



## Legislation Details (With Text)

**File #:** 0450-2008      **Version:** 1

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

**File created:** 3/3/2008      **In control:** Public Service & Transportation Committee

**On agenda:** 3/31/2008      **Final action:** 4/2/2008

**Title:** To authorize the Director of the Public Service Department to execute those documents required to transfer that portion of the first alley north of East Broad Street, from the first alley west of Winner Avenue to its western terminus to Columbus Foundation Properties LLC for \$4,540.00 and to waive the competitive bidding provisions of Columbus City Codes.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 0450-2008 Columbus Foundation.pdf

Date	Ver.	Action By	Action	Result
4/2/2008	1	CITY CLERK	Attest	
4/1/2008	1	MAYOR	Signed	
3/31/2008	1	Columbus City Council	Taken from the Table	Pass
3/31/2008	1	Columbus City Council	Approved	Pass
3/31/2008	1	COUNCIL PRESIDENT	Signed	
3/17/2008	1	Columbus City Council	Tabled to Certain Date	Pass
3/10/2008	1	Columbus City Council	Read for the First Time	
3/6/2008	1	SERVICE DIRECTOR	Sent to Clerk's Office for Council	
3/4/2008	1	CITY ATTORNEY	Reviewed and Approved	
3/3/2008	1	Service Drafter	Sent for Approval	
3/3/2008	1	Service Reviewer	Reviewed and Approved	
3/3/2008	1	SERVICE DIRECTOR	Reviewed and Approved	

The City of Columbus, Public Service Department, Transportation Division, received a request from Columbus Foundation Properties LLC ("Columbus Foundation") asking that the City transfer to them that portion of the first alley north of East Broad Street, from the first alley west of Winner Avenue to its western terminus. Columbus Foundation would like to acquire this dead end right-of-way to facilitate future expansion of their adjacent facilities. At the request of the Transportation Division, the Department of Law, Real Estate Division, established a value of \$4,540.00 for this right-of-way. Per current Transportation Division practice, comments were solicited from interested parties, including City departments and private utilities, before it was determined that, subject to the retention of a general utility easement for those utilities currently located within this right-of-way, the City will not be adversely affected by the transfer of this right-of-way to Columbus Foundation. Also in keeping with current Transportation Division practice, the Near East Area Commission ("NEAC") was contacted for their comments and concerns regarding the proposed transfer of this unimproved alley to Columbus Foundation. At their February 14, 2008, meeting NEAC voted six (6) for and seven (7) against a recommendation to support the proposed transfer of this alley. The Land Review Commission voted to recommend that this right-of-way be transferred to Columbus Foundation for the \$4,540.00 value established by the Real Estate Division.

To authorize the Director of the Public Service Department to execute those documents required to transfer that portion of the first

alley north of East Broad Street, from the first alley west of Winner Avenue to its western terminus to Columbus Foundation Properties LLC for \$4,540.00 and to waive the competitive bidding provisions of Columbus City Codes.

**WHEREAS**, the City of Columbus, Public Service Department, Transportation Division, received a request from Columbus Foundation Properties LLC (Columbus Foundation") asking that the City transfer to them that portion of the first alley north of East Broad Street, from the first alley west of Winner Avenue to its western terminus; and

**WHEREAS**, Columbus Foundation would like to acquire this dead end right-of-way to facilitate future expansion of their adjacent facilities; and

**WHEREAS**, at the request of the Transportation Division, the Department of Law, Real Estate Division, established a value of \$4,540.00 for this right-of-way; and

**WHEREAS**, per current Transportation Division practice, comments were solicited from interested parties, including City departments and private utilities before it was determined that, subject to the retention of a general utility easement for those utilities currently located within this right-of-way, the City will not be adversely affected by the transfer of this right-of-way to Columbus Foundation; and

**WHEREAS**, also in keeping with current Transportation Division practice, the Near East Area Commission ("NEAC") was contacted for their comments and concerns regarding the proposed transfer of this unimproved alley to Columbus Foundation; and

**WHEREAS**, at their February 14, 2008 meeting NEAC voted six (6) for and seven (7) against a recommendation to support the proposed transfer of this alley; and

**WHEREAS**, the Land Review Commission voted to recommend that this right-of-way be transferred to Columbus Foundation for the \$4,540.00 value established by the City Attorney's Real Estate Division; now, therefore

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

**Section 1.** That the Director of the Public Service Department 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 right-of-way to Columbus Foundation Properties LLC; to-wit:

Situate in the State of Ohio, County of Franklin, City of Columbus in Half Section 14, Township 5, Range 22, Refugee Lands and being a portion of the first alley north of Broad Street, west of Winner Avenue. Said tract bounded and described as follows:

Beginning at a point at the southwest corner of said alley, at the northwest corner of Lot Number One (1) as shown on the plat of Joseph W. Yost's Subdivision of record in Plat Book 4, Page 65, Recorder's Office, Franklin County, Ohio and in the east line of a 1.977 acre tract of land conveyed to Columbus Foundation by deed of record in Instrument 200501210013219, Recorder's Office, Franklin County, Ohio;

Thence N 12°12'30" E along the west line of said alley and along a portion of the east line of said 1.977 acre tract a distance of 20.00 feet to a point at the northwest corner of said alley and at the southwest corner of Lot No. 5 as shown on said plat of Joseph W. Yost's Subdivision;

Thence S 78°28'00" E along a north line of said alley, along the south line of said Lot No. 5, along the south line of Lot No. 4 as shown on said plat of Joseph W. Yost's Subdivision and along a portion of the south line of Lot No. 3 as shown on said plat of Joseph W. Yost's Subdivision a distance of 97.02 feet to a point at the intersection of the north line of said alley with the west line of an alley to the north;

Thence S 11°32'00" W crossing a portion of said alley a distance of 20.00 feet to a point in the south line of said alley and in the north line of Lot No. 2 as shown on said plat of Joseph W. Yost's Subdivision;

Thence N 78°28'00" W along a portion of the north line of said Lot No. 2 and along the north line of said Lot No. 1 a distance of 97.25 feet to the point of beginning;

Containing 1,972.72 square feet (= 0.045 acre) of land, more or less.

The above description was prepared by Jay R. Miller, Ohio Surveyor No. 8061 of C.F. Bird & R.J. Bull, Inc. from an actual field survey performed, under his supervision, in April 2007. Basis of bearings is the centerline of Broad Street, being an assumed azimuth of N 89°46'31" W.

Jay R. Miller, P.S.  
Ohio Surveyor No. 8061

**Section 2.** That the above referenced real property shall be considered excess road right-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 a general utility easement in, on, over, across and through the above described right-of-way shall be and hereby is retained unto the City of Columbus for those utilities currently located within said right-of-way.

**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 Public Service Department 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 this Council has determined it is in the best interest of the City of Columbus to allow this right-of-way to be transferred without requiring competitive bidding and hereby waives the competitive bidding provision of Columbus City Codes (1959) Revised, Section 329.29 with regards to the transfer of this right-of-way.

**Section 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.