



## Legislation Details (With Text)

**File #:** 1573-2008      **Version:** 1

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

**File created:** 9/29/2008      **In control:** Public Service & Transportation Committee

**On agenda:** 11/3/2008      **Final action:** 11/4/2008

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer the unimproved and/or excess rights-of-way more fully described in the body of this legislation to The Board of Education of the Columbus City School District at no charge; and to waive the Land Review Commission and competitive bidding provisions of Columbus City Codes.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 1573-2008 CCS.pdf

Date	Ver.	Action By	Action	Result
11/4/2008	1	MAYOR	Signed	
11/4/2008	1	CITY CLERK	Attest	
11/3/2008	1	Columbus City Council	Approved	Pass
11/3/2008	1	COUNCIL PRESIDENT	Signed	
10/27/2008	1	Columbus City Council	Read for the First Time	
10/16/2008	1	CITY ATTORNEY	Reviewed and Approved	
10/16/2008	1	Service Drafter	Sent to Clerk's Office for Council	
10/15/2008	1	SERVICE DIRECTOR	Reviewed and Approved	
10/3/2008	1	Service Drafter	Sent for Approval	
10/2/2008	1	Service Reviewer	Reviewed and Approved	
9/29/2008	1	Service Drafter	Sent for Approval	

The Columbus City School District ("District") is engaged in a 15 year facilities master plan to upgrade the District's schools. Issue 2, a 2002 bond issue, provided funding for the first two segments of the master plan and resulted in the District constructing and/or reconstructing 35 schools. Planning for the third segment of the master plan continues today. While developing plans for proposed upgrades at the various school sites the District identified several rights-of-way currently owned by the City of Columbus that were needed to successfully complete the proposed upgrades. The District's Department of Real Estate and Shared Facilities contacted the Department of Public Service, Division of Transportation, asking that the City transfer the following excess and/or unimproved rights of way ("rights-of-way") to them: 1) a 7 ½ foot wide strip off the west side of Eighteenth Street from Thurman Avenue to the alley south of Stewart Avenue; 2) that portion of the alley south of Weisheimer Road from Sharon Avenue to Colerain Avenue not previously vacated; 3) the alley west of Ohio Avenue from the alley south of Mt. Vernon Avenue to its southern terminus; 4) that portion of Market Street from 22<sup>nd</sup> Street east to the first alley west of Ohio Avenue; 5) the alley east of Wayne Avenue from Eakin Road north to Vadis Street; 6) the alleys from West State Street to West Town Street and from Avondale Avenue to Hawkes Avenue; 7) Eulalia Road from Urana Avenue north to the alley north of Urana Avenue and the alley north of Urana Avenue from Atwood Terrace to Eulalia Road; 8) that portion of Engler Street between 4<sup>th</sup> and 5<sup>th</sup> Streets.

Per current Division of Transportation practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, before it was determined that subject to the retention of general utility easements for those

utilities currently located within these rights-of-way the transfer of these rights-of-way will not adversely impact the City.

The Land Review Commission has notified the Division of Transportation that they do not feel it is necessary for them to review right-of-way transfers to the District and then make recommendations to City Council; rather they feel the recommendations can come directly from the Department of Public Service. The Director of the Department of Public Service, in cooperation with the Mayor's office is recommending the transfer of these rights-of-way to the District at no charge in recognition of the Mayor's initiative to help the District as they provide more efficient and safer buildings for the students of the Columbus City Schools.

To authorize the Director of the Department of Public Service to execute those documents required to transfer the unimproved and/or excess rights-of-way more fully described in the body of this legislation to The Board of Education of the Columbus City School District at no charge; and to waive the Land Review Commission and competitive bidding provisions of Columbus City Codes.

