAS**, as a part of the City of Columbus' desire to continue the use and maintenance of the existing public alley

located on Franklin County Tax Parcel 010-065298, currently owned by Columbus City Schools, and;

**WHEREAS**, the Department of Public Service desires to exchange ownership of Franklin County Tax Parcel 010-044365, owned by the City of Columbus and Franklin County Tax Parcel 010-065298, owned by Columbus City Schools; and

**WHEREAS**, the exchange of these parcels will allow the City of Columbus the continued use and maintenance of the public alley currently located within Franklin County Tax Parcel 010-065298, and to resolve a number of title issues between the City of Columbus and Columbus City Schools; and

**WHEREAS**, after investigation by Division of Planning and Operations staff, it was determined that, subject to the retention of a general utility easement for those utilities currently located within parcel "A", the City will not be adversely affected by the exchange of these parcels; and

**WHEREAS**, the Division of Infrastructure Management, Department of Public Service, agreed to recommend that ownership of the above referenced parcels be exchanged; and

**WHEREAS**, it is in the City's best interest to waive the Land Review Commission requirements of City Code Chapter 328; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to exchange ownership of the parcels identified as Franklin County Tax Parcel 010-044365 and Franklin County Tax Parcel 010-065298, thereby allowing the proposed exchange to proceed without delay and 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 Director of Public Service and the Director of Finance and Management are authorized to execute those documents, prepared by Real Estate Division of the City Attorney's Office, necessary to exchange ownership of parcels identified as Franklin County Tax Parcel 010-044365 and Franklin County Tax Parcel 010-065298.

**Section 2.** That this Council has determined it is in the best interest of the City of Columbus to allow these parcels to be exchanged without requiring a recommendation from Land Review Commission and hereby waives the Land Review Commission provision of Columbus City Code Chapter 328 with regards to the exchange of these parcels.

**Section 3.** That a general utility easement in, on, over, across and through the above described parcels shall be and hereby is retained unto the City of Columbus for those utilities located within said parcel.

**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.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, these 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.