



## Legislation Details (With Text)

**File #:** 2686-2013      **Version:** 1

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

**File created:** 11/7/2013      **In control:** Finance Committee

**On agenda:** 11/18/2013      **Final action:** 11/20/2013

**Title:** To authorize the Director of Finance and Management to execute a quitclaim deed generally providing for the transfer of all of the City’s interest in a 0.7550 acre property on South High Street between Main Street and Rich Street identified as Franklin County Tax Parcel 010-205797, reserving an easement for the operation and maintenance Cherry Street Sewer and imposing terms and conditions necessary to protect such sewer from damage, together with utility, access, maintenance, setback, temporary construction and other associated easements to Capitol South Community Urban Redevelopment Corporation, and to enter into and execute other documents pertinent to such conveyance; to the extent applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/20/2013	1	CITY CLERK	Attest	
11/19/2013	1	MAYOR	Signed	
11/18/2013	1	COUNCIL PRESIDENT	Signed	
11/18/2013	1	Columbus City Council	Approved	Pass

**Background:** The City of Columbus has leased to Capitol South Community Urban Redevelopment Corporation (hereinafter “Capitol South”) that certain real property identified as Franklin County Tax Parcel 010-205797, 232-264 S. High Street, associated with the former City Center Mall sites (now the “Columbus Commons”) for a term of 99 years, renewable forever. After conducting a competitive process, Capitol South has identified a team of well recognized local developers, Daimler and Kaufman Development, (the “Developer”) who are interested in developing the property tract consisting of 0.755 acres located along High Street between Main Street and Rich Street (the “High Street Lot”) for residential office and retail improvements. Capitol South proposes to release its leasehold interest as to the High Street Lot, acquire the City’s fee title to the High Street Lot and the City’s consent to and/or grant of the associated easements for future consideration arising from the terms of Operative Agreement between the City and Capitol South, as amended, entered into July 30, 2001, all of which conveyance shall be conditioned on the Developer proceeding to closing. Capitol South proposes to convey title to the High Street Lot to the Developer at closing for a purchase price of \$1.5 million which will be subject to the terms of the Operative Agreement. The Developer proposes to develop a 10-12 story building containing office, retail and approximately 150 market rate apartments. The project will be connected to the Columbus Commons Main Garage for direct pedestrian access to parking.

The City’s Cherry Street Sewer runs through the High Street Lot. The City will reserve an easement for the operation and maintenance of the Cherry Street Sewer from any conveyance of the High Street Lot and will impose terms and conditions necessary to protect such sewer from damage. The Columbus Commons Main Garage is already constructed over the Cherry Street Sewer on the adjacent parcels.

The following legislation authorizes the Director of Finance and Management to enter into a sale contract with Capitol South, to execute a quit claim deed to Capitol South conveying title to the High Street Lot, to execute joinders and consents to parking, utility,

access, maintenance, setback, temporary construction and other associated easements necessary for the redevelopment, and to execute other pertinent documents.

**Fiscal Impact:** None. No expenditure of funds by the City is required.

**Emergency action** is requested to expedite the redevelopment of the Columbus Commons area.

To authorize the Director of Finance and Management to execute a quitclaim deed generally providing for the transfer of all of the City's interest in a 0.7550 acre property on South High Street between Main Street and Rich Street identified as Franklin County Tax Parcel 010-205797, reserving an easement for the operation and maintenance Cherry Street Sewer and imposing terms and conditions necessary to protect such sewer from damage, together with utility, access, maintenance, setback, temporary construction and other associated easements to Capitol South Community Urban Redevelopment Corporation, and to enter into and execute other documents pertinent to such conveyance; to the extent applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised; and to declare an emergency.

**WHEREAS**, the City of Columbus has previously leased to Capitol South Community Urban Redevelopment Corporation (hereinafter "Capitol South") that .755 acre real property, situated generally south of Rich Street, east of and along High Street, and west of and along the Columbus Commons Main Garage, north of Main Street (hereinafter the "High Street Lot"), for a term of 99 years, renewable forever; and

**WHEREAS**, to facilitate redevelopment of the High Street Lot the City desires to release the High Street Lot from the operation of the lease, to convey the City's fee interest in the High Street Lot to Capitol South, and to join in and consent to the related easements; and

**WHEREAS**, Capitol South will convey the High Street Lot to a development entity, the "Developer", TWO FIFTY HIGH LLC, an Ohio limited liability company, formed by Daimler and Kaufman Development; and

**WHEREAS**, Developer proposes to develop a ten to twelve-story building with approximately 150 market rate apartments together with office and retail space (the "High Street Project"); and

**WHEREAS**, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to authorize the Director of Finance and Management execute those documents necessary to enter into and execute a sale contract together with utility, access, maintenance, setback, temporary construction and other associated easements to expedite the development of the Columbus Commons to provide residential and retail improvements; and for the immediate preservation of the public health, peace, property and safety; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Finance and Management be and hereby is authorized to execute a quit claim deed, as approved by the City Attorney's Office, Department of Law, Real Estate Division and providing generally for the transfer of the City's interest in the following described real property identified as Franklin County Tax Parcel 010-205797, reserving an easement for the operation and maintenance Cherry Street Sewer and imposing terms and conditions necessary to protect such sewer from damage, together with utility, access, maintenance, setback, temporary construction and other associated easements to Capitol South for future consideration arising from the terms of Operative Agreement between the City and Capitol South, as amended, entered into July 30, 2001, conditioned on the contemporaneous conveyance of the real property to Developer for construction of the High Street Project.