**WHEREAS**, the Columbus City School District ("District") is engaged in a 15 year facilities master plan to upgrade the District's schools; and

**WHEREAS**, Issue 2, a 2002 bond issue, provided funding for the first two segments of the master plan and resulted in the District constructing and/or reconstructing 35 schools with planning for the third segment of the master plan continuing today; and

**WHEREAS**, while developing plans for proposed upgrades at the various school sites the District identified several excess and/or unimproved rights-of-way ("rights-of-way") currently owned by the City of Columbus that were needed by the District to successfully complete their proposed upgrades; and

**WHEREAS**, the District's Department of Real Estate and Shared Facilities contacted the Department of Public Service, Division of Transportation, asking that the City transfer the following rights of way to them: 1) a 7 ½ foot wide strip off the west side of Eighteenth Street from Thurman Avenue to the alley south of Stewart Avenue; 2) that portion of the alley south of Weisheimer Road from Sharon Avenue to Colerain Avenue not previously vacated; 3) the alley west of Ohio Avenue from the alley south of Mt. Vernon Avenue to its southern terminus; 4) Market Street from 22<sup>nd</sup> Street east to the first alley west of Ohio Avenue; 5) the alley east of Wayne Avenue from Eakin Road north to Vadis Street; 6) the alleys from West State Street to West Town Street and from Avondale Avenue to Hawkes Avenue; 7) Eulalia Road from Urana Avenue north to the alley north of Urana Avenue and the alley north of Urana Avenue from Atwood Terrace to Eulalia Road; 8) that portion of Engler Street between 4<sup>th</sup> and 5<sup>th</sup> Streets; and

**WHEREAS**, per current Division of Transportation practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, before it was determined that subject to the retention of general utility easements for those utilities currently located within these rights-of-way the proposed transfer of these rights-of-way will not adversely impact the City; and

**WHEREAS**, the Land Review Commission notified the Division of Transportation that they do not feel it is necessary for them to review all right-of-way transfers to the District and then make recommendations to City Council; rather they feel the recommendations can come directly from the Department of Public Service; and

**WHEREAS**, the Director of the Department of Public Service, in cooperation with the Mayor's office is recommending the transfer of these rights-of-way to the District at no charge in recognition of the Mayor's initiative to help the District as they provide more efficient and safer buildings for the students of the Columbus City Schools; 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 a 7 ½ foot wide strip off the west side of Eighteenth Street from Thurman Avenue to the alley south of Stewart Avenue to The Board of Education of the Columbus City School District.

**Section 2.** 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 that portion of the alley south of Weisheimer Road from Sharon Avenue to Colerain Avenue not previously vacated to The Board of Education of the Columbus City School District.

**Section 3.** 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 alley west of Ohio Avenue from the alley south of Mt. Vernon Avenue to its southern terminus to The Board of Education of the Columbus City School District.

**Section 4.** 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 Market Street from 22<sup>nd</sup> Street east to the first alley west of Ohio Avenue to The Board of Education of the Columbus City School District.

**Section 5.** 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 8 foot wide alley east of Wayne Avenue from Eakin Road north to Vadis Street to The Board of Education of the Columbus City School District.

**Section 6.** 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 those alleys from West State Street to West Town Street and from Avondale Avenue to Hawkes Avenue to The Board of Education of the Columbus City School District.

**Section 7.** 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 Eulalia Road from Urana Avenue north to the alley north of Urana Avenue and the alley north of Urana Avenue from Atwood Terrace to Eulalia Road to The Board of Education of the Columbus City School District.

**Section 8.** 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 that portion of Engler Street between 4<sup>th</sup> and 5<sup>th</sup> Streets to The Board of Education of the Columbus City School District.

**Section 9.** That general utility easements in, on, over, across and through the above described rights-of-way shall be and hereby are retained unto the City of Columbus for those utilities currently located within these excess rights-of-way.

**Section 10.** That upon notification and verification of the relocation of the existing utilities located within the retained general utility easements the Director of the Department of Public Service is hereby authorized to execute those documents necessary to release such retained general utility easements with no compensation due to the City and with no further legislative action required by the City.

**Section 11.** That this Council has determined it is in the best interest of the City of Columbus to allow these rights-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 these rights-of-way.

**Section 12.** That this Council has determined it is in the best interest of the City of Columbus to allow these rights-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 these transfers.

**Section 13.** That in cooperation with the Mayor's office and in recognition of the Mayor's initiative to help The Board of Education of the Columbus City School District, as they provide more efficient and safer buildings for the students of the Columbus City Schools these rights-of-way shall be transferred to the District at no charge.

**Section 14.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.