



Legislation Details (With Text)

File #: 1569-2010 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 10/25/2010 **In control:** Public Service & Transportation Committee

On agenda: 12/13/2010 **Final action:** 12/16/2010

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer the Grace Street right-of-way, west of Wilson Road, north of West Broad Street; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Grace St. exhibit.pdf, 2. Wilson Rd. exhibit.pdf

Date	Ver.	Action By	Action	Result
12/16/2010	2	CITY CLERK	Attest	
12/14/2010	2	MAYOR	Signed	
12/13/2010	1	Columbus City Council	Approved	Pass
12/13/2010	2	Columbus City Council	Amended to Emergency	Pass
12/13/2010	2	COUNCIL PRESIDENT	Signed	
12/6/2010	1	Columbus City Council	Read for the First Time	
11/23/2010	1	Service Reviewer	Reviewed and Approved	
11/23/2010	1	Service Drafter	Sent for Approval	
11/23/2010	1	SERVICE DIRECTOR	Reviewed and Approved	
11/23/2010	1	Service Drafter	Sent for Approval	
11/23/2010	1	CITY ATTORNEY	Reviewed and Approved	
11/23/2010	1	Service Drafter	Sent to Clerk's Office for Council	
10/26/2010	1	Service Drafter	Sent for Approval	
10/25/2010	1	Service Drafter	Sent for Approval	

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from The Kroger Company asking that the City transfer a portion of the Grace Street right-of-way, west of Wilson Road, in exchange for the dedication of a 0.142 acre tract along the western edge of Wilson Road, north of West Broad Street. The transfers of these rights-of-way have been agreed to and will be of mutual benefit to The Kroger Company and The City of Columbus.

This transfer will facilitate the construction of a proposed fuel center on property currently owned by The Kroger Company. By transferring this property to the Kroger Co, the City benefits by eliminating a potentially unsafe access point and improving the ingress/egress to the site. This will also eliminate the maintenance responsibilities of the currently unused Grace Street right-of-way for the City of Columbus, as well as allowing compliance with the current Thoroughfare Plan through the dedication of the Wilson Road tract.

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 vacation of this right-of-way.

The Department of Public Service then 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 \$27,284.00 was established for this right-of-way, but it is the recommendation of the Division of Planning and Operations to transfer this right-of-way, based on upon the above conditions. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to The Kroger Company at no cost.

2. FISCAL IMPACT:

The City will receive a 0.142 acre tract of land along the western edge Wilson Road as consideration for the transfer of the requested right-of-way, and eliminate maintenance responsibilities for the unused Grace Street right-of-way.

To authorize the Director of the Department of Public Service to execute those documents required to transfer the Grace Street right-of-way, west of Wilson Road, north of West Broad Street; **and to declare an emergency.**

WHEREAS, the City of Columbus, Department of Public Service, received a request from The Kroger Company asking that the City transfer the Grace Street right-of-way to them; and

WHEREAS, acquisition of the right-of-way will allow The Kroger Company to construct a proposed fuel center on property currently owned by The Kroger Company; 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 the City will not be adversely affected by the transfer of this right-of-way; 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 \$24,284.00 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 Kroger Company at no cost, based on the above noted conditions; and ~~now therefore~~

WHEREAS an emergency exists in the the usual daily operation of the Department of Public Service and Transportation in that it is immediately necessary to pass this ordinance to enable construction to begin as soon as possible after approval to take advantage of less inclement weather conditions during construction; 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 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 Kroger Company; to-wit:

The Grace Street right-of-way, west of Wilson Road, north of West Broad Street;
0.216 ACRE TRACT

DESCRIPTION OF 0.216 ACRE GRACE STREET TRANSFER WEST FROM N. WILSON ROAD, NORTH OF W. BROAD STREET, CITY OF COLUMBUS, FRANKLIN CO., OHIO

May 07, 2010

Situated in the State of Ohio, County of Franklin, City of Columbus, in Virginia Military Survey No. 3315 and being a 0.216 acre portion of Grace Street, as shown upon the plat entitled Broad-Wilson Addition of record in Plat Book 10, Pages 144 and 145, said portion of Grace Street to be vacated is bounded and described as follows;

