



## Legislation Details (With Text)

**File #:** 3261-2022      **Version:** 1

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

**File created:** 11/16/2022      **In control:** Public Service & Transportation Committee

**On agenda:** 12/5/2022      **Final action:** 12/7/2022

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the sale of an approximate 7,200± square foot portion of an unnamed 16 foot alley to The Gravity Project 3, LLC; and to declare an emergency. (\$142,126.32)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Exhibit Ord 3261-2022 202101892.SV.2022-10-31.0.155 acre unnamed alley\_description - Approved.pdf, 2. Exhibit Ord. 3261-2022 202101892.SV.2022-10-31.0.155 acre unnamed alley\_exhibit.pdf

Date	Ver.	Action By	Action	Result
12/7/2022	1	CITY CLERK	Attest	
12/6/2022	1	MAYOR	Signed	
12/5/2022	1	COUNCIL PRESIDENT	Signed	
12/5/2022	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Frank Sasso on behalf of The Gravity Project 3, LLC, to sell an approximate 7,200± square foot portion of the unnamed 16 foot alley right-of-way. This portion of right-of-way is abutted to the south and west by parcel 010-050085, to the north by parcel 010-021196, to the west by parcel 010-000899, and to the east by parcel 010-057684. It runs north/south directionally and is between May Avenue and McDowell Street and totals 0.155 acres.

Sale of this right-of-way will allow The Gravity Project 3, LLC to develop a mixed use building that will span the alley. The Gravity Project 3, LLC will use this additional space in conjunction with its currently owned parcels for the new development. The Department of Public Service has agreed to sell the right-of-way as described and shown within attached legal description and exhibit, and extinguishes its need for this public right-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 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, asking that they establish a value for this right-of-way, and a value of \$142,126.32 was established. This request went before the Land Review Commission on September 15, 2022. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to The Gravity Project 3, LLC at the cost of \$142,126.32.

### 2. FISCAL IMPACT:

The Department of Public Service will receive a total of \$142,126.32 and the funds are to be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested right-of-way. The Department of Development will submit a subsequent ordinance to provide funding for the transfer.

### 3. EMERGENCY DESIGNATION

Emergency action is requested so the developer may remain on schedule and continue development of the site without delay.

To authorize the Director of the Department of Public Service to execute those documents necessary for the sale of an approximate 7,200± square foot portion of an unnamed 16 foot alley to The Gravity Project 3, LLC; and to declare an emergency. (\$142,126.32)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Frank Sasso, on behalf of The Gravity Project 3, LLC, to sell an approximate 7,200± square foot portion of the unnamed 16 foot alley right-of-way. This portion of right-of-way is abutted to the south and west by parcel 010-050085, to the north by parcel 010-021196, to the west by parcel 010-000899, and to the east by parcel 010-057684. It runs north/south directionally and is between May Avenue and McDowell Street and totals 0.155 acres; and

**WHEREAS**, the purpose of the transfer will accommodate the development of a mixed use building that will span the alley. The Gravity Project 3, LLC will use this additional space in conjunction with its currently owned parcels for the new development; and

**WHEREAS**, the Department of Public Service has agreed to sell the right-of-way as described and shown within attached legal description and exhibit, and 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 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; and

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

**WHEREAS**, a value of \$142,126.32 was established to be transferred into Fund 7748, Project P537650 through a separate ordinance, for the transfer of the right-of-way; and

**WHEREAS**, this request went before the Land Review Commission on September 15, 2022; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to The Gravity Project 3, LLC at the cost of \$142,126.32, which will be provided by the Department of Development via a separate ordinance; 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 sale of the right-of-way acquisition so the developer may remain on schedule, to ensure the safety of the traveling public 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 a quit claim deed and other incidental instruments prepared by the City Attorney's Office, necessary to transfer the legal description per the attached exhibit, of right-of-way to The Gravity Project 3, LLC.

**SECTION 2.** That the attached 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 attached legal description and exhibit

describing the 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 Department of Public Service will receive a total of \$142,126.32 through a separate ordinance transferring funds from the Department of Development to be deposited in Fund 7748, Project P537650, for the transfer of the right-of-way.

**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.