



## Legislation Text

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**File #: 0141-2014, Version: 1**

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Columbus City Schools asking that the City sell the right-of-way identified as a 0.158 acre portion of the Pearl Street right-of-way north of Stewart Avenue between South High Street and City Park Avenue. Transfer of this right-of-way will facilitate the renovation of Stewart Elementary School, located on property adjacent to the aforementioned right-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 this right-of-way, the City will not be adversely affected by the transfer of this right-of-way. The Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$51,727.50 was established for this right-of-way. Columbus City Schools submitted a request for mitigation of the established value of the aforementioned right-of-way. In order to provide continued access between South High and Pearl Streets, Columbus City Schools has agreed to dedicate a 0.106 parcel of right-of-way owned by Columbus City School to the City of Columbus, and to construct a roadway, meeting all City requirements. After review of the request and in consideration of the proposed right-of-way dedication and roadway construction, the Land Review Commission voted to recommend a one hundred (100) per cent mitigation of cost and that the above referenced right-of-way be transferred to Columbus City Schools at no cost.

### **2. EMERGENCY DESIGNATION**

Emergency action is requested to execute the necessary documents in order to meet the Columbus City Schools construction schedule.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.158 acre portion of the Pearl Street right-of-way to Columbus City Schools, and to transfer a 0.106 acre parcel of right-of-way owned by Columbus City Schools to the Department of Public Service; and to declare an emergency. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Columbus City Schools, asking that the City transfer the right-of-way identified as a 0.158 acre portion of the Pearl Street right-of-way north of Stewart Avenue between South High Street and City Park Avenue to Columbus City Schools; and

**WHEREAS**, acquisition of the right-of-way will allow Columbus City Schools to expand an existing structure and perform enhancements on property that is adjacent to the above noted right-of-way; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Planning and Operations, by this transfer, extinguishes its need for this public right-of-way; and

**WHEREAS**, per current practice, comments were solicited from interested parties, including City agencies, private utilities and applicable area commissions, before it was determined that, subject to the retention of a general utility easement for those utilities currently located within this right-of-way, the City will not be adversely affected by the transfer of this right-of-way to Columbus City Schools; and

**WHEREAS**, the Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for this right-of-way; and

**WHEREAS**, a value of \$51,727.50 was established for this right-of-way; and

**WHEREAS**, Columbus City Schools has submitted a request for mitigation of the established value for this right-of-way; and

**WHEREAS**, Columbus City Schools has agreed to dedicate a 0.106 acre portion of right-of-way to the City of Columbus, and to construct a roadway meeting all City requirements in order to provide continued access between South High and Pearl Streets; and

**WHEREAS**, the Land Review Commission voted to recommend a one hundred (100) percent mitigation of the established value and that the aforementioned right-of-way be transferred to the Columbus City Schools at no cost; and now therefore

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that these documents be executed immediately so as to meet the Columbus City Schools construction schedule, 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 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 following described 0.158 acre portion of right-of-way to Columbus City Schools, and to accept the described 0.106 acre portion of right-of-way dedicated to the City of Columbus; to-wit:

**DESCRIPTION OF A 0.158 ACRE PORTION OF PEARL STREET**

Being a portion of Pearl Street (33 feet wide) as dedicated by Deshler's and Thurman's Addition to the City of Columbus (plat Book 1, Page 357), City of Columbus, Franklin County, State of Ohio and being more particularly described as follows;

Beginning at a survey nail set at the southeastern corner of Lot 6 in Joseph Falkenbach's Subdivision (Plat Book 3, Page 360), said point also being the southeastern corner of Lot 8 in said Otto Dresel et al. Subdivision and being in the northerly line of Stewart Avenue (formerly known as West Germania Street) (60 feet wide);

Thence along the westerly line of Pearl Street and the easterly line of Joseph Falkenbach's Subdivision and the easterly line of the Otto Dresel et al. Subdivision North 08° 18' 14" West a distance of 209.20 feet to a survey nail set in the easterly line of Lot 5 in said Otto Dresel et al. Subdivision;

Thence across Pearl Street North 81°46' 19" East a distance of 33.00 feet to a survey nail set in the westerly line of Lot 10 in C. F. Glock's Subdivision (Plat Book 3, Page 228) and in the easterly line of Pearl Street;

Thence along the easterly line of Pearl Street, the westerly line of C. F. Glock's Subdivision, and the westerly line of Lots 28, 29, and 30 in said Otto Dresel's Subdivision South 08° 18' 14" East, a chord distance of 209.17 feet to a survey nail set at the southwesterly corner of Lot 30 and in the northerly line of Stewart Avenue;

Thence along the northerly line of Stewart Avenue South 81° 46' 19" West a distance of 33.00 feet to the Point of

Beginning and containing 0.158 Acres, more or less, and subject to all legal easements, agreements and rights-of-way of record.

