



Legislation Text

File #: 1724-2014, **Version:** 1

BACKGROUND: Eight parcels currently held in the Land Bank have been approved for disposition. In order to complete the transfer, authorization is needed for the Director of the Department of Development to execute any and all agreements and deeds for conveyance of the real property. This legislation authorizes transfer of eight parcels located at:

1. 1826 Smith Court (010-117344)
2. 1814 Smith Road (010-117343)
3. 1817 Smith Road (010-132189)
4. 1102 Smith Road (010-089600)
5. 1836 Lockbourne Avenue (010-089608)
6. 1824 Lockbourne Avenue (010-089601)
7. 1808-1816 Lockbourne Avenue (010-112203)
8. 1827 Smith Road (010-132190)

Transfer of the eight parcels will be made to William J. Ezzo, or other entity created by William J. Ezzo to own the parcels, who will maintain the vacant parcels as an expansion to his adjacent business facility, the Ezzo Sausage Company. The parcels will be transferred by deed recorded in the Official Records of the Franklin County Recorder's Office.

FISCAL IMPACT: No funding is required for this legislation. The City may first recover reimbursement of any and all expenses incurred on account of the acquisition, administration, management, maintenance and disposition of such land and such other expenses of the program as the City may apportion to such land from the sale proceeds.

EMERGENCY JUSTIFICATION: Emergency action is requested to expedite the transfer in order to reduce Land Bank maintenance costs.

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of eight parcels of real property (Lockwood Apartments) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

WHEREAS, by Ordinance 1325-98, Council adopted and elected to use the Revised Code Chapter 5722, Land Reutilization Program, to facilitate effective reutilization of nonproductive land acquired through a sale pursuant to a foreclosure proceeding initiated by the Franklin County Treasurer, or through a sale of forfeited lands by the Franklin County Auditor, or through a conveyance in lieu of foreclosure to foster either return of such land to tax revenue generating status or its devotion to public use, or any other land acquired as part of the land reutilization program; and

WHEREAS, a proposal for the sale of the property which was acquired pursuant to Ohio Revised Code Section 5722.03 meets the Land Reutilization Program's Disposition Policies and Guiding Principles and has been approved by the Land Redevelopment Office Administrator; and

WHEREAS, in conformity with Ohio Revised Code Section 5722.07, the property will be sold at not less than fair

market value, defined as the appraised value of the nonproductive land made with reference to any redevelopment and reutilization restrictions as may be imposed by the electing subdivision as a condition of sale or as may otherwise be applicable to such; therefore, competitive bidding is not required; and

WHEREAS, in order to complete the transfer of such property to the purchaser, authority is needed for the Director of the Department of Development to execute any and all necessary agreements and deeds of conveyance for the real property; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development, Land Redevelopment Office in that it is immediately necessary to convey title of said parcel of real estate to expedite the transfer in order to reduce Land Bank maintenance costs, all for the immediate preservation of the public health, peace, property, safety and welfare; and **now therefore**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Department of Development is hereby authorized to execute those documents on behalf of the City of Columbus, as approved by the Department of Law, Division of Real Estate, necessary to enter into a contract or option agreement for the sale of the following described property, and to execute a quitclaim deed and any ancillary documents as may be necessary to transfer title thereto in exchange for the payment of \$200,000:

Parcel 1:

Situated in the County of Franklin, State of Ohio and City of Columbus described as:

Being an 0/444 Acre tract of land and being part of a tract of land conveyed to Grant Apartments, Inc. by deed recorded in Deed Book 2267, page 294, being the same tract shown as Parcels 5 and 6 on a plat of the "Dedication of Smith Court, Smith Road and utility Easements," recorded in Plat Book 32, page 21, all of record in the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning at a point in the Easterly line of said Grant Apartments, Inc., tract, 157 feet Northerly from the Southeasterly corner thereof, said point also being the Southeasterly corner of Parcel 6; thence North 86 degrees 03' 10" West, with the Southerly line of said Parcel 6, a distance of 132.92 feet to a point in the Southwesterly corner of said Parcel 6, the Easterly line of Smith Court (50 feet. in width) as shown on said dedication plat; thence North 4 degrees 0' East with the Easterly line of said Smith Court, the Westerly line of said parcels 6 and 5, a distance of 145.68 feet to a point in the Northeasterly corner of said Smith Court, the Northwesterly corner of said Parcel 5; thence South 85 degrees 54' 55" East, with the Northerly line of said Parcel 5, a distance of 133.18 feet to a point in the Northeasterly corner of said Parcel 5, the Easterly line of said Grant Apartments, Inc., tract said point being also located South 4 degrees 6' 10" West, a distance of 135.60 feet from the Northeasterly corner of said Grant Apartments, Inc. tract; thence South 4 degrees 6' 10" West with the Easterly line, of said Grant Apartments, Inc. the Easterly lines of said Parcels 5 and 6 a distance of 145.36 feet to the place of beginning, containing 0.444 acre of land more or less, subject to existing easements of record.

