



Legislation Details (With Text)

File #: 2030-2007 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/23/2007 **In control:** Public Service & Transportation Committee

On agenda: 12/10/2007 **Final action:** 12/13/2007

Title: To authorize the Director of the Public Service Department to execute those documents required to transfer that portion of Old Stelzer Road, from Rylett Avenue north to Morse Road, and those portions of Rylett Avenue east and west of Relocated Stelzer Road, Eastman Court, east of Old Stelzer Road and Burnbury Road, east and west of Old Stelzer Road to MORSO Holding Co in exchange for the dedication of additional right-of-way needed for the Easton Square Place extension as recommended by the Land Review Commission; to waive the competitive bidding provisions of Columbus City Codes; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Legistar Ord 2030-2007.pdf

Date	Ver.	Action By	Action	Result
12/13/2007	1	ACTING CITY CLERK	Attest	
12/12/2007	1	MAYOR	Signed	
12/10/2007	1	Columbus City Council	Approved	Pass
12/10/2007	1	COUNCIL PRESIDENT	Signed	
11/27/2007	1	CITY ATTORNEY	Reviewed and Approved	
11/27/2007	1	Service Reviewer	Sent to Clerk's Office for Council	
11/26/2007	1	SERVICE DIRECTOR	Reviewed and Approved	
11/26/2007	1	SERVICE DIRECTOR	Reviewed and Approved	
11/23/2007	1	Service Drafter	Sent for Approval	
11/23/2007	1	Service Reviewer	Reviewed and Approved	

The City of Columbus, Public Service Department, Transportation Division, received a request from MORSO Holding Co. ("MORSO") asking that the City transfer to MORSO those rights-of-way identified as that portion of Old Stelzer Road, from Rylett Avenue north to Morse Road, and those portions of Rylett Avenue east and west of Relocated Stelzer Road, Eastman Court, east of Old Stelzer Road and Burnbury Road, east and west of Old Stelzer Road. Transfer of these rights-of-way will allow for lot consolidation and will facilitate redevelopment of MORSO's adjacent properties. Per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, before it was determined that there would be no adverse impact to the City upon transfer of these rights-of-way, subject to the retention of a general utility easement for those utilities currently located within these rights-of-way.

The Department of Law, Real Estate Division, established a total value of \$386,333.64 for these rights-of-way; MORSO has, however, requested that these rights-of-way be transferred to them in exchange for the dedication of the additional rights-of-way needed for the Easton Square Place extension. Under the terms and conditions of the "Guaranteed Maximum Price Reimbursement Agreement for Easton Square Place Roadway Improvements" dated August 25, 2006 by and between the City and MORSO (the "Reimbursement Agreement"), the City has engaged MORSO to act as its general contractor for the engineering, design and construction of the "Improvements" described in the Reimbursement Agreement, essentially being a portion of the Easton Square

Place roadway and related utilities and improvements. In connection with the Reimbursement Agreement, the City has agreed to reimburse MORSO for certain costs and expenses associated with the performance of its duties. Under the terms of the Reimbursement Agreement, one of the agreed reimbursement items relates to the right-of-way upon which the Improvements are situated, to be valued for reimbursement purposes in a per acre amount based upon the \$250,000 per acre price paid to MORSO for transfer of the adjoining 13.4 acre Alliance Data Systems site.

The roadway plat titled "Easton Square Place Extension, Section 1, Dedication and Easements" identifies a total of 1.549 acres of right-of-way to be dedicated to the City in connection with the Improvements. Based on the agreed per acre value, the total amount payable to MORSO by the City under the Reimbursement Agreement for right-of-way is \$387,250. MORSO requested the City accept this value as a mitigating factor under the criteria established by the Land Review Commission (value of land donations or other services being made to the City by the petitioner). After consideration, the Land Review Commission voted to recommend that the City transfer that portion of Old Stelzer Road, from Rylett Avenue north to Morse Road, and those portions of Rylett Avenue east and west of Relocated Stelzer Road, Eastman Court, east of Old Stelzer Road and Burnbury Road, east and west of Old Stelzer Road to MORSO in exchange for the rights-of-way to be dedicated to the City by plat without the exchange of any cash.

