



## Legislation Details (With Text)

**File #:** 0592-2020      **Version:** 1

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

**File created:** 2/27/2020      **In control:** Public Service & Transportation Committee

**On agenda:** 3/16/2020      **Final action:** 3/19/2020

**Title:** To amend Ordinance 2158-2019 to correct the description of Parcel 10A-WL; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 0592-2020 Parcel Description

Date	Ver.	Action By	Action	Result
3/19/2020	1	ACTING CITY CLERK	Attest	
3/18/2020	1	MAYOR	Signed	
3/16/2020	1	COUNCIL PRESIDENT	Signed	
3/16/2020	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

The purpose of this ordinance is to amend Ordinance 2158-2019 in order to correct the legal description for Parcel 10A-WL.

Ordinance 2158-2019 authorized the Director of the Department of Public Service to donate land to the Ohio Department of Transportation (ODOT) to be used as right-of-way for the I70/I71 corridor project in Downtown Columbus. Parcel 10A-WL (an un-named alley) is part of the land to be donated to ODOT. The description given for Parcel 10A-WL and used in Ordinance 2158-2019 was incorrect. The description needs to be corrected so the land can be transferred to ODOT.

### 2. FISCAL IMPACT

There is no cost to the City to transfer the land or to make the correction to the description of Parcel 10A-WL.

### 3. EMERGENCY DESIGNATION

Emergency action is requested to allow the right-of-way to clear as soon as possible to prevent a delay to the construction schedule of the I70/I71 project.

To amend Ordinance 2158-2019 to correct the description of Parcel 10A-WL; and to declare an emergency. (\$0.00)

**WHEREAS**, Ordinance 2158-2019 authorized the Director of the Department of Public Service to donate land to the Ohio Department of Transportation to be used as right-of-way for the I70/I71 corridor project in Downtown Columbus; and

**WHEREAS**, after passage of Ordinance 2158-2019 it was discovered the legal description of Parcel 10A-WL was incorrect; and

**WHEREAS**, the legal description of the parcel must be corrected so the parcel can be transferred to the Ohio Department of Transportation; and

**WHEREAS**, this ordinance will amend Ordinance 2158-2019 to correct the legal description of Parcel 10A-WL so the parcel can be transferred to the Ohio Department of Transportation; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to amend the description as right-of-way needs to clear as soon as possible to prevent a delay to the construction schedule of the I70/I71 project, 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 Ordinance 2158-2019 be and hereby is amended as follows:

(section 1)

That the Director of the Department of Public Service be and is hereby authorized to execute those documents necessary to the City to transfer five land parcels, 10A-WL, 12A-WL1, 12A-WL2, 36A-WL and 36A-T, to ODOT; to-wit:

**PARCEL 10A-WL**

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military District, Virginia Military Survey Number 422 and being part of a 20 foot Public Alley of Wharton Place Addition as dedicated to the City of Columbus in Plat Book 5 page 42, (All records are on file at the Recorder's Office, Franklin County, Ohio) and being more fully described as follows:

**Commencing** at an iron pin set at the northwesterly corner of Lot 18 of said Wharton Place Addition, said corner also being the intersection of the easterly right of way of Kirby Ave. (50' R/W) and the southerly right of way of said 20 foot Public Alley;

**Thence** South 87° 44' 3" East, following the southerly right of way of said 20 foot Public Alley and the northerly lines of Lot 18, Lot 19 and Lot 20 of said Wharton Place Addition, for a distance of 129.99 feet to an iron pin set, and being the **True Place of Beginning** of the parcel herein described;

**Thence** North ~~54° 02' 45"~~ **33° 46' 37"** West, crossing said 20 foot Public Alley, for a distance of ~~36.06~~ **24.73** feet to an iron pin set on the existing limited access right of way of Interstate 71, being the ~~southeasterly corner~~ **southerly line** of Parcel 9 LA as shown FRA-62-12.56, Mound-Sandusky Expressway Right-of-Way Plans and as described in Highway Easement to the State of Ohio in Deed Volume 2058 page 12 and in Fee to the City of Columbus in Deed Volume 2057 page 698 ~~and also being the southeasterly corner 0.219 acre tract as described in a deed to Thurn Properties LLC in Instrument Number 20120803030112690;~~

