



Legislation Details (With Text)

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File created: 5/26/2016 **In control:** Public Service & Transportation Committee

On agenda: 6/20/2016 **Final action:** 6/22/2016

Title: To authorize the Director of the Department of Public Service to execute and acknowledge any document(s), as approved by the City Attorney, necessary to vacate and transfer certain right-of-way to 4701 Rexwood Drive Apartments Investors LLC, subject to the reservation of easement rights; to waive Land Review Commission requirements; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 21-V_description_20160404.pdf, 2. 21-V_exhibit_20160404.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 6/22/2016 | 1 | CITY CLERK | Attest | |
| 6/21/2016 | 1 | ACTING MAYOR | Signed | |
| 6/20/2016 | 1 | COUNCIL PRESIDENT | Signed | |
| 6/20/2016 | 1 | Columbus City Council | Approved | Pass |

BACKGROUND:

The City's Department of Public Service (DPS) received a request from 4701 Rexwood Drive Apartments Investors LLC, a Delaware limited liability company ("Rexwood"), to vacate and transfer a 0.010 acre, approximately, parcel of existing right-of-way ("Parcel 21-V"). DPS, after reviewing Rexwood's request to acquire Parcel 21-V, determined granting Parcel 21-V to Rexwood for no monetary consideration is in the City's best interest, because the City's transfer of Parcel 21-V will facilitate and acquisition needed for the construction of the City's nearby Hamilton Road, Phase-B S-Curve (PID 530103-100055) Public Improvement Project ("Public Project"). For the aforementioned reason we are requesting a waiver of the Land Review Commission provisions of Columbus City Code, Section 328.01.

FISCAL IMPACT:

Not applicable.

EMERGENCY DESIGNATION:

Emergency action is requested in order to transfer Parcel 21-V and allowing DPS to timely complete the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Public Service to execute and acknowledge any document(s), as approved by the City Attorney, necessary to vacate and transfer certain right-of-way to 4701 Rexwood Drive Apartments Investors LLC, subject to the reservation of easement rights; to waive Land Review Commission requirements; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to transfer fee title of a 0.010 acre, approximately, parcel of existing right-of-way (*i.e.* Parcel 21-V) to 4701 Rexwood Drive Apartments Investors LLC, a Delaware limited liability company (*i.e.* Rexwood), in order to facilitate construction of the City's nearby Hamilton Road, Phase-B S-Curve (PID 530103-100055) Public Improvement Project (*i.e.* Public Project); and

WHEREAS, the City intends to transfer Parcel 21-V to Rexwood subject to the reservation of easement rights; and

WHEREAS, the City intends for the City Attorney to approve of all document(s) associated with this ordinance; and

WHEREAS, it is necessary to request a waiver of the Land Review Commission provisions of Columbus City Code, Section 328.01; and

WHEREAS, an emergency exists in the usual daily operations of Department of Public Service in that it is immediately necessary to transfer Parcel 21-V to Rexwood in order to prevent unnecessary delay in completing the Public 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. That the Director of the Department of Public Service (DPS) is authorized to execute and acknowledge any document(s) necessary to quit claim grant the following described right-of-way (*i.e.* Parcel 21-V) to 4701 Rexwood Drive Apartments Investors LLC, a Delaware limited liability company (*i.e.* Rexwood), and its successors and assigns:

0.010 ACRE +/-

Situate in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 4, Township 2 N, Range 17 W, United States Military Lands, and being part of the additional Hamilton Road (80.00 foot total) right-of-way appropriated by the Franklin County Board of Commissions and delineated upon the Right-of-Way Plan titled Establishing, Altering, and Widening of Beecham Road, Sections "B" & "C" on file in the Franklin County Engineer's Office in Road Record 19, Page 92, and being part of the original 50.086 acre tract conveyed to Morsham Land Corporation by deed of record in Official Record 11024A15, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows;

Beginning for Reference at the Franklin County Engineer's monument box FCGS 8814 in the existing centerline of right-of-way of Hamilton Road, being the easterly line of said original 50.086 acre tract, the easterly line of the 1.170 acre tract conveyed to the City of Columbus by deed or record in Instrument Number 200307310242157, at the common corner of the 41.591 acre tract conveyed to Wesley Woods At New Albany, LLC by deed of record in Instrument Number 201509300138208 and the 0.320 acre tract conveyed to the City of Columbus by deed of record in Instrument Number 200807100105811; said monument being 7.13 feet left of Proposed Hamilton Road Centerline Right-of-Way station 126+80.53;

