



Legislation Details (With Text)

File #: 3211-2015 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 12/15/2015 **In control:** Public Service & Transportation Committee
On agenda: 1/11/2016 **Final action:** 1/14/2016

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 transfer a portion of existing Neil Avenue and Spring Street to NWD Investment, LLC, an Ohio limited liability company; to accept proposed right-of-way and permanent easements needed by the City of Columbus for the Spring Street Streetscape Improvements project from NWD Investment, LLC, an Ohio limited liability company; to the extent that they may apply to these transfers to waive the approval of the Land Review Commission requirements of Columbus City Codes; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 0_001 ac accept to RW (2), 2. 0_003 ac accept to RW (1), 3. 0_004 ac Transfer to RW to NWD, 4. 8.74 ac Utility Easement

Date	Ver.	Action By	Action	Result
1/14/2016	1	CITY CLERK	Attest	
1/13/2016	1	MAYOR	Signed	
1/11/2016	1	COUNCIL PRESIDENT	Signed	
1/11/2016	1	Columbus City Council	Approved	Pass

1. BACKGROUND

NWD Investment, LLC, an Ohio limited liability company (the "Developer") is engaged in the redevelopment of that tract of land known as Parks Edge Condominiums property. The redevelopment of this site is located east of Neil Avenue, west of John H. McConnell Boulevard and north of Spring Street. To facilitate the redevelopment of this site the Developer has agreed to donate to the City of Columbus the right-of-way needed for the improvements proposed by the Spring Street Streetscape Improvements project for roadway and intersection improvements. In exchange for this donation, the Developer has requested the City abandon as right-of-way and transfer to them that portion of the northeast corner existing Neil Avenue and Spring Street. The property being transferred to the City by the Developer for use as a right-of-way totals 0.004 acres and the excess right-of-way to be transferred to the Developer by the City totals 0.004 acres. After investigation and plan review it has been determined the exchange of these parcels of land is in the best interest of both parties and should be authorized subject to the retention of a 8.74 square foot acre general utility easement and for those utilities currently located within the portion of Neil Avenue that is being transferred. This was not required to go before the Land Review Commission for approval.

2. FISCAL IMPACT

N/A

3. EMERGENCY DESIGNATION

Emergency action is requested to allow the construction of the proposed improvements to proceed as quickly as possible. Plans are currently being signed and construction of this improvement project is anticipated to begin this 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 transfer a portion of existing Neil Avenue and Spring Street to NWD Investment, LLC, an Ohio limited liability company; to accept proposed right-of-way and permanent easements needed by the City of Columbus for the Spring Street Streetscape Improvements project from NWD Investment, LLC, an Ohio limited liability company; to the extent that they may apply to these transfers to waive the approval of the Land Review Commission requirements of Columbus City Codes; and to declare an emergency.

WHEREAS, NWD Investment, LLC, (the "Developer") is engaged in the redevelopment of that tract of land known as Parks Edge Condominiums property site; and

WHEREAS, the redevelopment of this site, is located at the northeast corner of Neil Avenue and Spring Street; and

WHEREAS, to facilitate this phase of the project the Developer has agreed to donate to the City of Columbus the right-of-way and easements needed to construct the improvements proposed for the Spring Street Streetscape Improvements project; and

WHEREAS, in exchange for this donation, the Developer has requested the City abandon as right-of-way and transfer to them that portion of existing northeast corner Neil Avenue and Spring Street; and

WHEREAS, through this exchange the City will acquire approximately 0.004 acres of additional right-of-way and permanent easements; and

WHEREAS, the Developer will acquire approximately 0.004 acres of excess right-of-way from the City; and

WHEREAS, after investigation and review of the plans it has been determined the exchange of these parcels of land is in the best interest of both parties and should be authorized subject to the retention of a 0.004 acres for a general utility easement and for those utilities currently located within the portion of Neil Avenue and Spring Street that is being transferred to the Developer; and

