



## Legislation Details (With Text)

**File #:** 2867-2012      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/13/2012      **In control:** Public Service & Transportation Committee

**On agenda:** 1/14/2013      **Final action:** 1/16/2013

**Title:** To authorize the Director of the Department of Public Service to execute those documents, prepared by the Department of Law, Real Estate Division, needed to transfer a portion of existing Neil Avenue to NWD Investments, LLC; to accept proposed right-of-way needed by the City of Columbus for the #2907 Dr E Neil Avenue and Vine Street project from NWD Investments, LLC, to the extent that they may apply to these transfers to waive the competitive bidding provisions and the Land Review Commission requirements of Columbus City Codes; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 1/16/2013 | 1    | CITY CLERK            | Attest   |        |
| 1/15/2013 | 1    | MAYOR                 | Signed   |        |
| 1/14/2013 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 1/14/2013 | 1    | Columbus City Council | Approved | Pass   |

### 1. BACKGROUND

For the past several years the City of Columbus (the "City") and NWD Investments, LLC have been actively involved in the redevelopment of that area of the City now known as "the Arena District". As a part of this joint redevelopment project, the plans for the Arena West area include further improvements to Neil Avenue and Brodbelt Lane. NWD Investments, LLC is planning to construct Arena West Development Flats II. To facilitate the construction of this project NWD Investments, LLC has agreed to donate to the City of Columbus the right-of-way needed for the improvements proposed by #2907 Dr E Neil Avenue and Vine Street plan. In exchange for this donation, NWD Investments, LLC has requested the City abandon as right-of-way and transfer to them that portion of existing Neil Avenue at the Northeast corner of Neil Avenue and Brodbelt Lane. The property being transferred to the City by NWD Investments, LLC totals 0.002 acres and the excess right-of-way to be transferred to NWD Investments, LLC by the City totals 0.002 acres. After investigation and plan review it has been determined the exchange of these parcels of land is in the best interest of both parties and should be authorized.

### 2. FISCAL IMPACT

n/a

### 3. EMERGENCY DESIGNATION

Emergency action is requested to allow the construction of the proposed improvements to proceed as quickly as possible. Plans are currently being signed and construction of this improvement project is anticipated to begin this construction season.

To authorize the Director of the Department of Public Service to execute those documents, prepared by the Department of Law, Real Estate Division, needed to transfer a portion of existing Neil Avenue to NWD Investments, LLC; to accept proposed right-of-way needed by the City of Columbus for the #2907 Dr E Neil Avenue and Vine Street project from

NWD Investments, LLC, to the extent that they may apply to these transfers to waive the competitive bidding provisions and the Land Review Commission requirements of Columbus City Codes; and to declare an emergency.

**WHEREAS**, NWD Investments, LLC is engaged in the redevelopment of that tract of land known as the Arena West Development Flats II site; and

**WHEREAS**, the redevelopment of this site, is bounded by Brodbelt Lane on the east and south, Neil Avenue on the west and NWD Investments, LLC property on the north; and

**WHEREAS**, to facilitate this project NWD Investments, LLC has agreed to donate to the City of Columbus the right-of-way needed to construct the improvements proposed by the #2907 Dr E Neil Avenue and Vine Street; and

**WHEREAS**, in exchange for this donation, NWD Investments, LLC has requested the City abandon as right-of-way and transfer to them that portion of existing Neil Avenue at the Northeast corner of Neil Avenue and Brodbelt Lane; and

**WHEREAS**, through this exchange the City will acquire approximately 0.002 acres of additional right-of-way; and

**WHEREAS**, the NWD Investments, LLC will acquire approximately 0.002 acres of excess right-of-way from the City; and

**WHEREAS**, after investigation and review of the plans it has been determined the exchange of these parcels of land is in the best interest of both parties and should be authorized; and

**WHEREAS**, the following legislation authorizes the exchange of these parcels, abandons a portion of existing Neil Avenue as right-of-way, authorizes the acceptance of the new right-of-way from NWD Investments, LLC and waives the competitive bidding and land review commission provisions of Columbus City Code; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the exchange of these properties and to authorize the Director to execute those documents needed to transfer approximately 0.002 acres of Neil Avenue to NWD Investments, LLC., so that construction of Arena West Development Flats II improvements can begin as currently scheduled thereby 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 NWD Investments, LLC; to-wit:

**0.002 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Half Section 10, Section 8, Township 5, Range 22, Refugee Lands and containing 0.002 acres out of the right-of-way of Neil Avenue as dedicated to the City of Columbus by that plat entitled "Arena District Subdivision", of record in Plat Book 90, Page 75, and out of that plat entitled "Arena West", of record in Plat Book 115, Page 22, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at a southwesterly corner of Lot 3 of the subdivision entitled "Arena West" of record in Plat Book 115, Page 22 and being an angle point in the easterly right-of-way line of Neil Avenue as shown and delineated on said "Arena West";

Thence with said easterly right-of-way line and the westerly line of said Lot 3, the following courses and distances:

South 89° 38' 11" East, a distance of 8.00 feet to an iron pin set in the original easterly right-of-way line of Neil Avenue (P.B. 90, P. 75);

South 00° 21' 49" West, with said original easterly right-of-way line, a distance of 7.08 feet to an iron pin set; and with the arc of a curve to the left, having a central angle of 13° 39' 01", a radius of 25.00 feet, an arc length of 5.96 feet and a chord bearing and distance of South 06° 27' 41" East, 5.94 feet to an iron pin set;

thence North 45° 19' 31" West, leaving the westerly line of said Lot 3 and across the right-of-way of said Neil Avenue, a distance of 12.17 feet to an iron pin set;

thence North 00° 21' 49" East, continuing across the right-of-way of Neil Avenue, a distance of 4.48 feet to the POINT OF BEGINNING and containing 0.002 acres of land more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

The above description is based on a survey performed by EMH&T in August 2012.

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 herein are based on the same meridian as the bearings shown on the subdivision plat entitled "Huntington Park" of record in Plat Book 112, Pages 24 and 25, Recorder's Office, Franklin County, Ohio. On said plat of record, the centerline of Huntington Park Lane has a bearing of North 03° 05' 07" East.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King, Professional 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 quitclaim deed to the grantee thereof.

**SECTION 3.** 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 329.29 with regards to the transfer of this right-of-way.

**SECTION 4.** 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 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 right-of-way.

**SECTION 5.** That the City of Columbus hereby accepts the property more fully described below from NWD Investments, LLC; to-wit:

#### 0.002 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Half Section 10, Section 8, Township 5, Range 22, Refugee Lands and containing 0.002 acres out of Lot 3 of the subdivision entitled "Arena West" of record in Plat Book 115, Page 22, as conveyed to NWD Investments, LLC by deed of record in Instrument Number 201202280027743 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a southwesterly corner of Lot 3 of the subdivision entitled "Arena West" of record in Plat Book 115, Page 22 and being an angle point in the easterly right-of-way line of Neil Avenue as shown and delineated on said "Arena West";

thence with said easterly right-of-way line and with the westerly line of said Lot 3, the following courses and distances:

South 89° 38' 11" East, a distance of 8.00 feet to an iron pin set in the original easterly right-of-way line of Neil Avenue, of record in Plat Book 90, Page 75;

South 00° 21' 49" West, with said original easterly right-of-way line, a distance of 7.08 feet to an iron pin set; and with the arc of a curve to the left, having a central angle of 13° 39' 01", a radius of 25.00 feet, an arc length of 5.96 feet and a chord bearing and distance of South 06° 27' 41" East, 5.94 feet to an iron pin set, the TRUE POINT OF BEGINNING;

thence South 45° 19' 31" East, across said Lot 3, a distance of 26.52 feet to an iron pin set on a curve in the northerly right-of-way line of Brodbelt Lane as shown and delineated in said "Arena West";

thence with the northerly right-of-way line of said Brodbelt Lane, with the arc of a curve to the right, having a central angle of 64° 04' 39", a radius of 25.00 feet, an arc length of 27.96 feet and a chord bearing and distance of North 45° 19' 31" West, 26.52 feet to the TRUE POINT OF BEGINNING and containing 0.002 acres of land more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

The above description is based on a survey performed by EMH&T in August 2012.

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.

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**SECTION 6.** That the above described property shall be dedicated as right-of-way and shall be named Neil Avenue by the City of Columbus.

**SECTION 7.** 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.