Beginning at a 3/4" I.D. iron pipe set in the south right-of-way line of Grace Street (50 feet in width), at the northwest corner of Lot

No. 45, and at the northeast corner of Lot No. 44, both as shown upon said plat of Broad-Wilson Addition, said Lot No. 45 having been conveyed to Ahmad Mattan, by deed of record in Instrument 200506090111745 and said Lot 44 being a portion of a 39.531 acre tract of land conveyed to Buffalo-Broad Associates, LLC, by deed of record in Instrument 200105300118580;

Thence N 03° 34' 01" W crossing Grace Street and along an east line of said 39.531 acre tract a distance of 50.00 feet to a 3/4" I.D. iron pipe set in the north right-of-way line of Grace Street, at a corner of said 39.531 acre tract and in the south line of Reserve "A", as shown upon said plat of Broad-Wilson Addition;

Thence N 86° 25' 59" E along the north right-of-way line of Grace Street, along a portion of the south line of said Reserve "A", along a south line of said 39.531 acre tract and along the south line of a 0.044 acre tract of land conveyed, for N. Wilson Road right-of-way purposes, as Parcel 5-WD to the City of Columbus, by deed of record in Official Record 5856, Page G 08 a distance of 194.97 feet to a P.K. nail set at the southeast corner of said Reserve "A", at the southeast corner of said 0.044 acre tract and at the intersection of the north right-of-way line of Grace Street with the west right-of-way line of N. Wilson Road (variable width);

Thence S 12° 19' 19" W along the east end of Grace Street and along the west right-of-way line of N. Wilson Road a distance of 51.99 feet to a P.K. nail set at the northeast corner of Lot No. 47, as shown upon said plat of Broad-Wilson Addition, at the intersection of the south right-of-way line of Grace Street with the west right-of-way line of N. Wilson Road and at the northeast corner of a 0.035 acre tract of land conveyed, for N. Wilson Road right-of-way purposes, as Parcel 4-WD to the City of Columbus, by deed of record in Official Record 6112, Page I 02;

Thence S 86° 25' 59" W along the south right-of-way line of Grace Street, along the north line of said Lot No. 47, along the north line of Lot No. 46, as shown upon said plat of Broad-Wilson Addition, and along the north line of said Lot No. 45 a distance of 180.74 feet to the place of beginning, said Lot No. 46 and 47 having been conveyed to Ahmad Mattan, by deed of record in Instrument 200309230304029 (passing a 3/4" I.D. iron pipe set at the northwest corner of said 0.035 acre tract a distance of 25.00 feet);

containing 9,393 square feet (= 0.216 acre) of land, more or less and being subject to all easements and restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in January, 2008. Basis of bearings is the south line of Grace Street, being N 86° 25' 59" E, as transferred from a GPS survey of Franklin County monuments FCGS "FRANK 140" and FCGS 5335 performed by the Franklin County Engineer's Office in 1991, and is, based on the NAD83 (1986) Ohio State Plane Coordinate System, South Zone.

0.142 ACRE TRACT

DESCRIPTION OF 0.142 ACRE RIGHT-OF-WAY TAKE N. WILSON ROAD, NORTH OF W.BROAD STREET, CITY OF COLUMBUS, FRANKLIN CO., OHIO

Situated in the State of Ohio., County of Franklin, City of Columbus, in Virginia Military Survey No. 3315 and being a portion of Lot No. 46, a portion of Lot No. 47 and a portion of Grace Street, transferred in this Ordinance No. 1569-2010 all as shown upon the plot of Broad-Wilson Addition of record in Plot Book 10. Pages 144 and 145, said Lot No. 46 and Lot No. 47 having been conveyed to Ahmad Mattan by deed of record in Instrument 200309230304029, said tract bounded and described as follows;

Beginning at a 3/4" I.D. iron pipe set in the north right-of-way line of transferred Grace Street (50 feet in width), in the south line of Reserve "A", as shown upon said plot of Broad-Wilson Addition, and in the south line of a 0.044 acre tract of land conveyed, for N. Wilson Road right-of-way purposes, as Parcel 5-WD to the City of Columbus, by deed of record in Official Record 5856, Page G 08, said iron pipe being S 86° 25' 59" W a distance of 36.39 feet from a P.K. nail set at the intersection of the north right-of-way line of transferred Grace Street with the west right-of-way line of N. Wilson Road (variable width), at the southeast corner of said Reserve "A", all as shown upon said plot of Broad-Wilson Addition, and at the southeast corner of said 0.044 acre tract;

