



Legislation Text

File #: 2671-2014, Version: 1

1. BACKGROUND:

The Department of Public Service on behalf of the City of Columbus, Ohio, an Ohio municipal corporation ("City"), received a request from Nationwide Children's Hospital, an Ohio nonprofit corporation ("NCH"), to sell NCH a total of 0.300 acres of land ("Right-of-Way"; 0.131 acre is part of a 12.5 foot alley; and 0.169 acre is all of a 10 foot alley, all of a 15 foot Alley, and all of a 20 foot alley [n.k.a. East Engler Street]), which is adjacent to property owned by NCH. The City's transfer of the Rights-of-Way to NCH will facilitate the construction of a new facility to house a number of hospital operations.

Per current practice, the City solicited comments from interested parties, including City agencies, private utilities and the applicable area commission, before it was determined that the City will not be adversely affected by the transfer of the Rights-of-Way subject to the City's reservation of a general utility easement for those utilities currently located within the Rights-of-Way. The City's Department of Public Service submitted a request to the Columbus City Attorney, Real Estate Division, to establish a value for the Rights-of-Way, which Six Thousand, Five Hundred Six, and 50/100 U.S. Dollars (\$6,506.50) was established as the value.

The City determined that there is a significant quantity of paving bricks located within the Rights-of-Way. As part of the agreement to transfer the Right-of-Way, NCH agrees to salvage the paving bricks and place them on pallets to be recovered by the City. After review of NCH's request, the City's Land Review Commission voted to transfer the Rights-of-Way to NCH for consideration in the amount of Six Thousand, Five Hundred Six, and 50/100 U.S. Dollars (\$6,506.50), but subject to the reservation of a general utility easement and contingent upon NCH salvaging the Right-of-Way's existing paving bricks. Therefore, this ordinance authorizes the director of the City's Department of Public Service to execute those documents, as approved by the Columbus City Attorney, to quit-claim grant the Right-of-Way to NCH and enter into an agreement with NCH for salvaging the Right-of-Way's existing paving bricks.

2. FISCAL IMPACT:

NCH will monetarily compensate the City a total of Six Thousand, Five Hundred Six, and 50/100 U.S. Dollars (\$6,506.50) that will be deposited in the City's Fund Number 748, Project 537650, as consideration for the transferring the Right-of-Way to NCH.

To authorize the director of the Department of Public Service to execute those documents, as approved by the Columbus City Attorney, to quit-claim grant a total of 0.300 acres of right-of-way (0.131 acre is part of a 12.5 foot alley; and 0.169 acre is all of a 10 foot alley, all of a 15 foot Alley, and all of a 20 foot alley [n.k.a. East Engler Street]) to Nationwide Children's Hospital; and to authorize the Director of Public Service to enter into a corresponding agreement with Nationwide Children's Hospital to salvage the right-of-way's existing paving bricks. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Nationwide Children's Hospital asking that the City transfer 0.300 acres of land, which 0.131 acre is part of a 12.5 foot Alley, and which 0.169 acre is all of a 10 foot Alley, all of a 15 foot Alley and all of a 20 foot Alley (nka E. Engler Street), adjacent to property owned by Nationwide Children's Hospital, to them; and

WHEREAS, acquisition of the rights-of-way will facilitate improvements to the adjacent property owned by Nationwide

Children's Hospital; and

WHEREAS, the City of Columbus, Department of Public Service, Division of Infrastructure Management, by these transfer, extinguishes its need for these public rights-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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way to Nationwide Children's Hospital; and

WHEREAS, the Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for these rights-of-way; and

WHEREAS, a value of \$6,506.50 was established for these rights-of-way; and

WHEREAS, It has been determined that there is a significant quantity of paving bricks located within the above noted rights-of-way. Per an agreement between Nationwide Children's Hospital and the Division of Planning and Operations of the City of Columbus, the above noted paving bricks will be salvaged and placed on pallets by Nationwide Children's Hospital, to be recovered by The City of Columbus.

WHEREAS, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to Nationwide Children's Hospital, subject to the reservation of a general utility easement, for the amount of \$6,506.50; and 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 Department of Law, Real Estate Division, necessary to transfer the following described rights-of-way to Nationwide Children's Hospital; to-wit:

Alley Vacation ~ 0.300 Acre
South side of E. Mound Street
East side of Seventeenth Street

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 15, Township 5, Range 22, Refugee Lands, being a total of 0.300 acre of land, which 0.131 acre is part of a 12.5 foot Alley and all of a 20 foot Alley (nka E. Engler Street) which is dedicated in M. McAlister's Executors of record in Plat Book 4, Page 121 and which 0.169 acre is all of a 10 foot Alley, all of a 15 foot Alley and all of a 20 foot Alley (nka E. Engler Street) which is dedicated in AA Stewart's Subdivision of record in Plat Book 3, Page 64, AA Stewart's Heir's Subdivision of record in Plat Book 4, Page 298 and George B. Stewart's Subdivision of record in Plat Book 7, Page 11, and described as follows:

Beginning at a 3/4-inch iron rod found at the northeast corner of Lot 5 of said M. McAlister's Executors, the same being in the west rights-of-way line of a 15 foot Alley of said AA Stewart's Heir's Subdivision and being in the south rights-of-way line of E. Mound Street as dedicated in said M. McAlister's Executors and said AA Stewart's Subdivision;

Thence S 87° 47' 31" E, along the north rights-of-way line of said 15 foot Alley, the same being the south rights-of-way line of said E. Mound Street, 15.00 feet to a 3/4-inch iron pipe found in the east rights-of-way line of said 15 foot Alley, the same being the northwest corner of Lot 1 of said George B. Stewart's Subdivision;

