



Legislation Details (With Text)

File #: 1791-2004 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/30/2004 **In control:** Public Service & Transportation Committee

On agenda: 11/15/2004 **Final action:** 11/16/2004

Title: To authorize the Public Service Director to execute those documents required to transfer that portion of Charles Street from Park Street to the alley west thereof and a triangular portion of excess I-670 right-of-way north of the Charles Street right-of-way line to Robert and Hilma Kriss for \$23,413.50 and to waive the competitive bidding provisions of Columbus City Codes.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 1791-2004 Sale to Kriss.pdf

Date	Ver.	Action By	Action	Result
11/16/2004	1	MAYOR	Signed	
11/16/2004	1	CITY CLERK	Attest	
11/15/2004	1	Columbus City Council	Approved	Pass
11/15/2004	1	COUNCIL PRESIDENT PRO-TEM	Signed	
11/8/2004	1	Columbus City Council	Read for the First Time	
10/25/2004	1	CITY ATTORNEY	Reviewed and Approved	
10/25/2004	1	Service Drafter	Sent to Clerk's Office for Council	
10/22/2004	1	SERVICE DIRECTOR	Reviewed and Approved	
10/21/2004	1	Service Drafter	Sent for Approval	
10/14/2004	1	Service Drafter	Sent for Approval	
10/5/2004	1	Service Reviewer	Reviewed and Approved	
9/30/2004	1	Service Drafter	Sent for Approval	

Background - The City of Columbus, Public Service Department, Transportation Division, received a request from Robert and Hilma Kriss asking that the City transfer that portion of Charles Street from Park Street to the alley west thereof and a triangular portion of excess I-670 right-of-way north of the Charles Street right-of-way line to them. Transfer of these excess rights-of-way will allow Mr. and Mrs. Kriss to develop their adjacent property and provide the parking necessary for their proposed improvement. After investigation Transportation Division staff determined the triangular portion of excess I-670 right-of-way the Kriss' want to acquire is owned in fee by the City of Columbus and is encumbered by a State of Ohio Highway Easement. Transfer of the City's interest in the excess I-670 right-of-way will be contingent upon transfer of the Highway Easement by the State of Ohio. In addition Transportation Division Staff determined the City would need to retain easements for the I-670 retaining wall tie-backs, an access easement for maintenance of the I-670 retaining wall and railing and easements for existing utilities when transferring these rights-of-way. The City Attorney's Office, Real Estate Division, established a total value of \$23,413.50 for these excess rights-of-way. The Land Review Commission voted to recommend that these rights-of-way be transferred to Robert and Hilma Kriss for \$23,413.50.

Fiscal Impact: The City will receive a total of \$23,413.50, to be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested rights-of-way.

To authorize the Public Service Director to execute those documents required to transfer that portion of Charles Street from Park Street to the alley west thereof and a triangular portion of excess I-670 right-of-way north of the Charles Street right-of-way line to Robert and Hilma Kriss for \$23,413.50 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 Robert and Hilma Kriss asking that the City transfer that portion of Charles Street from Park Street to the alley west thereof and a triangular portion of excess I-670 right-of-way north of the Charles Street right-of-way line to them; and

WHEREAS, sale of these excess rights-of-way will allow Mr. and Mrs. Kriss to develop their adjacent property and provide the parking necessary for their proposed improvement; and

WHEREAS, after investigation Transportation Division staff determined the triangular portion of excess I-670 right-of-way the Kriss' would like to acquire is owned in fee by the City of Columbus and is encumbered by a State of Ohio Highway Easement; and

WHEREAS, transfer of the City's interest in the excess I-670 right-of-way will be contingent upon transfer of the Highway Easement by the State of Ohio; and

WHEREAS, Transportation Division staff also determined the City would need to retain easements for the I-670 retaining wall tie-backs, an access easement for maintenance of the I-670 retaining wall and railing and easements for existing utilities when transferring these excess rights-of-way; and

WHEREAS, the City Attorney's Office, Real Estate Division established a total value of \$23,413.50 for these excess rights-of-way; and

WHEREAS, the Land Review Commission voted to recommend that these rights-of-way be transferred to Robert and Hilma Kriss for \$23,413.50; now, therefore

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

Section 1. That the Public Service Director be and is hereby authorized to execute quit claim deeds and other incidental instruments prepared by the City Attorney's Office, Real Estate Division, necessary to transfer the following described right-of-way to Robert and Hilma Kriss for \$23,412.50; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 8, Township 5, Range 22, Refugee Lands, and being part of Charles Street as owned by the City of Columbus, (all referenced 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 point of intersection of the westerly right-of-way line of Front Street (80 feet in width) and the southerly right-of-way line of Charles Street (20 feet in width), said point also being the northeasterly corner of that tract of land conveyed to Robert S. Kriss and Hilma Jane Kriss by deed of record in Instrument Number 199707110045726 and Instrument Number 199707110045724;