**Thence** South 87° 44' 03" East, following the limited access right of way of Interstate 71, the southerly line of said Parcel 9 LA and then the southerly line of Parcel 8 LA of said Mound-Sandusky Expressway Right-of-Way Plans and described in Highway Easement to the State of Ohio in Common Pleas Court Case No. 199374 and in Fee to Lewis M. Baer and Isabel E. Baer in Deed Volume 1086 page 431, for a distance of ~~50.00~~ **34.55** feet to an angle point in the limited access right of way of Interstate 71;

**Thence** South 02° 23' 57" West, continuing along the limited access right of way of Interstate 71 and crossing said 20 foot Public Alley, for a distance of 20.00 feet to the northwesterly corner of Parcel 3 LA of said Mound-Sandusky Expressway Right-of-Way Plans and as described in Highway Easement to the State of Ohio in Deed Volume 2076 page 616 and in Fee to the City of Columbus in Deed Volume 2076 page 614, the northeasterly corner of Parcel 10 A of said Mound-Sandusky Expressway Right-of-Way Plans and as described in Highway Easement to the State of Ohio in Deed Volume 2237 page 199 and the northeasterly corner of Lot 20 of said Wharton Place Addition as described in a deed to Thurn Properties LLC in Instrument Number 20120803030112690;

**Thence** North 87° 44' 03" West, following the southerly line of said 20 foot Public Alley and the northerly line of said Lot 20, for a distance of 19.95 feet to True Place of Beginning, and containing ~~700~~ **545** square feet or ~~0.0161~~ **0.0125** acres of land, more or less, of which all is contained within Present Road Occupied.

All iron pin set are 5/8" x 30" rebar with a yellow ms consultants identifying cap.

The bearings for this description are based on Grid North, Ohio State Plane, South Zone and referenced to the North American Datum of 1983 (1986 Adjustment) determined by GPS Observations between Franklin County Control Monuments "Frank 143" and "COC 5-83" as being North 77° 09' 24" West.

The above description was prepared under the direction and supervision by James P. Villacres, Registered Professional Surveyor No. 7912.

### PARCEL 12A-WL1

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military District, Virginia Military Survey Number 422 and being part Wharton Avenue (50' RW) of Wharton Place Addition as dedicated to the City of Columbus and as shown in Plat Book 5 page 42, (All records are on file at the Recorder's Office, Franklin County, Ohio) and being more fully described as follows:

**Beginning** at an iron pin set at the intersection of the northerly right of way of Wharton Avenue and the easterly right of way of Kirby Avenue (50' RW) of said Wharton Place Addition, being the southwesterly corner of Lot 140 of said Wharton Place Addition, on the existing westerly limited access right of way of Interstate 71 and being the southwesterly corner of Parcel 11 LA as shown in FRA-62-12.56, Mound-Sandusky Expressway Right of way Plans and as described in Highway Easement to the State of Ohio in Common Pleas Court Case No. 199262 and in Fee to Paul E. Thurn and Patricia A. Thurn in Deed Volume 1628 page 383;

**Thence** South 87° 46' 17" East, following the westerly limited access right of way of Interstate 71, the northerly right of way of Wharton Avenue and the southerly line of said Parcel 11 LA, for a distance of 38.86 to an angle point along the westerly limited access right of way of Interstate 71;

**Thence** South 02° 13' 43" West, continuing along the westerly limited access right of way of Interstate 71 and crossing Wharton Avenue, for a distance of 50.00 feet to the northeasterly corner of Lot 42 of said Wharton Place Addition and as described in a deed to Thurn Properties, LLC in Instrument Number 20120803030112690 and being on the southerly right of way of Wharton Avenue;

**Thence** North 87° 46' 17" West, following the southerly right of way of Wharton Avenue and the northerly line of said Lot 42, for a distance of 41.00 feet to an iron pin set at the northwesterly corner of said Lot 42 and being the intersection of the southerly right of way of Wharton Avenue and the easterly right of way of Kirby Avenue;

**Thence** North 04° 40' 28" East, crossing Wharton Avenue, for a distance of 50.05 feet to the Beginning, and containing 1,997 square feet or 0.0458 acres of land, more or less, of which all acreage is contained within Present Road Occupied.

All iron pin set are 5/8" x 30" rebar with a yellow ms consultants identifying cap.

The bearings for this description are based on Grid North, Ohio State Plane, South Zone and referenced to the North American Datum of 1983 (1986 Adjustment) determined by GPS Observations between Franklin County Control Monuments "Frank 143" and "COC 5-83" as being North 77° 09' 24" West.