WHEREAS, the following legislation authorizes the exchange of these parcels, abandons a portion of existing Neil Avenue and Spring Street as right-of-way, retains a 8.74 square foot acre Utility easement, authorizes the acceptance of the new right-of-way from the Developer and waives the competitive bidding and land review commission provisions of Columbus City Code; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the exchange of these properties and to authorize the Director to execute those documents needed to transfer approximately 0.004 acres of Neil Avenue and Spring Street to NWD Investment, LLC, an Ohio limited liability company, so that construction of the Spring Street Streetscape Improvements project can begin as currently scheduled 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 Director of the Department of Public Service 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 NWD Investment, LLC, an Ohio limited liability company; to-wit:

0.004 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 10 (Section 8), Township 5, Range 22, Refugee Lands, and being part of Spring Street and Neil Avenue, as dedicated in Plat Book 90, Page 75, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at an iron pin set at the southwesterly corner of Lot 3 of "Arena District Subdivision", a subdivision of record in Plat Book 90, Page 75, being in a southwesterly line of that 1.769 acre tract conveyed to NWD Investments, LLC by deed of record in Instrument Number 201511200164595, the intersection of the northerly right-of-way line of said Spring Street and the easterly right-of-way line of said Neil Avenue;

Thence South 41° 44' 43" East, with said southwesterly line, the balance of the northerly right-of-way line of Spring Street, as released in City of Columbus Ordinance Number 2598-2003, a distance of 21.93 feet to an iron pin set at a southwesterly corner of said 2.658 acre tract;

Thence across said Spring Street and Neil Avenue, the following courses and distances:

North 86° 53' 16" West, a distance of 5.50 feet to an iron pin set;

North 46° 59' 23" West, a distance of 26.03 feet to an iron pin set; and

North 03° 23' 49" East, a distance of 8.85 feet to an iron pin set at a southwesterly corner of said 1.769 acre tract, being an angle point in the balance of the easterly right-of-way line of Neil Avenue, as released in City of Columbus Ordinance Number 2598-2003;

Thence South 41° 44' 43" East, with said southwesterly line, said easterly right-of-way line, a distance of 14.11 feet to the POINT OF BEGINNING, containing 0.004 acre, more or less, all of which is located in the right-of-way of Spring Street and Neil Avenue.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the same meridian as the bearings shown on the subdivision plat entitled "Huntington Park" of record in Plat Book 112, Pages 24 and 25, Recorder's Office, Franklin County Ohio. On said plat of record the centerline of Huntington Park Lane has a bearing of North 03°05'07" East.

The above description is based on and referenced to an exhibit titled "Survey of Acreage Parcel" prepared by EVANS, MECHWART, HAMBLETON & TILTON, INC, by Edward J. Miller Professional Surveyor No. 8250 attached hereto and made a part hereof

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 quitclaim 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 by the City of Columbus for those utilities currently located within this excess right-of-way.

8.74 square foot Utility Easement

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 10 (Section 8), Township 5, Range 22, Refugee Lands, being an 8.7 square foot strip of land on, over, and across that 0.004 acre tract conveyed to _____ by deed of record in Instrument Number _____, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the southwesterly corner of Lot 3 of "Arena District Subdivision", a subdivision of record in Plat Book 90, Page 75, being in the line common to said 0.004 acre tract and that 2.658 acre tract conveyed to NWD Investments, LLC by deed of record in Instrument Number 201202280027743;

Thence South 41° 44' 43" East, with said common line, a distance of 5.00 feet to a point;

Thence South 48° 15' 17" West, across said 0.004 acre tract, a distance of 5.10 feet to a point in the northerly right-of-way line of Spring Street, the southwesterly line of said 0.004 acre tract, the TRUE POINT OF BEGINNING;

Thence North 46° 59' 23" West, with said right-of-way line, said southwesterly line, a distance of 5.91 feet to a point;

Thence North 90° 00' 00" East, across said 0.004 acre tract, a distance of 4.32 feet to a point;

South 00° 00' 00" East, continuing across said 0.004 acre tract, a distance of 4.03 feet to the TRUE POINT OF BEGINNING, containing 0.000 acre, more or less.

The above description is based on and referenced to an exhibit titled "Utility Easement" prepared by EVANS, MECHWART, HAMBLETON & TILTON, INC, by Edward J. Miller Professional Surveyor No. 8250 attached hereto and made a part hereof.

Section 4. 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 Code Chapter 329 with regards to the transfer of this right-of-way.

