



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed
File created: 11/21/2023 **In control:** Public Service & Transportation Committee
On agenda: 12/4/2023 **Final action:** 12/7/2023

Title: To authorize the Director of the Department of Public Service to execute those documents necessary to release the portion of easement known as an east/west alley in the area of Jay Alley and Lane Avenue to allow the area to clear title; to authorize the Director of the Department of Public Service to receive \$500.00 for the release of said easement; and to declare an emergency. (\$500.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 3403-2023 EXHIBIT.pdf

Date	Ver.	Action By	Action	Result
12/7/2023	1	CITY CLERK	Attest	
12/6/2023	1	ACTING MAYOR	Signed	
12/4/2023	1	COUNCIL PRESIDENT	Signed	
12/4/2023	1	Columbus City Council	Approved	Pass

1. BACKGROUND

In 1966, pursuant to Ordinance 365-66, the City of Columbus vacated a portion of right-of-way known as an east/west alley, being the first alley east of Jay Alley and the first alley north of Lane Avenue and as described in said ordinance 365-66 and reserved a utility easement for existing utilities. The Department of Public Service recently received a request from the current property owner, Lane and Norwich Columbus Owner, LLC, asking that the City release the reserved easement over this area to clear title for this site. After receipt of this request the Department of Public Service, Division of Infrastructure Management verified with all the public and private utility companies that there are no public utilities or need for this easement, located within the requested area and that they have no objections to this easement being released. The following ordinance authorizes the Director of the Department of Public Service to execute those documents necessary to release the portion of easement as described below and attached exhibit to allow the area to clear title for this site.

2. FISCAL IMPACT

The City will receive a total of \$500.00, to be deposited in Fund 7748, Project P537650, for granting the request to release the easement.

3. EMERGENCY JUSTIFICATION:

Emergency action is requested to allow the Easement to be released as soon as possible, thereby allowing the site development to proceed and clear title by the end of the year.

To authorize the Director of the Department of Public Service to execute those documents necessary to release the portion of easement known as an east/west alley in the area of Jay Alley and Lane Avenue to allow the area to clear title; to authorize the Director of the Department of Public Service to receive \$500.00 for the release of said easement; and to declare an emergency. (\$500.00)

WHEREAS, in 1966, pursuant to Ordinance 365-66, the City of Columbus Vacated a portion of right-of-way known as an east/west alley, being the first alley east of Jay Alley and the first alley north of Lane Avenue and as described in said ordinance 365-66 and reserved a utility easement for existing utilities; and

WHEREAS, the Department of Public Service recently received a request from the current property owner, Lane and Norwich Columbus Owner, LLC, asking that the City release the reserved easement over this area to clear title for this site; and

WHEREAS, the Department of Public Service, Division of Infrastructure Management verified with all the public and private utility companies that there are no public utilities or need for this easement, located within the requested area and that they have no objections to this easement being released; and

WHEREAS, a value of \$500.00 to be deposited in Fund 7748, Project P537650, for granting the request to release the easement; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to authorize the Director of the Department of Public Service to execute those documents necessary to release the portion of easement to Lane and Norwich Columbus Owner, LLC in order to prevent unnecessary delay to development on the property, to ensure the safety of the travelling public, for the immediate preservation of the public health, peace, property, and safety; **NOW, THEREFORE,**

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

SECTION 1. That the Director of the Department of Public Service is authorized to execute the documents as necessary and approved by the Real Estate Department, City Attorney's Office, to release the portion of easement areas as described below and attached exhibit:

Easement Area to be released:

0.131 ACRE EASEMENT RELEASE

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Quarter Township 3, Township 1, Range 18, United States Military Lands, being part of Tracts 1 and 2 and part of a 20-foot east-west alley vacated by Ordinance Number 365-66, all as conveyed to LANE AND NORWICH COLUMBUS OWNER, LLC, in Instrument Number 202204040051264, and part of a 0.097 acre tract conveyed to LANE AND NORWICH COLUMBUS OWNER, LLC in Instrument Number 202208050114282, all being within C.E. Justice' Northern Heights Addition, of record in Plat Book 7, Page 372, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

COMMENCING at the intersection of the easterly right-of-way line of a 20' alley and the southerly right-of-way line of Norwich Avenue (50'), also being at the northwesterly corner of a 0.020 acre tract conveyed to the CITY OF COLUMBUS, OHIO in Instrument Number 202210070141857, and the northeasterly corner of said Tracts 1 and 2;

Thence along the westerly right-of-way line of said 20' alley, the westerly line of said 0.020 acre tract, and the easterly line of said Tracts 1 and 2, South 03°19'58" West, 154.28 feet to the **TRUE POINT OF BEGINNING** at the northeasterly line of said vacated 20' alley;

Thence continuing along said westerly right-of-way line, the westerly line of said 0.020 acre tract, and the easterly line of said Tracts 1 and 2, and along the easterly line of said vacated 20' alley, South 03°19'58" West, 20.00 feet to a point on the southeasterly corner of said vacated 20' alley;

Thence leaving said westerly right-of-way line, the westerly line of said 0.020 acre tract, and the easterly line of said Tracts 1 and 2, across said Tracts 1 and 2, along the southerly line of said vacated 20' alley, and along the southerly line of said 0.097 acre tract, North 86°19'34" West, 286.00 feet to a point on the southwest corner of said 0.097 acre tract and the southeasterly corner of a 20' alley depicted in said Plat Book 7, Page 372;

Thence along the easterly terminus of said 20' alley and the westerly line of said 0.097 acre tract, North 03°19'58" East,

20.00 feet to a point on the northeasterly corner of said 20' alley, the northwesterly corner of said 0.097 acre tract, the southwesterly corner of Tract 5 conveyed to LANE AND NORWICH COLUMBUS OWNER, LLC in Instrument Number 202204040051266, and on the southeasterly corner of Tract 4 conveyed to LANE AND NORWICH COLUMBUS OWNER, LLC in said Instrument Number 202204040051266;

Thence along the northerly line of and in part across said 0.097 acre tract, along the southerly line of said Tract 5, along the northerly line of said vacated 20' alley, and across said Tracts 1 and 2, South 86°19'34" East, 286.00 feet to the **TRUE POINT OF BEGINNING**, containing 0.131 acres (5,720 S.F.), more or less.

The above described parcel contains a total acreage of 0.131 acres being out of PID 010-005348.

Subject however to all legal easements, restrictions, and rights of way of record and of records in the respective utility offices.

The bearings referenced herein are based on the Ohio State Plan Coordinate System, South Zone, NAD83 (2011) being the southerly line of Norwich Avenue, bearing North 86°11'07" West. The bearing originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected station in the Ohio Department of Transportation Virtual Reference Station Network. This description is based on a field survey conducted by E.P. Ferris and Associates from February 2020 through June 2020. This description was prepared by Matthew Lee Sloat, Registered Surveyor No. 8342, of E.P. Ferris and Associates, Inc. on November 1, 2023.

SECTION 2. That the City Attorney is required to approve all instrument(s) associated with this ordinance prior to the director of the Department of Public Service executing and acknowledging any of those instrument(s).

SECTION 3. That the City will receive a total of \$500.00 to be deposited in Fund 7748, Project P537650, for granting the requested easement.

SECTION 4. 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.