



Legislation Details (With Text)

File #: 0152-2011 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 1/21/2011 **In control:** Public Service & Transportation Committee
On agenda: 2/28/2011 **Final action:** 3/2/2011

Title: To authorize the Director of the Department Public Service to execute those Quitclaim Deeds necessary to convey to The New Victorians, Inc., an Ohio Corporation, and Andrew I. Klein, severally, certain real property to the extent the City may have any property rights, located in the vicinity of Ottar Alley and Summit Street, in exchange for certain sewer easements needed for existing utilities; to the extent they may be applicable, to waive and does hereby waive the requirements of Columbus City Codes (1959) Revised, Section 328.01 (Land Review Commission) and Section 329.29 (Sale of city-owner realty), and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/2/2011	1	MAYOR	Signed	
3/2/2011	1	CITY CLERK	Attest	
2/28/2011	1	Columbus City Council	Approved	Pass
2/28/2011	1	COUNCIL PRESIDENT	Signed	
2/10/2011	1	Service Drafter	Sent for Approval	
2/10/2011	1	SERVICE DIRECTOR	Reviewed and Approved	
2/10/2011	1	Service Drafter	Sent for Approval	
2/10/2011	1	Atty Drafter	Sent to Clerk's Office for Council	
2/9/2011	1	City Clerk's Office	Sent back for Clarification/Correction	
2/9/2011	1	Atty Drafter	Sent for Approval	
2/8/2011	1	Service Drafter	Sent for Approval	
2/8/2011	1	Atty Drafter	Sent for Approval	
2/8/2011	1	CITY ATTORNEY	Reviewed and Approved	
2/8/2011	1	Atty Drafter	Sent to Clerk's Office for Council	
2/4/2011	1	Service Reviewer	Reviewed and Approved	
2/3/2011	1	Service Reviewer	Reviewed and Approved	
2/3/2011	1	Service Drafter	Sent for Approval	
2/2/2011	1	Service Drafter	Sent for Approval	
1/21/2011	1	Atty Drafter	Sent for Approval	
1/21/2011	1	Atty Reviewer	Reviewed and Approved	

Background: The New Victorians, Inc., an Ohio corporation, and Andrew I. Klein, severally, in order to clear title desire to obtain by quitclaim deeds certain real property located in the vicinity of Ottar Alley and Summit Street, from the City to the extent the City may have property rights to said real property by virtue of a deed dated October 1, 1884, Deed Book 213, Pg. 441, Franklin County Recorder's Office. Said deed purportedly conveyed a twelve (12) foot public alley to the City. The City however can find no record or ordinance accepting, dedicating, or naming this real property. In exchange for quit claiming any interest the City may have in said real property, The New Victorians, Inc. and Andrew I. Klein, severally, agree to convey sewer utility easements needed for existing utilities. After investigation by the Department of Public Service and Department of Public Utilities, it has been determined that the exchange is in the best interest of the City. The following legislation authorizes the Director of the Department of Public Service to execute those "Quitclaim Deeds" and ancillary documents necessary to grant, certain real property in exchange for those sewer utility easements more fully described in the body of this legislation.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested in order to allow for the immediate acceptance of the subject sewer utility easements, and preservation of the public health, peace, property and safety.

To authorize the Director of the Department Public Service to execute those Quitclaim Deeds necessary to convey to The New Victorians, Inc., an Ohio Corporation, and Andrew I. Klein, severally, certain real property to the extent the City may have any property rights, located in the vicinity of Ottar Alley and Summit Street, in exchange for certain sewer easements needed for existing utilities; to the extent they may be applicable, to waive and does hereby waive the requirements of Columbus City Codes (1959) Revised, Section 328.01 (Land Review Commission) and Section 329.29 (Sale of city-owner realty), and to declare an emergency.

WHEREAS, The New Victorians, Inc., an Ohio corporation, and Andrew I. Klein desire to obtain by quitclaim deeds any interests the City may have in certain real property located in the vicinity of Ottar Alley and Summit Street, in exchange for sewer utility easements needed for existing utilities; and

WHEREAS, after investigation, the Department of Public Service and Department of Public Utilities has determined that the exchange is in the best interest of the City; and

WHEREAS, the exchange of property interests will equitably benefit all parties thus, no monetary compensation is to be given by the parties involved; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to authorize the Director of the Department Public Service to execute a "Quitclaim Deed" and any ancillary documents, as approved by the Real Estate Division, Department of Law, necessary to exchange those properties more fully described in the body of this legislation to be used for right-of-way, 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 City of Columbus hereby accepts an easement for the following described real property granted to the City by The New Victorians, Inc., to be used for sewer utilities and appurtenances thereto:

DESCRIPTION OF A 20 FEET-WIDE SEWER EASEMENT
LYING WEST OF SUMMIT STREET

AND SOUTH OF OTTAR ALLEY
OVER NEW VICTORIANS TRACT

RP-1961

Situate in the State of Ohio, County of Franklin, City of Columbus, being a 20 feet-wide strip of land lying on, over and across Lots 8 and 9 of GEARY'S SUBDIVISION, of record in Plat Book 2, Page 30, the same being on, over and across the tract of land conveyed to New Victorians, of record in Official Record 25737F17 and the 0.019 acre tract conveyed to New Victorians, of record in Instrument Number _____ and being bounded and more particularly described as follows:

Beginning, for Reference, at the intersection of the westerly right-of-way line of Summit Street (60 feet wide) and the northerly right-of-way line of a 12 foot alley, being the southeasterly corner of said Lot 9;

Thence North 89° 56' 43" West, a distance of 128.00 feet, along said alley and the southerly line of said Lot 9, to the southeast corner of the 0.005 acre tract conveyed to Andrew I. Klein, of record in Instrument Number _____ and the southwest corner of the tract conveyed to Mae P. Hollis, of record in Instrument Number 200612110245737;

Thence North 11° 27' 33" West, a distance of 20.00 feet, along the easterly line of said 0.005 acre tract and across said Lot 9, to the easterly common corner of said 0.005 and 0.019 acre tracts, the Point of True Beginning;

Thence North 89° 56' 43" West, a distance of 20.41 feet, along the southerly line of said 0.019 acre and New Victorians tracts, and across said Lot 9, to a point;

Thence North 11° 27' 33" West, a distance of 70.00 feet, across said New Victorians tract and said Lots 9 and 8, to a point in the northerly line of said Lot 8 and said New Victorians tract;

Thence South 89° 56' 43" East, a distance of 20.41 feet, along the northerly line of said New Victorians and 0.019 acre tracts and said Lot 8, to the northeast corner of said 0.019 acre tract;

Thence South 11° 27' 33" East, a distance of 70.00 feet, along the easterly line of said 0.019 acre tract and across said Lots 8 and 9, to the Point of True Beginning, containing 1400 square feet, more or less.

The bearings in the above description are based on the assumed bearing of South 11° 27' 33" East for the westerly right-of-way line of Summit Street, and are intended to denote angles only.

Section 2. That the City of Columbus hereby accepts an easement for the following described real property granted to the City by the Andrew I. Klein, to be used for sewer utilities and appurtenances thereto:

DESCRIPTION OF A 20 FEET-WIDE SEWER EASEMENT
LYING WEST OF SUMMIT STREET
AND SOUTH OF OTTAR ALLEY
OVER KLEIN TRACT

RP 1961

Situate in the State of Ohio, County of Franklin, City of Columbus and being a 20 feet-wide strip of land lying on, over and across Lot 9 of GEARY'S SUBDIVISION, of record in Plat Book 2, Page 30, the same being on, over and across the tract of land conveyed by an affidavit to Andrew I. Klein, of record in Instrument No. 200905280075960 (Official Record 8998G04) and the 0.005 acre tract conveyed to Andrew I. Klein, of record in Instrument No. _____ and being bounded and more particularly described as follows:

Beginning, for Reference, at the intersection of the westerly right-of-way line of Summit Street (60 feet wide) and the northerly right-of-way line of a 12 foot alley, being the southeasterly corner of said Lot 9;

Thence North 89° 56' 43" West, a distance of 128.00 feet, along said alley and the southerly line of said Lot 9, to the southeast corner of said 0.005 acre tract and the southwest corner of the tract conveyed to Mae P. Hollis, of record in Instrument Number 200612110245737 and being the Point of True Beginning;

Thence North 89° 56' 43" West, a distance of 20.41 feet, along the southerly line of said Lot 9 and 0.005 acre tract and the northerly line of said alley and then across said Klein tract, to a point;

Thence North 11° 27' 33" West, a distance of 20.00 feet, across said Lot 9 and Klein tract, to a point in the northerly line of said Klein tract;

Thence South 89° 56' 43" East, a distance of 20.41 feet, along the northerly line of said Klein and 0.005 acre tracts, and across said Lot 9, to the northeasterly corner of said 0.005 acre tract;

Thence South 11° 27' 33" East, a distance of 20.00 feet, along the easterly line of said 0.005 acre tract and across said Lot 9, to the Point of True Beginning, containing 400 square feet, more or less.

The bearings in the above description are based on the assumed bearing of South 11° 27' 33" East for the

westerly right-of-way line of Summit Street, and are intended to denote angles only.

Section 3. That the Director of Department of Public Service be and hereby is authorized to execute a Quitclaim Deed, and any ancillary documents, on behalf of the City, as approved by the Department of Law, Real Estate Division, necessary to quitclaim unto The New Victorians, Inc. the following described real property, in exchange for sewer utility easement to be granted to the City by The New Victorians, Inc., described in Section 1 hereof.

