



Legislation Text

File #: 1073-2016, **Version:** 1

1. BACKGROUND

Hamilton Crossings LLC, an Ohio limited liability company and Town & Country City, Inc., an Ohio corporation, (the "Developers") are engaged in the future development of the area surrounding the City's future Hamilton Road, Phase B, S-Curve Project. The Developers have or will be transferring portions of the right of way needed for the City's Hamilton Road, Phase B, S-Curve Project at no cost to the City. In exchange, the Developers have requested the City transfer a 1.202 acre tract and 0.593 acre tract, being portions of Albany Lake Way right of way, while reserving a waterline easement, to them and to partially release certain platted easements rights, as needed to allow the development to occur. After investigation and plan review it has been determined it is in the best interest of the City to authorize the transfer and partial release. This was not submitted to the Land Review Commission for review and approval as this is an exchange of right of way and right of way is not being sold.

2. FISCAL IMPACT

N/A

3. EMERGENCY DESIGNATION

Emergency action is requested to allow the construction of the proposed development to proceed as quickly as possible. Construction of this development project is anticipated to begin in the 2016 construction season.

To authorize the Director of the Department of Public Service to execute those documents, prepared by the Department of Law, Real Estate Division, needed to quitclaim a 1.202 acre tract of Albany Lake Way to Hamilton Crossings LLC and a 0.593 acre tract of Albany Lake Way to Town & Country City, Inc., subject to the reservation of a waterline easement, and to partially release certain other easements rights of the City under the Albany Park Section 1, Part 1, Plat; to waive Land Review Commission requirements; and to declare an emergency. (\$0.00)

WHEREAS, Hamilton Crossings, LLC, an Ohio limited liability company, and Town & Country City, Inc., an Ohio corporation, "the Developers", are engaged in the future development of the area surrounding the City's future Hamilton Road, Phase B, S-Curve Project; and

WHEREA, the Developers have or will be transferring portions of the right of way needed for the Hamilton Road, Phase B, S-Curve Project at no cost; and

WHEREAS, the Developers have requested the City transfer a 1.202 acre tract and 0.593 acre tract, being portions of Albany Lake Way right of way, to them and to partially release certain platted easements rights, as needed to allow the development to occur; and

WHEREAS, after investigation by the Department of Public Service and Department of Public Utilities it has been determined it is in the best interest of the City and should be authorized, subject to the reservation of a waterline easement, at no cost; and

WHEREAS, the review by the Land Review Commission is not necessary as this is an exchange of right of way and not being sold, therefore, the review is waived; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to transfer this right of way and partially release certain easements rights, so that the development of the property can occur, thereby preserving the public health, 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 quitclaim deed, with a reservation of an 0.034 acre waterline easement, and other incidental instruments prepared by the Department of Law, Real Estate Division, necessary to transfer the following described right-of-way at no cost to Hamilton Crossings LLC, an Ohio limited liability company and Town & Country City, Inc., an Ohio corporation; to-wit:

Portion of Albany Lake Way right of way- 1.202 acre to Hamilton Crossings LLC

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, and being part of Albany Lake Way (formerly known as Albany Park Drive, name change in City of Columbus Ordinance Number 1626-00) as dedicated in Plat Book 90, Page 60 (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 in the southerly right-of-way line of said Albany Lake Way, at the northwesterly corner of Lot 42 of "Albany Park Section 2 Part 2", a subdivision of record in Plat Book 95, Page 36, the northeasterly corner of that 27.308 acre tract conveyed to Town & Country City Inc. by deed of record in Instrument Number 200602280037517;

Thence with said southerly right-of-way line, with the northerly line of the remainder of said 27.308 acre tract, with the arc of a curve to the right, having a central angle of 44° 45' 41", a radius of 230.00 feet, an arc length of 179.68 feet, a chord bearing of North 82° 19' 26" West and chord distance of 175.15 feet to an iron pin set at a point of reverse curvature;

Thence continuing with said southerly right-of-way line, said northerly line, with the arc of a curve to the left, having a central angle of 23° 43' 39", a radius of 620.00 feet, an arc length of 256.76 feet, a chord bearing of North 71° 48' 25" West and chord distance of 254.93 feet to an iron pin set at the common corner of said 27.308 acre tract and that 64.327 acre tract conveyed to Hamilton Crossing, LLC by deed of record in Instrument Number 201510300154503, the TRUE POINT OF BEGINNING;