Emergency Justification: Emergency action is requested so that MORSO can consolidate their parcels and continue with their redevelopment plans for their adjacent properties as currently scheduled.

To authorize the Director of the Public Service Department to execute those documents required to transfer that portion of Old Stelzer Road, from Rylett Avenue north to Morse Road, and those portions of Rylett Avenue east and west of Relocated Stelzer Road, Eastman Court, east of Old Stelzer Road and Burnbury Road, east and west of Old Stelzer Road to MORSO Holding Co in exchange for the dedication of additional right-of-way needed for the Easton Square Place extension as recommended by the Land Review Commission; to waive the competitive bidding provisions of Columbus City Codes; and to declare an emergency.

WHEREAS, the City of Columbus, Public Service Department, Transportation Division, received a request from MORSO Holding Co., asking that the City transfer those rights-of-way identified as that portion of Old Stelzer Road, from Rylett Avenue north to Morse Road, and those portions of Rylett Avenue east and west of Relocated Stelzer Road, Eastman Court, east of Old Stelzer Road and Burnbury Road, east and west of Old Stelzer Road to them; and

WHEREAS, transfer of these rights-of-way will allow for property consolidation and redevelopment of MORSO's adjacent properties; and

WHEREAS, per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, before it was determined that there would be no adverse impact to the City upon transfer of these rights-of-way, subject to the retention of a general utility easement for those utilities currently located within these rights-of-way; and

WHEREAS, the Department of Law, Real Estate Division, established a total value of \$386,333.64 for these rights-of-way; and

WHEREAS, MORSO has requested that these rights-of-way be transferred to them in exchange for the dedication of the additional rights-of-way needed for the Easton Square Place extension; and

WHEREAS, under the terms and conditions of the "Guaranteed Maximum Price Reimbursement Agreement for Easton Square Place Roadway Improvements" dated August 25, 2006 by and between the City and MORSO (the "Reimbursement Agreement"), the City has engaged MORSO to act as its general contractor for the engineering, design and construction of the "Improvements" described in the Reimbursement Agreement; and

WHEREAS, in connection with this Reimbursement Agreement, the City has agreed to reimburse MORSO for certain costs and expenses associated with the performance of its duties; and

WHEREAS, one of the agreed reimbursement items relates to the right-of-way upon which the Improvements are situated, to be valued for reimbursement purposes in a per acre amount based upon the \$250,000 per acre price paid to MORSO for transfer of the adjoining 13.4 acre Alliance Data Systems site; and

WHEREAS, the roadway plat titled "Easton Square Place Extension, Section 1, Dedication and Easements" identifies a total of 1.549 acres of right-of-way to be dedicated to the City in connection with the Improvements; and

WHEREAS, based on the agreed per acre value, the total amount payable to MORSO by the City under the Reimbursement Agreement for right-of-way is \$387,250; and

WHEREAS, MORSO requested the City accept this value as a mitigating factor under the criteria established by the Land Review Commission (value of land donations or other services being made to the City by the petitioner); and

WHEREAS, the Land review Commission voted to recommend that the City transfer that portion of Old Stelzer Road, from Rylett Avenue north to Morse Road, and those portions of Rylett Avenue east and west of Relocated Stelzer Road, Eastman Court, east of Old Stelzer Road and Burnbury Road, east and west of Old Stelzer Road to MORSO in exchange for the rights-of-way to be dedicated to the City by plat without the exchange of any cash; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary to authorize the Director to execute those documents necessary to transfer the above referenced rights-of-way to MORSO Holding Co., without delay so that lot consolidation and redevelopment plans can proceed as currently scheduled for the preservation of 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 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 MORSO Holding Co.; to-wit:

0.181 ACRE

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Townships 1, Township 1, Range 17, United States Military Lands, being part of Rylett Avenue as recorded in "Eastmans Addition", a subdivision of record in Plat Book 22, Page 86, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for Reference, at Franklin County Geodetic Survey Monument No. 5255 found at the centerline intersection of Morse Road with Stelzer Road, being South 86° 15' 22" East, a distance of 568.79 feet from Franklin County Geodetic Survey Monument No. 5254 found at the centerline intersection of Morse Road with Stelzer Road (Relocated);

