



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

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On agenda: 10/26/2020 **Final action:** 10/29/2020

Title: To authorize the Director of the Department of Public Service to execute those documents required to exchange a portion of the John H. McConnell Boulevard right-of-way located north of the intersection of Spring Street and John H. McConnell Boulevard with Nationwide Realty Investors; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 20191262-VS-BNDY-01

Date	Ver.	Action By	Action	Result
10/29/2020	1	CITY CLERK	Attest	
10/27/2020	1	MAYOR	Signed	
10/26/2020	1	COUNCIL PRESIDENT	Signed	
10/26/2020	1	Columbus City Council	Approved	Pass

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Nationwide Realty Investors (NRI) asking that the City transfer to 245 Parks Edge Place LLC (which is the official name of the property owner for which this is being transferred) an approximate 0.014 acre (621.049 square feet) portion of the John H. McConnell Boulevard right-of-way located North of the intersection of Spring Street and John H. McConnell Boulevard. This transaction is part of a land swap with NRI for which NRI will be providing (donating) to the Department of Public Service a 0.014 acre deed for other land owned by NRI and Public Service will be transferring a 0.014 acre deed to 245 Parks Edge Place LLC. This ordinance seeks Council approval for the property being transferred to NRI. The property the City is receiving in exchange will be part of a separate ordinance.

Transfer of this right-of-way will facilitate the development of adjacent property owned by NRI. The Department of Public Service has agreed to transfer the right-of-way as described below. 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 perpetual public access easement for those utilities currently located within this right-of-way/property, the City will not be adversely affected by the transfer of this right-of-way/property. This request has not been before the Land Review Commission. The Director of Public Service has agreed to waive Land Review Commission for this transfer due to it being part of an exchange of property and to transfer the right-of-way property to 245 Parks Edge Place LLC at no cost.

2. FISCAL IMPACT

There is no fiscal impact for this transaction. The land is being donated to 245 Parks Edge Place LLC in consideration for a like land donation from NRI.

3. EMERGENCY DESIGNATION

Emergency designation is requested to facilitate the development of land adjacent to the requested right-of-way to ensure the safety of the travelling public.

To authorize the Director of the Department of Public Service to execute those documents required to exchange a portion of the John H. McConnell Boulevard right-of-way located north of the intersection of Spring Street and John H. McConnell Boulevard with Nationwide Realty Investors; and to declare an emergency. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Nationwide Realty Investors (NRI) asking that the City transfer a 0.014 acre (621.049 square feet) portion of the John H. McConnell Boulevard right-of-way located north of the intersection of Spring Street and John H. McConnell Boulevard, adjacent to property owned by 245 Parks Edge Place LLC, at no cost to them in consideration for a like land donation from NRI; and

WHEREAS, transfer of the right-of-way will facilitate the development of property currently owned by 245 Parks Edge Place LLC adjacent to the above noted right-of-way/property; 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/property; 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 perpetual public access easement for those utilities currently located within this right-of-way/property, the City will not be adversely affected by the transfer of this right-of-way/property to 245 Parks Edge Place LLC; and

WHEREAS, NRI will be donating a like land portion to the Department of Public Service at no cost in consideration for the aforementioned Right-of-Way; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the transfer of the land to facilitate the development of land adjacent to the requested right-of-way, 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 necessary to transfer the following described right-of-way/property to 245 Parks Edge Place LLC; to-wit:

RIGHT-OF-WAY DESCRIPTION
0.014 ACRE
PLAN NO. 3649-E

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 10, Section 8, Township 5, Range 22, Refugee Lands, being part of John H. McConnell Boulevard as dedicated in Plat Book 90, Page 75 and that 0.003 acre tract conveyed to City of Columbus by deed of record in Instrument Number 201605240065521 and being part of Lot 3 as delineated on the subdivision titled "Arena District Subdivision", of record in Plat Book 90, Page 75, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at an iron pin set at the southeasterly corner of said Lot 3, in the easterly line of that condominium titled "Parks Edge Condominium First Amendment", as declared in Instrument Number 201807050089208 and as demonstrated in Condominium Plat Book 269, Page 1, at the intersection of the westerly right-of-way line of said John H. McConnell Boulevard with the former northerly right-of-way line of Spring Street;

Thence North 03° 23' 49" East, with said westerly right-of-way line and said easterly line, a distance of 98.58 feet to an iron pin set at the **TRUE POINT OF BEGINNING**;

Thence North 03° 23' 49" East, continuing with said westerly right-of-way line and partially with the easterly line of said "Parks Edge Condominium First Amendment" and that original 1.137 acre tract conveyed to 245 Parks Edge Place, LLC by deed of record in Instrument Number 201706190082113, a distance of 165.26 feet to an iron pin set at the southerly corner of said 0.003 acre tract;

Thence North 26° 30' 08" West, continuing with said westerly right-of-way line and with the line common to said 0.003 acre tract and the remainder of said original 1.137 acre tract, a distance of 24.51 feet to an iron pin set in the southerly line of that 1.126 acre tract conveyed to Arena District CA I, LLC by deed of record in Instrument Number 200312260403446;

Thence South 86° 36' 11" East, continuing with said westerly right-of-way line and with the line common to said 0.003 and 1.126 acre tracts, a distance of 5.67 feet to an iron pin set;

Thence South 03° 23' 49" West, crossing said 0.003 acre tract, a distance of 6.47 feet to an iron pin set;

Thence South 86° 36' 11" East, continuing partially across said 0.003 acre tract and said John H. McConnell Boulevard, a distance of 9.51 feet to an iron pin set;

Thence South 03° 23' 49" West, continuing across said John H. McConnell Boulevard, a distance of 180.05 feet to an iron pin set;

Thence North 86° 36' 11" West, continuing across said John H. McConnell Boulevard, a distance of 2.96 feet to the TRUE POINT OF BEGINNING, containing 0.014 acre, more or less, of which 12.909 square feet is coincident to said "Parks Edge Condominium First Amendment" and 608.14 square feet is coincident to said 245 Parks Edge Place, LLC tract. Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the same meridian as the bearings shown on the subdivision plat titled "Huntington Park" of record in Plat Book 112, Pages 24 and 25, Recorder's Office, Franklin County Ohio. On said plat of record the centerline of Huntington Park Lane has a bearing of North 03°05'07" East.

This description was prepared using documents of record, prior plats of survey, and observed evidence located by actual field surveys in September 2015, November 2015 and June 2018.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Brandon R. King Date

Professional Surveyor No. 8772

SECTION 2. That the above referenced real property shall be considered excess road right-of-way/property and the public rights therein shall terminate upon Council's approval of this request and the Director's execution and delivery of said quit claim deed(s) to the grantee thereof.

SECTION 3. That a perpetual public access easement in, on, over, across and through the above described right-of-way/property shall be and hereby is retained unto the City of Columbus for those utilities located within said right-of-way/property.

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 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.