Thence with the southerly right-of-way line of said Albany Lake Way, with a northerly line of said 64.327 acre tract, the following courses and distances:

with the arc of a curve to the left, having a central angle of 09° 07' 38", a radius of 620.00 feet, an arc length of 98.76 feet, a chord bearing of North 88° 14' 03" West and chord distance of 98.66 feet to an iron pin set at a point of tangency;

South 87° 12' 08" West, a distance of 553.23 feet to an iron pin set at a point of curvature; and

with the arc of a curve to the right, having a central angle of 36° 20' 53", a radius of 380.00 feet, an arc length of 241.07 feet, a chord bearing of North 74° 37' 26" West and chord distance of 237.05 feet to an iron pin set at the southwesterly terminus of said Albany Lake Way;

Thence North 36° 36' 57" East, with the westerly terminus of said Albany Lake Way, an easterly line of said 64.327 acre tract, a distance of 60.10 feet to an iron pin set at the northwesterly terminus of said Albany Lake Way;

Thence with the northerly right-of-way line of said Albany Lake Way, with a southerly line of said 64.327 acre tract, the following courses and distances:

with the arc of a curve to the left, having a central angle of 35° 46' 21", a radius of 320.00 feet, an arc length of 199.79 feet, a chord bearing of South 74° 54' 41" East and chord distance of 196.56 feet to an iron pin set at a point of tangency;

North 87° 12' 08" East, a distance of 553.23 feet to an iron pin set at a point of curvature; and

with the arc of a curve to the right, having a central angle of 08° 18' 57", a radius of 680.00 feet, an arc length of 98.69 feet, a chord bearing of South 88° 38' 24" East and chord distance of 98.61 feet to an iron pin set;

Thence South 02° 47' 52" East, across said Albany Lake Way, a distance of 60.70 feet to the TRUE POINT OF BEGINNING, containing 1.202 acres, more or less.

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 Ohio State Plane Coordinate System, South Zone, as per NAD83 (2007 Adjustment). Control for bearings was from coordinates of monuments FCGS 8815 & FCGS 8816, having a bearing of North 03° 23' 04" East for a portion of the centerline of Hamilton Road (Relocated), established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King

Date

Professional Surveyor No. 8307

Portion of Albany Lake Way right of way-0.593 acre to Town & Country City, Inc.

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, and being part of Albany Lake Way (formerly known as Albany Park Drive, name change in City of Columbus Ordinance Number 1626-00) as dedicated in Plat Book 90, Page 60 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at an iron pin set in the southerly right-of-way line of said Albany Lake Way, at the northwesterly corner of Lot 42 of "Albany Park Section 2 Part 2", a subdivision of record in Plat Book 95, Page 36, the northeasterly corner of that 27.308 acre tract conveyed to Town & Country City Inc. by deed of record in Instrument Number 200602280037517;

Thence with said southerly right-of-way line, with the northerly line of the remainder of said 27.308 acre tract, with the arc of a curve to the right, having a central angle of 44° 45' 41", a radius of 230.00 feet, an arc length of 179.68 feet, a chord bearing of North 82° 19' 26" West and chord distance of 175.15 feet to an iron pin set at a point of reverse curvature;

Thence continuing with said southerly right-of-way line, said northerly line, with the arc of a curve to the left, having a central angle of 23° 43' 39", a radius of 620.00 feet, an arc length of 256.76 feet, a chord bearing of North 71° 48' 25" West and chord distance of 254.93 feet to an iron pin set at a common corner of the remainder of said 27.308 acre tract and that 64.327 acre tract conveyed to Hamilton Crossing, LLC by deed of record in Instrument Number 201510300154503;

Thence North 02° 47' 52" West, across said Albany Lake Way, a distance of 60.70 feet to an iron pin set on the arc of a curve in the northerly right-of-way line of said Albany Lake Way, being at the common corner of said 64.327 acre tract and the remainder of that 23.250 acre tract conveyed to Town & Country City Inc. by deed of record in Instrument Number 200001190012686;

Thence with said northerly right-of-way line, with the southerly line of said 23.250 acre tract, with the arc of a curve to the right, having a central angle of 24° 32' 20", a radius of 680.00 feet, an arc length of 291.23 feet, a chord bearing of South 72° 12' 45" East and chord distance of 289.01 feet to an iron pin set at a point of reverse curvature;

Thence continuing with said northerly right-of-way line, continuing with said southerly line, with the arc of a curve to the left, having a central angle of 44° 45' 41", a radius of 170.00 feet, an arc length of 132.81 feet, a chord bearing of South 82° 19' 26" East and chord distance of 129.46 feet to an iron pin set;

Thence South 14° 42' 17" East, across said Albany Lake Way, a distance of 60.00 feet to the POINT OF BEGINNING, containing 0.593 acre, more or less.

