



## Legislation Text

---

**File #:** 1872-2016, **Version:** 1

---

**BACKGROUND:** The City of Columbus, Department of Public Service, received a request from 85 North High Street, LLC asking that the City transfer a 0.142 acre portion of the Elm Street right-of-way west of North High Street and east of Wall Street. Transfer of this right-of-way will permit future economic development on the adjacent property owned by 85 North High Street, LLC. 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 Department of Law, Real Estate Division, for the purpose of establishing a value for this right-of-way. A value of \$61,780.00 was established for this right-of-way based upon the reservation of general utility easement. On June 23, 2016, the Land Review Commission unanimously approved the request of 85 North High Street LLC to acquire, at no cost, an approximately 6,187 square foot (0.142 acres) section of Elm Street between North High Street and Wall Street, subject to reservation of a general utility easement. This recommendation for full cost mitigation was made in recognition of the applicant's commitment to provide public parking under the terms of a pending Economic Development Agreement.

**FISCAL IMPACT:** There is no fiscal impact associated with this legislation.

**EMERGENCY DESIGNATION:** This legislation is submitted as an emergency measure in order to enable the Director of the Department of Public Service to execute those documents required to transfer a portion of the Elm Street right-of-way to 85 North High Street, LLC in order to allow 85 North High Street, LLC to meet related public parking commitments outlined in a pending Economic Development Agreement with the City and start construction as soon as possible.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.142 acre portion of the Elm Street right-of-way west of North High Street and east of Wall Street, adjacent to property owned by 85 North High Street, LLC, located at 85 North High Street; and to declare an emergency. (\$0.00)

**WHEREAS,** the City of Columbus, Department of Public Service, received a request from 85 North High Street, LLC, asking that the City transfer a 0.142 acre portion of the Elm Street right-of-way west of North High Street and east of Wall Street, adjacent to property owned by 85 North High Street, LLC, located at 85 North High Street, to them; and

**WHEREAS,** acquisition of the right-of-way will permit future economic development on the resolve encroachment issues relating to adjacent property owned by 85 North High Street, LLC; 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; 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 this right-of-way, the City will not be adversely affected by the transfer of this right-of-way to 85 North High Street, LLC; 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 this right-of-way; and

**WHEREAS**, a value of \$61,780.00 was established for this right-of-way; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to 85 North High Street, LLC for at no cost, subject to the reservation of a general utility easement, and in full recognition of 85 North High Street, LLC's commitment to provide public parking under the terms of a pending Economic Development Agreement; 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 Director to execute those documents necessary to transfer a portion of a right-of-way to 85 North High Street, LLC in order to allow it to meet related public parking commitments; **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 right-of-way to 85 North High Street, LLC; to-wit:

**DESCRIPTION OF A 0.142 ACRE TRACT**

Situate in the State of Ohio, County of Franklin, City of Columbus, being a portion of Elm Street that lies between Wall Street and North High Street of the Town Plat of the City of Columbus as recorded in Deed Book F, Page 332, destroyed by fire, re-recorded in Plat Book 3, Page 247 also represented in Plat Book 14, Page 27, (all records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows;

Beginning at a magnetic nail set at the southwest corner of Inlot 283 on the easterly right-of-way line of Wall Street (33 feet in width), being located South 07°59'32" East a distance of 187.67 feet from a magnetic nail set at the intersection of the easterly right-of-way line of said Wall Street and the southerly right-of-way line of Long Street (82.5 feet in width);

Thence North 81°51'53" East, a distance of 187.93 feet, along the southerly line of Inlot 283 to the southeasterly corner of said Inlot 283 on the westerly right-of-way line of North High Street (100 feet in width), referenced by a pk nail found located 0.17 feet south and 0.08 feet east and being located South 08°06'34" East, a distance of 187.67 feet from a magnetic nail set at the intersection of the westerly right-of-way line of said North High Street and the southerly right-of-way of Long Street;

Thence South 08°06'34" East, a distance of 33.00 feet, along the westerly right-of-way line of North High Street to the northeasterly corner of Inlot 282, referenced by a pk nail found located 0.82 feet north and 0.28 east;

Thence South 81°51'53" West, a distance of 188.00 feet, along the northerly line of Inlot 282 to the northwesterly corner of said Inlot 282 on the easterly right-of-way line of Wall Street, referenced by a pk nail found 0.27 feet south and 0.19 feet west and being located North 07°59'32" West, a distance of 62.50 feet from a magnetic nail set at the southwesterly corner of said Inlot 282;

Thence North 07°59'32" West, a distance of 33.00 feet, along the easterly right-of-way line of Wall Street to the Point of Beginning, containing 0.142 acres, (6202.87 square feet), more or less, being subject to all easements, restrictions and rights-of-way of record.

Bearings are based on the bearing of North 81°51'53" East for the northerly right-of-way line of Gay Street, as determined by a network of GPS field observations performed in March 2013. Ohio State Plane Coordinate System, South Zone, NAD 83 (2007).

Based on a field survey by Stantec Consulting Services Inc. performed in 2013.

**SECTION 2.** That the above 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 above described 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, approved by the Department of Law, Real Estate Division, 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 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.