



Legislation Details (With Text)

File #: 1746-2019 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 6/19/2019 **In control:** Public Service & Transportation Committee

On agenda: 7/22/2019 **Final action:** 7/25/2019

Title: To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of a 0.073 acre portion of Talmadge Street Right-of-Way that runs north/south directionally and is between East Long Street and the first alley from the west, and a 0.016 acre portion of the unnamed alley that runs north/south directionally, which is north of East Long Street between Talmadge Street and Monroe Avenue, to Del Partners, LLC, and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 201701763.SV.2018-09-18.Alley Vacation desc & plat_SIGNED_APPROVED.pdf, 2. 201701763.SV.2018-09-18.Talmadge St Vacation desc & plat_SIGNED_APPROVED.pdf

Date	Ver.	Action By	Action	Result
7/25/2019	2	CITY CLERK	Attest	
7/24/2019	2	MAYOR	Signed	
7/22/2019	2	COUNCIL PRESIDENT	Signed	
7/22/2019	1	Columbus City Council	Amended to Emergency	Pass
7/22/2019	1	Columbus City Council	Approved as Amended	Pass
7/15/2019	1	Columbus City Council	Read for the First Time	

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Shawn Goodwin of American Structurepoint on behalf of Del Partners, LLC., regarding the possible sale of a 0.073 acre portion of Talmadge Street Right-of-Way that runs north/south directionally and is between East Long Street and the first alley from the west, and a 0.016 acre portion of the unnamed alley that runs north/south directionally, which is north of East Long Street between Talmadge Street and Monroe Avenue, adjacent to property controlled by Del Partners, totaling 0.089 acres.

Sale of these Rights-of-Way will facilitate the improvements to the property adjacent to the above noted Rights-of-Way as per the Borrer King Lincoln project. It has been further noted that the proposed development will act as a catalyst for pedestrian activity in creating a strong connection from Long St and the Lincoln Theater to MLK and the King Arts Complex. The Department of Public Service has agreed to sell the Rights-of-Way as described and shown within attached legal descriptions and exhibits, and extinguishes its need for these public Rights-of-Way. 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 City Attorney's Office asking that they establish a value for these rights-of-way, and a value of \$29,077.50 was established. No mitigation was requested. This request went before the Land Review Commission on April 18, 2019. After review of the request, the Land Review Commission voted to recommend the above referenced Rights-of-Way be transferred to Del Partners LLC., at the cost of \$29,077.50.

2. FISCAL IMPACT:

The City will receive a total of \$29,077.50 and the funds are to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested Right-of-Way.

Emergency Justification: The proposed development will be act as a catalyst for pedestrian activity in creating a strong connection from Long Street and the Lincoln Theater to MLK and the King Arts district. Due to the timing of the financing of the project and its complexity in regards to its anticipated construction as well to keep this development project on schedule it is necessary to amend this ordinance to emergency.

To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of a 0.073 acre portion of Talmadge Street Right-of-Way that runs north/south directionally and is between East Long Street and the first alley from the west, and a 0.016 acre portion of the unnamed alley that runs north/south directionally, which is north of East Long Street between Talmadge Street and Monroe Avenue, to Del Partners, LLC, **and to declare an emergency.** (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Shawn Goodwin of American Structurepoint on behalf of Del Partners regarding the possible sale of a 0.073 acre portion of Talmadge St Right-of-Way that runs north / south directionally and is between East Long St and the first alley from the west, and a 0.016 acre portion of the unnamed alley that runs north / south directionally, which is north of East Long Street between Talmadge Street and Monroe Avenue, adjacent to property controlled by Del Partners, totaling 0.089 acres; and

WHEREAS, the purpose of the transfer is to facilitate the improvements to the property adjacent to the above noted Rights-of-Way, as per the Borrer King Lincoln project. It has been further noted that the proposed development will act as a catalyst for pedestrian activity in creating a strong connection from East Long Street and the Lincoln Theater to MLK and the King Arts Complex; and

WHEREAS, the Department of Public Service has agreed to sell the Rights-of-Way as described and shown within attached legal descriptions and exhibits, and 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 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; and

WHEREAS, the Department of Public Service submitted a request to the City Attorney's Office asking that they establish a value for these rights-of-way; and

WHEREAS, a value of \$29,077.50 was established to be deposited in Fund 7748, Project P537650; and

WHEREAS, this request went before the Land Review Commission on April 18, 2019; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced Rights-of-Way be transferred to Del Partners, LLC., at the cost of \$29,077.50; **and**

