



## Legislation Text

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**File #: 1209-2010, Version: 1**

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### 1. BACKGROUND

Weinland Park Development, LLC (the "Developer") is engaged in the redevelopment of that tract of land known as the Columbus Coated Fabrics site. The redevelopment of this site, bounded by the Conrail tracks on the east, 5<sup>th</sup> Avenue on the south, 4<sup>th</sup> Street on the west and 11<sup>th</sup> Avenue on the north, has been split into several phases. The first phase of this project includes the relocation and reconstruction of portions of Grant Avenue from 5<sup>th</sup> Avenue to 11<sup>th</sup> Avenue. To facilitate the construction of this phase of the project the Developer has agreed to donate to the City of Columbus the right-of-way and easements needed for the improvements proposed by the Grant Avenue Area Roadway Improvements plan. In exchange for these donations, the Developer has requested the City abandon as right-of-way and transfer to them for use as a private drive that portion of existing Grant Avenue from 5<sup>th</sup> Avenue to a point approximately 145 feet north of 5<sup>th</sup> Avenue. The property being transferred to the City by the Developer totals 1.357 acres and the excess right-of-way to be transferred to the Developer by the City totals 0.172 acres. After investigation and plan review it has been determined the exchange of these parcels of land is in the best interest of both parties and should be authorized subject to the retention of a general utility easement for those utilities currently located within the portion of Grant Avenue that is being transferred.

### 2. FISCAL IMPACT

N/A

### 3. EMERGENCY DESIGNATION

Emergency action is requested to allow the construction of the proposed improvements to proceed as quickly as possible. Plans are currently being signed and construction of this improvement project is anticipated to begin this construction season.

To authorize the Director of the Department of Public Service to execute those documents, prepared by the Department of Law, Real Estate Division, needed to transfer a portion of existing Grant Avenue to Weinland Park Development, LLC; to accept proposed right-of-way and permanent easements needed by the City of Columbus for the Grant Avenue Area Roadway Improvements project from Weinland Park Development, LLC; to the extent that they may apply to these transfers to waive the competitive bidding provisions and the Land Review Commission requirements of Columbus City Codes; and to declare an emergency.

**WHEREAS**, Weinland Park Development, LLC (the "Developer") is engaged in the redevelopment of that tract of land known as the Columbus Coated Fabrics site; and

**WHEREAS**, the redevelopment of this site, bounded by the Conrail tracks on the east, 5<sup>th</sup> Avenue on the south, 4<sup>th</sup> Street on the west and 11<sup>th</sup> Avenue on the north, has been broken into several phases; and

**WHEREAS**, the first phase of this project includes the relocation and reconstruction of portions of Grant Avenue from 5<sup>th</sup> Avenue to 11<sup>th</sup> Avenue; and

**WHEREAS**, to facilitate this phase of the project the Developer has agreed to donate to the City of Columbus the right-of-way and easements needed to construct the improvements proposed by the Grant Avenue Area Roadway Improvements plan; and

**WHEREAS**, in exchange for these donations, the Developer has requested the City abandon as right-of-way and transfer to them for use as a private drive that portion of existing Grant Avenue from 5<sup>th</sup> Avenue to a point approximately 145 feet north of 5<sup>th</sup> Avenue; and

**WHEREAS**, through this exchange the City will acquire approximately 1.357 acres of additional right-of-way and permanent easements; and

**WHEREAS**, the Developer will acquire approximately 0.172 acres of excess right-of-way from the City; and

**WHEREAS**, after investigation and review of the plans it has been determined the exchange of these parcels of land is in the best interest of both parties and should be authorized subject to the retention of a general utility easement for those utilities currently located within the portion of Grant Avenue that is being transferred to the Developer; and

