



## Legislation Details (With Text)

**File #:** 3102-2017      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/14/2017      **In control:** Public Service & Transportation Committee

**On agenda:** 12/4/2017      **Final action:**

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer right-of-way totaling 5,227 square feet to Park & Spruce Acquisitions, LLC.; to accept payment of \$26,136.00 from Park & Spruce Acquisitions, LLC., as compensation for the right-of-way; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/7/2017	1	CITY CLERK	Attest	
12/6/2017	1	MAYOR	Signed	
12/4/2017	1	COUNCIL PRESIDENT	Signed	
12/4/2017	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Park & Spruce Acquisitions, LLC., asking that the City sell a 3,801 square foot portion of the School Street right-of-way west of Park Street between Spruce Street and I-670, a 1,125 square foot portion of the Hunt Street right-of-way east of Armstrong between Spruce Street and I-670, and a 301 square foot portion of the Spruce Street right-of-way south of Hunt Street between Armstrong Street and School Alley, totaling 5,227 square feet. Transfer of these rights-of-way will facilitate the re-development of property currently owned by Park & Spruce Acquisitions adjacent to the above noted rights-of-way. 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 City Attorney's Office, Real Estate Division, asking that they establish a value for these rights-of-way. A value of \$26,136.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to Park & Spruce Acquisitions for \$26,136.00.

### 2. FISCAL IMPACT:

The City will receive a total of \$26,136.00 that will be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

### 3. EMERGENCY DESIGNATION

Emergency action is requested in order to allow the redevelopment of property adjacent to the right-of-way to proceed on schedule.

To authorize the Director of the Department of Public Service to execute those documents required to transfer right-of-way totaling 5,227 square feet to Park & Spruce Acquisitions, LLC.; to accept payment of \$26,136.00 from Park & Spruce Acquisitions, LLC., as compensation for the right-of-way; and to declare an emergency. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Park & Spruce Acquisitions, LLC., asking that the City transfer a 3,801 square foot portion of the School Street right-of-way west of Park Street between Spruce Street and I-670, a 1,125 square foot portion of the Hunt Street right-of-way east of Armstrong between Spruce Street and I-670, and a 301 square foot portion of the Spruce Street right-of-way south of Hunt Street between Armstrong Street and School Alley, totaling 5,227 square feet, adjacent to property owned by Park & Spruce Acquisitions, LLC. to them; and

**WHEREAS**, acquisition of the right-of-way will facilitate the re-development of property currently owned by Park & Spruce Acquisitions adjacent to the above noted rights-of-way; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Infrastructure Management, by this transfer, extinguishes its need for this public right-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 this right-of-way, the City will not be adversely affected by the transfer of these rights-of-way to Park & Spruce Acquisitions; and

**WHEREAS**, the Department of Public Service submitted a request to the City Attorney's Office, Real Estate Division, asking that they establish a value for the rights-of-way; and

**WHEREAS**, a value of \$26,136.00 was established for the rights-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to Park & Spruce Acquisitions for the amount of \$26,136.00; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to transfer the right-of-way as soon as possible to allow the redevelopment of adjacent property to proceed on schedule, 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 City Attorney's Office, Real Estate Division, necessary to transfer the following described right-of-way to Park & Spruce Acquisitions, LLC.; to-wit:

**LEGAL DESCRIPTION**  
**0.120 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus and being a portion of School Street (20' R/W) as dedicated in Lincoln Goodale's Addition to Columbus as recorded in Plat Book 1, Page 92, a portion of Hunt Alley (9' R/W) as dedicated in J.R. Hunt's Subdivision of Lots 6 and 7 in Park Addition to Columbus as recorded in Plat Book 2, Page 87, and a portion of Spruce Street (50' R/W) as dedicated in Lincoln Goodale's Addition to Columbus as recorded in Plat Book 1, Page 92 as further described as follows;

Beginning at a magnail set at the southeast corner of Lot 80 of the Lincoln Goodale's Addition as recorded in Plat Book 1, Page 92 as conveyed to Everything Nice Park, LLC in Instrument Number 200604240075756, Parcels I and II, being the southeast corner of said Parcel II, and being the intersection of the westerly right of way line of Park Street (80' R/W) as dedicated in Lincoln Goodale's Addition to Columbus as recorded in Plat Book 1, Page 92 and the northerly right of way line of said Spruce Street, and also being the TRUE POINT OF BEGINNING for land herein described as follows;

Thence crossing said Spruce Street, S 03° 25' 13" W, 2.00 feet to a magnail set;

Thence continuing across said Spruce Street, N 86° 26' 05" W, 170.74 feet to a magnail set;

Thence continuing across said Spruce Street, N 03° 25' 13" E, 2.00 feet to a magnail set at the southeast corner of said Lot 1 in the J.R. Hunts Subdivision as recorded in Plat Book 2, Page 87 as conveyed to Everything Nice Park, LLC in Instrument Number 200604240075756, Parcel III and being the intersection of the westerly right of way line of School Street as dedicated in Plat Book 1, Page 92 and the northerly right of way line of said Spruce Street;