WHEREAS, an emergency exists in the daily operation of the City of Columbus in that it is immediately necessary to authorize the Director to execute those documents necessary for the transfer for the public health, 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 a quit claim deed and other incidental instruments prepared by the City Attorney's Office necessary to transfer the legal descriptions as described below and on the attached exhibits of Rights-of-Way to Del Partners,LLC.; to-wit:

DESCRIPTION OF 0.073 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 13, Section 10, Township 5, Range 22, Refugee Lands, and being part of a 15 foot right-of-way known as Talmadge Street as dedicated in T.W. Tallmadge's Addition to the City of Columbus, recorded in Plat Book volume 1, page 226 and part of a 5 foot right-of-way known as Talmadge Street as dedicated in East Grove Addition Amended Plat, recorded in Plat Book volume 2, page 102 (destroyed by fire) as later amended in Plat Book volume 2, page 172, all records referenced are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the southwest corner of Lot 2 of James Watson's Subdivision as recorded in Plat Book volume 3, Page 5, being at the intersection of the north right-of-way line for Long Street (70 feet wide) as dedicated in Plat Book volume 2, page 102 (destroyed by fire) as later amended in Plat Book volume 2, Page 172 and the east right-of-way line for Talmadge Street (20 feet wide), the east 5 feet of which dedicated in the said Plat Book volume 2, page 102 (destroyed by fire) as amended in Plat Book volume 2, Page 172 and the west 15 feet dedicated in Plat Book volume 1, page 266, and being the southwest corner of a parcel conveyed to Columbus Holding Group, LLC. By the instrument filed as Instrument Number 201503180033821, (reference a bent iron pin found South 16 degrees 00 minutes 57 seconds East at a distance of 0.38 feet);

Thence along the said north right-of-way line for Long Street, the south line of the said east 5 feet of Talmadge Street as dedicated in Plat Book 1, Page 266, and the south line of the said west 15 feet of Talmadge Street as dedicated in Plat Book 2, Page 172, **South 81 degrees 56 minutes 24 seconds West for a distance of 20.46 feet** to a Mag nail set at the intersection of the said northerly right-of-way line of Long Street and the westerly right-of-way line of the said Talmadge Street, on the easterly line of Lot 11 of the said T.W. Tallmadge's Addition to the City of Columbus, and at the southeasterly corner of a parcel conveyed to Columbus Holding Group, LLC. by the instrument filed as Instrument Number 201611030151949;

Thence along the said westerly right-of-way line of Talmadge Street, the easterly line of the said Columbus Holding Group, LLC. parcel, and the easterly line of Lots 11, 12, and 13 of the said T.W. Tallmadges' Addition to the City of Columbus subdivision, **North 04 degrees 06 minutes 16 seconds East for a distance of 161.40 feet** to a Mag nail set at the intersection of the said westerly right-of-way of Talmadge Street and the southerly right-of-way of a 15 foot alley as dedicated in the said T. W. Tallmadge's Addition to the City of Columbus subdivision, at the northeast corner of the said Columbus Holding Group, LLC. parcel, and at the northeast corner of the said Lot 13;

Thence crossing through the said west 15 feet and east 5 feet of Talmadge Street along a projection of the said southerly right-of-way line of the 15 foot wide alley and Lot 13 as dedicated in T.W. Tallmadge's Addition to the City of Columbus, **South 85 degrees 10 minutes 26 seconds East for a distance of 20.00 feet** to a Mag nail set in the said easterly right-of-way of Talmadge Street, on the westerly line of a parcel conveyed to Columbus Holding Group, LLC. by the instrument filed as Instrument Number 20180310028440, and on the westerly line of Lot 44 as platted in the said East Grove Addition Amended Plat;

Thence along the said easterly right-of-way of Talmadge Street, the said westerly line of the Columbus Holding Group, LLC, parcel, the westerly line of Lots 44 and 41 of the said East Grove Addition Amended Plat, and the westerly line of the said Lot 2 of James Watson's Subdivision; **South 04 degrees 06 minutes 16 seconds West for a distance of 156.83 feet** (passing an iron pin with cap that reads "BKJ7343" at a distance of 79.29 feet) to the **POINT OF BEGINNING** for this description.

The above description contains a total area of **0.073 acres**, more or less.

Iron pins referenced as set are 5/8 inch diameter by 30 inch long rebar with caps inscribed "ASI PS 8438".