Franklin County Tax Parcel(s): All of 010-117344;
Street Address: 1826 Smith Ct., Columbus, OH 43207

Parcel 2:

Being an 0.683 acre tract of land situated in the State of Ohio, County of Franklin, City of Columbus, being part of a tract of land conveyed to Grant Apartments, Inc., by deed recorded in Deed Book 2267, page 294, being the same tract shown as Parcel 4 on a plat of the "Dedication of Smith Court, Smith Road and Utility Easements," recorded in Plat Book 32, page 21, all of record in the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning at a point in the northeasterly corner of the said Grant Apartments, Inc. tract, the northeasterly corner of said

Parcel 4, then South 4 degrees 6' 10" West, with the easterly line of the said Grant Apartments, Inc. tract, the easterly line of said Parcel 4, a distance of 135.60 feet to a point in the southeasterly corner of said Parcel 4; thence North 85 degrees 54' 55" West, with the southerly line of said Parcel 4, a distance of 219.18 feet to a point in the southwesterly corner of said Parcel 4; thence North 4 degrees 0' East, with the westerly line of said Parcel 4 and with a westerly line of said Grant Apartments, Inc. tract, a distance of 135.60 feet to a point in the northwesterly corner of said Parcel 4, a northwesterly corner of said Grant Apartments, Inc. tract; thence South 85 degrees 54' 55" East, with the northerly line of said Parcel 4, the most northerly line of said Grant Apartments, Inc. tract a distance of 219.40 feet to the place of beginning and containing 0.683 acre of land, more or less.

Franklin County Tax Parcel(s): All of 010-117343;
Street Address: 1814 Smith Road, Columbus, OH 43207

Parcel 3:

Situated in the County of Franklin, State of Ohio and City of Columbus described as:

Being part of a tract of land conveyed to Grant Apartments, Inc., by deed recorded in Deed Book 2267, page 294, and being that same tract shown as Parcel 3 on a plat of the "Dedication of Smith Court, Smith Road and Utility Easements", recorded in Plat Book 32, page 21, all of record in the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning at a point in the Westerly line of said Grant Apartment, Inc. tract said point also being the Southwesterly corner of said Parcel 3, as shown on said dedication plat;

Thence N. 4 deg. 00' E. with the Westerly line of said Parcel 3, the Westerly line of said Grant Apartments, Inc. tract, a distance of 82.09 feet to the Northwesterly corner of said Parcel 3, the Northwesterly corner of said Grant Apartments, Inc. tract;

Thence S. 85 deg. 54' 55" E. with the Northerly line of said Parcel 3, a Northerly line of the said Grant Apartments, Inc. tract, a distance of 98 feet to a point in the Westerly line of Parcel 4 of said dedication plat;

Thence S. 4 deg. 00' W. with an Easterly line of said Parcel 3, the Westerly line of said Parcel 4, a distance of 8 feet to a point in the Southwesterly corner of said Parcel 4;

Thence S. 85 deg. 54' 55" E. with a Northerly line of said Parcel 3, the Southerly line of said Parcel 4, a distance of 36 feet to a point in the Northeasterly corner of said Parcel 3, the Westerly line of Smith Court (50 feet in width) , as shown on the said dedication plat;

Thence S. 4 deg. 00' W. with the Easterly line of said Parcel 3, the Westerly line of said Smith Court, a distance of 73.80 feet to a point in the Southeasterly corner of said Parcel 3;

Thence N. 86 deg. 03' 10" W. with the Southerly line of said Parcel 3, a distance of 134 feet to the place of beginning and containing 0.245 acres of land, more or less, subject to existing easements of record.

Franklin County Tax Parcel(s): All of 010-132189;
Street Address: 1817 Smith Road, Columbus, OH 43207

Parcel 4:

Situated in the County of Franklin, State of Ohio and City of Columbus described as:

Being located in Section 39, Township 5, Range 22, Refugee Lands, and bounded and described as follows:

Beginning at a point where the northerly right-of-way line of Smith Road, (50 feet in width), intersects the easterly right-of-way line of Smith Court, (50 feet in width), as dedicated by plat of record in Plat Book 32, page 21, all references being to records of the Recorder's Office, Franklin County, Ohio;

thence along the easterly line of the said Smith Court, North 4 degrees 00' East, 132.0 feet to a point at the southwesterly corner of the Kenneth K. and Stella M. Timmons 0.444 acre tract of record in Deed Book 2422, page 416;

thence along the southerly line of the said Timmons 0.444 acre tract, South 86 degrees 03' 10" East, 132.92 feet to a point at the southeasterly corner of the 0.444 acre tract;

thence south 4 degrees 06' 10" West, 132.0 feet to a point in the northerly line of the said Smith Road;

thence along the northerly line of the said Smith Road, North 86 degrees 03' 10" West, 132.68 feet to the place of beginning.

