



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 1527-2008, Version: 1

The City of Columbus, Department of Public Service, Division of Transportation, received a request from David L. Hodge, on behalf of Topvalco, Inc., ("Kroger") asking that the City transfer the 20 foot wide alley north of East Sixth Street, from Courtland Avenue to the east line of Pearl Street, and that portion of Pearl Street, from the north line of the alley north of East Sixth Street to a point approximately 201 feet south, to Kroger. Kroger intends to redevelop their 1350 North High Street site and per direction received from the Columbus Planning Division of the Department of Development, will incorporate this excess right-of-way into their site plan to provide improved parking and traffic flow. 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 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 Kroger. Also, per current Division of Transportation practice, a request was submitted to the Department of Law, Real Estate Division, asking that they establish a value for this excess right-of-way. A value of \$16,278.00 was established by the Real Estate Division.

The Division of Transportation notified Kroger of the value determination and then forwarded a recommendation to sell this excess right-of-way to the Land Review Commission. Per existing Land Review Commission practice Kroger submitted a request for mitigation to the Department of Development and asked for a recommendation to transfer at no charge from the Department of Development. After review the Department of Development submitted a recommendation to transfer this excess right-of-way at no charge to the Land Review Commission. At their regularly scheduled September meeting the Land Review Commission voted, by a vote of 4 to 3, to recommend that the City transfer the above referenced excess right-of-way to Topvalco, Inc. for \$16,278.00.

Fiscal Impact: The City will receive a total of \$16,278.00, to be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested excess right-of-way.

Emergency Justification: Emergency action is requested to allow the immediate transfer of this excess right-of-way thereby allowing redevelopment of this site to proceed as currently scheduled.

To authorize the Director of the Public Service Department to execute those documents required to transfer the 20 foot wide alley north of East Sixth Street, from Courtland Avenue to the east line of Pearl Street, and that portion of Pearl Street, from the north line of the alley north of East Sixth Street to a point approximately 201 feet south to Topvalco, Inc.; to waive the competitive bidding provisions of Columbus City Codes; and to declare an emergency.

WHEREAS, the City of Columbus, Department of Public Service, Division of Transportation, received a request from David L. Hodge, on behalf of Topvalco, Inc., ("Kroger") asking that the City transfer the 20 foot wide alley north of East Sixth Street, from Courtland Avenue to the east line of Pearl Street, and that portion of Pearl Street, from the north line of the alley north of East Sixth Street to a point approximately 201 feet south, to Kroger; and

WHEREAS, Kroger intends to redevelop their 1350 North High Street site; and

WHEREAS, per direction received from the Columbus Planning Division of the Department of Development, will incorporate this excess right-of-way into their site plan to provide improved parking and traffic flow; and

WHEREAS, per current Transportation Division 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 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 Kroger; and

WHEREAS, also per current Transportation Division practice, a request was submitted to the Department of Law, Real Estate

Division, asking that they establish a value for this excess right-of-way; and

WHEREAS, a value of \$16,278.00 was established for this right-of-way; and

WHEREAS, the Division of Transportation notified Kroger of the value determination and then forwarded a recommendation to sell this excess right-of-way to the Land Review Commission; and

WHEREAS, per existing Land Review Commission practice Kroger submitted a request for mitigation to the Department of Development and ask for a recommendation to transfer at no charge from the Department; and

WHEREAS, after review the Department of Development submitted a recommendation to transfer this excess right-of-way at no charge to the Land Review Commission; and

WHEREAS, at their regularly scheduled September meeting the Land Review Commission voted, by a vote of 4 to 3, to recommend that the City transfer the above referenced excess right-of-way to Topvalco, Inc. for \$16,278.00; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the transfer of this excess right-of-way so that redevelopment of this University area site can proceed as currently scheduled 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 right-of-way to Topvalco, Inc.; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a portion of Pearl Street (16 feet wide) and an alley (20 feet wide) being part of Lot Number Five (5) north of Sixth Avenue and west of Courtland Avenue to Pearl Street, said Pearl Street and said Lot No. 5 being shown of record in DONALDSON AND BUTLER AMENDED ADDITION of record in Plat Book 2, Page 199, and as said alley was conveyed to THE CITY OF COLUMBUS, OHIO by deed of record in Official Record 764, Page G12 and dedicated by City of Columbus Ordinance No. 914-81, all plat and deed references being to the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning, for reference at a ¾ inch I.D. iron pipe set at the southwest corner of Lot No. 17, at the northwest corner of Lot No. 18, of said DONALDSON AND BUTLER AMENDED ADDITION and in the east line of Pearl Street;

