



Legislation Text

File #: 0503-2005, Version: 1

Background: The City of Columbus, Public Service Department, Transportation Division, received a request from Columbus Metropolitan Housing Authority (CMHA) asking for an exchange of right-of-way. CMHA would like to acquire the first alley north of Broad Street from Ohio Avenue to the alley west thereof to provide parking for their proposed Jenkins Terrace development. In exchange for the City transferring the existing alley to CMHA, they have agreed to dedicate replacement right-of-way and to construct a new alley immediately north of the existing alley. After investigation by the Transportation Division staff it was determined there are no objections to the proposed exchange of right-of-way subject to the retention of a general utility easement for those utilities currently located within this right-of-way. In addition, CMHA has already submitted street plans (Plan number 2067 DR. E.) to the Transportation Division for the construction of the replacement alley.

Fiscal Impact: N/A

To authorize the Director of the Public Service Department to execute those documents required to transfer the first alley north of Broad Street from Ohio Avenue to the alley west thereof to Columbus Metropolitan Housing Authority in exchange for replacement right-of-way and the construction of a replacement alley immediately north of the existing alley; and to waive the Land Review Commission and the competitive bidding provisions of Columbus City Codes.

WHEREAS, the City of Columbus, Public Service Department, Transportation Division, received a request from Columbus Metropolitan Housing Authority (CMHA) asking that the City transfer the first alley north of Broad Street from Ohio Avenue to the alley west thereof to them in exchange for a deed for replacement right-of-way and the construction of a new alley immediately north of the existing alley; and

WHEREAS, CMHA would like to acquire the existing alley from the City to provide parking for their proposed Jenkins Terrace development; and

WHEREAS, CMHA has already submitted street plans (Plan number 2067 DR. E.) to the Transportation Division for the construction of the replacement alley; and

WHEREAS, after investigation by the Transportation Division staff it was determined that there are no objections to the proposed exchange of these rights-of-way subject to the retention of a general utility easement for those utilities currently located within the existing alley; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. 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 Columbus Metropolitan Housing Authority at no charge; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a portion of two unnamed alleys, west of Ohio Avenue and north of East Broad Street, said alleys shown in JOHN C. BULLITT'S OHIO AVENUE ADDITION, a subdivision of record in Plat Book 5, Page 137 and shown in AMENDED PLAT OF JOSEPH QUINN'S SUBDIVISION a subdivision of record in Plat Book 3, Page 301, Recorder's Office, being more particularly described as follows:

Beginning for reference at a found ½" rebar in the westerly right of way line of Ohio Avenue (50.00 feet in width) marking the northeast corner of said Lot 6, said lot conveyed to COLUMBUS METROPOLITAN HOUSING AUTHORITY by Instrument Number 200003030043611, thence along the westerly line of Ohio Avenue South 01°56'49" East, a distance of 44.74 feet (44.72 feet by plat) to a 5/8" steel rebar set in the northerly line of a

20 foot alley and marking the **True Point of Beginning** of the herein described tract of land;

Thence crossing said 20 foot alley South 01°56'49" East, a distance of 20.47 feet to a 5/8" steel rebar set in the southerly line of said alley, marking the northeast corner of Lot 2;

Thence along the southerly line of said 20 foot alley and the northerly line of said JOHN C. BULLITT'S OHIO AVENUE ADDITION Lots 2 and 1 South 75°43'48" West, passing a 5/8" steel rebar set for reference at 121.31 feet, a total distance of 141.31 feet to a point in the westerly line of a 10 foot alley and the easterly line of Reserve A, both of said AMENDED PLAT OF JOSEPH QUINN'S SUBDIVISION, said Reserve conveyed to COLUMBUS METROPOLITAN HOUSING AUTHORITY by a deed of record in Deed Volume 2770, Page 491;

Thence along the westerly line of said alley and the easterly line of Lots 16 and 15 of said AMENDED PLAT OF JOSEPH QUINN'S SUBDIVISION, North 01°56'49" West, a distance of 71.37 feet to a drill hole set in concrete pavement;

Thence crossing said AMENDED PLAT OF JOSEPH QUINN'S SUBDIVISION 10.00 foot alley and JOHN C. BULLITT'S OHIO AVENUE ADDITION 8.00 foot alley North 88°03'11" East, a distance of 18.00 feet to a 5/8" steel rebar set in the westerly line of said JOHN C. BULLITT'S OHIO AVENUE ADDITION Lot 6;

Thence along said Lot 6 westerly and southerly lines the following two (2) courses:

- 1) Thence South 01°56'49" East, a distance of 46.97 feet to a point;
- 2) Thence North 75°43'48" East, passing a 5/8" steel rebar set for reference at 20.00 feet, a total distance of 122.89 feet (122.74 feet by plat) to the **True Point of Beginning**, containing 3,707.03 square feet or 0.085 acres, more or less.

The bearings shown hereon are based upon an assumed bearing line between two iron pipes found at the northeast corner of Lot 6 and the southeast corner of Lot 2. Said line is held to be South 01°56'49" East.

All iron pins set are 5/8" steel rebar, 30" long, with a plastic cap stamped "WEC, INC."

All references herein are to records in the Recorder's Office, Franklin County, Ohio, unless otherwise stated.

The herein description was based on an actual field survey made in March 2004, and prepared under the direct supervision of Vincent Paul Hughes, Professional Surveyor.

WEC Engineers of Ohio, Inc.

Vincent Paul Hughes, Professional Surveyor No. 7608

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 a 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 currently located within the retained general utility easement 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 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 329.25 with regards to the transfer of this property.

Section 6. 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 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 7. That in exchange for the above described right-of-way COLUMBUS METROPOLITAN HOUSING AUTHORITY has agreed to deed the following property to the City of Columbus for replacement alley purposes, to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, being 24.00 feet off the northerly side of Lot 6 of the JOHN C. BULLITT'S OHIO AVENUE ADDITION, a subdivision of record in Plat Book 5, Page 137, Recorder's Office, said lot conveyed to COLUMBUS METROPOLITAN HOUSING AUTHORITY by Instrument Number 200003030043611, being more particularly described as follows:

Beginning at a found ½" rebar in the northeast corner of said Lot 6 and the southeast corner of Lot 7 marking the **True Point of Beginning** of the herein described tract of land, thence South 01°56'49" East along the

westerly line of Ohio Avenue (50.00 feet in width), a distance of 24.00 feet to a 5/8" steel rebar set;

Thence crossing said Lot 6 South 88°03'11" West, a distance of 120.06 feet to a 5/8" steel rebar set in the easterly right of way line of an 18.00 foot alley and the westerly line of said Lot 6;

Thence parallel to Ohio Avenue with the aforementioned lines North 01°56'49" West, a distance of 24.00 feet to a 5/8" steel rebar set marking the northwest corner of said Lot 6;

Thence North 88°03'11" East along the northerly line of said Lot 6 and the southerly line of said Lot 7, a distance of 120.06 feet (120.00 feet by plat) to the **True Point of Beginning**, containing 2,880.44 square feet or 0.066 acres, more or less.

The bearings shown hereon are based upon an assumed bearing line between a 1/2" rebar found at the northeast corner of said Lot 6 and the 5/8" iron pin found at the southeast corner of Lot 2. Said line held to be South 01°56'49" East.

All Iron Pins set are 5/8" steel rebar, 30" long, with a plastic cap stamped "WEC, INC."

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The herein description was based on an actual field survey made in March 2004, and prepared under the direct supervision of Vincent Paul Hughes, Professional Surveyor.

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Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.