



Legislation Details (With Text)

File #: 0809-2008 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/2/2008 **In control:** Public Service & Transportation Committee

On agenda: 5/12/2008 **Final action:** 5/15/2008

Title: To authorize the Director of Public Service to enter into a Memorandum of Understanding by and among the City of Columbus and Riversouth Holdings LLC, an Ohio limited liability company, Columbus Downtown Development Corporation, an Ohio non-profit corporation and Lifestyle Real Estate Holdings, Ltd., an Ohio limited liability company for the construction of certain improvements contemplated in the Riversouth, Phase 1, plans; to authorize the Director of the Public Service Department to execute those documents necessary to transfer, at no charge, that portion of Ludlow Street needed for the construction of the residential development to Lifestyle; to waive the competitive bidding and the Land Review Commission provisions of Columbus City Code; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/15/2008	1	CITY CLERK	Attest	
5/14/2008	1	MAYOR	Signed	
5/12/2008	1	Columbus City Council	Approved	Pass
5/12/2008	1	COUNCIL PRESIDENT	Signed	
5/5/2008	1	Auditor Reviewer	Reviewed and Approved	
5/5/2008	1	CITY AUDITOR	Reviewed and Approved	
5/5/2008	1	SERVICE DIRECTOR	Reviewed and Approved	
5/5/2008	1	Finance Reviewer	Reviewed and Approved	
5/5/2008	1	Finance Reviewer	Reviewed and Approved	
5/5/2008	1	FINANCE DIRECTOR	Reviewed and Approved	
5/5/2008	1	CITY ATTORNEY	Reviewed and Approved	
5/5/2008	1	SERVICE DIRECTOR	Sent to Clerk's Office for Council	
5/2/2008	1	Service Drafter	Sent for Approval	
5/2/2008	1	Service Reviewer	Reviewed and Approved	
5/2/2008	1	SERVICE DIRECTOR	Reviewed and Approved	

The street improvements contemplated by the City's Riversouth, Phase 1, plans need to be coordinated with the future residential development proposed by Lifestyle Real Estate Holdings, Ltd., an Ohio limited liability company ("Lifestyle"), on the east and west sides of Front Street south of Town Street. Pursuant to Ordinance No. 0665-2008, City Council authorized the release of \$5,010,609.00 from the Riversouth Area Redevelopment Bonds, 2004 Series A, issued by the Riversouth Authority, for use in paying for the construction of neighborhood amenities as a part of the City's Riversouth, Phase 1, construction plans and for site preparation

for the Lifestyle's residential development.

It is necessary to authorize the Director of Public Service to enter into a Memorandum of Understanding (MOU) by and among the City of Columbus and Riversouth Holdings LLC, an Ohio limited liability company ("Riversouth"), Columbus Downtown Development Corporation, an Ohio non-profit corporation ("CDDC") and Lifestyle Real Estate Holdings, Ltd., an Ohio limited liability company ("Lifestyle") which shall: 1) coordinate and set forth the construction activity responsibilities of the City and Lifestyle for the improvements in the Riversouth area; 2) authorize the City's conveyance of that portion of Ludlow Street needed for the construction of the residential development to Lifestyle; and 3) accept from Riversouth \$2,835,609.00 to pay for the neighborhood amenities set fourth on the Riversouth, Phase 1, plans.

Emergency Justification: Emergency action is requested to allow execution of the MOU and any ancillary documents to proceed immediately thereby preserving the existing schedule for completion of the improvements contemplated in the Riversouth, Phase 1, plans.

To authorize the Director of Public Service to enter into a Memorandum of Understanding by and among the City of Columbus and Riversouth Holdings LLC, an Ohio limited liability company, Columbus Downtown Development Corporation, an Ohio non-profit corporation and Lifestyle Real Estate Holdings, Ltd., an Ohio limited liability company for the construction of certain improvements contemplated in the Riversouth, Phase 1, plans; to authorize the Director of the Public Service Department to execute those documents necessary to transfer, at no charge, that portion of Ludlow Street needed for the construction of the residential development to Lifestyle; to waive the competitive bidding and the Land Review Commission provisions of Columbus City Code; and to declare an emergency.

