



Legislation Details (With Text)

File #: 1611-2015 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 6/10/2015 **In control:** Public Service & Transportation Committee
On agenda: 7/20/2015 **Final action:** 7/23/2015

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.917 acre parcel of City right-of-way consisting of a portion of the Sixth Street right-of-way, a portion of the Fifth Street right-of-way, the undeveloped north/south right-of-way south of Sixth Street and the undeveloped east/west right-of-way east of Sixth Street, to Hirschvogel Incorporated.

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 7/23/2015 | 1 | MAYOR | Signed | |
| 7/23/2015 | 1 | CITY CLERK | Attest | |
| 7/20/2015 | 1 | COUNCIL PRESIDENT | Signed | |
| 7/20/2015 | 1 | Columbus City Council | Approved | Pass |
| 7/13/2015 | 1 | Columbus City Council | Read for the First Time | |

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Hirschvogel Incorporated, asking that the City sell a 0.917 acre parcel of City right-of-way consisting of a portion of the Sixth Street right-of-way, a portion of the Fifth Street right-of-way, the undeveloped north/south right-of-way south of Sixth Street and the undeveloped east/west right-of-way east of Sixth Street, which is adjacent to property owned by Hirschvogel Incorporated. Transfer of these rights-of-way will facilitate the extensive expansion of existing production facilities on property currently owned by Hirschvogel Incorporated, adjacent to the above noted right-of-way, located at 2230 South Third Street. 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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way. The Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for these rights-of-way. A value of \$29,190.00 was established for these rights-of-way. Hirschvogel Incorporated had submitted a request for mitigation of the cost of the aforementioned rights-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to Hirschvogel Incorporated at no cost.

2. FISCAL IMPACT:

N/A

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.917

acre parcel of City right-of-way consisting of a portion of the Sixth Street right-of-way, a portion of the Fifth Street right-of-way, the undeveloped north/south right-of-way south of Sixth Street and the undeveloped east/west right-of-way east of Sixth Street, to Hirschvogel Incorporated.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Hirschvogel Incorporated asking that the City transfer a 0.917 acre parcel of City right-of-way consisting of a portion of the Sixth Street right-of-way, a portion of the Fifth Street right-of-way, the undeveloped north/south right-of-way south of Sixth Street and the undeveloped east/west right-of-way east of Sixth Street, adjacent to property owned by Hirschvogel Incorporated, to them; and

WHEREAS, acquisition of these rights-of-way will facilitate the expansion of existing production facilities on property currently owned by Hirschvogel Incorporated adjacent to the above noted rights-of-way; and

WHEREAS, the City of Columbus, Department of Public Service, Division of Infrastructure Management, by this transfer, extinguishes its need for these public rights-of-way; 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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way to Hirschvogel Incorporated; 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 these rights-of-way; and

WHEREAS, a value of \$29,190.00 was established for these rights-of-way; and

WHEREAS, Hirschvogel Incorporated had submitted a request to the Land Review Commission for mitigation of the cost of the above mentioned rights-of-way; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to Hirschvogel Incorporated at no cost; and 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 rights-of-way to Hirschvogel Incorporated; to-wit:

DESCRIPTION OF A 0.917 ACRE TRACT

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a 0.917 acre tract and being part of Sixth Street (50 feet in width) of which a triangular portion was conveyed to the City of Columbus by deed of record in Deed Book 3382, Page 376 for the relocation of Sixth Street and the northerly portion of Sixth Street being a 0.215 acre tract conveyed to the City of Columbus by deed of record in Deed Book 3503, Page 800, Fifth Street (40 feet in width), a 20 foot alley and Service Road "E" being a 0.117 acre tract conveyed to the City of Columbus by deed of record in Deed Book 3344, Page 694, all being part of the Lewis and Weisend Subdivision as recorded in Plat Book 7, Page 352 and the Joseph-Berger's Subdivision as recorded in Plat Book 7, Page 142 all of record in the Recorder's Office, Franklin County, Ohio, said 0.917 acre tract being more particularly described as follows;

Beginning at an iron pin found at a southwesterly corner of a 13.120 acre tract conveyed to Hirschvogel Incorporated as recorded in Official Record 26341, Page H-01, the northerly limited access right-of-way line of State Route 104 (FRA-104-8.73) and the easterly right-of way line of said Sixth Street;

Thence, North 80° 31' 15" West, along the northerly limited access right-of-way line of said State Route 104 and crossing said Sixth Street, a distance of 50.50 feet to a point in northerly limited access right-of-way line of said State Route 104, the westerly right-of-way line of said Sixth Street, the southeasterly corner of Lot 23 in said Joseph-Berger's Subdivision and the northeasterly corner of a tract of land conveyed to the City of Columbus by deed of record in Deed Book 3042, Page 526;

Thence, North 01°20' 07" East, along Lots 23, 22, 21, 20, and 19 of said Joseph-Berger's Subdivision and the westerly right-of-way line of said Sixth Street, a distance of 170.00 to a point in the easterly line of said Lot 19, the westerly right-of-way line of said Sixth Street and an angle point for a right-of-way take of said relocation of Sixth Street;

Thence, North 42° 22' 23" West, crossing said Lot 19 and along the northerly right-of-way line of said Sixth Street relocation, a distance of 7.23 feet to a point in the northerly line of said Lot 19 and the southerly right-of-way line of said Sixth Street relocation;

Thence, North 86° 04' 53" West, along the northerly line of said Lot 19 and the southerly right-of-way line of said Sixth Street relocation, a distance of 135.00 feet to a point at the northwesterly corner of said Lot 19 and the intersection of the southerly right-of-way line of said Sixth Street relocation and the easterly right-of-way line of said 20 foot alley;