Thence South 04° 43' 23" West, a distance of 1435.50 feet, with the centerline of said Stelzer Road, to a point;

Thence North 85° 16' 37" West, a distance of 133.20 feet, across the right-of-way of said Stelzer Road and Stelzer Road (Relocated), to an iron pin set in the westerly right-of-way line of said Stelzer Road (Relocated) at a northeast corner of the remainder of Lot 32 of said "Eastmans Addition", conveyed as part of Parcel 8 to MORSO Holding Co. by deed of record in Official Record 30846 G11, the TRUE POINT OF BEGINNING;

Thence North 86° 11' 37" West, a distance of 166.79 feet, with a north line of said Parcel 8, to an iron pin set in the east line of the 4.678 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200605010081301;

Thence North 04° 43' 24" East, a distance of 50.01 feet, with the east line of said 4.678 acre tract, to an iron pin set at the southwest corner of Lot 31 of said "Eastmans Addition", conveyed as part of said Parcel 8;

Thence South 86° 11' 37" East, a distance of 148.37 feet, with a south line of said Parcel 8, to an iron pin set in a curve in said westerly right-of-way line;

Thence with said curve to the right, having a central angle of 02° 13' 48", a radius of 1362.40 feet, an arc length of 53.03 feet, and a chord which bears South 15° 38' 10" East, a chord distance of 53.02 feet, to the TRUE POINT OF BEGINNING, containing 0.181 acre, 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.

Bearings are based on a field traverse origination from and tying to Franklin County Survey Control Monuments, including Frank 64 and Frank 164, and are based on the Ohio State Plane Coordinate System, South Zone as per NAD 83 (1986 Adjustment).

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King, Registered Surveyor No. 8307

and

4.887 ACRES

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Townships 1 & 2,

Township 1, Range 17, United States Military Lands, being part of the roadways of "Eastmans Addition", a subdivision of record in Plat Book 22, Page 86, being further described as part of Stelzer Road and Rylett Avenue and all of Burnbury Road, Eastman Court and the tracts conveyed to the City of Columbus by deed of record in Official Record 34835 E01, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for Reference, at Franklin County Geodetic Survey Monument No. 5255 found at the centerline intersection of Morse Road with Stelzer Road, being South $86^{\circ} 15' 22''$ East, a distance of 568.79 feet from Franklin County Geodetic Survey Monument No. 5254 found at the centerline intersection of Morse Road with Stelzer Road (Relocated);

Thence South $04^{\circ} 43' 23''$ West, a distance of 59.46 feet, with the centerline of said Stelzer Road, to a magnetic nail set, the TRUE POINT OF BEGINNING;

Thence South $85^{\circ} 16' 37''$ East, a distance of 42.51 feet, across the right-of-way of said Stelzer Road, to an iron pin set at a southwest corner of the remainder of the 0.059 acre tract conveyed as Parcel 140A-WL to The State of Ohio by deed of record in Deed Book 2980, Page 681;

Thence North $87^{\circ} 26' 01''$ East, a distance of 46.24 feet, with the southerly line of the remainder of said original 0.059 acre tract, to an iron pin set at the northwest corner of the remainder of Lot 8 of Eastman's Addition, of record in Plat Book 22, Page 86, conveyed as part of Parcel 10 to MORSO Holding Co. by deed of record in Official Record 30846 G11;

Thence with the perimeter of said Parcel 10, the following courses and distances:

South $27^{\circ} 46' 01''$ West, a distance of 49.24 feet, to an iron pin set;

South $09^{\circ} 31' 32''$ West, a distance of 287.86 feet, to an iron pin set;

South $04^{\circ} 43' 32''$ West, a distance of 81.00 feet, to an iron pin set;

North $86^{\circ} 00' 25''$ West, a distance of 5.00 feet, to an iron pin set;

With a curve to the left, having a central angle of $89^{\circ} 59' 33''$, a radius of 15.00 feet, an arc length of 23.56 feet and a chord which bears South $41^{\circ} 11' 50''$ East, a chord distance of 21.21 feet, to an iron pin set at a point of tangency;