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 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 6. That the City of Columbus hereby accepts the property more fully described below from NWD Investment, LLC, an Ohio limited liability company; to-wit:

0.003 ACRES (Warranty Deed)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 10 (Section 8), Township 5, Range 22, Refugee Lands, being a part of Lot 3 of "Arena District Subdivision", a subdivision of record in Plat Book 90, Page 75, and being part of that 1.769 acre tract conveyed to NWD Investments, LLC by deed of record in Instrument Number 201511200164595, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at an iron pin set at the southeasterly corner of said Lot 3, being in the easterly line of said 1.769 acre tract, the westerly right-of-way line of John H. McConnell Boulevard, as dedicated (originally as West Street) in Plat Book 90, Page 75;

Thence North 03° 23' 49" West, with said easterly line, said westerly right-of-way line, a distance of 263.84 feet to an iron pin set at the TRUE POINT OF BEGINNING;

North 26° 30' 08" West, across said 1.769 acre tract, a distance of 24.51 feet to an iron pin set in the line common to said 1.769 acre tract and that 1.126 acre tract conveyed to Arena District CA I, LLC by deed of record in Instrument Number 200312260403446;

Thence South 86° 36' 11" East, with said common line, a distance of 12.22 feet to an iron pin set in said westerly right-of-way line;

Thence South 03° 23' 49" West, with the easterly line of said 1.769 acre tract, said westerly right-of-way line, a distance of 21.25 feet to the TRUE POINT OF BEGINNING, containing 0.003 acre, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the same meridian as the bearings shown on the subdivision plat entitled "Huntington Park" of record in Plat Book 112, Pages 24 and 25, Recorder's Office, Franklin County Ohio. On said plat of record the centerline of Huntington Park Lane has a bearing of North 03°05'07" East.

The above description is based on and referenced to an exhibit titled "Survey of Acreage Parcel" prepared by EVANS, MECHWART, HAMBLETON & TILTON, INC, by Edward J. Miller Professional Surveyor No. 8250 attached hereto and made a part hereof.

0.001 ACRES (Warranty Deed)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 10 (Section 8), Township 5, Range 22, Refugee Lands, being out of the portion of Spring Street as originally dedicated in Plat Book 90, Page 75, released by City of Columbus in Ordinance Number 2598-2003, being part of that 1.769 acre tract conveyed to NWD Investments, LLC by deed of record in Instrument Number 201511200164595, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at an iron pin set in the easterly line of said 1.769 acre tract, at the southeasterly corner of Lot 3 of "Arena District Subdivision", a subdivision of record in Plat Book 90, Page 75, the southwesterly terminus of westerly right-of-way line of John H. McConnell Boulevard as dedicated (originally as West Street) in Plat Book 90, Page 75;

Thence South 03° 23' 49" West, with said easterly line, said westerly right-of-way line (Ord. #2598-2003), a distance of 7.11 feet to an iron pin set at the TRUE POINT OF BEGINNING;

Thence South 03° 23' 49" West, continuing with said easterly line, said westerly right-of-way line, a distance of 7.84 feet to a magnetic nail set at the southeasterly corner of said 1.769 acre tract, the intersection of said westerly right-of-way line and the balance of the northerly right-of-way line of Spring Street, as released in City of Columbus Ordinance Number 2598-2003;

Thence North 86° 53' 16" West, with the southerly line of said 1.769 acre tract, said northerly right-of-way line, a distance of 7.34 feet to an iron pin set;

Thence North 46° 23' 17" East, across said 1.769 acre tract, a distance of 10.76 feet to the TRUE POINT OF BEGINNING, containing 0.001 acre, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the same meridian as the bearings shown on the subdivision plat entitled "Huntington Park" of record in Plat Book 112, Pages 24 and 25, Recorder's Office, Franklin County Ohio. On said plat of record the centerline of Huntington Park Lane has a bearing of North 03°05'07" East.

The above description is based on and referenced to an exhibit titled "Survey of Acreage Parcel" prepared by EVANS, MECHWART, HAMBLETON & TILTON, INC, by Edward J. Miller Professional Surveyor No. 8250 attached hereto and made a part hereof.

Section 7. That the above described property shall be dedicated as right-of-way and shall be named Neil Avenue and Spring Street by the City of Columbus.

Section 8. 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.