



Legislation Details (With Text)

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On agenda: 9/20/2010 **Final action:** 9/23/2010

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer the un-named east-west alley, between Tenth and Eleventh Avenues, between Worthington Street and the first alley east of Neil Avenue to The Ohio State University; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/23/2010	1	CITY CLERK	Attest	
9/21/2010	1	MAYOR	Signed	
9/20/2010	1	Columbus City Council	Approved	Pass
9/20/2010	1	COUNCIL PRESIDENT	Signed	
9/9/2010	1	Service Drafter	Sent for Approval	
9/9/2010	1	Service Reviewer	Reviewed and Approved	
9/9/2010	1	Service Drafter	Sent for Approval	
9/9/2010	1	SERVICE DIRECTOR	Reviewed and Approved	
9/9/2010	1	Service Drafter	Sent for Approval	
9/9/2010	1	CITY ATTORNEY	Reviewed and Approved	
9/9/2010	1	Service Drafter	Sent to Clerk's Office for Council	

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from The Ohio State University asking that the City sell the right-of-way identified as the un-named east-west alley, between Tenth and Eleventh Avenues, between Worthington Street and the first alley east of Neil Avenue. Transfer of this right-of-way will allow for the expansion of current student housing facilities. Per current practice, comments were solicited from interested parties, including City agencies, private utilities and the applicable area commission, 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. Then Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$56,750.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to The Ohio State University for \$56,750.00.

2. FISCAL IMPACT

The City will receive a total of \$56,750.00 that will be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested right-of-way.

3. EMERGENCY JUSTIFICATION

Emergency action is requested to allow this transfer to occur as soon as possible, thereby allowing The Ohio State University to

complete their transfer and allow The Ohio State University to proceed with expansion plans without further delay in order to avoid incurring additional costs that would place strain on the project budget.

To authorize the Director of the Department of Public Service to execute those documents required to transfer the un-named east-west alley, between Tenth and Eleventh Avenues, between Worthington Street and the first alley east of Neil Avenue to The Ohio State University; and to declare an emergency.

WHEREAS, the City of Columbus, Department of Public Service, received a request from The Ohio State University asking that the City transfer the un-named east-west alley, between Tenth and Eleventh Avenues, between Worthington Street and the first alley east of Neil Avenue, to them; and

WHEREAS, acquisition of the right-of-way will allow The Ohio State University to expand current student housing facilities on property that is currently owned by The Ohio State University; and

WHEREAS, per current practice, comments were solicited from interested parties, including City agencies, private utilities and applicable area commissions, 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 The Ohio State University; and

WHEREAS, the Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for this right-of-way; and

WHEREAS, a value of \$56,750.00 was established for this right-of-way; and

WHEREAS, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to The Ohio State University for the amount of \$56,750.00; and now therefore

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to execute those documents which will provide for immediate transfer of the un-named east-west alley, between Tenth and Eleventh Avenues, between Worthington Street and the first alley east of Neil Avenue to The Ohio State University, thereby allowing proposed expansion to proceed without delay and 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 The Ohio State University; to-wit:

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of a 25' alley as delineated in University Heights Addition Subdivision as recorded in Plat Book 4 Page 255; being more particularly described as follows:

Commencing at the intersection of the northerly right-of-way line of Tenth Avenue (60' right-of-way) the easterly right-of-way line of a 20' alley, said point also being the southwesterly corner of Lot No. 10 of said University Heights Addition; thence,

Along the easterly right-of-way line of said 20' alley, also being along the westerly line of said Lot No. 10, *North 08° 12' 11" West, for a distance of one hundred seventy-nine and five one-hundredths feet (179.05')* to a point, said point being the intersection of the easterly right-of-way line of said 20' alley and the southerly right-of-way line of a 25' alley as delineated in said University Heights Addition, said point also being the northwesterly corner of said Lot No. 10, said point also being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Along the projected easterly right-of-way line of said 20' alley through said 25' alley, *North 08° 12' 11" West, for a distance of twenty-five and fifty-one one-hundredths feet (25.51')* to a point, said point being the intersection of the easterly right-of-way line of said 20' alley and the northerly right-of-way line of said 25' alley, said point also being the southwesterly corner of Lot No. 28 of said University Heights Addition; thence,

Along the northerly right-of-way line of said 25' alley, *South 86° 44' 17" East, for a distance of four hundred forty-six and eighteen one-hundredths feet (446.18')* to a point, said point being the intersection of the northerly right-of-way line of said 25' alley and the

westerly line of Worthington Street (a 20' alley), said point also being along the southerly line of Reserve "A" of said University Heights addition; thence,

Along the projected westerly right-of-way line of Worthington Street through said 25' alley, *South 03° 20' 02" West, for a distance of twenty-five and zero one-hundredths feet (25.00')* to a point, said point being the intersection of the southerly right-of-way line of said 25' alley and the westerly right-of-way line of Worthington Street, said point also being along the northerly line of Reserve "B" of said University Heights Addition; thence,

Along the southerly right-of-way line of said 25' alley, *North 86° 44' 17" West, for a distance of four hundred forty-one and eight one-hundredths feet (441.08')* to the point of beginning, containing 0.255 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by Kleingers & Associates in April, 2009.

Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-CORS), with a portion of the northerly right-of-way line of Tenth Avenue being North 86° 44' 17" West, as determined by a VRS-GPS utilizing CORS station "COLB" and monument "Ringle".

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 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 Department of Public Service 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 the \$56,750.00 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 748, Project 537650.

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.