**WHEREAS**, the following legislation authorizes the exchange of these parcels, abandons a portion of existing Grant Avenue as right-of-way, authorizes the acceptance of the new right-of-way from the Developer and waives the competitive bidding and land review commission provisions of Columbus City Code; 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 exchange of these properties and to authorize the Director to execute those documents needed to transfer approximately 0.172 acres of Grant Avenue to Weinland Park Development, LLC., so that construction of the Grant Avenue Area Roadway improvements can begin 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 Weinland Park Development, LLC; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18 of the United States Military Lands, being a part of the right-of-way of Grant Avenue (formerly Reis Street) as shown on the subdivision plat entitled "Cornelia F. Davis and Others Subdivision" of record in Plat Book 4, Page 45, and described as follows:

*Beginning* at an iron pin set at the intersection of the north right-of-way line of Fifth Avenue with the east right-of-way line of Grant Avenue (formerly Reis Street), being the southwest corner of Lot 23 as shown on said "Cornelia F. Davis and Others Subdivision",

Thence North 86°38'15" West, a distance of 42.01 feet, with said north right-of-way line extended, to an iron pin set at the intersection of said north right-of-way line with the west right-of-way line of Grant Avenue, being the southeast corner of Lot 24 as shown on the subdivision plat entitled "Amended Plat of Cornelia F. Davis and Others Subdivision" of record in Plat Book 17, Page 154;

Thence North 01°51'58" East, a distance of 145.27 feet, with said west right-of-way line and the east line of said Lot 24, to an iron pin set at a northeast corner thereof and the intersection of said west right-of-way line with the south right-of-way line of the first alley north of Fifth Avenue as shown on said "Amended Plat of Cornelia F. Davis and Other Subdivision;"

Thence South 86°38'15" East, a distance of 29.51 feet, crossing the right-of-way of Grant Avenue with said south right-of-way line extended, to an iron pin set;

Thence North 01°51'58" East, a distance of 103.18 feet, crossing the right-of-way of Grant Avenue, to an iron pin set at a point of curvature;

Thence crossing the right-of-way of Grant Avenue, with the arc of a curve to the right, having a central angle of 91°29'47", a radius of 10.00 feet, an arc length of 15.97 feet, a chord bearing and distance of North 47° 36'52" East, 14.33 feet, to an iron pin set at a point of tangency;

Thence South 86°38'15" East, a distance of 2.24 feet, crossing the right-of-way of Grant Avenue, to an iron pin set in said east right-of-way line and in the west line of Lot 18 as shown on said "Cornelia F. Davis and Others Subdivision;"

Thence South 01°51'58" West, a distance of 258.72 feet, with said east right-of-way line and the west line of said Lot 18, Lots 19 and 20 as shown on said "Cornelia F. Davis and Others Subdivision," an alley vacated by Ordinance Number 870-62, and said Lot 23, to the *Point of Beginning* and containing 0.172 acre, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (CORS96). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected CORS base stations [DI2237 OHUD, DI1686 OHUN, and AJ7184 COLB] in the National Spatial Reference System. The portion of the centerline of Grant Avenue, having a bearing of North 01°51'58" East and monumented as shown hereon, is designated the "basis of bearing" for this survey.

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.

EVANS, MECHWART, HAMBLETON & TITLON, 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 quitclaim deed to the grantee thereof.

**Section 3.** That a general utility easement in, on, over, across and through the above described right-of-way shall be and hereby is retained by the City of Columbus for those utilities currently located within this excess right-of-way.

**Section 4.** That upon notification and verification of the relocation of the existing utilities located within the retained general utility easements the Director of the Department of Public Service is hereby authorized to execute those documents necessary to release such retained general utility easements with no 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 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 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 right-of-way.

**Section 7.** That the City of Columbus hereby accepts the property more fully described below from Weinland Park Development, LLC; to-wit:

1.201 ACRES (Warranty Deed)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18 of the United States Military Lands, being out of the 12.128 acre tract conveyed to Weinland Park Development, LLC of record in Instrument Number 200810080150639 and out of the 4.097 acre tract conveyed to Weinland Park Development, LLC of record in Instrument Number 200712270220303, being across Lots 1 through 22 inclusive as shown on the subdivision plat entitled "Cornelia F. Davis and Others Subdivision" of record in Plat Book 4, Page 45, across Lot 1, Lots 7 through 11 inclusive, and Lot 25 as shown on the subdivision plat entitled "Amended Plat of Asa L. Parker's Subdivision" of record in Plat Book 3, Page 12, across the alleys vacated by City of Columbus Ordinance Numbers 104-35, 279-55, 1616-57, and 870-62, the Reserve as shown on the subdivision plat entitled "Felix A. Jacob's Subdivision" of record in Plat Book 4, Page 168, the Reserve as shown on the subdivision plat entitled "Anna M. Erb and Joseph Erb's Subdivision" of record in Plat Book 4, Page 151, and described as follows:

*Beginning, for reference,* at an iron pin set at the intersection of the north right-of-way line of Fifth Avenues with the east right-of-way line of Grant Avenue (formerly Reis Street), being the southwest corner of Lot 23 as shown on said "Cornelia F. Davis and Others Subdivision;"

Thence South 86°38'15" East, a distance of 65.76 feet, with said north right-of-way line and the south line of said Lots 23 and 22, to an iron pin set, being the *True Point of Beginning*;

Thence across said Weinland Park Development tract, the following courses:

With the arc of a curve to the left, having a central angle of 91°29'47", a radius of 10.00 feet, an arc length of 15.97 feet, a chord bearing and distance of North 47°36'52" East, 14.33 feet, to an iron pin set at a point of tangency;

North 01°51'58" East, a distance of 238.71 feet, to an iron pin set at a point of curvature;

With the arc of a curve to the left, having a central angle of 88°30'13", a radius of 10.00 feet, an arc length of 15.45 feet, a chord bearing and distance of North 42°23'08" West, 13.96 feet, to an iron pin set at a point of tangency; and

North 86°38'15" West, a distance of 66.28 feet to an iron pin set on said east right-of-way line and the west line of said Weinland Park Development tract;

Thence with said east right-of-way line and said west line, the following courses:

North 01°51'58" East, a distance of 600.38 feet, to a point;

South 86°39'04" East, a distance of 3.17 feet, to a point;

North 03°13'06" East, a distance of 1529.88 feet, to an iron pin set at the northwest corner of said 4.097 acre tract and the southwest corner of the tract conveyed to Grant Avenue Properties, Ltd. of record in Instrument Number 199804230097572;

Thence South 86°57'36" East, a distance of 10.00 feet, with the line common to said 4.097 acre tract and said Grant Avenue Properties tract, to an iron pin set;

Thence across said Weinland Park Development tract, the following courses:  
South 03°13'06" West, a distance of 1494.50 feet, to an iron pin set;  
South 01°51'58" West, a distance of 566.06 feet, to an iron pin set at a point of curvature;  
With the arc of a curve to the left, having a central angle of 88°30'13", a radius of 10.00 feet, an arc length of 15.45 feet, a chord bearing and distance of South 42°23'08" East, 13.96 feet, to an iron pin set at a point of tangency;

South 86°38'15" East, a distance of 131.31 feet, to an iron pin set;  
South 01°51'58" West, a distance of 308.99 feet, to an iron pin set at a point of curvature; and  
With the arc of a curve to the left, having a central angle of 88°30'13", a radius of 10.00 feet, an arc length of 15.45 feet, a chord bearing and distance of South 42°23'08" East, 13.96 feet, to an iron pin set on said north right-of-way line and the south line of said Lot 1 of said "Amended Plat of Asa L. Parker's Subdivision;"

Thence North 86°38'15" West, a distance of 99.03 feet, with said north right-of-way line, to the *True Point of Beginning* and containing 1.210 acres, more or less.

Of the above described tract, 0.190 acre is from Auditor's Parcel Number 010-243508 and 1.020 acre is from Auditor's Parcel Number 010-008498.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

The bearings shown herein are based on the Ohio State Plan Coordinate System, South Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected CORS base stations [DI2237 OHUD, DI1686 OHUN and AJ7184 COLB] in the National Spatial Reference System. The portion of the centerline of Grant Avenue, having a bearing of North 01°51'58" East monumented as shown hereon, is designated the "basis of bearing" for this survey.

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.

