



Legislation Details (With Text)

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On agenda: 12/14/2015 **Final action:** 12/16/2015

Title: To authorize the Director of the Department of Public Service to execute those documents, prepared by the Department of Law, Real Estate Division, needed to quitclaim a portion of existing right of way to Polaris 91, LLC, an Ohio limited liability company, while reserving general easement rights; to waive Land Review Commission requirements; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 0.042 acre plat & legal

Date	Ver.	Action By	Action	Result
12/16/2015	1	CITY CLERK	Attest	
12/15/2015	1	MAYOR	Signed	
12/14/2015	1	COUNCIL PRESIDENT	Approved	
12/14/2015	1	COUNCIL PRESIDENT	Signed	
12/14/2015	1	Columbus City Council	Approved	Pass

1. BACKGROUND

Polaris 91, LLC, an Ohio limited liability company is engaged in the development of a tract of land known as the future IKEA site. The development of this site is located at the north east corner of the intersection of Gemini Place and Orion Place. The Developer has requested the City transfer a portion of existing right of way to allow the development to occur. After investigation and plan review it has been determined it is in the best interest of both parties and should be authorized subject to the retention of a general easement over the Property.

2. FISCAL IMPACT

N/A

3. EMERGENCY DESIGNATION

Emergency action is requested to allow the construction of the proposed development to proceed as quickly as possible. Construction of this development project is anticipated to begin in the next construction season.

To authorize the Director of the Department of Public Service to execute those documents, prepared by the Department of Law, Real Estate Division, needed to quitclaim a portion of existing right of way to Polaris 91, LLC, an Ohio limited liability company, while reserving general easement rights; to waive Land Review Commission requirements; and to declare an emergency.

WHEREAS, Polaris 91, LLC, an Ohio limited liability company, “Developer”, is engaged in the development of a tract of land known as the future IKEA site located at the northeast corner of the intersection of Gemini Place and Orion Place;

and

WHEREAS, the Developer has requested the City transfer a portion of existing right of way to allow the development to occur; and

WHEREAS, after investigation by the Department of Public Service it has been determined it is in the best interest of the City and should be authorized subject to the retention of a general easement; and

WHEREAS, the City will retain general easement rights over the property for those purposes of constructing and maintaining the DEL-GEMINI PKWY EXTENSION roadway project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to transfer this right of way so that the development of the property can occur, thereby preserving the public health, 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 a quitclaim deed, with reservation of easements rights, and other incidental instruments prepared by the Department of Law, Real Estate Division, necessary to transfer the following described right-of-way to Polaris 91, LLC, an Ohio limited liability company; to-wit:

0.042 ACRE

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lot 17, Quarter Township 4, Township 3, Range 18, United States Military Lands, being 0.042 acres out of Farm Lot 17, being 0.042 acres out of a 0.252 acre tract of land described in a deed to the City of Columbus of record in Official Record Volume 529, Page 538, and being more particularly described as follows:

COMMENCING at the northwest corner of Farm Lot 17 and being at the northwest corner of a 7.778 acre tract of land described in a deed to NP/FG, LLC of record in Official Record Volume 1330, Page 1714;

Thence South 86°44'26" East, a distance of 669.08 feet with the north line of said Farm Lot 17 and with the north line of said 7.778 acre tract, to a 5/8" iron pin found with a CT Consultants cap at the northeast corner of said 7.778 acre tract;

Thence South 03°15'34" West, a distance of 439.61 feet with the east line of said 7.778 acre tract, to a 5/8" iron pin found with a Floyd Browne Group cap at the northwest corner of said 0.252 acre tract and being at the TRUE POINT OF BEGINNING of the tract to be described;

Thence South 82°43'19" East, a distance of 27.92 feet with the north line of said 0.252 acre tract, to a 5/8" iron pin found with a Floyd Browne Group cap at the northeast corner of said 0.252 acre tract;

Thence South 02°55'09" West, a distance of 64.46 feet with the east line of said 0.252 acre tract, to an iron pin set;

Thence North 87°04'17" West, a distance of 28.23 feet crossing said 0.252 acre tract, to a 5/8" iron pin found with a CT Consultants cap at the southeast corner of said 7.778 acre tract;

Thence North 03°15'34" East, a distance of 66.57 feet with the east line of said 7.778 acre tract and with the west line of said 0.252 acre tract, to the TRUE POINT OF BEGINNING containing 0.042 acres of land, more or less.

Basis of Bearings: Bearings are based on data acquired by GPS observations as per NAD 83 (1995)-Ohio State Plane Coordinate System-North Zone from the Delaware County Geodetic Control Monumentation.

The above description is based on and referenced to an exhibit titled "Plat of Survey of a 0.042 Acre Tract" prepared by

CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Delaware County, Ohio.

All iron pins set are 5/8" solid iron pins 30" in length with a yellow plastic cap stamped "CT Consultants".

Darrell B. Plummer, P.S.

Date

Professional Surveyor No. 7595

Section 2. That easement rights are reserved, on, over, across and through the above described right-of-way for the purpose of constructing and maintaining the DEL-GEMINI PKWY EXTENSION roadway project, which may be released by the Director of Public Service in the event the easement rights are not needed to construct or maintain the roadway project.

Section 3. 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 a recommendation from Land Review Commission and hereby waives the Land Review Commission provisions of Columbus City Code, Section 328.01, with regards to the transfer of this right-of-way.

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.