



## Legislation Text

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**File #: 2352-2013, Version: 1**

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### **1. Background:**

The City of Columbus, Department of Public Service, received a request from Brick Investment Corporation, asking that the City sell them the rights-of-way identified as a portion of the Lucas Street right-of-way between Rich and Town Streets, a portion of the first north/south alley west of Lucas Street between Walnut and Rich Streets, and a portion of the Walnut Street right-of-way between the westerly line of the CSX Transportation, Inc. property and the first alley west of Lucas Street, totaling 0.876 acres. Transfer of these rights-of-way will facilitate the development of property adjacent to the above noted right-of-way, owned by Brick Investment Corporation. 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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-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 these rights-of-way. A value of \$41,514.00 was established for these rights-of-way. In order to satisfy a requirement of the Division of Mobility Options regarding continued pedestrian access, Brick Investment Corporation has agreed to grant an eight (8) foot Sidewalk Easement in the above noted rights-of-way, and Brick Investment Corporation submitted a request for mitigation of the established value of the aforementioned right-of-way. The value of the Sidewalk Easement was determined to be \$4,178.00. After review of the request, the Land Review Commission voted to recommend the cost of the above referenced rights-of-way be reduced by the value of the easement and transferred to Brick Investment Corporation for the amount of \$37,336.00.

It was determined by the Department of Public Service that a significant amount of valuable brick pavers are located under the pavement within the above noted rights-of-way, as it exists. It is therefore agreed that in the event the present roadway is disturbed or altered, the underlying brick pavers may be recovered by the Department of Public Service.

### **2. FISCAL IMPACT:**

The City will receive a total of \$37,336.00 that will be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested rights-of-way.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.876 acre portion of the Lucas Street right-of-way between Rich and Town Streets, a portion of the first north/south alley west of Lucas Street between Walnut and Rich Streets, and a portion of the Walnut Street right-of-way between Lucas Street and the first alley west of Lucas Street, adjacent to property owned by Brick Investment Corporation.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Brick Investment Corporation asking that the City transfer a 0.876 acre portion of the Lucas Street right-of-way between Rich and Town Streets, a portion of the first north/south alley west of Lucas Street between Walnut and Rich Streets, and a portion of the Walnut Street right-of-way between Lucas Street and the first alley west of Lucas Street, adjacent to property owned by Brick Investment Corporation located adjacent to the above noted rights-of-way, to them; and

**WHEREAS**, acquisition of these rights-of-way will facilitate the development of property owned by Brick Investment Corporation located adjacent to the above noted rights-of-way; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Planning and Operations, by this transfer, extinguishes its need for these public rights-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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way to Brick Investment Corporation; 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 these rights-of-way; and

**WHEREAS**, a value of \$41,514.00 was established for these rights-of-way; and

**WHEREAS**, Brick Investment Corporation has agreed to grant an eight (8) foot Sidewalk Easement in the aforementioned rights-of-way to satisfy a requirement of the Division of Mobility Options with regards to continued pedestrian access; and

**WHEREAS**, Brick Investment Corporation has submitted a request for mitigation of the cost of the rights-of-way; and

**WHEREAS**, the value of the eight (8) foot sidewalk easement was determined to be \$4,178.00; and

**WHEREAS**, the Land Review Commission recommended that the cost of the aforementioned rights-of-way be reduced by the value of the eight (8) foot Sidewalk Easement; and

**WHEREAS, it has been determined by the Department of Public Service that a significant amount of valuable brick pavers are located under the pavement within the above noted rights-of-way, as it exists; and**

**WHEREAS, in the event the current roadway is altered or disturbed, the Department of Public Service may recover the underlying brick pavers; and**

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to Brick Investment Corporation for the amount of \$37,336.00; and 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 rights-of-way to Brick Investment Corporation; to-wit:

0.876 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of M.L. Sullivant's Western Addition the same as numbered and delineated upon the record plat of record in Plat Book 1, Page 268 Recorder's Office Franklin County, Ohio (all references to recorded documents are on file in said Recorder's Office, unless otherwise noted), being all of Lucas Street (66 feet wide) between Town Street (80 feet wide) and Rich Street (66 feet wide), being all of Walnut

Street (30 feet wide) between said Lucas Street and the westerly right-of-way of CSX Transportation, Inc. (formerly Hocking Valley Railway Company), being all of the first 10 foot Alley west of said Lucas Street between said Rich Street and said Walnut Street in John G. Mitchell Subdivision (Plat Book 2, Page 150), being all of said Walnut Street between said Lucas Street and the west line of said 10 Foot Alley extended to the north line of said Walnut Street, and being more particularly described as follows:

Beginning at a point at the intersection of the south line of said Town Street with the east line of said Lucas Street, being the northwest corner of Lot 165 in said M.L. Sullivan's Western Addition and the northwest corner of the Brick Investment Corporation tract (Instrument Number 200909240138619 ~ Parcel 1), said point being referenced by Mag nails set, North 07°55'44" East, 5.00 feet and South 81°51'49" West, 5.00 feet from said point;

Thence, along the east line of said Lucas Street, the west line of said Lot 165, and the west line of said Brick Investment Corporation Parcel 1, South 07°55'44" East, 189.00 feet; to a point at the southwest corner of said Lot 165, the southwest corner of said Brick Investment Corporation Parcel 1, and the intersection of the east line of said Lucas Street with the north line of said Walnut Street, said point referenced by a Mag nail set South 81°51'49" West, 5.00 feet from said point;

Thence, along the north line of said Walnut Street, the south line of Lot 165, the south line of Lot 166, the south line of Lot 167, part of the south line of Lot 168 in said M.L. Sullivan's Western Addition, and the south line of said Brick Investment Corporation Parcel 1, North 81°51'49" East, 182.80 feet to an Mag nail set at the intersection of the north line of said Walnut Street with the westerly line of the CSX TRANSPORTAION, INC. tract (formerly Hocking Valley Railway Corporation);

Thence, along part of the westerly line of said CSX TRANSPORTAION, INC tract. and across said Walnut Street along an arc of curve to the right having a radius of 7,206.14 feet, a delta angle of 00°16'26", an arc length of 34.44 feet and a chord bearing and distance of South 37°33'12" East, 34.44 feet to a point at the intersection of the south line of said Walnut Street with the westerly line of said CSX TRANSPORTAION, INC. tract, in the north line of Lot 197 in said M.L. Sullivan's Western Addition and the northeast corner of the Brick Investment Corporation tract (Instrument Number 200909240138619 ~ Parcel 2), said point referenced by a Mag nail set North 81°51'49" East, 1.00 feet;

Thence, along the south line of said Walnut Street , along part of the north line of said Lot 197, the north lines of Lot 198, 199 and 200 in said of M.L. Sullivan's Western Addition, and the north line of said Parcel 2, South 81°51'49" West, 199.82 feet to a to a point at the northwest corner of said Lot 200 the northwest corner of said Parcel 2 and being the intersection of the south line of said Walnut Street with the east line of said Lucas Street, said point being referenced by a Mag nail set South 81°51'49" West, 5.00 feet;

Thence, along the east line of said Lucas Street, the west line of said Lot 200, and the west line of said Brick Investment Corporation Parcel 2, South 07°55'44" East, 189.01 feet to a point at the southwest corner of said Lot 200, the southwest corner of said Parcel 2 and at the intersection of the east line of said Lucas Street with the north line of said Rich Street, referenced by an iron pin set South 07°55'44" East, 5.00 feet;

Thence, along the south line of said Lucas Street and along the north line of said Rich Street, South 81°51'32" West, 66.00 feet to an iron pin set at the intersection of the north line of said Rich Street with the west line of said Lucas Street, at the southeast corner of Lot 9 in said John G. Mitchell Subdivision (Plat Book 2, Page 150) and the southeast corner of the Manhattan Project LLC tract (Instrument Number 201104200052086 ~ PARCEL FOUR-TRACT 4);

Thence, along the west line of said Lucas Street, the east lines of Lots 9, 8,7,6,5,4,3,2, and 1 in said John G. Mitchell Subdivision, and the east lines of the Manhattan Project LLC PARCEL FOUR-TRACT 4, PARCEL FOUR-TRACT 3, PARCEL FOUR-TRACT 2, PARCEL FOUR-TRACT 1, PARCEL ONE and PARCEL TWO (Instrument Number 200104200052086), North 07°55'44" West, 189.01 feet to an iron pin set at the northeast corner of said Lot 1, the intersection of the west line of said Lucas Street with the south line of said Walnut Street, and the northeast corner of said Manhattan Project, LLC PARCEL TWO;

Thence, along the south line of Walnut Street, the north line of said Lot 1, and the north line of said Manhattan Project, LLC PARCEL TWO, South 81°51'49" West, 110.21 feet to an iron pin set at the northwest corner of said Lot 1, at the intersection of the south line of Walnut Street with the east line of said 10 Foot Alley in said John G. Mitchell Subdivision, and the northwest corner of said Manhattan Project, LLC PARCEL TWO;