Thence North 03 deg. 12 min. 47 sec. East, a distance of 193.04 feet, along the existing centerline of right-of-way of Hamilton Road and the easterly line of said original 50.086 acre tract, the easterly line of said 1.170 acre tract, the westerly line of said original 41.591 acre tract, and the westerly line of the original 40.809 acre tract conveyed to The New Albany Company LLC, by deed of record in Instrument Number 201212310201338, to a point at the northeasterly corner of said 1.170 acre tract; said point being 46.15 feet left of Proposed Hamilton Road Centerline Right-of-Way station 128+65.17, and being 0.00 feet right of Existing Hamilton Road Centerline Right-of-Way station 498+10.99;

Thence North 86 deg. 47 min. 13 sec. West, a distance of 25.00 feet along the northerly line of said 1.170 acre tract and across said original 50.086 acre tract, to an iron pin set, being 25.00 feet left of Existing Hamilton Road Centerline Right-of-Way station 498+10.99, and being the Point of True Beginning of the herein described parcel;

Thence continuing North 86 deg. 47 min. 13 sec. West, a distance of 15.00 feet along the northerly line of said 1.170 acre tract and across said original 50.086 acre tract, to an iron pin set in the existing westerly right-of-way line of Hamilton Road, at the southeasterly corner of the 35.686 acre tract conveyed to 4701 Rexwood Drive Apartments Investors LLC by deed of record in Instrument Number 200206280159719, being 40.00 feet left of Existing Hamilton Road Centerline Right-of-Way station 498+10.99;

Thence North 03 deg. 12 min. 47 sec. East, a distance of 30.00 feet along the existing westerly right-of-way line of Hamilton Road, and the easterly line of said 35.686 acre tract and across said original 50.086 acre tract, to an iron pin set, being 40.00 feet left of Existing Hamilton Road Centerline Right-of-Way station 498+40.99;

Thence the following two (2) courses and distances across said original 50.086 acre tract and across said Hamilton Road 80.00 foot right-of-way;

1. Thence South 86 deg. 47 min. 13 sec. East, a distance of 15.00 feet to an iron pin set, being 25.00 feet left of Existing Hamilton Road Centerline Right-of-Way station 498+40.99;

2. Thence South 03 deg. 12 min. 47 sec. West, a distance of 30.00 feet to the Point of True Beginning of the herein described parcel, containing 0.010 acres (450 sf), more or less, of which 0.010 acres lies within the existing Present Road Occupied.

Of the above described area, 0.010 acres are contained within Franklin County Auditor's Parcel 545-147940-00.

Bearings are based on the existing centerline of Right-of-Way of Hamilton Road being North 03 deg. 07 min. 54 sec. East, as measured using GPS methods from FCGS 8813 to FCGS 8814, based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (NSRS 2007).

Hamilton Road stationing is based on the centerline stationing of 1915-E (Morse Road/Hamilton Road), on file with the City of Columbus.

This description was prepared by Steven E. Rader, registered surveyor 7191, and is based upon a field survey for the City of Columbus, in August 2015, by Stantec Consulting Services, Inc., under the direction of said surveyor.

STANTEC CONSULTING SERVICES, INC.

Steven E. Rader

Registered Surveyor No. 7191 Date

SECTION 2. That Parcel 21-V is hereby vacated right-of-way and the public rights associated with Parcel 21-V will terminate upon the City's execution and delivery of the quit-claim deed transferring Parcel 21-V to Rexwood.

SECTION 3. That a general utility easement is required to be reserved in, on, over, across, and through all of Parcel 21-V.

SECTION 4. That the City Attorney is required to approve all document(s) associated with this ordinance prior to the director of DPS executing and acknowledging any of those document(s).

SECTION 5. That the Land Review Commission provisions of Columbus City Code, Section 328.01, are hereby waived.

SECTION 6. This ordinance, for the reasons stated in the preamble of this ordinance, which are fully incorporated into this ordinance as if rewritten, is 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 (10) days after its passage if the mayor neither approves nor vetoes this ordinance.

