



Legislation Text

File #: 1164-2016, **Version:** 1

1. BACKGROUND

Columbus Metropolitan Housing Authority, an Ohio metropolitan housing authority organized and existing pursuant to Ohio Revised Code Chapter 3735 (“Developer”), is engaged in the future development of Poindexter Village Roadways Phase 2 Project (“Project”). The Developer requested the City transfer a 0.215 acre tract, which is a portion of the Phillips Street right of way, in order to complete the Project. The City will not be adversely affected by the transfer of this right-of-way to the Developer, because the City will reserve a general utility easement, sidewalk easement, and sewer easement for those utilities currently located or planned to be within this right-of-way. The City’s Departments of Public Service and Public Utilities reviewed and determined that transferring the right-of-way to the Developer for no monetary consideration is in the City’s best interest, because of the City’s general support for the Project and reservation of the certain easements. This request was not sent to the Land Review Commission since real property is not being sold.

2. FISCAL IMPACT

Not applicable.

3. EMERGENCY DESIGNATION

Emergency action is requested so to not hinder the Project’s development, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Public Service to execute those documents, as approved by the City Attorney, needed to quit claim a 0.215 acre tract of Phillips Street right-of-way to the Columbus Metropolitan Housing Authority subject to the reservation of certain easements; to waive Land Review Commission requirements; and to declare an emergency. (\$0.00)

WHEREAS, Columbus Metropolitan Housing Authority, an Ohio metropolitan housing authority organized and existing pursuant to Ohio Revised Code Chapter 3735 (*i.e.* Developer), is engaged in the future development of Poindexter Village Roadways Phase 2 project (*i.e.* Project);

WHEREAS, Developer requested the City transfer a 0.215 acre tract of right-of-way, which is a portion of the Phillips Street Way right-of-way, to the Developer as needed to perform the Project;

WHEREAS, the City’s Departments of Public Service and Public Utilities reviewed and determined that transferring the right-of-way to the Developer for no monetary consideration is in the City’s best interest, because of the City’s general support for the Project and City’s reservation of a general utility easement, sidewalk easement, and sewer easement for those utilities currently located or planned to be within this right-of-way;

WHEREAS, the right-of-way is being transferred for no money consideration and as such the transaction does not need to be reviewed by the Land Review Commission, and a waiver of Land Review Commission provisions is requested; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service in that it is

immediately necessary to authorize the Director to quit claim grant the right-of-way to the Developer in order to prevent delay of the Project, which will preserve the public peace, property, health, welfare, and safety; and **now, therefore:**

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

SECTION 1. The director of the Department of Public Service is authorized to execute a quitclaim deed and other incidental instruments necessary to quit-claim grant the following described tract of right-of-way (“Property”) to the Columbus Metropolitan Housing Authority, an Ohio metropolitan housing authority organized and existing pursuant to Ohio Revised Code Chapter 3735 (*i.e.* Developer), and its successors and assigns:

Phillips Street Way right of way- 0.215 acre to Columbus Metropolitan Housing Authority

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 14, Township 5, Range 22, Refugee Lands, being that part of Phillips Street dedicated in Plat Book 3, Page 25, Plat Book 3, Page 163 and Plat Book 3, Page 367, (all references are to the records of the Recorder’s Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at a magnetic nail set at the intersection of the northerly right-of-way line of Hawthorne Avenue (50 feet wide, originally dedicated as Mann Street) and the easterly right-of-way line of said Phillips Street, in the westerly line of Lot 11 of the subdivision entitled “John W. Bakers Subdivision”, of record in Plat Book 1, Page 259, also being a southwesterly corner of that tract conveyed to Columbus Metropolitan Housing Authority by deed of record in Deed Book 1850, Page 165, at the northwesterly corner of that tract conveyed to City of Columbus by deed of record in Deed Book 483, Page 588;

thence North 86° 38’ 05” West, with said northerly right-of-way line, a distance of 20.00 feet to a magnetic nail set in the westerly right-of-way line of said Phillips Street, the southeasterly corner of Lot 12 of the subdivision entitled “Justin Morrison’s Ridge Road Subdivision”, of record in Plat Book 3, Page 163;

thence North 02° 41’ 27” East, with said westerly right-of-way line, a distance of 468.34 feet to a magnetic nail set in the southerly right-of-way line of Phale D. Hale Drive (50 feet wide, originally dedicated as Clinton Avenue, see Ordinance Number 0294-01), at the northeasterly corner of Lot 55 of the subdivision entitled “Garner and Prentiss Subdivision”, of record in Plat Book 3, Page 25;

thence South 86° 30’ 20” East, with said southerly right-of-way line, a distance of 20.00 feet to a magnetic nail set in said easterly right-of-way line, in the westerly line of said Lot 11;

thence South 02° 41’ 27” West, with said easterly right-of-way line, a distance of 468.29 feet to the POINT OF BEGINNING, containing 0.215 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The Bearings shown hereon are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (NSRS2007). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations of Franklin County Engineering Department monuments “FRANK 65” and “FRANK 165”. A bearing of North 03° 03’ 34” East, for the easterly right-of-way line of Champion Avenue is designated as the basis of bearings for this description.