Thence, North 86°32'36" West, a distance of 152.98 feet, with the southerly right-of-way line of Charles Street and the northerly line of the Kriss tract, to an iron pin set in the easterly right-of-way line of School Street (20 feet in width) at the northwesterly corner of said Kriss tract;

Thence, North 03°26'23" East, a distance of 9.18 feet, with the easterly right-of-way line of School Street, to an iron pin set in the southerly limited access right-of-way line of Interstate 670;

Thence, North 71°15'22" East, a distance of 28.63 feet, with the southerly limited access right-of-way line of Interstate 670, to an iron pin set in the northerly right-of-way line of Charles Street;

Thence, South 86°32'36" East, a distance of 126.47 feet, with the northerly right-of-way line of Charles Street, to an iron pin set in the westerly right-of-way line of Front Street;

Thence South 03°26'52" West, a distance of 9.82 feet, with the westerly right-of-way line of Front Street, to a magnetic nail set in an angle point thereof;

Thence South 03°26'42" West, a distance of 10.18 feet, continuing with the westerly right-of-way line of Front Street, to the POINT OF BEGINNING. Containing 0.067 acres, more or less.

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 in the above description are based on the Ohio State Plane Coordinate System - South Zone as per NAD83. Control for bearings was from coordinates of monuments COC 11-82 and COC 13-83, with a bearing of South 03°26'42" West for the centerline of Front Street, as established by the Franklin County

Engineering Department using Global Positioning procedures and equipment.

EVANS, MECHWART, HAMBLETON & TILTON, INC.
James M. Pearsall, Registered Surveyor No. 7840

Section 2. That contingent upon the receipt of a Transfer of Highway Easement from the State of Ohio, the Director of the Public Service Department be and is hereby authorized to execute quit claim deeds and other incidental instruments prepared by the City Attorney's Office, Real Estate Division, necessary to transfer the following described right-of-way to Robert and Hilma Kriss for \$1.00; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 8, Township 5, Range 22, Refugee Lands, being part of Lot Nos. 75, 76 and 77 of "LINCOLN GOODALE'S ADDITION", a subdivision of record in Plat Book 1, Page 92 and being part of that tract of land conveyed to the City of Columbus by deed of record in Deed Book 2008, Page 264, (all referenced 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 point of intersection of the westerly right-of-way line of Front Street (80 feet in width) and the northerly right-of-way line of Charles Street (20 feet in width), said point also being in the southerly limited access right-of-way line of Interstate 670;

Thence North $86^{\circ}32'36''$ West, a distance of 126.47 feet, with the northerly right-of-way line of Charles Street and the southerly limited access right-of-way line of Interstate 670, to an iron pin set;

Thence across said City of Columbus tract and with the arc of a curve to the left having a central angle of $03^{\circ}50'10''$, a radius of 1237.01', an arc length of 82.82 feet, and a chord which bears North $69^{\circ}19'38''$ East, 82.81 feet, to an iron pin set;

Thence South $86^{\circ}33'08''$ East, a distance of 50.89 feet, continuing across said City of Columbus tract, to an iron pin set in the westerly right-of-way line of Front Street;

Thence South $03^{\circ}26'52''$ West, a distance of 33.86 feet, with the westerly right-of-way line of Front Street, to the POINT OF BEGINNING. Containing 0.068 acres, more or less.

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 to bearing the initials EMHT INC.

The bearings in the above description are based on the Ohio State Plane Coordinate System - South Zone as per NAD83. Control for bearings was from coordinates of monuments COC 11-82 and COC 13-83, with a bearing of South $03^{\circ}26'42''$ West for the centerline of Front Street, as established by the Franklin County Engineering Department using Global Position procedures and equipment.

EVANS, MECHWART, HAMBLETON & TILTON, INC.
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Section 3. That the above referenced real property shall be considered excess road rights-of-way and the public rights therein shall terminate upon the Director's execution and delivery of said quit claim deeds to the grantee thereof.

Section 4. That a general utility easement in, on, over, across and through the above described excess rights-of-way shall be and hereby is retained unto the City of Columbus for those utilities currently located within said excess rights-of-way.

Section 5. That a perpetual access easement in, on, over, across and through the above described excess rights-of-way shall be and hereby is retained unto the State of Ohio for maintenance of the I-670 retaining wall and railing.

Section 6. That a tie-back easement in, under and through the above described excess rights-of-way shall be and hereby is retained unto the State of Ohio for the existing I-670 retaining wall tie-backs.

Section 7. That the \$23,413.50 to be received by the City as consideration for the sale of these rights-of-way shall be deposited in Fund 748, Project 537650.

Section 8. 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 329.25 with regards to the transfer of these properties.

Section 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.