



Legislation Text

File #: 1207-2024, **Version:** 1

BACKGROUND: The City of Columbus, Department of Public Service, received a request from West 70 Two Owner, LLC, ("West 70") asking that the City transfer to them a portion of the Hilliard-Rome Rd. right-of-way totaling 0.674 acres, and release 0.715 acres of highway easement. Right-of-way and highway easement areas are adjacent to and abutting at the along West 70's eastern property line of Franklin County Tax Parcel Number parcel 246-308340 ("Basin Parcel") and portion of West 70's western property line of Franklin County Tax Parcel Number 246-30377.

Transfer of this right-of-way and release of the highway easement will be to allow incorporation of the right-of-way with the adjacent parcels. The Department of Public Service has agreed to transfer the right-of-way and release the highway easement via a quitclaim deed, subject to the reservation of easement rights for existing utilities, including a storm sewer (s) that crosses the right-of-way and outlets into the detention basin on the Basin Parcel, as described and shown within attached legal descriptions and exhibits, and extinguishes its need for this public right-of-way and highway easement.

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 and highway easement area, the City will not be adversely affected by the transfer of this right-of-way and the release of the highway easement.

The Department of Public Service submitted a request to the City Attorney's Office, asking that they establish a value for these above mentioned areas, and a value of \$176,156.00 for the portion was established. This value is at a reduced easement retention value.

This request went before the Land Review Commission on February 15, 2024 with a request for mitigation as outlined in the attached. After review of the request and reasoning for mitigation provided, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to and the referenced highway easement portion be released to West 70 Two Owner, LLC. Complete mitigation of the purchase price was requested and approved and the cost of \$0.00 was set and a general utility easement will be retained.

FISCAL IMPACT: The City will not receive any compensation as consideration for the transfer of the right-of-way and release of the highway easement.

To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of 0.674 acre portion of Hilliard-Rome Road right-of-way and release the 0.715 acre portion highway easement to West 70 Two Owner, LLC.

WHEREAS, the City of Columbus, Department of Public Service, received a request from West 70 Two Owner, LLC, asking that the City transfer to them a portion of the Hilliard-Rome Rd. right-of-way totaling 0.674 acres, and release 0.715 acres of highway easement. Right-of-way and highway easement areas are adjacent to and abutting Franklin County Tax Parcel Number 246-308340; and

WHEREAS Transfer of this right-of-way and release of the highway easement will be to allow incorporation of the right-of-way with the adjacent parcels; and

WHEREAS, the Department of Public Service has agreed to transfer the right-of-way and release the highway easement via a quitclaim deed, subject to the reservation of easement rights for existing utilities, including a storm sewer(s) that crosses the right-of-way and outlets into the detention basin, as described and shown within attached legal descriptions and exhibits, and extinguishes its need for this public right-of-way and highway easement; and

WHEREAS, 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 and highway easement area, the City will not be adversely affected by the transfer of this right-of-way and the release of the highway easement; and

WHEREAS, the Department of Public Service submitted a request to the City Attorney's Office, asking that they establish a value for these above mentioned areas; and

WHEREAS, a value of \$176,156.00 for the portion was established; and

WHEREAS, this request went before the Land Review Commission on February 15, 2024; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to and the referenced highway easement portion be released to West 70 Two Owner, LLC at the cost of \$0.00 due to complete mitigation and utility easements being retained; **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 hereby is, authorized to execute a quitclaim deed, subject to the reservation of easement rights for existing utilities, including a storm sewer(s) that crosses the right-of-way, and other incidental instruments prepared by the City Attorney's Office, necessary to transfer the right-of-way and release the highway easement as described below and depicted in the attached exhibit which is incorporated into this ordinance for reference, to West 70 Two Owner, LLC; to-wit:

LEGAL DESCRIPTION
0.674 ACRE RIGHT OF WAY PURCHASE

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Virginia Military Survey #1484, Original Prairie Township, and more specifically being part of a 7.879-acre tract designed as parcel 104-WD (FRA-70-3.41) appropriated by the State of Ohio in Franklin County Court of Common Pleas Case. No. 233922, recorded in Deed Book 2990, Page 249, and subsequently conveyed as a 7.195-acre tract designated as Parcel No.12 to Franklin County, Ohio, in Deed Book 3453, Page 930, and being part of the historic easement right-of-way of County Road 3 (Hilliard-Rome Road No.3) (relocated in 1968), encompassing 1.186 acres, more or less (located within fee right-of-way), situated immediately south of right-of-way highway easement of the former alignment of Township Road 3B (Hilliard-Rome Road East) as established in Franklin County Road Record 7, Page 167 and all references being to the Franklin County Recorder's Office, Franklin County, Ohio, and being bounded and more particularly described as follows:

Beginning for reference a $\frac{3}{4}$ inch bar found at the intersection of the centerline of Fisher Road (C.R. 22, R/W Varies) and the original Hilliard & Rome Road East (T.R.-3B, 60' R/W) the following two courses:

- 1) thence along said Hilliard & Rome Road East (T.R.-3B) centerline, South 13°56'55" West, (passing a magnetic nail found at 540.90 feet, 632.00 feet and at 788.14 feet), a total distance of 963.91 feet to a point;
- 2) with a curve to the left having a radius of 1146.28 feet, a central angle of 15° 11' 52", an arc length of 304.05 feet, a chord bearing of South 6° 20' 59" West, and a chord distance of 303.16 feet to a northerly right-of-way line of said Parcel

104-WD and Parcel No. 12, to an iron pin with cap set, said pin also being the **TRUE POINT OF BEGINNING** for the parcel herein described;

Thence along said right-of-way line **North 88° 47' 16" East** a distance of **30.00 feet** to a capped iron pin "HULL INC";

Thence along the easterly right-of-way line of said Hilliard & Rome Road (No.3) the following three courses to the prosed northerly right-of-way line of Hilliard & Rome Road (County Road 3):

1) **South 25° 07' 56" East** a distance of **55.32 feet** to a capped iron pin "HULL INC";

2) **South 8° 43' 36" West** a distance of **92.73 feet** to a bent $\frac{3}{4}$ " pipe;

3) **South 4° 33' 07" East** a distance of **315.74 feet** to an iron pin set;

Thence along a new right-of-way line of Hilliard & Rome Road (County Road 3) the following four courses:

1) **North 22° 00' 50" West** a total distance of **135.03 feet**, (passing the existing centerline of said Hilliard & Rome Road (No.3) at 99.98 feet to an iron pin set), to an iron pin set;

2) **North 6° 36' 11" West** a distance of **54.43 feet** to an iron pin set;

3) with a **curve** to the left having a **radius** of **1503.39 feet**, a **central angle** of **6° 02' 37"**, an **arc length** of **158.58 feet**, a **chord bearing** of **North 26° 37' 12" West**, and a **chord distance** of **158.51 feet** to an iron pin set;

4) **North 42° 36' 53" West** a total distance of **52.98 feet**, to the westerly right-of-way line of said Hilliard & Rome Road (No.3) to a capped $\frac{3}{4}$ " pipe "EMH&T INC";

Thence along said westerly right-of-way line of said Hilliard & Rome Road (No.3) the following two courses:

1) **North 58° 33' 17" East** a distance of **40.00 feet** to a capped $\frac{3}{4}$ " pipe "EMH&T INC";

2) **North 25° 18' 06" East** a total distance of **82.29 feet**, (passing a capped $\frac{3}{4}$ " pipe "EMH&T INC" a distance of 25.73 feet) to a capped $\frac{3}{4}$ " pipe "EMH&T INC";

Thence along said line **North 88° 47' 16" East** a distance of **30.00 feet** to the **TRUE POINT OF BEGINNING**, containing 0.674 acres, of which the present road occupies 0.674 acres.

This description is based on a survey performed by Carpenter Marty Transportation, INC, on November 8, 2020. This description was prepared and reviewed under the supervision of Michael D. Weeks, Professional Surveyor No. 7357.

The bearings for this description are based on Grid North, of the Ohio State Plane Coordinate System, South Zone, NAD83(2011) as determined by GNSS measurements tied to the Ohio Department of Transportation's RTK system. Control for the bearings shown herein were determined by GPS observations and establishing South 13°56'55" West for the existing centerline of right-of-way of Hilliard Rome Road East. Bearings are shown to indicate angle only and are for project use only.

Monuments referred to as iron pins set are 5/8 inch by 30 inch long with cap stamped "CMT P.S. 7357". Right of way monuments called for as set herein shall be set upon completion of the dedication process

LEGAL DESCRIPTION
0.715 ACRE HIGHWAY EASEMENT PURCHASE

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Virginia Military Survey No. 1484, Original Prairie Township, and more specifically being a portion of the western half and all of the east half of the right-of-way of the former alignment of Township Road 3B (Hilliard-Rome Road East) as established in Franklin County Road Record 7, Page 167, and in Deed Book 1072, Page 625, and being a part of a 7.152-acre tract of land conveyed to West 70 Three Owner, LLC a Delaware limited liability company, by Instrument 202208180119833, being a part of a 32.493-acre tract of land conveyed to West 70 Two Owner, LLC a Delaware limited liability company, by Instrument 202208180119832, and being a part of a 1.621-acre tract conveyed to West 70 Two Owner, LLC a Delaware limited liability company, by Instrument 202210110143351, all references being to the Franklin County Recorder's Office, Franklin County, Ohio, and being bounded and more particularly described as follows:

Beginning for reference a $\frac{3}{4}$ inch bar found at the intersection of the centerline of Fisher Road (C.R. 22, R/W Varies) and the original Hilliard & Rome Road East (T.R.-3B, 60' R/W), thence along said centerline, South $13^{\circ}56'55''$ West, (passing a magnetic nail found at 540.90 feet, and at 632.00 feet), a distance of 788.14 feet, to a magnetic nail found in the northeast corner of said 7.152-acre tract of land conveyed to West 70 Three Owner, LLC a Delaware limited liability company, by Instrument 202208180119833, being the easterly right-of-way line of said Hilliard & Rome East Dedication, as delineated and recorded in Plat Bool 132 page 72, said nail also being the TRUE POINT OF BEGINNING for the parcel herein described;