DESCRIPTION OF  
0.755 ACRES  
FRANKLIN COUNTY TAX PARCEL 010-205797

BEING THE SAME PROPERTY LEASED FROM THE CITY OF COLUMBUS TO CAPITOL SOUTH COMMUNITY URBAN REDEVELOPMENT CORPORATION BY INSTRUMENT DATED DECEMBER 30, 1985, OF RECORD BY MEMORANDUM OF LEASE IN THE OFFICE OF THE FRANKLIN COUNTY OHIO RECORDER AT VOLUME 7816 PAGE F15, BEING DESCRIBED AS FOLLOWS:

Situated in the State of Ohio, County of Franklin and City of Columbus, being a portion of Inlots Nos. 346 through 350, as the same is designated and delineated upon the Plat of the Town of Columbus as recorded in Deed Book "F", page 332, destroyed by fire, replatted in Plat Book 3, page 247 and also represented in Plat Book 14, page 27, a portion of Lots Nos. 1 through 4 as delineated upon the recorded plat of English & Martins Subdivision of Inlot No. 351 and the South half of Inlot 350 in the City of Columbus, Plat Book 1, page 182, and a portion of platted Cherry Street as vacated by City of Columbus Ordinance Number 875-86, being in all 0.756 acres designated as Tract Seven conveyed to the City of Columbus in Official Record Volume 7757, page C-06, and subject to a 99 year lease with Capitol South Urban Redevelopment Corporation of record in Official Record Volume 7816, page F-15. All documents referenced herein, unless otherwise stated, are of record in the Office of the Franklin County Recorder, Columbus, Ohio. Beginning at a Mag nail set at the intersection of the northerly right-of-way line of Main Street (82.50 feet) with the easterly right-of-way line of High Street (100 feet);

Thence North 08°-09'-19" West, with said easterly line of High Street, 409.27 feet, passing the southerly line of Cherry Street (33 feet in width, vacated by City of Columbus Ordinance 875-86) at 188.41 feet, to a Mag nail set at the intersection of said easterly line of High Street with the southerly line of Rich Street;

Thence North 81°-49'-16" East, with said southerly line of Rich Street (82.50 feet) a distance of 80.44 feet to a Mag nail found at the northwesterly corner of a 4.4793 acre tract designated as Tract Six conveyed to the City of Columbus in Official Record Volume 7757, page C-06, and subject to a 99 year lease with Capitol South Urban Redevelopment Corporation of record in Official Record Volume 7816, page A-12 and the northeasterly corner of said 0.756 acre tract;

Thence South 08°-10'-33" East, with the westerly line of said 4.4793 acre tract, 409.27 feet, passing the northerly line of said Cherry Street (vacated) at 187.73 feet, to a Mag nail found in the northerly line of Main Street (82.50 feet), being the southwest corner of said 4.4793 acre tract and said 99 year lease and the southeasterly corner of said 0.756 acre tract;

Thence South 81°-49'-08" West, with said northerly line of Main Street a distance of 80.59 feet to the point of Beginning, containing 32,952 square feet, (0.756 acres) more or less.

This description prepared by C. L. Coutellier, P.S. 5721, from field measurements made in June and August of 2013.

**SECTION 2.** That the Director of Finance and Management be and hereby is authorized to execute a mutual release of any previous lease and any other previous agreement or document between the City and Capitol South or others that may be required or helpful in clearing title to such real estate in Capitol South, and grant associated easements to Capitol South.

**SECTION 3.** That the Director of Finance and Management be and hereby is authorized to execute easement agreement(s), approved by the City Attorney's Office, Department of Law, Real Estate Division and providing generally for the City's joinder in and consent to easements granted to Developer by Capitol South for the construction, use and maintenance of a connection of the Project with the Columbus Commons Main Garage together with utility, access, maintenance, setback, temporary construction and other associated easements including: temporary construction easements to facilitate the construction of the project and a permanent no-build air rights easement extending up to 300 feet in depth on the east side of the project above the existing Columbus Commons Main Parking Garage.

**SECTION 4.** That the Director of Finance and Management be and hereby is authorized to execute parking agreement(s), as to the Columbus Commons Main Garage, in form approved by the City Attorney's Office, Department of Law, Real Estate Division and providing generally for the City's joinder in and consent to the parking agreements granted to Developer by Capitol South to provide parking for the residents and retail patrons of the Project.

**SECTION 5.** That this Council has determined that it is in the best interest of the City of Columbus to waive and does hereby waive the requirements of Columbus City Codes (1959) Revised, Chapter 328 (*Land Review Commission*) and Section 329.25 (*competitive bidding*) to the extent that they may apply to this transaction with regards to this ordinance only.

**SECTION 6.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is 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.