Thence, South 01° 20' 07" West, along the westerly line of said Lots 19, 20, 21, 22 and 23 and the easterly right-of-way line of said 20 foot alley, a distance of 158.41 feet to a point in the westerly line of said Lot 23, the easterly line of said 20 foot alley, the northerly limited access right-of-way line of said State Route 104 and the northwesterly corner of a triangular tract of land conveyed to the City of Columbus by deed of record in Deed Book 3059, Page 606;

Thence, North 70° 49' 17" West, along the northerly limited access right-of-way line of said State Route 104 and crossing said 20 foot alley, a distance of 20.95 feet to a point in the northerly limited access right-of-way line of said State Route 104, the westerly right-of-way line of said 20 foot alley, the easterly line of Lot 15 of said Joseph-Berger's Subdivision and the easterly line of a tract of land conveyed to the City of Columbus by deed of record in Deed Book 3060, Page 484;

Thence, North 01°20' 07" East, along the easterly lines of Lots 15, 16, 17, and 18 of said Joseph-Berger's Subdivision and the westerly right-of-way line of said 20 foot alley, a distance of 152.89 feet to an iron pin found at the northeasterly corner of said Lot 18 and the intersection of the westerly right-of-way line of said 20 foot alley and the southerly right-of-way line of said Sixth Street relocation;

Thence, North 86° 04' 53" West, along the northerly line of said Lot 18 and the southerly right-of-way line of said Sixth Street relocation, a distance of 140.00 feet to an iron pin found at the northwesterly corner of said Lot 18 and the intersection of the southerly right-of-way line of said Sixth Street relocation and the easterly right-of-way line of said Fifth Street;

Thence, South 01° 20' 07" West, along the westerly line of said Lots 18, 17, 16, and 15 and the easterly right-of-way line of said Fifth Street, a distance of 114.15 feet to an iron pin found in the westerly line of said Lot 15, the easterly line of said Fifth Street, the northerly limited access right-of-way line of said State Route 104 and the northwesterly corner of a triangular tract of land conveyed to the City of Columbus by deed of Record in Deed Book 3197, Page 246;

Thence, North 70° 42' 14" West, along the northerly limited access right-of-way line of said State Route 104 and crossing said Fifth Street, a distance of 42.05 feet to a point in the northerly limited access right-of-way line of said State Route 104, the westerly right-of-way line of said Fifth Street and an easterly line of 13.120 acre tract;

Thence, North 01° 20' 07" East, along the westerly right-of-way line of said Fifth Street and an easterly line of said 13.120 acre tract, a distance of 113.00 feet to a point in said lines;

Thence, South 86° 04' 53" East, continuing along an easterly line of said 13.120 acre tract and the westerly right-of-way

line of said Fifth Street, a distance of 23.60 feet to a point in said lines;

Thence, North 03° 25' 07" East continuing along an easterly line of said 13.120 acre tract and westerly right-of-way line of said Fifth Street, a distance of 40.00 feet to a point at a southwesterly corner of said 13.120 acre tract and the intersection of the westerly right-of-way line of said Fifth Street and the northerly right-of-way line of said Sixth Street relocation;

Thence, South 86° 04' 53" East, along a southerly line of said 13.120 acre tract and the northerly right-of-way line of said Sixth Street relocation, a distance of 365.00 feet to a point at a southeasterly corner of said 13.120 acre tract and the intersection of the northerly and easterly right-of-way lines of said Sixth Street and Sixth Street Relocation;

Thence, South 01° 20' 07" West, along a westerly line of said 13.120 acre tract and the easterly right-of-way line of said Sixth Street, a distance of 40.04 feet to an iron pin found at a southwesterly corner of said 13.120 acre tract and the intersection of the easterly right-of-way line of said Sixth Street and the northerly right-of-way line of said Service Road "E";

Thence, South 86° 04' 53" East, along a southerly line of said 13.120 acre tract and the northerly right-of-way line of said Service Road "E", a distance of 169.72 feet to a point at a southwesterly corner of said 13.120 acre tract and northerly right-of-way line of said Service Road "E";

Thence, South 01° 20' 07" West, along a westerly line of said 13.120 acre tract and crossing said Service Road "E", a distance of 30.03 feet to a point at a northwesterly corner of said 13.120 acre tract and the southerly right-of-way line of said Service Road "E"

Thence, North 86° 04' 53" West, along a northerly line of said 13.120 acre tract and the southerly right-of-way line of said Service Road "E", a distance of 169.72 feet to an iron pin found at a northwesterly corner of said 13.120 acre tract and intersection of the southerly right-of-way line of said Service Road "E" and said Sixth Street;

Thence, South 01° 20' 07" West, along a westerly line of said 13.120 acre tract and the easterly right-of-way line of said Sixth Street, a distance of 159.88 feet to the PLACE OF BEGINNING.

Containing 0.917 acres of land, more or less.

Subject to all easements, restrictions and rights-of-ways of record.

Basis of bearings for the purpose of this description, a bearing of South 86° 04' 53" East was measured for the northerly right-of-way line of Sixth Street Relocation utilizing the O.D.O.T. VRS RTK Network (NAD83 (CORS96) reference frame: 2002.0 Epoch).

This description is based upon a field survey performed by Pomeroy & Associates, Ltd. in April 2015.

All references are to records of the Recorder's Office Franklin County, Ohio.

David B. McCoy
Professional Surveyor No. 7632

Section 2. 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 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 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 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 ordinance shall take effect and be in force from and after the earliest period allowed by law.