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 Ohio State Plane Coordinate System, South Zone, as per NAD83 (2007 Adjustment). Control for bearings was from coordinates of monuments FCGS 8815 & FCGS 8816, having a bearing of North 03° 23' 04" East for a portion of the centerline of Hamilton Road (Relocated), established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King Date

Professional Surveyor No. 8307

UTILITY EASEMENT RESERVATION

0.034 ACRE

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, being on, over and across that portion of Albany Lake Way, as dedicated in Plat Book 90, Page 60, and vacated by City of Columbus Ordinance Number _____, (all references refer to the records of the Recorder's Office, Franklin County Ohio) being more particularly described as follows:

BEGINNING in the southerly right-of-way line of said Albany Lake Way, at the common corner of Lot 42 of "Albany Park Section 1 Part 1", a subdivision of record in Plat book 90, Page 60 and that 27.308 acre tract conveyed to Town & Country City Inc. by deed of record in Instrument Number 200602280037517;

Thence with said southerly right-of-way line, the northerly line of said 27.308 acre tract, with a curve to the right, having a central angle of 12° 43' 57", a radius of 230.00 feet, an arc length of 51.11 feet and a chord bearing and distance of South 81° 39' 42" West, 51.01 feet to a point;

Thence across said Albany Lake Way, the following courses and distances:

North 01° 27' 55" West, a distance of 30.00 feet to a point;

North 81° 36' 59" East, a distance of 44.09 feet to a point; and

South 14° 42' 17" East, a distance of 30.01 feet to the POINT OF BEGINNING, containing 0.034 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King

Professional Surveyor No. 8307

Section 2. That the Director of the Department of Public Service be and is hereby authorized to execute a Partial Release of Easement and other incidental instruments prepared by the Department of Law, Real Estate Division, necessary to release the City's easement rights in the following described property; to-wit:

RELEASE OF EASEMENT.

0.061 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, and lying on, over and across that 23.250 acre tract conveyed to Town & Country City Inc. by deed of record in Instrument Number 200001190012686 (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 the northeasterly corner of that 27.308 acre tract conveyed to Town & Country City Inc. by deed of record in Instrument Number 200602280037517, the northwesterly corner of Lot 42 of that subdivision entitled "Albany Park Section 1 Part 1", of record in Plat Book 90, Page 60, being in the southerly right-of-way line of Albany Lake Way (60 feet wide, name change by Ordinance Number 1626-00, formerly known as Albany Park Drive as dedicated in Plat Book 90, Page 60);

Thence North 14° 42' 17" West, across said Albany Lake Way, a distance of 60.00 feet to a point in the northerly right-of-way line of said Albany Lake Way, being the southerly line of said 23.250 acre tract;

Thence continuing with said northerly right-of-way line, said southerly line, with the arc of a curve to the right, having a central angle of 44° 45' 41", a radius of 170.00 feet, an arc length of 132.81 feet, a chord bearing of North 82° 19' 26" West and chord distance of 129.46 feet to a point of reverse curvature;

Thence continuing with said northerly right-of-way line, said southerly line, with the arc of a curve to the left, having a central angle of 13° 03' 50", a radius of 680.00 feet, an arc length of 155.04 feet, a chord bearing of North 66° 28' 30" West and chord distance of 154.71 feet to the southeasterly corner of an existing easement, as dedicated in Plat Book 90, Page 60, the TRUE POINT OF BEGINNING;

Thence continuing with said northerly right-of-way line, said southerly line, and said southerly easement line, with the arc of a curve to the left, having a central angle of 06° 25' 27", a radius of 680.00 feet, an arc length of 76.24 feet, a chord bearing of North 76° 13' 09" West and chord distance of 76.20 feet to a point;

Thence across said 23.250 acre tract, with the boundary of said easement, the following courses and distances:

North 09° 43' 34" East, a distance of 9.65 feet to a point;

South 80° 36' 26" East, a distance of 59.11 feet to a point;

North 80° 57' 53" East, a distance of 100.43 feet to a point;