EVANS, MECHWART, HAMBLETON & TITLON, INC.  
Edward J. Miller, Professional Surveyor No. 8250

#### 0.014 ACRE (Warranty Deed)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, township 1, Range 18 of the United States Military Lands, being out of Lots 32, 33, 34, and 35 as shown on the subdivision plat entitled "Amended Plat of Cornelia F. Davis and Others Subdivision" of record in Plat Book 17, Page 154 conveyed to Weinland Park Development, LLC of record in Instrument Numbers 200909290140785, 200909290140784 and 20081008150639, and described as follows:

*Beginning, for reference*, at a 1 inch diameter iron rod set at the centerline intersection of Sixth Avenue with Grant Avenue (formerly Reis Street) as shown on the subdivision plat entitled "Cornelia F. Davis and Other Subdivision" of record in Plat Book 4, Page 45;

Thence South 01°51'58" West, a distance of 25.01 feet, with the centerline of Grant Avenue, to a point;

Thence North 86°39'04" West, a distance of 21.01 feet, to a point at the northeast corner of said Lot 35 and the intersection of the south right-of-way line of Sixth Avenue with the west right-of-way line of Grant Avenue, being the *True Point of Beginning*;

Thence South 01°51'58" West, a distance of 157.84 feet, with said west right-of-way line and the east line of said Lots 35, 34, 33, and 32, to an iron pin set at a southwest corner thereof and a northeast corner of Lot 31 as shown on said "Amended Plat of Cornelia F. Davis and Others Subdivision;"

Thence North 86°39'04" West, a distance of 4.00 feet, with the line common to said Lots 31 and 32, to an iron pin set;

Thence North 01°51'58" East, a distance of 157.84 feet, across said Lots 32, 33, 34, and 35, to an iron pin set in the north line of said Lot 35 and said south right-of-way line;

Thence South 86°39'04" East, a distance of 4.00 feet, with said south right-of-way line and said north line, to the *True Point of Beginning* and containing 0.014 acre, more or less.

Of the above described tract, 0.0035 acre is from Auditor's Parcel Number 010-025725, 0.0035 acre is from Auditor's Parcel Number 010-022553, 0.0035 acre is from Auditor's Parcel Number 010-007096, and 0.0035 acre is from Auditor's Parcel Number 010-064768.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

The bearings shown herein are based on the Ohio State Plan Coordinate System, South Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected CORS base stations [DI2237 OHUD, DI1686 OHUN and AJ7184 COLB] in the National Spatial Reference System. The portion of the centerline of Grant Avenue, having a bearing of North 01°51'58" East monumented as shown hereon, is designated the "basis of bearing" for this survey.

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.

EVANS, MECHWART, HAMBLETON & TITLON, INC.  
Edward J. Miller, Professional Surveyor No. 8250

0.024 ACRE (Warranty Deed)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18 of the United States Military Lands, being out of Lots 36 through 43 inclusive as shown on the subdivision plat entitled "Amended Plat of Cornelia F. Davis and Others Subdivision" of record in Plat Book 17, Page 154 conveyed to Weinland Park Development, LLC of record in Instrument Number 200810080150639, and described as follows:

*Beginning, for reference*, at a 1 inch diameter iron rod set at the centerline intersection of Sixth Avenue with Grant Avenue (formerly Reis Street) as shown on the subdivision plat entitled "Cornelia F. Davis and Others Subdivision" of record in Plat Book 4, Page 45;

Thence North 01°51'58" East, a distance of 25.01 feet, with the centerline of Grant Avenue, to a point;

Thence North 86°39'04" West, a distance of 21.01 feet, to a point at the southeast corner of said Lot 36 and the intersection of the north right-of-way line of Sixth Avenue with the west right-of-way line of Grant Avenue, being the *True Point of Beginning*;

Thence North 86°39'04" West, a distance of 4.00 feet, with the south line of said Lot 36 and said north right-of-way line, to an iron pin set;

Thence North 01°51'58" East, a distance of 258.00 feet, across said Lots 36 through 43 inclusive, to an iron pin set in the north line of said Lot 43 and said west right-of-way line;