Thence, along the east line of said 10 Foot Alley and the west lines of said Lots 1, 2, 3, 4, 5,6,7,8 and 9 in said John G. Mitchell Subdivision, the west line of said Manhattan Project, LLC PARCEL TWO, PARCEL ONE, PARCEL FOUR-TRACT 1, PARCEL FOUR-TRACT 2, PARCEL FOUR-TRACT 3, and PARCEL FOUR-TRACT 4, South 07°57'17" East, 189.02 feet to an iron pin set at the southwest corner of said Lot 9, the southeast corner of said 10 Foot Alley, the southwest corner of said PARCEL FOUR-TRACT 4 and in the north line of said Rich Street;

Thence along the south line of said 10 Foot Alley and along the north line of said Rich Street, South 81°51'32" West, 10.00 feet to an iron pin set at the southwest corner of said 10 Foot Alley, the southeast corner of Lot 289 in said M.L. Sullivant's Western Addition and the southeast corner of the Urban Smart Growth-Franklinton, LLC tract (Instrument Number 200902180021576);

Thence, along the east line of said Lot 289, the east line of said Urban Smart Growth-Franklinton, LLC tract, the west line of said 10 Foot Alley and across said Walnut Street, North 07°57'17" West, 219.02 feet to a point in the north line of said Walnut Street, in the south line of the Manhattan Project, LLC tract (Instrument Number 2011042000052087 ~ TRACT 1), and the southwest corner of Lot 285 in said M.L. Sullivant's Western Addition (passing a Mag nail set at 204.02 feet);

Thence, along the north line of said Walnut Street, the south line of Lots 285 and 286 in said M.L. Sullivant's Western Addition, and part of the south line of said Manhattan Project, LLC TRACT 1, North 81°51'49" East, 120.23 feet to an iron pin set at the southeast corner of said Lot 286, the southeast corner of said Manhattan Project, LLC TRACT 1, and the intersection of the north line of said Walnut Street with the west line of said Lucas Street;

Thence, along the west line of said Lucas Street, the east line of said Lot 285, and the east line of said Manhattan Project, LLC TRACT 1, North 07°55'44" West, 189.00 feet to an iron pin set at the northeast corner of said Lot 286, the northeast corner of said Manhattan Project, LLC TRACT 1, and the intersection of the west line of said Lucas Street with the south line of said Town Street;

Thence, along the north line of said Lucas Street and along the south line of said Town Street, North 81°51'49" East, 66.00 feet to the place of beginning CONTAINING 0.876 ACRES, subject however to all legal highways, easements, leases, agreements, restrictions of record and of records in the respective utility offices.

The foregoing description was prepared from actual field measurements in August 2008 and April 2013. Iron pins set are 30" X 1" (O.D.) with a plastic cap inscribed "P.S. 6579". Basis of Bearings is the east line of McDowell Street ASSUMED North 08°00'00" West.

Myers Surveying Company, Inc.

#### 8 Foot Sidewalk Easement

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of M.L. Sullivant's Western Addition the same as numbered and delineated upon the record plat of record in Plat Book 1, Page 268 Recorder's Office Franklin County, Ohio (all references to recorded documents are on file in said Recorder's Office, unless otherwise noted), being part of Lucas Street (66 feet wide) and being more particularly described as follows:

Commencing at an iron pin set at the intersection of the south line of Town Street (80 feet wide) with the west line of Lucas Street (66 feet wide) and the northeast corner of Lot 286 in said M.L. Sullivant's Western Addition;

Thence, along the south line of said Town Street and across said Lucas Street, North 81°51'49" East, 1.71 feet to THE TRUE POINT OF BEGINNING of this 8 Foot Sidewalk Easement;

Thence, along the south line of said Town Street and across said Lucas Street, North 81°51'49" East, 8.00 feet to a point;

Thence, across said Lucas Street, South 07°49'31" East, 408.01 feet to a point in the north line of Rich Street (60 feet wide);

Thence, along the north line of said Rich Street and across said Lucas Street, South 81°51'32" West, 8.00 feet to a point;

Thence, across said Lucas Street, North 07°49'31" West, 408.01 feet to the place of beginning of this 8 Foot Sidewalk Easement, CONTAINING 0.075 ACRES ~ 3,264 Square Feet. Basis of bearing is the east line of McDowell Street ASSUMED North 08°00'00" East.

Myers Surveying Company, Inc.

**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 rights-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said rights-of-way.

**Section 4. That in the event the existing pavement of the above noted rights-of-way is altered or disturbed, the underlying brick pavers may be recovered by the Department of Public Service.**

**Section 5.** 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 6.** That the \$37,336.00 to be received by the City as consideration for the sale of these rights-of-way shall be deposited in Fund 748, Project 537650.

**Section 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.