Thence N 86° 25' 59" E along the north right-of-way line of transferred Grace Street, along a portion of the south line of said Reserve "A" and along a portion of the south line of said 0.044 acre tract a distance of 36.39 feet to a 3/4" I.D. iron pipe set at the intersection of the north right-of-way line of transferred Grace Street with the west right-of-way line of N. Wilson Road (variable width), at the southeast corner of said Reserve "A", all as shown upon said plot of Broad- Wilson Addition, and at the southeast corner of said 0.044 acre tract;

Thence S 12° 19' 19" W along the east end of transferred Grace Street and along the west right-of-way line of N. Wilson Road a

distance of 51.99 feet to a P.K. nail set at the intersection of the south right-of-way line of transferred Grace Street with the west right-of-way line of N. Wilson Road, at the northeast Corner of said Lot No. 47 and at the northeast corner of a 0.035 acre tract of land conveyed, for N. Wilson Road right-of-way purposes, as Parcel 4-WD to the City of Columbus, by deed of record in Official Record 6112, Page 102;

Thence S 86° 25' 59" W along a portion of the south right-of-way line of transferred Grace Street, along a portion of the north line of said Lot No. 47 and along the north line of said 0.035 acre tract a distance of 25.00 feet to a 3/4" I.D. iron pipe set at the northwest Corner of said 0.035 acre tract;

Thence S 51 ° 18' 26" E crossing a portion of said Lot No. 47 and along the southwesterly line of said 0.035 acre tract a distance of 19.96 feet to a P.K. nail set at a corner of said 0.035 acre tract;

Thence S 13° 45' 15" W crossing a portion of said Lot No. 47 and along the westerly line of said 0.035 acre tract a distance of 153.54 feet to a P.K. nail set in the south line of said Lot No. 47, at the southwest corner of said 0.035 acre tract, in the north line of Lot No. 23, as shown upon said plot of Broad-Wilson Addition and at the northwest Corner of a 0.043 acre tract of land conveyed, far N. Wilson Road right-of-way purposes, as Parcel 3-WD to the City of Columbus, by deed of record in Official Record 5607, Page J 03;

Thence S 86° 25' 59" W along a portion of the south line of said Lot No. 47, along a portion of the north line of said Lot No. 23 and along a portion of the south line of said Lot No. 46 a distance of 25.99 feet to a 3/4" I.D. iron pipe set;

Thence N 12° 19' 19" E crossing a portion of said Lot No. 46, crossing a portion of said Lot No. 47, crossing said transferred Grace Street and parallel width and sixty (60) feet easterly by perpendicular measurement from the centerline of N. Wilson Road a distance of 218.34 feet to the place of beginning;

containing 6,200 square feet (= 0.142 acre) of land, more or less and being subject to all easements and restrictions of record. Of said 0.142 acres, 0.042 acre (1,820 square feet) is within said transferred Grace Street, 0.100 acre (4,380 square feet) is within said Lot No. 47 and 0.0001 acre (3 square feet) is within said Lot No. 46.

The above description was prepared by Kevin L. Baxter, Ohio. Surveyor No. 7697, of C.F. Bird & R.I. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in January, 2008. Basis of bearings is the south line of Grace Street, being N 86° 25' 59" E, as transferred from a GPS survey of Franklin County monuments FCGS "FRANK 140" and FCGS 5335 performed by the Franklin County Engineers Office in 1991, and is based on the NAD83 (1986) Ohio State Plane Coordinate System, South Zone.

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 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 provision of Columbus City Codes (1959) Revised, Section 329.25 with regards to the transfer of this property.

SECTION 6. 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 a recommendation from Land Review Commission and hereby waives the Land Review Commission provisions of Columbus City Codes (1959) Revised, Section 328.01 with regards to the transfer of this property.

SECTION 7. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **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 approvals by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.**