South $86^{\circ} 11' 37''$ East, a distance of 193.51 feet, to an iron pin set;

North $49^{\circ} 15' 53''$ East, a distance of 57.06 feet, to an iron pin set;

North $04^{\circ} 43' 23''$ East, a distance of 102.22 feet, to an iron pin set;

North $30^{\circ} 35' 23''$ West, a distance of 60.60 feet, to an iron pin set;

South $86^{\circ} 15' 22''$ East, a distance of 35.03 feet, to an iron pin set;

North $04^{\circ} 43' 23''$ East, a distance of 14.97 feet, to an iron pin set;

South $40^{\circ} 45' 59''$ East, a distance of 20.99 feet, to an iron pin set;

Thence South $86^{\circ} 15' 22''$ East, a distance of 385.00 feet, with a south line of said Parcel 10, to an iron pin set at a northwest corner of the 30.665 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200605010081301;

Thence South $04^{\circ} 43' 23''$ West, a distance of 65.01 feet, with a west line of said 30.665 acre tract, to an iron pin set at a northeast corner of said Parcel 10;

Thence with the perimeter of said Parcel 10, the following courses and distances:

North $86^{\circ} 15' 21''$ West, a distance of 279.78 feet, to an iron pin set;

South $59^{\circ} 04' 05''$ West, a distance of 71.96 feet, to an iron pin set;

South $10^{\circ} 29' 34''$ West, a distance of 86.93 feet, to an iron pin set in a north line of said 30.665 acre tract;

Thence South $50^{\circ} 52' 25''$ West, a distance of 73.48 feet, with the northwest line of said 30.665 acre tract, to a 3/4 inch iron pipe found at the northeast corner of Lot 43 of "Eastmans Addition", a subdivision of record in Plat Book 22, Page 86, as conveyed as 0.571 acres to MORSO Holding Co. by deed of record in Instrument Number 200605010081290;

Thence North $86^{\circ} 11' 37''$ West, a distance of 233.99 feet, with the north line of said 0.571 acre tract, to an iron pin set at a point of curvature;

Thence with said curve to the left, having a central angle of $89^{\circ} 04' 33''$, a radius of 15.00 feet, an arc length of 23.32 feet, and a chord which bears South $49^{\circ} 15' 53''$ West, a chord distance of 21.04 feet, with the northwest line of said 0.571 acre tract, to an iron pin set at a point of tangency;

Thence South $04^{\circ} 43' 23''$ West, a distance of 370.36 feet, with the west line of said 0.571 acre tract and the west line of the 1.712 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200605010081301, to an iron pin set at a point of curvature;

Thence with said curve to the left, having a central angle of $89^{\circ} 05' 00''$, a radius of 15.00 feet, an arc length of 23.32 feet, and a chord which bears South $40^{\circ} 44' 07''$ East, a chord distance of 21.04 feet, with the southwest line of said 1.712 acre tract, to an iron pin set at a point of tangency;

Thence South $86^{\circ} 11' 37''$ East, a distance of 233.75 feet, with the south line of said 1.712 acre tract, to an iron pin set in the west line of said 30.665 acre tract;

Thence South 04° 43' 23" West, a distance of 50.00 feet, with the west line of said 30.665 acre tract, to an iron pin set at the northeast corner of Lot 39 of said "Eastmans Addition", being part of the 2.282 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200605010081301;

Thence with the perimeter of said 2.282 acre tract, the following courses and distances:

North 86° 11' 37" West, a distance of 233.75 feet, with the north line of said 2.282 acre tract, to an iron pin set at a point of curvature;

With said curve to the left, having a central angle of 90° 55' 00", a radius of 15.00 feet, an arc length of 23.80 feet, and a chord which bears South 49° 15' 53" West, a chord distance of 21.38 feet, to an iron pin set at a point of tangency;

South 04° 43' 23" West, a distance of 370.00 feet, to an iron pin set at a point of curvature;

With said curve to the left, having a central angle of 89° 05' 00", a radius of 15.00 feet, an arc length of 23.32 feet, and a chord which bears South 40° 44' 07" East, a chord distance of 21.04 feet, to an iron pin set at a point of tangency;