The above description was prepared under the direction and supervision by James P. Villacres, Registered Professional Surveyor No. 7912.

### PARCEL 12A-WL2

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military District, Virginia Military Survey Number 422 and being part Kirby Avenue and Miner Avenue of Wharton Place Addition as dedicated to the City of Columbus and as shown in Plat Book 5 page 42, (All records are on file at the Recorder's Office, Franklin County, Ohio) and being more fully described as follows:

**Commencing** at an iron pin found at the southeasterly corner of Lot 139 of said Wharton Place Addition being at the intersection of the westerly right of way of Kirby Avenue (50' RW) and the northerly right of way of Wharton Avenue (50' RW) as shown on said Wharton Place Addition;

**Thence** North 14° 5' 56" West, following and westerly right of way of Kirby Avenue, the easterly lines of Kirby Avenue Properties, LLC parcels as described in Instrument Number 201409090117876 and the easterly lines Lots 139, 138, 137, 136, 135, and 134 of said Wharton Place Addition, for a distance of 254.96 feet to an iron pin set at the northeasterly corner of said Lot 134, and being the **True Place of Beginning** of the parcel herein described;

**Thence** North 14° 05' 56" West, continuing along the westerly right of way of Kirby Avenue, the easterly lines of Lot 133 through Lot 129 of said Wharton Place Addition and then the easterly line of Parcel 13 A as shown in FRA-62-12.56, Mound-Sandusky Expressway Right of way Plans and described in Highway Easement to the State of Ohio in Common Pleas Court Case No. 199690, for a distance of 190.00 feet to the northeasterly corners of said Lot 129 and said Parcel 13 A and also being on the southerly right of way of Miner Avenue;

**Thence** South 79° 59' 36" West, following the southerly right of way of Miner Avenue and along the northerly lines of said Lot 129 and said Parcel 13 A, for a distance of 40.00 feet to an iron pin set;

**Thence** North 16° 50' 08" West, crossing Miner Avenue, for a distance of 50.36 feet to an iron pin set on the northerly right of way of Miner Avenue and the southerly line of Lot 128 of said Wharton Place Addition and as described in a deed to George F. Guffey, Trustee in Official Record Volume 13879 page F-02;

**Thence** North 79° 59' 36" East, following the northerly right of way of Miner Avenue and the southerly line of said Lot 128, for a distance of 42.41 feet to the southeasterly corner of said Lot 128 and being on the westerly right of way of Kirby Avenue;

**Thence** North 13° 56' 00" West, following the westerly right of way of Kirby Avenue, the easterly line of Lots 128 through Lot 124 of said Wharton Place Addition and then the easterly line of Parcel 15 A of said FRA-62-12.56 Right of way Plans and as described in Highway Easement to the State of Ohio in Common Pleas Court Case No. 199765, for a distance of 177.70 feet to the northeasterly corners of said Lot 124 and Parcel 15 A and with common corners of Parcel 16 LA of said FRA-62-12.56 Right of way Plans and as described in Highway Easement to the State of Ohio in Deed Volume 2078 page and in fee to the City of Columbus in Deed Volume 2078 page 188 and Parcel 22 LA of said FRA-62-12.56 Right of way Plans and as described in Highway Easement to the State of Ohio in Deed Volume 2088 page 196 and in fee to the City of Columbus in Deed Volume 625 page 53 and also being at the terminus of Kirby Avenue;

**Thence** North 80° 25' 16" East, following the terminus of Kirby Avenue and the southerly line of said Parcel 22 LA, for a distance of 50.13 feet to the easterly right of way of Kirby Avenue and the northwesterly corner of Parcel 15 LA of said FRA-62-12.56 Right of way Plans and as described in Highway Easement to the State of Ohio in Common Pleas Court Case No. 199725 and in Fee to William Roth and Pauline S. Roth in Deed Volume 637 page 182 and Deed Volume 1547 page 6 and being on the westerly line of the Reservation of said Wharton Place Addition;

**Thence** South 13° 56' 00" East, following the easterly right of way of Kirby Avenue and the westerly lines of said Parcel 15 LA and said Reservation, for a distance of 169.90 feet to the southwesterly corner of said Parcel 15 LA and the northwesterly corner of Parcel 14 LA of said FRA-62-12.56 Right of way Plans and as described in Highway Easement to the State of Ohio in Deed Volume 2063 page 620 and in fee to the City of Columbus in Deed Volume 2063 page 595;