WHEREAS, the street improvements contemplated by the City's Riversouth, Phase 1, plans need to be coordinated with the future residential development proposed by Lifestyle Real Estate Holdings, Ltd., an Ohio limited liability company or one or more of its affiliates ("Lifestyle"), on the east and west sides of Front Street south of Town Street; and

WHEREAS, pursuant to Ordinance No. 0665-2008, City Council authorized the release of \$5,010,609.00 from the Riversouth Area Redevelopment Bonds, 2004 Series A, issued by the Riversouth Authority, for use in paying for the construction of neighborhood amenities as a part of the City's Riversouth, Phase 1, construction plans and for site preparation for the Lifestyle's residential development; and

WHEREAS, it is necessary to authorize the Director of Public Service to enter into a Memorandum of Understanding (MOU) by and among the City of Columbus, Riversouth Holdings LLC, an Ohio limited liability company ("Riversouth"), Columbus Downtown Development Corporation, an Ohio non-profit corporation ("CDDC") and Lifestyle which shall: 1) coordinate and set fourth the construction activity responsibilities of the City and Lifestyle for the improvements in the Riversouth area; 2) authorize the City's conveyance of that portion of Ludlow Street needed for the construction of the residential development to Lifestyle; and 3) accept from Riversouth and/or CDDC \$2,835,609.00 to pay for the neighborhood amenities set forth on the Riversouth, Phase 1, plans; 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 Public Service to execute said MOU on behalf of the City 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 Public Service be and hereby is authorized to enter into a MOU by and among the City of Columbus, Riversouth, CDDC and Lifestyle which shall: 1) coordinate and set fourth the construction activity responsibilities of the City and Lifestyle for the improvements in the Riversouth area; 2) authorize the City's conveyance of that portion of Ludlow Street needed for the construction of the residential development to Lifestyle; and 3) accept from Riversouth and/or CDDC \$2,835,609.00 to pay for the neighborhood amenities set fourth on the Riversouth, Phase 1, plans.

Section 2. That the Director of the Public Service Department 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 Lifestyle Real Estate Holdings, Ltd., an Ohio limited liability company; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 11, Township 5, Range 22, Refugee Lands, being out of the right-of-way of Ludlow Street (66' width) as shown on the plat titled "In-lots to City of Columbus" of record in Plat Book 3, Page 248 and Plat Book 14, Page 27, (all references refer to the

records of the Recorder's Office, Franklin County, Ohio), and being more particularly bounded and described as follows:

BEGINNING at a P.K. nail set at a southwesterly corner of Lot 7 of that subdivision entitled "Peter Putman's Subdivision" of record in Deed Book 38, Page 308, being the intersection of the northerly right-of-way line of Rich Street (width varies), with the easterly right-of-way line of Ludlow Street (66' width);

Thence South 81°55'15" West, with the northerly right-of-way line extended of said Rich Street and across the right-of-way of said Ludlow Street, a distance of 8.00 feet to a P.K. nail set;

Thence North 08°04'45" West, across the right-of-way of said Ludlow Street, a distance of 409.48 feet to a P.K. nail set in the southerly right-of-way extended of Town Street (82.5" width);

Thence North 81°55'15" East, continuing across the right-of-way of said Ludlow Street and with said southerly right-of-way line extended, a distance of 8.00 feet to a P.K. nail set at a northwesterly corner of In-lot 110 of said In-lots to City of Columbus, being the intersection of the southerly right-of-way line of said Town Street with said easterly right-of-way line;

Thence South 08°04'45" East, with said easterly right-of-way line, the westerly line of said In-lot 110, In-lots 109 and 108 of said In-lots to City of Columbus, the westerly line of that portion of Walnut Street vacated by Ordinance Number 1331-60, the westerly line of In-lots 107 and 106 of said In-lots to City of Columbus and the westerly line of said Peter Putman's Subdivision, a distance of 409.48 feet to the POINT OF BEGINNING, and containing 0.075 acre of land, more or less.

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.

Bearings are based on a bearing of North 08°08'35" West, for a portion of the centerline of High Street.

EVANS, MECHWART, HAMBLETON & TITLON, INC.

Edward J. Miller

Ohio Registered Surveyor No. 8250

Section 3. 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 4. That a temporary construction easement in, on, over, across and through the above described right-of-way shall be and hereby is retained unto the City of Columbus until such time as construction of the roadway improvements contemplated in the Riversouth, Phase 1, plans are completed.

Section 5. That upon verification that the construction of the roadway improvements is complete, or possession is no longer required for constructability, the Director of the Public Service Department is hereby authorized to execute those documents necessary to release the retained temporary construction easement with no further legislative action required by the City.

Section 6. 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 currently located within said right-of-way.

Section 7. That upon notification and verification of the relocation of all utilities located within the retained general utility easement area the Director of the Public Service Department 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 8. That the Director is hereby authorized to grant such encroachment easements for the residential development to Lifestyle as may be necessary, and approved by the Director, to permit footer encroachments into existing City rights-of-way.

Section 9. That this Council has determined that 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 329.25 with regards to the transfer of this right-of-way.

Section 10. That this Council has determined that 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 the 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 11. 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.