Thence N 03°29'31" E along a portion of the west line of said Lot No. 17 and along a portion of the east line of Pearl Street a distance of 5.37 feet to a ¾ inch I.D. iron pipe set at the **true place of beginning**;

Thence N 86°30'29" W crossing Pearl Street a distance of **16.00 feet** to a MAG nail set in the west line of Pearl Street, in the east line of Lot No. 9, of said DONALDSON AND BUTLER AMENDED ADDITION and in an easterly line of a 2.885 acre tract of land conveyed to Topvalco, Inc. by deed of record in Instrument No. 200212160322463;

Thence N 03°29'31" E along a portion of the east line of Lot No. 9, along the east lines of Lot Nos. 10, 11, 12, along a portion of the west line of Pearl Street as it crosses a portion of said Lot No. 5 of said DONALDSON AND BUTLER AMENDED ADDITION and along a portion of an easterly line of said 2.885 acre tract a distance of **201.79 feet** to a MAG nail set at the northwest corner of the terminus of Pearl Street, at a corner of said 2.885 acre tract and at the southwest corner of the terminus of a previous vacation of a portion of Pearl Street by Ordinance No. 1233-81;

Thence S 86°50'49" E along the north line of the terminus of Pearl Street, along the south line of the terminus of said vacated Pearl Street, along a southerly line of said 2.885 acre tract and along the north line of a 20 feet wide alley as conveyed out of said Lot No. 5 to City of Columbus by deed of record in Official Record 764, Page G12 and dedicated by Ordinance No. 914-81 a distance of **125.82 feet** to a MAG nail set in the west line of Courtland Avenue and at the northeast corner of said 20 feet wide alley;

Thence S 03°26'31" W along the west line of Courtland Avenue extending across the east end of said 20 feet wide alley a distance of **20.00 feet** to a ¾ inch I.D. iron pipe found at the southeast corner of said 20 feet wide alley and at the northeast corner of a 0.072 acre tract of land conveyed to Topvalco, Inc. by deed of record in Instrument No. 200610060200738, said tract being a portion of said Lot No. 5 of DONALDSON AND BUTLER

AMENDED ADDITION;

Thence **N 86°50'49" W** along the south line of said 20 feet wide alley and along the north line of said 0.072 acre tract a distance of **109.84 feet** to a ¾ inch I.D. iron pipe found at the southwest corner of said 20 feet wide alley, at the northwest corner of said 0.072 acre tract and in the east line of Pearl Street;

Thence **S 03°29'31" W** along the west line of said 0.072 acre tract, along a portion of an east line of Pearl Street as it crosses said Lot No. 5 of said DONALDSON AND BUTLER AMENDED ADDITION, along the west lines of Lot Nos. 13, 14, 15, 16, and along a portion of the west line of said Lot No. 17 a distance of **181.89 feet** to the **true place of beginning**; containing 0.125 (5,426 sq. ft.) acres of land, more or less.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird and R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in May, 2007. Basis of bearings is the west line of Courtland Avenue, being S 03°26'31" W, as transferred from a GPS survey of Franklin County monuments FCGS "GRANDVIEW" AND FCGS 5028 performed by the Franklin County Engineers Office in 1991, and is based on the NAD83 1986 adjustment Ohio State Plane Coordinate System, South Zone.

Section 2. 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 3. That a general utility easement in, on, over, across and through the above described excess right-of-way shall be and hereby is retained unto the City of Columbus for those utilities currently located within said excess 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 this Council has determined 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 329.29 with regards to the transfer of this right-of-way.

Section 6. That the \$16,278.00 to be received by the City as consideration for the transfer of this right-of-way shall be deposited in Fund 748, Project 537650.

Section 7. 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.