**Thence** South 14° 05' 56" East, continuing along the easterly right of way of Kirby Avenue, the westerly line of said

Parcel 14 LA, the westerly line of Parcel 13 LA of said FRA-62-12.56 Right of way Plans and as described in Highway Easement to the State of Ohio in Common Pleas Court Case No. 199958 and in fee to Alois H. Thurn in Deed Volume 1399 page 346 and the westerly line of said Reservation, crossing a 20 foot Public Alley and then following the westerly line of Lot 140 of said Wharton Place Addition and westerly line of Parcel 11 LA of said FRA-62-12.56 Right of way Plans and as described in Highway Easement to the State of Ohio in Common Pleas Court Case No. 199262 and in Fee to Paul E. Thurn and Patricia Thurn in Deed Volume 1628 page 383, for a distance of 475.79 feet to an iron pin set;

**Thence** North 26° 16' 13" West, leaving the easterly right of way and crossing Kirby Avenue, for a distance of 237.15 feet to True Place of Beginning, and containing 28,645 square feet or 0.6576 acres of land, more or less, of which all acreage is contained within Present Road Occupied.

All iron pin set are 5/8" x 30" rebar with a yellow ms consultants identifying cap.

The bearings for this description are based on Grid North, Ohio State Plane, South Zone and referenced to the North American Datum of 1983 (1986 Adjustment) determined by GPS Observations between Franklin County Control Monuments "Frank 143" and "COC 5-83" as being North 77° 09' 24" West.

The above description was prepared under the direction and supervision by James P. Villacres, Registered Professional Surveyor No. 7912.

### PARCEL 36A-T

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Township 5, Range 22, Half Section 26 of the Refugee Lands and being part Canal Street as shown in the Re-Survey & Subdivision of the Old Penitentiary Lot in Plat Book 1 page 240 and part of vacated Carrington Alley as shown in Comstock & Miller's SUBDN in Plat Book 1 page 262, vacated by Ordinance 998-56 adjoined to Lot 15 as described in a deed to the City of Columbus in Deed Volume 1937 page 226, (All records are on file at the Recorder's Office, Franklin County, Ohio) and being more fully described as follows:

**Commencing** at an iron pin set at the northwesterly corner of Lot 31 of said Old Penitentiary Lot, being at the intersection of the southerly right of way of Mound Street and the easterly right of way of Short Street;

**Thence** South 08° 05' 04" East, following the easterly right of way of Short Street, for a distance of 119.20 feet to the northwesterly corner of Parcel 14 LA as described in highway easement to the State of Ohio in Lease Volume 142 page 418 and as shown in FRA-40R-12.30 right of way plans and said corner being on the northerly limited access right of way of Interstate Route 71;

**Thence** South 89° 16' 23" East, following the northerly limited access right of way of Interstate Route 71, passing through Lot 30, the Columbus Feeder of the Ohio & Erie Canal, Lot 27 and vacated Canal Street of said Old Penitentiary Lot and along the northerly lines of said Parcel 14 LA and Parcel 15 LA & Parcel 15 A-LA of said FRA-40R-12.30 right of way plans as described in highway easement to the State of Ohio in Deed Volume 2179 page 375 with fee in the name of Columbus and Southern Electric Company in Deed Book 1070 page 471, for a distance of 155.97 feet to the centerline of said vacated Canal Street;

**Thence** North 89° 25' 52" East, continuing along the northerly limited access right of way Interstate Route 71 and continuing through said vacated Canal Street, for a distance of 27.74 feet to the northwesterly corner of Lot 15 of said Comstock & Miller's SUBDN, the northwesterly corner of Parcel 16 LA as described in highway easement to the State of Ohio in Deed Volume 1937 page 234 of said FRA-40R-12.30 right of way plans and also being the **True Place of Beginning** of the parcel herein described;

**Thence** North 78° 31' 12" West, leaving said limited access right of way and continuing through said vacated Canal Street, for a distance of 18.44 feet to the centerline extended of said vacated Carrington Alley;

**Thence** North 81° 40' 15" East, following the centerline extended of said vacated Carrington Alley, passing through said vacated Canal Street and then along the centerline of said Carrington Alley, for a distance of 27.62 feet to a point;

**Thence** South 89° 30' 39" East, passing through said Carrington Alley, for a distance of 40.77 feet to the northerly line of said Lot 15, the northerly line of said Parcel 16 LA and the northerly limited access right of way of Interstate Route 71;

**Thence** South 81° 40' 15" West, following the northerly limited access right of way of Interstate Route 71, the northerly lines of said Lot 15 and Parcel 16 LA and the southerly line of said vacated Carrington Alley, for a distance of 50.55 feet to the True Place of Beginning, and containing 244 square feet or 0.0056 acres of land, more or less. There is no current Franklin County Auditor Parcel Number for this strip of land.