Thence South 86°39'04" East, a distance of 4.00 feet, with said north line and said west right-of-way line, to the northeast corner thereof;

Thence South 01°51'58" West, a distance of 258.00 feet, with said west right-of-way line and the east line of said Lots 36 through 43 inclusive, to the *True Point of Beginning* and containing 0.024 acre, more or less, from Auditor's Parcel Number 010-046760.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

The bearings shown herein are based on the Ohio State Plan Coordinate System, South Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected CORS base stations [DI2237 OHUD, DI1686 OHUN and AJ7184 COLB] in the National Spatial Reference System. The portion of the centerline of Grant Avenue, having a bearing of North 01°51'58" East monumented as shown hereon, is designated the "basis of bearing" for this survey.

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.

EVANS, MECHWART, HAMBLETON & TITLON, INC.  
Edward J. Miller, Professional Surveyor No. 8250

**Section 8.** That the above described property shall be dedicated as right-of-way and shall be named Grant Avenue by the City of Columbus.

**Section 9.** That the City of Columbus hereby accepts the permanent storm sewer easement more fully described below from Weinland Park Development, LLC, to-wit:

0.019 acre (Permanent Storm Sewer Easement)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18 of the United States Military Lands, being across the 12.128 acre tract conveyed to Weinland Park Development, LLC of record in Instrument Number 200810080150639, being across Lots 7 through 16 inclusive as shown on the subdivision plat entitled "Cornelia F. Davis and Others Subdivision" of record in Plat Book 4, Page 45, across Lots 11 and 12 as shown on the subdivision plat entitled "Amended Plat of Asa L. Parker's Subdivision" of record in Plat Book 3, Page 12, across the alleys vacated by City of Columbus Ordinance Numbers 279-55, 1616-57 and 870-62, and described as follows:

*Beginning, for reference*, at an iron pin set at the intersection of the north right-of-way line of Fifth Avenue with the east right-of-way line of Grant Avenue (formerly Reis Street), being the southwest corner of Lot 23 as shown on said "Cornelia F. Davis and Others Subdivision";

Thence South 86°38'15" East, a distance of 164.79 feet, with said north right-of-way line, to an iron pin

set;

Thence across said 12.128 acre tract, the following courses:

With the arc of a curve to the right, having a central angle of  $88^{\circ}30'13''$ , a radius of 10.00 feet, an arc length of 15.45 feet, a chord bearing and distance of North  $42^{\circ}23'08''$  West, 13.96 feet, to an iron pin set at a point of tangency;

North  $01^{\circ}51'58''$  East, a distance of 308.99 feet to an iron pin set, being the *True Point of Beginning*;

North  $86^{\circ}38'15''$  West, a distance of 131.31 feet, to an iron pin set at a point of curvature;

With the arc of a curve to the right, having a central angle of  $88^{\circ}30'13''$ , a radius of 10.00 feet, an arc length of 15.45 feet, a chord bearing and distance of North  $42^{\circ}23'08''$  West, 13.96 feet, to an iron pin set at a point of tangency;

North  $01^{\circ}51'58''$  East, a distance of 295.39 feet, to a point;

South  $01^{\circ}53'27''$  East, a distance of 228.92 feet, to a point;

South  $01^{\circ}51'58''$  West, a distance of 62.09 feet, to a point;

South  $86^{\circ}38'15''$  East, a distance of 126.43 feet, to a point;

South  $03^{\circ}21'45''$  West, a distance of 15.00 feet, to the *True Point of Beginning* and containing 0.109 acre, more or less, across Auditor's Parcel Number 010-008498.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

The bearings shown herein are based on the Ohio State Plan Coordinate System, South Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected CORS base stations in the National Spatial Reference System. The portion of the centerline of Grant Avenue, having a bearing of North  $01^{\circ}51'58''$  East monumented as shown hereon, is designated the "basis of bearing" for this survey.

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.

EVANS, MECHWART, HAMBLETON & TITLON, INC.

Edward J. Miller, Professional Surveyor No. 8250

**Section 10.** 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.