



Legislation Details (With Text)

File #: 1921-2018 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 6/28/2018 **In control:** Public Service & Transportation Committee

On agenda: 7/23/2018 **Final action:** 7/25/2018

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer a portion of the unnamed east/west right-of-way, south of Lafayette Street between North 5th and Neilston Streets, and a portion of the unnamed north/south right-of-way between Lafayette and Long Streets to Chavez Long Street Investors; and for the City to receive \$60,765.00 as consideration for the transfers; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 7/25/2018 | 2 | CITY CLERK | Attest | |
| 7/24/2018 | 2 | ACTING MAYOR | Signed | |
| 7/23/2018 | 2 | COUNCIL PRESIDENT | Signed | |
| 7/23/2018 | 1 | Columbus City Council | Amended to Emergency | Pass |
| 7/23/2018 | 1 | Columbus City Council | Approved as Amended | Pass |
| 7/16/2018 | 1 | Columbus City Council | Read for the First Time | |

1. Background:

The City of Columbus, Department of Public Service, received a request from Chavez Long Street Investors asking that the City transfer a portion of the unnamed east/west right-of-way, south of Lafayette Street between North 5th and Neilston Streets, and a portion of the unnamed north/south right-of-way between Lafayette and Long Streets, totaling 4,046 square feet, which is adjacent to property owned by Chavez Long Street Investors. Transfer of these rights-of-way will facilitate the re-development of property currently owned by Chavez Long Street Investors adjacent to the above noted rights-of-way, located at 156 North 5th Street, which will consist of a mixed use, multi-story facility. The Department of Public Service has agreed to transfer these rights-of-way as described in the attached exhibit and extinguish the underlying fee. 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 Department of Law, Real Estate Division, asking that they establish a value for these rights-of-way. A value of \$60,765.00 was established for these rights-of-way. This request went before the Land Review Commission on January 18, 2018. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to Chavez Long Street Investors for the amount of \$60,765.00.

2. FISCAL IMPACT:

There is no cost to the City for this transaction. The City will receive a total of \$60,765.00 that will be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

Emergency Justification: This right-of-way needs to be secured prior to the Chavez Long Street Investors closing

on this land in mid-August.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a portion of the unnamed east/west right-of-way, south of Lafayette Street between North 5th and Neilston Streets, and a portion of the unnamed north/south right-of-way between Lafayette and Long Streets to Chavez Long Street Investors; and for the City to receive \$60,765.00 as consideration for the transfers; **and to declare an emergency** . (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Chavez Long Street Investors asking that the City transfer to them a portion of the unnamed east/west right-of-way, south of Lafayette Street between North 5th Street and Neilston Street, and a portion of the unnamed north/south right-of-way between Lafayette Street and Long Street, totaling 4,046 square feet, adjacent to property owned by Chavez Long Street Investors; and

WHEREAS, acquisition of these rights-of-way will facilitate the re-development of property currently owned by Chavez Long Street Investors 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 these public rights-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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way to Chavez Long Street Investors; and

WHEREAS, the Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for these rights-of-way; and

WHEREAS, a value of \$60,765.00 was established for the right-of-way; and

WHEREAS, this request went before the Land Review Commission on January 18, 2018, and after review of the request the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to Chavez Long Street Investors for the amount of \$60,765.00 to be deposited in Fund 7748, Project P537650; **and**

WHEREAS, **an emergency exists in the daily operations to secure the right-of-way prior to closing in mid-August; 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 rights-of-way to Chavez Long Street Investors; to-wit:

SURVEY OF 0.093 ACRE ALLEY

Situated in the City of Columbus, County of Franklin, State of Ohio and being part of a 12-foot wide dedicated Alley in A. Latham Addition, Plat Book 1, Page 276, and also being all of a 12-foot wide alley and a 16-foot wide alley dedicated in Ord. 426-62 as described in the deeds to the City of Columbus of record in Deed Book 2390, Pages 347, 348, 349, 351, 353, 356 & 358 respectively, and also being parts of the original Lots 1 and 2 in the Amended Plat of Bernard McNally's Addition to Columbus O., Plat Book 1, Page 363, as recorded in the Franklin County Recorder's Office and being more particularly described as follows:

Commencing at a survey nail set at the centerline intersection of Long Street (82.5 feet wide) and Fifth Street (formerly Latham Street) (60 feet wide);

Thence along the centerline of Long Street, North 81° 48' 07" East for a distance of 30.00 feet to a survey nail set;

Thence along the easterly right of way line of Fifth Street extended and the easterly right of way line of Fifth Street, North 08° 12' 09" West for a distance of 151.25 feet (passing a ¾" dia. iron pipe at 41.25) to a survey nail set at the northwesterly corner of Lot 1 of A. Lathem Addition (Plat Book 1, Page 276), at the southwesterly corner of a 12-foot wide alley dedicated in Plat Book 1, Page 276 and also being the ***True Point of Beginning***;

Thence continuing **North 08° 12' 09" West** along the easterly right of way line of Fifth Street and the westerly line of said 12-foot alley for a distance of **12.00 feet** to a survey nail set at the southwesterly corner of Lot 6 of said A. Lathem Addition and at the northwesterly corner of said 12-foot wide alley;

Thence along the northerly line of said 12-foot wide alley, the southerly line of Lot 6 of said A. Lathem Addition, and the northerly line of a 12-foot wide alley dedicated by City of Columbus Ordinance 426-62, **North 81° 48' 07" East** for a distance of **226.60 feet** to a survey nail set;

Thence along the westerly line of a 16-foot wide alley dedicated by City of Columbus Ordinance 426-62, **North 36° 47' 51" East** for a distance of **2.68 feet** to a survey nail set;

Thence continuing along the westerly line of said 16-foot wide alley **North 08° 12' 09" West** for a distance of **67.49 feet** to a survey nail set on the southerly right of way line of Lafayette Street (20 feet) and in the northerly line of Lot 2 of the Bernard McNally's Amended Addition (Plat Book 1, Page 363);

Thence along the southerly line of Lafayette Street (20' wide), the northerly line of said Lot 2 of said Amended Plat of Bernard McNally's Addition, and the northerly line of said 16-foot wide alley **North 81° 43' 47" East** for a distance of **16.00 feet** to a survey nail set;

Thence along the easterly line of said 16-foot wide alley **South 08° 12' 09" East** for a distance of **81.41 feet** to a survey nail set;

Thence along the southerly line of the 12-foot wide alley dedicated by City of Columbus Ordinance 426-62 and the southerly line of the 12-foot wide alley dedicated in Plat Book 1, Page 276, **South 81° 48' 07" West** for a distance of **244.50 feet** to the ***True Point of Beginning*** and containing **0.093 acres (4046.24 Sq.Ft.)**, more or less, and being subject to all other legal easements, agreements, and rights-of-way of record.

This description was prepared by Tony W. Meacham, Ohio Professional Surveyor Number 7799 from an actual field survey performed in February 2018.

The bearings are based on the bearing of S 81°48'07" W for the north right of way line for East Long Street, which is measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment), as established utilizing a GPS survey and OPUS solution.

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 right-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said right-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 City will receive \$60,765.00 for transferring these rights-of-way, to be deposited in Fund 7748, Project P537650.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law. 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.