Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	7/16/2018	**In control:**	Public Service & Transportation Committee
On agenda:	7/30/2018	**Final action:**	8/3/2018
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 east of South Second Street between West Main and Cherry Streets to Bicentennial Plaza Holding Company; and to declare an emergency. ($0.00)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Exhibit.pdf		

Date	Ver.	Action By	Action	Result
8/3/2018	1	ACTING CITY CLERK	Attest	
8/2/2018	1	MAYOR	Signed	
7/30/2018	1	COUNCIL PRESIDENT	Signed	
7/30/2018	1	Columbus City Council	Approved	Pass

1. BACKGROUND:
The City of Columbus, Department of Public Service, received a request from Bicentennial Plaza Holding Company asking that the City transfer a 0.019 acre portion of the unnamed east/west right-of-way east of South Second Street between West Main and Cherry Streets, which is adjacent to property owned by Bicentennial Plaza Holding Company. Transfer of this right-of-way will facilitate the re-development of property currently owned by Bicentennial Plaza Holding Company, adjacent to the above noted right-of-way. Re-development will include parking for adjacent properties and enhanced security. The Department of Public Service has agreed to transfer the right-of-way as described in the attached exhibit. 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 this right-of-way, the City will not be adversely affected by the transfer of this right-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 $12,414.00 was established for this right-of-way. This request went before the Land Review Commission on May 17, 2018. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to Bicentennial Plaza Holding Company for the amount of $12,414.00.

2. FISCAL IMPACT:
The City will receive a total of $12,414.00 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 prevent delays to the construction schedule.

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 east of South Second Street between West Main and Cherry Streets to Bicentennial Plaza Holding Company; and to declare an emergency. ($0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Bicentennial Plaza Holding Company asking that the City transfer a portion of the unnamed east/west right-of-way east of South Second Street between West Main and Cherry Streets, adjacent to property owned by Bicentennial Plaza Holding Company to them; and

WHEREAS, acquisition of the right-of-way will facilitate the re-development of property currently owned by Bicentennial Plaza Holding Company adjacent to the above noted right-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 this right-of-way to Bicentennial Plaza Holding Company; 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 right-of-way; and

WHEREAS, a value of $12,414.00 was established for the right-of-way to be deposited in Fund 7748, Project P537650; and

WHEREAS, this request went before the Land Review Commission on May 17, 2018; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to Bicentennial Plaza Holding Company for the amount of $12,414.00; 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 land to prevent delays in the construction 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 rights-of-way to Bicentennial Plaza Holding Company.; to-wit:

DESCRIPTION OF 0.019 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Half Section 26, Section 17, Township 5, Range 22, Refugee Lands, being a part of Inlot 72, as platted in Deed Book “F”, Page 332, destroyed by fire, replatted in Plat Book 3, Page 247, also represented in Plat Book 14, Page 27, and being a part of that nine foot unnamed alley as platted in George C. Comstock’s Subdivision of Inlots Number 72 and 73, of record in Plat Book 1, Page 58, all records described herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at a MAG nail set at the northwest corner of said George B. Comstock’s Subdivision of Inlots Number 72 and 73, being the intersection of the existing east right-of-way line for S. Second Street (66 feet wide) and the existing north right-of-way line for said unnamed nine foot alley, being on the west line of said Inlot 72, and being the southwest corner of a tract of land, described as Parcel 13 in a deed to Bicentennial Plaza Holding company, LTD, of record in Official Record 33608, Page I09;

Thence across said Inlot 72 along the following three (3) described courses:

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1. **North 81 degrees 59 minutes 15 seconds East**, along the north line of said George B. Comstock's Subdivision of Inlots Number 72 and 73, along the existing north right-of-way line for said unnamed nine foot alley, and along the south line of said Parcel 13, a distance of **91.98 feet** to a MAG nail set;

2. **South 08 degrees 02 minutes 39 seconds East**, across said unnamed nine foot alley, a distance of **9.00 feet** to a MAG nail set on the existing south right-of-way line for said unnamed nine foot alley, said point being the northeast corner of Lot 4 and the northwest corner of Lot 5 of said George B. Comstock's Subdivision of Inlots Number 72 and 73, said Lot 4 described as Parcel 15 in said Official Record 33608, Page I09, and being the northwest corner of that 4,025.6 square foot tract, as described in a deed to R&T Investment Realty, LTD, of record in Instrument Number 200001030001068;

3. **South 81 degrees 59 minutes 15 seconds West**, along the existing south right-of-way line for said unnamed nine foot alley, along the north line of Lots 1, 2, 3, and 4 of said George B. Comstock's Subdivision of Inlots Number 72 and 73, said Lots 1 and 2 being described as Parcel 14 and said Lot 3 being described as Parcel 17 in said Official Record 33608, Page I09, a distance of **91.98 feet** to a MAG nail set at the intersection of the existing south right-of-way line for said unnamed nine foot alley and the existing east right-of-way line for S. Second Street, being on the west line of said Inlot 72, and being the northwest corner of said Lot 1;

Thence **North 08 degrees 02 minutes 39 seconds West**, along the west line of said unnamed nine foot alley, and along the west line of said Inlot 72, a distance of **9.00 feet** to the **POINT OF BEGINNING** for this description.
The above description contains a total area of **0.019 acres**.

Bearings described herein are based on the bearing of North 81 degrees 59 minutes 15 seconds East for the south right-of-way line for Main Street, as measured from Grid North, referenced to the Ohio State Plane Coordinate System (North Zone) and the North American Datum of 1983 (2011 adjustment), as established utilizing a GPS survey tied to the ODOT VRS Network.

The above description was prepared on May 2, 2018 under the direct supervision of Brian P. Bingham, Registered Professional Surveyor Number 8438, is based on an actual field survey of the premises performed by American Structurepoint, Inc. and is true and correct to the best of my knowledge and belief.

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 a value of $12,414.00 was established for the right-of-way to 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.

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