Thence with the east line of said Lot 1, the east line of said Parcel III, and the westerly right of way line of said School Street, N 03° 25' 13" E, 82.50 feet to a magnail set at the northeast corner of said Lot 1 and being the intersection of the westerly right of way line of said School Street and the southerly right of way line of said Hunt Alley as dedicated in Plat Book 2, Page 87;

Thence with the north line of said Lot 1, the north line of Lot 2 in the J.R. Hunts Subdivision as conveyed to Everything Nice Park, LLC in Instrument Number 200604240075756, Parcel III, the north line of Lot 3 in the J.R. Hunts Subdivision as conveyed to 104 Spruce Street, LLC in Instrument Number 200506060109114, the north line of Lot 4 in the J.R. Hunts Subdivision as conveyed to 110 W. Spruce Street LLC in Instrument Number 200902230024002, Tract I, the north line of Lot 5 in the J.R. Hunts Subdivision as conveyed to 110 W. Spruce Street LLC in Instrument Number 200902230024002, Tract II, and the southerly right of way line of said Hunt Alley, N 86° 26' 05" W, 125.00 feet to a magnail set at the northwest corner of said Lot 5 and the northeast corner of Lot 6 of J.R. Hunts Subdivision as conveyed to Tanner Technologies, LLC in Instrument Number 201704120049244;

Thence crossing said Hunt Alley, N 03° 25' 13" E, 9.00 feet to a magnail set in the south line of Lot 5 in Park Addition as recorded in Plat Book 2, Page 51 as conveyed to 532 Armstrong Street in Instrument Number 201112300171547 and being in the northerly right of way line of said Hunt Alley;

Thence with the south line of said Lot 5 and the northerly right of way line of said Hunt Alley, S 86° 26' 05" E, 125.00 feet to the southeast corner of said Lot 5 and the intersection of the northerly right of way line of said Hunt Alley and the westerly right of way line of said School Street;

Thence with the east line of a portion of said Lot 5 as conveyed to 532 Armstrong Street, the east line of a portion of said Lot 5 and a portion of Lot 4 in the Park Addition as conveyed to the City of Columbus in Deed Volume 2054, Page 94 and Deed Book 1999, Page 215, the southerly limited access right of way line of Interstate 670 (FRA-3-16.17) as occupied with highway easement Parcel 184-A-LA and 184-LA as conveyed to the State of Ohio in Deed Volume 2054, Page 96 and Deed Book 1999, Page 221 respectively, N 03° 25' 13" E, 92.60 feet to magnail set in the northeast corner of said City of Columbus property in the southerly limited access right of way line of Interstate 670, being in the westerly right of way line of said School Street;

Thence with the southerly limited access right of way line of Interstate 670, passing through the existing right of way of said School Street, N 71° 19' 18" E, 21.59 feet to a magnail set in the east line of said School Street, being in Charles Street (see COC Ord. No. 1791-2004), and being the northwest corner of a 0.068 acre tract as conveyed to 533 North Park, LLC in Instrument Number 200511230247996, Parcel I;

Thence across Charles Street with the easterly right of way line of School Street and the west line of said 533 North Park, LLC Parcel I, the west line of Lot 78 in the Lincoln Goodale's Addition as recorded in Plat Book 1, Page 92 as conveyed to 533 North Park, LLC in Instrument Number 200511230247996, the west line of said Lot 78 and a portion of Lot 79 in Lincoln Goodale's Addition as conveyed to 523-527 Park, LLC in Instrument Number 200812150179411, the west line of a said Lot 79 and Lot 80 in Lincoln Goodale's Addition as conveyed to Everything Nice Park, LLC in Instrument Number 200604240075756, Parcels I and II, S 03° 25' 13" W, 192.27 feet to the southwest corner of said Lot 80, the southwest corner of said Everything Nice Park, LLC, Parcel II, and being the intersection of the easterly right of way line of said School Street and the northerly right of way line of said Spruce Street;

Thence with the south line of said Lot 80 and the northerly right of way line of said Spruce Street, S 86° 26' 05" E, 150.74 feet to the TRUE POINT OF BEGINNING, containing 0.120 acres, more or less.

The above description was prepared by Advanced Civil Design Inc. and based on existing Franklin County records, along with an actual field survey performed June, 2016.

Iron pins set are 3/4" diameter, 30" long pipe with plastic cap inscribed "Advanced 7661".

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS2007) as derived from GPS observation that determine a portion of Spruce Street to have a bearing of N 86° 26' 05" W.

All references used in this description can be found at the Recorder's Office Franklin County, Ohio.

**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 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 5.** That the \$26,136.00 to be received by the City as consideration for the sale of these rights-of-way shall be deposited in Fund 7748, Project P537650.

**SECTION 6.** 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.