All iron pin set are 5/8" x 30" rebar with a yellow ms consultants identifying cap.

The bearings for this description are based on Grid North, Ohio State Plane, South Zone and referenced to the North American Datum of 1983 (1986 Adjustment) determined by GPS Observations between Franklin County Control Monuments "Frank 143" and "COC 5-83" as being North 77° 09' 24" West.

The above description was prepared under the direction and supervision by James P. Villacres, Registered Professional Surveyor No. 7912.

#### **PARCEL 36A-WL**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Township 5, Range 22, Half Section 26 of the Refugee Lands and being part Canal Street as shown in the Re-Survey & Subdivision of the Old Penitentiary Lot in Plat Book 1 page 240, vacated by Ordinance 998-56 adjoined to Lot 15 as described in a deed to the City of Columbus in Deed Volume 1937 page 226, (All records are on file at the Recorder's Office, Franklin County, Ohio) and being more fully described as follows:

**Commencing** at an iron pin set at the northwesterly corner of Lot 31 of said Old Penitentiary Lot, being at the intersection of the southerly right of way of Mound Street and the easterly right of way of Short Street;

**Thence** South 08° 05' 04" East, following the easterly right of way of Short Street, for a distance of 119.20 feet to the northwesterly corner of Parcel 14 LA as described in highway easement to the State of Ohio in Lease Volume 142 page 418 and as shown in FRA-40R-12.30 right of way plans and said corner being on the northerly limited access right of way of Interstate Route 71;

**Thence** South 89° 16' 23" East, following the northerly limited access right of way of Interstate Route 71, passing through Lot 30, the Columbus Feeder of the Ohio & Erie Canal, Lot 27 and vacated Canal Street of said Old Penitentiary Lot and along the northerly lines of said Parcel 14 LA and Parcel 15 LA & Parcel 15 A-LA as described in highway easement to the State of Ohio in Deed Volume 2179 page 375 with fee in the name of Columbus and Southern Electric Company in Deed Book 1070 page 471, for a distance of 155.97 feet to the centerline of said vacated Canal Street and being the **True Place of Beginning** of the parcel herein described;

**Thence** North 08° 14' 51" West, following the centerline of vacated Canal Street, for a distance of 2.50 feet to the intersection of vacated Canal Street with the centerline extended of vacated Carrington Alley by Ordinance 998-56 and as shown in Comstock & Miller's SUBDN. in Plat Book 1 page 262;

**Thence** North 81° 40' 15" East, following the centerline extended of Carrington Alley and passing through said vacated Canal Street, for a distance of 10.13 feet to an iron pin set;

**Thence** South 78° 31' 12" East, continuing through said vacated Canal Street, for a distance of 18.44 feet to the northwesterly corner of Lot 15 of said Comstock & Miller's SUBDN, the northwesterly corner of Parcel 16 LA as described in highway easement to the State of Ohio in Deed Volume 1937 page 234 of said FRA-40R-12.30 right of way

plans and also being on the northerly limited access right of way of Interstate Route 71;

**Thence** South 89° 25' 52" West, following the northerly limited access right of way of Interstate Route 71 and continuing through said vacated Canal Street, for a distance of 27.74 feet to the Beginning, and containing 66 square feet or 0.0015 acres of land, more or less. There is no current Franklin County Auditor Parcel Number for this strip of land.

All iron pin set are 5/8" x 30" rebar with a yellow ms consultants identifying cap.

The bearings for this description are based on Grid North, Ohio State Plane, South Zone and referenced to the North American Datum of 1983 (1986 Adjustment) determined by GPS Observations between Franklin County Control Monuments "Frank 143" and "COC 5-83" as being North 77° 09' 24" West.

The above description was prepared under the direction and supervision by James P. Villacres, Registered Professional Surveyor No. 7912.

**SECTION 2.** 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.