This description was prepared by Daniel L. Quick, Ohio Professional Surveyor Number 7803 from an actual field survey performed by Korda/Nemeth Engineering, Inc. in April 2011.

The bearings in this description are based on ODOT VRS State Plane grid coordinates, Ohio South Zone, NAD 1983 with 2007 NSRS adjustment with the north line of Stewart Avenue being N 810 46' 19" E.

Iron pins set are 5/8"x30" rebar topped by a yellow plastic identification cap, stamped "Korda Engineering Inc." and "PS 7803".

### **DESCRIPTION OF A 0.106 ACRE TRACT**

Being part of Lot 4 and Lot 5 in Otto Dresel, et al. Subdivision as recorded in Plat Book 3, Page 55, City of Columbus, Franklin County, State of Ohio and being part of Parcel Number 3 and Parcel Number 9 as conveyed to the Board of Education of the Columbus City School District by deed of record in Instrument Number 201101240011486 and being more particularly described as follows;

Commencing at an iron pin set at the intersection of the easterly line of South High Street (100 feet wide) with the northerly line of Stewart Avenue (formerly known as West Germania Street) (60 feet wide), said point also being the southwesterly corner of Lot 1 in Joseph Falkenbach's Subdivision (plat Book 3, Page 360);

Thence along the easterly line of South High Street, the westerly line of said Joseph Falkenbach's Subdivision and the westerly line of the Otto Dresel et al. Subdivision (Plat Book 2, Page 55) North 08° 12' 21" West a distance of 247.54 feet to a survey nail set in the westerly line of Lot 4 in said Otto Dresel et al. Subdivision and being the True Point of Beginning;

Thence continuing along the easterly line of South High Street and the westerly line of Lot 4 in said Otto Dresel et al. Subdivision North 08° 12' 21" West a distance of 24.95 feet to a survey nail set;

Thence North 86° 02' 22" East a distance of 165.24 feet to a survey nail set;

Thence North 59° 17' 45" East a distance of 24.86 feet to a survey nail set in the easterly line of said Lot 4 and in the westerly line of Pearl Street (33 feet wide);

Thence along the westerly line of Pearl Street and the easterly line of Lots 4 and 5 of said Otto Dresel's Subdivision South 08° 18' 14" East, a chord distance of 42.11 feet to a survey nail set;

Thence North 68° 35' 57" West a distance of 16.84 feet to a survey nail set;

Thence South 86° 02' 22" West a distance of 158.62 feet to a survey nail set;

Thence South 81° 06' 12" West a distance of 15.00 feet to a survey nail set in the easterly line of South High Street and at the True Point of Beginning and containing 0.106 Acres, more or less, of which 0.091 acres, more or less, are within P.I.D. Number 010-001682 and 0.015 acres, more or less, are within P.I.D. Number 010-014136 and subject to all legal easements, agreements and rights-of-way of record.

This description was prepared by Daniel L. Quick, Ohio Professional Surveyor Number 7803 from an actual field survey performed by Korda/Nemeth Engineering, Inc. in April 2011.

The bearings in this description are based on ODOT VRS State Plane grid coordinates, Ohio South Zone, NAD 1983 with 2007 NSRS adjustment with the north line of Stewart Avenue being N 81046' 19" E.

Iron pins set are 5/8"x30" rebar topped by a yellow plastic identification cap, stamped "Korda Engineering Inc." and "PS 7803".

**Section 2.** That the above referenced 0.158 acre parcel shall be considered excess road right-of-way and the public right 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 above described 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 above referenced 0.106 acre parcel dedication from Columbus City Schools be accepted for the purpose of roadway construction to provide continued access between South High and Pearl Streets.

**Section 6.** 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.