South 86° 11' 37" East, a distance of 233.75 feet, to an iron pin set in the west line of said 30.665 acre tract;

Thence South 04° 43' 23" West, a distance of 50.01 feet, with the west line of said 30.665 acre tract, to an iron pin set at the northeast corner of Lot 35 of said "Eastmans Addition", as conveyed as part of said Parcel 10;

Thence with the perimeter of said Parcel 10, the following courses and distances:

North 86° 11' 37" West, a distance of 233.75 feet, to an iron pin set at a point of curvature;

With said curve to the left, having a central angle of 90° 55' 00", a radius of 15.00 feet, an arc length of 23.80 feet, and a chord which bears South 49° 15' 53" West, a chord distance of 21.38 feet, to an iron pin set at a point of tangency;

South 04° 43' 23" West, a distance of 81.03 feet, to an iron pin set in a curve in the easterly right-of-way line of Stelzer Road (Relocated);

Thence with said curve to the left, having a central angle of 09° 36' 34", a radius of 1502.40 feet, an arc length of 251.98 feet, and a chord which bears North 13° 48' 39" West, a chord distance of 251.68 feet, to an iron pin set at the south corner of a remainder of Lot 31 of said "Eastmans Addition", as conveyed as part of said Parcel 10;

Thence North 04° 43' 23" East, a distance of 742.72 feet, with the east lines of said Parcel 10, the 0.354 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200605010081290 and the 2.474 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200605010081301, to an iron pin set at a point of curvature;

Thence with said curve to the left, having a central angle of 89° 05' 00", a radius of 15.00 feet, an arc length of 23.32 feet, and a chord which bears North 40° 44' 07" West, a chord distance of 21.04 feet, with the northeast line of said 2.474 acre tract, to an iron pin set at a point of tangency;

Thence North 86° 11' 37" West, a distance of 245.00 feet, with the north line of said 2.474 acre tract, to an iron pin set in the east line of the 1.344 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200605010081301;

Thence North 04° 43' 23" East, a distance of 50.01 feet, with the east line of said 1.344 acre tract, to an iron pin set at the southwest corner of Lot 23 of said "Eastmans Addition", conveyed as part of the 1.152 acre tract conveyed to MORSO Holding Co. by deed of record in Instrument Number 200605010081301;

Thence South 86° 11' 37" East, a distance of 245.00 feet, with the south line of said 1.152 acre tract, to an iron pin set;

Thence North 03° 20' 45" East, a distance of 207.15 feet, with the east line of said 1.152 acre tract, to an iron pin set in a south line of the tract conveyed to MORNO Holding Co. by deed of record in Official Record 33744 H11;

Thence with the perimeter of said MORNO Holding Co. tract, the following courses and distances:

North 04° 27' 42" East, a distance of 173.72 feet, to an iron pin set;

North 46° 27' 12" West, a distance of 39.05 feet, to an iron pin set;

North 71° 55' 41" West, a distance of 100.98 feet, to an iron pin set in the southerly right-of-way line of said Morse Road;

Thence South 86° 15' 19" East, a distance of 129.15 feet, with said southerly right-of-way line, to an iron pin set at a point of curvature;

Thence with said curve to the right, having a central angle of 55° 33' 34", a radius of 20.00 feet, an arc length of 19.39 feet, and a chord bearing South 58° 26' 30" East, a distance of 18.64 feet, with said southerly right-of-way line, to an iron pin set;

Thence South 85° 16' 37" East, 43.68 feet, across the right-of-way of said Stelzer Road, to the TRUE POINT OF BEGINNING, containing 4.887 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.

Bearings are based on a field traverse origination from and tying to Franklin County Survey Control Monuments, including Frank 64 and Frank 164, and are based on the Ohio State Plane Coordinate System, South Zone as per NAD 83 (1986 Adjustment).

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King, Registered Surveyor No. 8307

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 rights-of-way shall be and hereby is retained unto the City of Columbus for those utilities currently located within said rights-of-way.

Section 4. That upon notification and verification of the relocation of all utilities located within the retained general utility easement 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 these rights-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 these rights-of-way.

Section 6. 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.