Franklin County Tax Parcel(s): All of 010-089600;
Street Address: 1102 Smith Road, Columbus, OH 43207

Parcel 5:

Situated in the County of Franklin, State of Ohio and City of Columbus described as:

Being a part of a five (5) acre tract located in Section No. 39, Township 5, Range 22, Refugee Lands, which five (5) acre tract is off the West end of a 7.33 acre tract conveyed to Julius and Henrietta Fischer as the same is shown of record in Deed Book 638, page 115, Recorder's Office, Franklin County, Ohio, said part being more particularly described as follows:

Beginning at a point in the centerline of Lockbourne Road, South 4 degrees 00' West 257.60 feet from the Northwest corner of a certain 5.004 acre tract described in Deed Book 1324, page 131, Recorder's Office, Franklin County, Ohio; thence in an easterly direction South 85 degrees 54' 55" East 180.0 feet (passing an iron pin at 30.0 feet) to an iron pin; thence in a southerly direction south 4 degrees 00' West 181.55 feet more or less to the centerline of Smith Road; thence in a westerly direction along said centerline of Smith Road to the centerline of Lockbourne Road; thence in a northerly direction along said centerline of Lockbourne Road North 4 degrees 00' East 181.55 feet more or less to the place of beginning.

Excepting there from the following:

Beginning at a point in the centerline of Lockbourne Road (60 feet in width) at the northwesterly corner of a tract of land conveyed to Leo Yassenoff by deed recorded in Deed Book 2267, page 300, Franklin County Recorder's Office; thence South 85 degrees 54' 55" East with the northerly line of said Yassenoff tract a distance of 180 feet to a point in the northeasterly corner of said Yassenoff tract; thence South 4 degrees 00' West with the easterly line of said Yassenoff tract a distance of 61.54 feet to a point; thence North 85 degrees 54' 55" West parallel to the northerly line of said Yassenoff tract, a distance of 42 feet to a point; thence South 4 degrees 00' West parallel to the easterly line of said Yassenoff tract: a distance of 3.46 feet to a point; thence North 85 degrees 54' 55" West parallel to the northerly line of said Yassenoff tract a distance of 138 feet to a point in the centerline of said Lockbourne Road; thence North 4 degrees 00' East with the centerline of said Lockbourne Road, the westerly line of said Yassenoff tract a distance of 65 feet to the place of beginning, containing 0.265 acres of land, more or less, subject to the existing road right-of-way and easements of record. Together with all easements for ingress and egress to and from said property above described, of record in prior deeds, to which Grantor herein is entitled, including specifically, but without limitation, those easements granted to the Grantor by a deed recorded in Deed Book 2267, page 300, Recorder's Office, Franklin County, Ohio.

Franklin County Tax Parcel(s): All of 010-089608;
Street Address: 1836 Lockbourne Road, Columbus, OH 43207

Parcel 6:

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus, and bounded and described as follows:

Beginning at a point in the centerline of Lockbourne Road (60 feet in width) at the northwesterly corner of a tract of land conveyed to Leo Yassenoff by deed recorded in Deed Book 2267, page 300, Franklin County Recorder's Office; thence South 85 degrees 54' 55" East with the northerly line of said Yassenoff tract a distance of 180 feet to a point in the northeasterly corner of said Yassenoff tract; thence South 4 degrees 00' West with the easterly line of said Yassenoff tract a distance of 61.54 feet to a point; thence North 85 degrees 54' 55" West parallel to the northerly line of said Yassenoff tract, a distance of 42 feet to a point; thence South 4 degrees 00' West parallel to the easterly line of said Yassenoff tract: a distance of 3.46 feet to a point; thence North 85 degrees 54' 55" West parallel to the northerly line of said Yassenoff tract a distance of 138 feet to a point in the centerline of said Lockbourne Road; thence North 4 degrees 00' East with the centerline of said Lockbourne Road, the westerly line of said Yassenoff tract a distance of 65 feet to the place of beginning, containing 0.265 acres of land, more or less, subject to the existing road right-of-way and easements of record. Together with all easements for ingress and egress to and from said property above described, of record in prior deeds, to which Grantor herein is entitled, including specifically, but without limitation, those easements granted to the Grantor by a deed recorded in Deed Book 2267, page 300, Recorder's Office, Franklin County, Ohio.