Thence passing through said 7.152-acre tract, in the original right-of-way of said Hilliard & Rome Road and being 30 feet parallel to the centerline of said Hilliard & Rome Road East to the original easterly right-of-way of Hilliard & Rome Road with a curve to the left having a radius of 784.10 feet, a central angle of $9^{\circ}13'10''$, an arc length of 126.17 feet, a chord bearing of North $27^{\circ}43'08''$ East, and a chord distance of 126.03 feet to a capped iron pin found stamped "CMT P.S. 7357";

Thence continuing across said 7.152-acre tract along said original easterly right-of-way line of said Hilliard & Rome Road (T.R.-3B), acquired by the County of Franklin, State of Ohio as a 30' perpetual easement and right-of-way for a public highway as recorded in Deed Book 1072, page 625, the following two courses;

- 1) South $13^{\circ}56'55''$ West a distance of 298.19 feet to a point;
- 2) with a curve to the left having a radius of 1116.28 feet, a central angle of $7^{\circ}28'42''$, an arc length of 145.70 feet, a chord bearing of South $10^{\circ}12'34''$ West, and a chord distance of 145.60 feet to a point in the southerly line of said 7.152-acre tract;

Thence continuing along said original easterly right-of-way line of said Hilliard & Rome Road (T.R.-3B), and passing through a 32.493-acre tract of land conveyed to West 70 Two Owner, LLC a Delaware limited liability company, by Instrument 202208180119832, with a curve to the left having a radius of 1116.28 feet, a central angle of $7^{\circ}43'14''$, an arc length of 150.42 feet, a chord bearing of South $2^{\circ}36'36''$ West, and a chord distance of 150.30 feet to capped iron pin found stamped "HULL 8283";

Thence along said northerly right-of-way line of said Hilliard & Rome Road (No.3) and Parcel 104-WD (FRA-70 -3.41) as appropriated by the State of Ohio in Franklin County Court of Common Pleas Case No. 233922, recorded in Deed Book 2990 page 249, the following two courses to the westerly right-of-way line of said original Hilliard & Rome Road (T.R.-3B):

- 1) South $88^{\circ}47'16''$ West a distance of 60.00 feet to a capped iron pin found stamped "HULL 8283";
- 2) South $25^{\circ}18'06''$ West a distance of 3.93 feet to a point;

Thence along said original westerly right-of-way line of said Hilliard & Rome Road (T.R.-3B) and passing through said 32.493-acre tract, North 4° 33' 07" West a distance of 127.19 feet to a point in a 1.621-acre tract conveyed to West 70 Two Owner, LLC a Delaware limited liability company, by Instrument 202210110143351;

Thence along said original westerly right-of-way line of said Hilliard & Rome Road (T.R.-3B), and passing through said 1.621-acre tract, North 13° 56' 55" East a distance of 290.75 feet to a capped iron pin found stamped "CMT P.S. 7357" on the easterly right-of-way line of said Hilliard & Rome East Dedication;

Thence along said right-of-way line with a curve to the left having a radius of 784.10 feet, a central angle of 6° 0' 51", an arc length of 82.31 feet, a chord bearing of North 35° 20' 08" East, and a chord distance of 82.27 feet to the TRUE POINT OF BEGINNING, containing 0.715 acres, of which the present road occupies 0.715 acres, with 0.256 acres of easement right-of-way in Auditor's Parcel 246-308340-00, with 0.193 acres of easement right-of-way in Auditor's Parcel 246-303777-00, and, with 0.266 acres of easement right-of-way in Auditor's Parcel 470-296106-00.

This description is based on a survey performed by Carpenter Marty Transportation, Inc., in October 2020 and August 2022. This description was prepared and reviewed under the supervision of Michael D. Weeks, Professional Surveyor No. 7357.

The bearings for this description are based on Grid North, of the Ohio State Plane Coordinate System, South Zone, NAD83(2011) as determined by GNSS measurements tied to the Ohio Department of Transportation's RTK system. Control for the bearings shown herein were determined by GPS observations and establishing South 13°56'55" West for the existing centerline of right-of-way of Hilliard Rome Road East. Bearings are shown to indicate angle only and are for project use only.

SECTION 2. That the attached referenced real property shall be, and hereby is, considered excess road right-of-way and highway easement and the public rights therein shall terminate upon the Director's execution and delivery of said quitclaim deed to the grantee thereof.

SECTION 3. That a general utility easement, including a storm sewer(s) that crosses the right-of-way, in, on, over, across and through the legal description and attached exhibit describing the right-of-way and highway easement shall be retained unto the City of Columbus for those utilities located within said right-of-way and highway easement area.

SECTION 4. That upon notification and verification of the relocation of all utilities located within the retained utility easement areas the Director of the Department of Public Service is hereby authorized to execute those documents necessary to release all or portions of the retained utility easements with no additional compensation due to the City and with no further legislative action required by the City.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.