Thence S 02° 12' 29" W, along the west line of Lots 1-6 of said George B. Stewart's Subdivision, the same being the east rights-of-way line of said 15 foot Alley, 187.50 feet to an iron pin set at the southwest corner of said Lot 6, in the north rights-of-way line of said 20 foot Alley as dedicated by said AA Stewart's Subdivision;

Thence S 87° 47' 31" E. along the south line of said Lot 6, the same being the north rights-of-way line of said 20 foot Alley, 119.06 feet to an iron pin set at the southeast corner of said Lot 6, in the west rights-of-way line of Eighteenth Street as dedicated in said AA Stewart's Heir's Subdivision;

Thence S 02° 55' 23" W, along the east rights-of-way line of said 20 foot Alley, the same being the west rights-of-way line of said Eighteenth Street, 20.00 feet to an iron pin set at the northeast corner of Lot 8 of said AA Stewart's Heir's Subdivision and being in the south rights-of-way line of said 20 foot Alley as dedicated by said AA Stewart's Subdivision;

Thence N 87° 47' 31" W, along the north line of said Lot 8, the same being the south rights-of-way line of said 20 foot Alley, 123.81 feet to an iron pin set at the northwest corner of said Lot 8, in the east rights-of-way line of said 10 foot Alley as dedicated by said AA Stewart's Heir's Subdivision;

Thence S 02° 12' 29" W. along the west line of said Lot 8 and the west line of Lots 9-13 of said AA Stewart's Heir's Subdivision, the same being the east rights-of-way line of said 10 foot Alley, 187.50 feet to a 3/4-inch iron rod found at the southwest corner of said Lot 13 and being in the north rights-of-way line of Fulton Street as dedicated in said AA Stewart's Subdivision;

Thence N 87° 47' 31" W, along the south rights-of-way line of said 10 foot Alley, the same being the north rights-of-way line of said Fulton Street, 10.00 feet to an iron pin set in the west rights-of-way line of said 10 foot Alley as dedicated by said AA Stewart's Heir's Subdivision, being the southeast corner of Lot 6 of said M. McAlister's Executors;

Thence N 02° 12' 29" E, along the west rights-of-way line of said 10 foot Alley, the same being the east line of said Lot 6, 187.50 feet to an iron pin set at the northeast corner of said Lot 6, the same being the intersection of the west rights-of-way line of said 10 foot Alley and the south rights-of-way line of said 20 foot Alley;

Thence N 87° 47' 31" W, along the north line of said Lot 6 and along the north line of Lot 7 of said M. McAlister's Executors, the same being the south rights-of-way of said 20 foot Alley, 64.00 feet to an iron pin set at the northwest corner of said Lot 7, the same being the rights-of-way line intersection of the north rights-of-way line of said 20 foot Alley and the east rights-of-way line of said 12.5 foot Alley;

Thence S 02° 12' 29" W. along a portion of west line of said Lot 7, the same being the east rights-of-way line of said 12.5 foot Alley, 94.50 feet an iron pin set;

Thence N 87° 47' 31" W. across said 12.5 foot Alley, 12.50 feet to an iron pin set at the northeast corner of Lot 11 of said M. McAlister's Executors, the southeast corner of Lot 10 of said M. McAlister 's Executors, in the west rights-of-way line of said 12.5 foot Alley;

Thence N 02° 12' 29" E, along the east line of said Lot 11 and the east line of Lots 8-10 of said M. McAlister Executors and being the west rights-of-way line of said 12.5 foot Alley, 94.50 feet to an iron pin set at the northeast corner of said Lot 8 and being the intersection of the west rights-of-way line of said 12.5 foot Alley and the south rights-of-way line of said 20 foot Alley;

Thence N 87° 47' 31" W, along the north line of said Lot 8, the same being the south rights-of-way line of said 20 foot Alley, 150.00 feet to the northwest corner of said Lot 8, in the east rights-of-way line of Seventeenth Street as dedicated in said M. McAlister's Executors;

Thence N 02° 12' 29" E. along the west rights-of-way line of said 20 foot Alley, the same being the east rights-of-way line of said Seventeenth Street, 20.00 feet to an iron pin set in the north rights-of-way line of said 20 foot Alley, the same being the southwest corner of Lot 1 of said M. McAlister's Executors;

Thence S 87° 47' 31" E, along the south line of Lots 1-5 of said M. McAlister's Executors and being the north rights-of-

way line of said 20 foot Alley, 226.50 feet to an iron pin set at the southeast corner of said Lot 5, being the intersection of the north rights-of-way line of said 20 foot Alley and the west rights-of-way line of said 15 foot Alley;

Thence N 02° 12' 29" E, along the east line of said Lot 5, the same being the west rights-of-way line of said 15 foot Alley, 187.50 feet to the Point of Beginning, containing 0.300 acre, more or less. Subject, however, to all legal highways, easements and restrictions. The above description was prepared by Advanced Civil Design, Inc. on January 17th of 2014 and is based on existing records and an actual field survey performed in January 2014.

All iron pins set are 3/4" diameter iron pipe, 30" long and capped Advanced 7661.

Bearings are based the Ohio State Plane Coordinate System NAD83, CORS96. A bearing of S 02° 55' 23" W was held for the west rights-of-way line of Eighteenth Street between E. Mound Street and Fulton Street

All references used in these descriptions can be found at the Recorder's Office, Franklin County, Ohio.

Section 2. That the above referenced real property shall be considered excess road rights-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 rights-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said rights-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 \$6,506.50 to be received by the City as consideration for the sale of these rights-of-way shall be deposited in Fund 748, Project 537650.

Section 6. The director of the Department of Public Service be and is hereby authorized to execute and enter into an agreement with Nationwide Children's Hospital for the salvaging of the existing paving bricks in the right-of-way described in this ordinance.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.