Franklin County Tax Parcel(s): All of 010-089601;
Street Address: 1824 Lockbourne Road, Columbus, OH 43207

Parcel 7:

Situated in County of Franklin, State of Ohio and City of Columbus described as:

Tract 1:

Being part of Section No. 39, Township 5, Range 22, Refugee Lands and also part of five (5) acres off the West end of a 7.35 acre tract conveyed to Julius and Henrietta Fischer, as the same is shown of record in Deed Book 638, page 115, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the centerline of Lockbourne Road South 4 degrees 00' West 257.60 feet from the Northwest corner of a certain 5.004 acre tract described in Deed book 1324, page 131, Recorder's Office, Franklin County, Ohio; thence in an Easterly direction South 85 degrees 54' 55' East a distance of 180.0 feet (passing an iron pin at 30.0 feet) to a point; thence in a Northerly direction North 4 degrees 00' East 65.0 feet to a point; thence in a Westerly direction North 85 degrees 54' 55" West a distance of 180.0 feet (passing an iron pin at 150.0 feet) to a point in the centerline of Lockbourne Road; thence in a Southerly direction along said centerline South 4 degrees 00' West a distance of 65.0 feet to the place of beginning.

Tract 2:

Being part of Section No. 39, Township 5, Range 22, Refugee Lands, and also part of five (5) acres off the West end of a 7.35 acre tract conveyed to Julius and Henrietta Fischer, as the same is shown of record in Deed Book 638, page 115, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the centerline of Lockbourne Road South 4 degrees.00' West 192.60 feet from the Northwest corner of a certain 5.004 acre tract described in Deed Book 1324, page 131, Recorder's Office, Franklin County, Ohio; thence in an Easterly direction South 85 degrees 54' 55" East a distance of 180.0 feet (passing an iron pin at 30.0 feet) to a point; thence in a Northerly direction North 4 degrees 00' East 65.0 feet to a point; thence in a westerly direction North 85 degrees 54' 55" West a distance of 180.0 feet (passing an iron pin at 150.0 feet) to a point in the centerline of Lockbourne Road; thence in a Southerly direction along said centerline of Lockbourne Road South 4 degrees 00' West 65.0 feet to the place of beginning.

Franklin County Tax Parcel(s): All of 010-112203;
Street Address: 1808-1816 Lockbourne Road, Columbus, OH 43207

Parcel 8:

Situated in the County of Franklin, State of Ohio and City of Columbus described as:
Being part of a tract of land conveyed to Grant Apartments, Inc. by deed recorded in Deed Book 2267, page 294, and being that same tract shown as Parcel 2 on a plat of the “Dedication of Smith Court, Smith Road and Utility Easements,” recorded in Plat Book 32, page 21, all of record in the Franklin County Recorder’s Office and Being more particularly described as follows:

Beginning at a point in the westerly line of said Grant Apartments, Inc. tract, said point also being the southwesterly corner of said Parcel 2, as shown on said dedication plat;

Thence N 4 degrees 00’ E, with the westerly line of said Parcel 2, the westerly line of said Grant Apartments, Inc. tract a distance of 72 feet to the northwesterly corner of said Parcel 2;

Thence S 86 degrees 03’ 10” E, with the northerly line of said Parcel 2, a distance of 134 feet to the northeasterly corner of said Parcel 2 and the westerly line of Smith Court (50 feet in width) as shown on said dedication plat;

Thence S4 degrees 00’ W, with the easterly line of said Parcel 2, the westerly line of said Smith Court, a distance of 72 feet to the southeasterly corner of said Parcel 2;

Thence N 86 degrees 03’ 10” W, with the southerly line of said Parcel 2, a distance of 134 feet to the place of beginning and containing 0.221 acres of land, more or less.

Franklin County Tax Parcel(s): All of 010-132190;
Street Address: 1827 Smith Road, Columbus, OH 43207

SECTION 2. For the property stated in Section 1, that the Director of Development is hereby authorized to execute any agreement, deed restriction, or mortgage to ensure compliance with Land Bank Program rules and the submitted application and to release such restriction or mortgage upon compliance.

SECTION 3. That for good cause shown, Section 329.29 of the Columbus City Codes, 1959, is hereby waived.

SECTION 4. That Council hereby finds that the selection process utilized in this matter is in accordance with the Land Bank Disposition Process created pursuant to the City’s Land Reutilization Program and hereby approves the same.

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.