South 09° 02' 07" East, a distance of 20.00 feet to a point; and

South 80° 57' 53" West, a distance of 89.37 feet to the TRUE POINT OF BEGINNING, containing 0.061 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King

Date

Professional Surveyor No. 8307

RELEASE OF EASEMENT

0.241 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, and lying on, over and across those 27.308 and 38.442 acre tracts conveyed to Town & Country City Inc. by deed of record in Instrument Number 200602280037517, and that 64.327 acre tract conveyed to Hamilton Crossing, LLC by deed of record in Instrument Number 201510300154503 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the northeasterly corner of said 27.308 acre tract, the northwesterly corner of Lot 42 of that subdivision entitled "Albany Park Section 1 Part 1", of record in Plat Book 90, Page 60, being in the southerly right-of-way line of Albany Lake Way (60 feet wide, name change by Ordinance Number 1626-00, formerly known as Albany Park Drive as dedicated in Plat Book 90, Page 60), being the northeasterly corner of an existing easement as dedicated in Plat Book 90, Page 60;

Thence South 14° 42' 17" East, with the line common to said 27.308 acre tract and said Lot 42, with the easterly line of said easement, a distance of 5.00 feet to a point on the arc of a curve;

Thence across said 27.308, 64.327 and 38.442 acre tracts, with the boundary of said easement, the following courses and distances:

with the arc of a curve to the right, having a central angle of 44° 45' 41", a radius of 235.00 feet, an arc length of 183.59 feet, a chord bearing of North 82° 19' 26" West and chord distance of 178.96 feet to a point of compound curvature;

with the arc of a curve to the left, having a central angle of 11° 58' 18", a radius of 615.00 feet, an arc length of 128.50 feet, a chord bearing of North 65° 55' 44" West and chord distance of 128.27 feet to a point;

South 15° 58' 05" East, a distance of 18.04 feet to a point;

South 74° 01' 55" West, a distance of 20.00 feet to a point;

North 15° 58' 05" West, a distance of 31.00 feet to a point on the arc of a curve

with the arc of a curve to the left, having a central angle of 18° 39' 45", a radius of 615.00 feet, an arc length of 200.32 feet, a chord bearing of North 83° 27' 59" West and chord distance of 199.44 feet to a point of tangency;

South 87° 12' 08" West, a distance of 553.23 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 31° 01' 53", a radius of 385.00 feet, an arc length of 208.52 feet, a chord bearing of North 77° 16' 55" West and chord distance of 205.98 feet to a point;

South 85° 15' 07" West, a distance of 53.77 feet to a point;

North 04° 44' 53" West, a distance of 20.00 feet to a point;

North 85° 15' 07" East, a distance of 22.67 feet to a point;

North 54° 52' 03" West, a distance of 74.47 feet to a point;

North 35° 17' 15" East, a distance of 34.00 feet to a point; and

South 54° 52' 03" East, a distance of 76.01 feet to a point in the westerly terminus of said Albany Lake way;

Thence South 36° 36' 57" West, with said westerly terminus, a distance of 27.06 feet to a point on the arc of a curve in the southerly right-of-way line of said Albany Lake Way;

Thence with said southerly right-of-way line, a northerly line of said 64.327 acre tract and the northerly line of said 27.308 acre tract, the following courses and distances:

with the arc of a curve to the left, having a central angle of 36° 20' 53", a radius of 380.00 feet, an arc length of 241.07 feet, a chord bearing of South 74° 37' 26" East and chord distance of 237.05 feet to a point of tangency;

North 87° 12' 08" East, a distance of 553.23 feet to a point on the arc of a curve;

with the arc of a curve to the right, having a central angle of 32° 50' 24", a radius of 620.00 feet, an arc length of 355.36 feet, a chord bearing of South 76° 22' 40" East and chord distance of 350.52 feet to a point of reverse curvature; and

with the arc of a curve to the left, having a central angle of 44° 48' 02", a radius of 230.00 feet, an arc length of 179.84 feet, a chord bearing of South 82° 18' 16" East and chord distance of 175.29 feet to the POINT OF BEGINNING, containing 0.241 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King

Date

Professional Surveyor No. 8307

Section 3. That it is in the best interest of the City to allow this right-of-way to be transferred without requiring a recommendation from Land Review Commission and hereby waives the Land Review Commission provisions of Columbus City Code, Section 328.01, with regards to the transfer of this right-of-way.

Section 4. 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.