DESCRIPTION OF A 0.019 ACRE TRACT
LYING WEST OF SUMMIT STREET
AND SOUTH OF OTTAR ALLEY

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Lots 8 and 9 of GEARY'S SUBDIVISION, of record in Plat Book 2, Page 30, and being part of the tract conveyed to The City of Columbus, of record in Deed Book 213, Page 441, and being bounded and more particularly described as follows:

Beginning, for Reference, at the intersection of the westerly right-of-way line of Summit Street (60 feet wide) and the northerly right-of-way line of a 12 foot alley, being the southeasterly corner of said Lot 9;

Thence North 89° 56' 43" West, a distance of 128.00 feet, along said alley and the southerly line of said Lot 9, to the southeast corner of said City of Columbus tract and the southwest corner of the tract conveyed to Mae P. Hollis, of record in Instrument Number 200612110245737;

Thence North 11° 27' 33" West, a distance of 20.00 feet, along the easterly line of said City of Columbus tract and across said Lot 9, to the Point of True Beginning;

Thence North 89° 56' 43" West, a distance of 12.00 feet, across said City of Columbus tract and said Lot 9, to a point in the westerly line of said City of Columbus tract;

Thence North 11° 27' 33" West, a distance of 70.00 feet, along the westerly line of said City of Columbus tract and across said Lot 9 and Lot 8 of said GEARY'S SUBDIVISION, to a railroad spike found in the northerly line of said Lot 8, at the northwest corner of said City of Columbus tract;

Thence South 89° 56' 43" East, a distance of 12.00 feet, along the northerly line of said City of Columbus tract and said Lot 8, to the northeast corner of said City of Columbus tract;

Thence South 11° 27' 33" East, a distance of 70.00 feet, along the easterly line of said City of Columbus tract and across said Lots 8 and 9, to the Point of True Beginning, containing 0.019 acres, more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the assumed bearing of South 11° 27' 33" East for the westerly right-of-way line of Summit Street, and are intended to denote angles only.

All iron pins set are 3/4 inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description is based on record information and an actual field survey performed in August of 2010.

LANDMARK SURVEY GROUP, INC., Scott D. Grundei, P.S. Date,
Registered Surveyor No. 8047

Section 4. That the Director of Department of Public Service be and hereby is authorized to execute a Quitclaim Deed, and any ancillary documents, on behalf of the City, as approved by the Department of Law, Real Estate Division, necessary to quitclaim unto Andrew I. Klein the following described real property, in exchange for sewer utility easement to be granted to the City by Andrew I. Klein, as described in Section 2 hereof:

DESCRIPTION OF A 0.005 ACRE TRACT
LYING WEST OF SUMMIT STREET
AND SOUTH OF OTTAR ALLEY

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Lot 9 of GEARY'S SUBDIVISION, of record in Plat Book 2, Page 30, and being part of the tract conveyed to The City of Columbus, of record in Deed Book 213, Page 441, and being bounded and more particularly described as follows:

Beginning, for Reference, at the intersection of the westerly right-of-way line of Summit Street (60 feet wide) and the northerly right-of-way line of a 12 foot alley, being the southeasterly corner of said Lot 9;

Thence North 89° 56' 43" West, a distance of 128.00 feet, along said alley and the southerly line of said Lot 9, to the southeast corner of said City of Columbus tract and the southwest corner of the tract conveyed to Mae P.

Hollis, of record in Instrument Number 200612110245737 and being the Point of True Beginning;
Thence North 89° 56' 43" West, a distance of 12.00 feet, along the southerly line of said Lot 9 and City of Columbus tract and the northerly line of said alley, to the southwesterly corner of said City of Columbus tract;
Thence North 11° 27' 33" West, a distance of 20.00 feet, (passing a 3/4 inch iron pin found at a distance of 19.52 feet) along the westerly line of said City of Columbus tract and across said Lot 9, to a point;
Thence South 89° 56' 43" East, a distance of 12.00 feet, across said City of Columbus tract and said Lot 9, to a point in the easterly line of said City of Columbus tract;
Thence South 11° 27' 33" East, a distance of 20.00 feet, along the easterly line of said City of Columbus tract and across said Lot 9, to the Point of True Beginning, containing 0.005 acres, more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the assumed bearing of South 11° 27' 33" East for the westerly right-of-way line of Summit Street, and are intended to denote angles only.

The above description is based on record information and an actual field survey performed in August of 2010.

LANDMARK SURVEY GROUP, INC., Scott D. Grundei, P.S. Date,
Registered Surveyor No. 8047123819

Section 3. 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, Section 328.01 (Land Review Commission) and Section 329.29 (Sale of city-owner realty) to the extent that they may apply to this transaction with regards to this ordinance only.

Section 4. 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 its passage if the Mayor neither approves nor vetoes the same.