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Matthew A. Kirk

Professional Surveyor No. 7865

SECTION 2. The Property is considered excess road right-of-way and the public rights to the Property terminate upon the Property’s transfer to the Developer.

SECTION 3. A general utility easement in, on, over, across, and through the Property is required to be reserved by the City for those utilities located or planned to be within the right-of-way.

SECTION 4. The following described descriptions for sidewalk and sewer easements in, on, over, across, and through

the Property is required to be reserved by the City:

Sidewalk Easement Reservation-0.005 Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 14, Township 5, Range 22, Refugee Lands, being on, over and across Phillips Street (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the northeasterly corner of Lot 55 of that subdivision entitled "Garner and Prentice's Subdivision" of record in Plat Book 3, Page 25, being the intersection of the southerly right-of-way line of Phale D. Hale Drive and the westerly right-of-way line of said Vacated Phillips Street;

thence South 86° 30' 20" East, with said southerly right-of-way line, a distance of 20.00 feet to a point in the easterly right-of-way line of said Vacated Phillips Street;

thence South 02° 41' 27" West, with said easterly right-of-way line, a distance of 11.00 feet to a point;

thence North 86° 30' 20" West, across said Vacated Phillips Street, a distance of 20.00 feet to a point in said westerly right-of-way line;

thence North 02° 41' 27" East, with said westerly right-of-way line, a distance of 11.00 feet to the POINT OF BEGINNING, containing 0.005 acre of land, more or less, all of which is located within Vacated Phillips Street;

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Sidewalk Easement Reservation-0.004 Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 14, Township 5, Range 22, Refugee Lands, being on, over and across Phillips Street (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the southwesterly corner of Lot 11 of that subdivision entitled "John W. Bakers Subdivision" of record in Plat Book 1, Page 259, at the intersection of the northerly right-of-way line of Hawthorne Avenue and the easterly right-of-way line of said Vacated Phillips Street;

thence North 86° 38' 05" West, with said northerly right-of-way line, a distance of 20.00 feet to a point in the westerly right-of-way line of said Vacated Phillips Street;

thence North 02° 41' 27" East, with said westerly right-of-way line, a distance of 9.50 feet to a point;

thence South 86° 38' 05" East, across said Vacated Phillips Street, a distance of 20.00 feet to a point in said easterly right-of-way line;

thence South 02° 41' 27" West, with said easterly right-of-way line, a distance of 9.50 feet to the POINT OF BEGINNING, containing 0.004 acre of land, more or less, all of which is located within Vacated Phillips Street.

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Sewer Easement Reservation-0.003 Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 14, Township 5, Range 22, Refugee Lands, being on, over and across Phillips Street Vacated by Ordinance Number ___ - ___, as conveyed to Columbus Metropolitan Housing Authority by deed of record in Instrument Number _____ (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the southeasterly corner of Lot 12 of that subdivision entitled "Justin Morrison's Ridge Road Subdivision" of record in Plat Book 3, Page 163, being the intersection of the northerly right-of-way line of Hawthorne Avenue and the westerly right-of-way line of said Vacated Phillips Street;

thence North 02° 41' 27" East, with the easterly line of said Lot 11, a distance of 20.00 feet to a

point;
thence South 86° 38' 05" East, across said Vacated Phillip Street, a distance of 6.14 feet to a
point;
thence South 03° 21' 55" West, continuing across said Vacated Phillips Street, a distance of 20.00
feet to a point in said northerly right-of-way line;
thence North 86° 38' 05" West, with said northerly right-of-way line, a distance of 5.91 feet to the
POINT OF BEGINNING, containing 0.003 acre of land, more or less, all of which is located within
Vacated Phillips Street.

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SECTION 5. It is in the City's best interest to allow the Property to be transferred to the Developer without requiring a recommendation from Land Review Commission, and the City waives the Land Review Commission provisions of Columbus City Code, Section 328.01, with regards to the Property's transfer to the Developer.

SECTION 6. The director of the Department of Public Service, upon notification and verification of the relocation of all utilities reserved within the Property, is authorized to execute those documents necessary to release any reserved general utility easement rights with no additional compensation due to the City and with no further legislative action required by the City.

SECTION 7. The City Attorney is required to preapprove all document(s) executed by the City pursuant to this ordinance.

SECTION 8. This ordinance, for the reasons stated in the preamble of this ordinance, which are fully incorporated for reference as if rewritten, is declared to be an emergency measure and is required take effect and be in force from and after its passage and approval by the Mayor or ten (10) days after its passage if the Mayor neither approves nor vetoes this ordinance.