Bearings described herein are based on the bearing of North 81 degrees 56 minutes 24 seconds East for the north right-of-way line for Long Street, measured from Grid North as referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment), as established utilizing a GPS survey and an NGS

OPUS solution.

This description was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438, is based on an actual survey of the premises performed under my direction in March 2016, and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc., Brian P. Bingham, Professional Surveyor No. 8438

DESCRIPTION OF 0.016 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 13, Section 10, Township 5, Range 22, Refugee Lands, and being all of a 10 foot right-of-way known as a private alley as dedicated in James Watson's Subdivision, recorded in Plat Book volume 3, Page 5, originally conveyed to James Watson by deed as recorded in Deed Book volume 117, page 17 all records referenced are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

COMMENCING FOR REFERENCE at the southwest corner of Lot 2 of said James Watson's Subdivision, being at the intersection of the north right-of-way line for Long Street (70 feet wide) as dedicated in Plat Book volume 2, page 102 (destroyed by fire) as later amended in Plat Book volume 2, page 172 and the east right-of-way line for Talmadge Street (20 feet wide), the east 5 feet of which dedicated in Plat Book volume 2, page 102 (destroyed by fire) as later amended in Plat Book volume 2, page 172 and the west 15 feet dedicated in Plat Book volume 1, page 266, (reference a bent iron pin found South 16 degrees 00 minutes 57 seconds East at a distance of 0.38 feet);

Thence along the said northerly right-of-way of Long Street, the southerly line of the said Lot 2, and being the southerly line of a parcel conveyed to Columbus Holding Group, LLC. by the instrument filed as Instrument Number 201503180033821, **North 81 degrees 56 minutes 24 seconds East for a distance of 40.92 feet** to a Mag nail set at the intersection of the westerly right-of-way of the said private 10 foot alley and the said northerly right-of-way of Long Street, at the southeast corner of the said Lot 2, and at the southeast corner of the said Columbus Holding Group, LLC. parcel, said point being the **POINT OF BEGINNING** of the parcel herein described;

Thence along the said westerly right-of-way of the 10 foot private alley, the said easterly line of Lot 2, and the easterly line of the said Columbus Holding Group, LLC. parcel, **North 04 degrees 06 minutes 16 seconds East for a distance of 69.31 feet** to a Mag nail set at the northwest corner of the said 10 foot private alley, on the easterly line of said Columbus Holding Group, LLC. parcel and on the south line of Lot 41 as platted in East Grove Addition Amended Plat, recorded in Plat Book volume 2, Page 172;

Thence along the northerly right-of-way line of the said 10 foot private alley, the southerly line of the said Lot 41, and being the southerly line of the said Columbus Holding Group, LLC. parcel, **South 85 degrees 48 minutes 17 seconds East for a distance of 10.00 feet** to a point at the northwest corner of Lot 1 of the said James Watson's Subdivision, on the easterly right-of-way line of the said private 10 foot alley, and on the westerly line of the said Columbus Holding Group, LLC. parcel;

Thence along the said easterly right-of-way line of the private 10 foot alley, the said westerly line of Lot 1, and the said westerly line of the Columbus Holding Group, LLC. parcel, **South 04 degrees 06 minutes 16 seconds West for a distance of 67.14 feet** to a Mag nail set at the intersection of the said easterly right-of-way line of the private 10 foot alley and the said northerly right-of-way line of Long Street, at the southwest corner of the said Lot 1, and at a southwest corner of the said Columbus Holding Group, LLC. parcel;

Thence along the said northerly right-of-way line of Long Street and the southerly line of the said James Watson's Subdivision, **South 81 degrees 56 minutes 24 seconds West for a distance of 10.23 feet** to the **POINT OF BEGINNING** for this description.

The above description contains a total area of **0.016 acres**, more or less.

Iron pins referenced as set are 5/8 inch diameter by 30 inch long rebar with caps inscribed "ASI PS 8438".

Bearings described herein are based on the bearing of North 81 degrees 56 minutes 24 seconds East for the north right-of-way line for Long Street, measured from Grid North as referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

This description was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438, is based on an actual survey of the premises performed under my direction in March 2016, and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc., Brian P. Bingham, Professional Surveyor No. 8438

SECTION 2. That the attached 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 attached legal description and exhibit describing the 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 City will receive a total of \$29,077.50 to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested Right-of-Way.

SECTION 6. 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 approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.**