



Legislation Text

File #: 0099-2017, **Version:** 1

1. BACKGROUND:

NWD Investment, LLC, an Ohio limited liability company (the "Developer") is engaged in the redevelopment of a tract of land known as Parks Edge Condominiums property. The redevelopment of this site is located east of Neil Avenue, west of John H. McConnell Boulevard and north of Spring Street. To facilitate the redevelopment of this site the Developer has agreed to donate to the City of Columbus the right-of-way needed for the improvements proposed by the Spring Street Streetscape Improvements project for roadway and intersection improvements. In exchange for this donation, the Developer has requested the City abandon as right-of-way and transfer portions of the northeast corner of existing Neil Avenue and Spring Street per ordinance 3211-2015. As this project proceeded it became the City of Columbus's desire to have a shared use path along the north side of Spring Street. Due to the stage of construction of the Parks Edge Condominiums property it was determined by both Public Service and the Developer that a wall and foundation would need to be constructed. The Developer has agreed to build the wall, foundation, and maintain these items. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to transfer 0.048 acres of right-of-way and grant a 0.023 acre encroachment easement to legally allow the Developer to build the wall on private property and to allow the foundation to extend into the public right-of-way as described below and shown on the attached exhibits. Installation of these elements will enhance the building and improve the pedestrian network in the area. Public Service requests to waive the approval of the Land Review Commission requirements, transfer the right-of-way at no cost and receive a value of \$500.00 for the foundation encroachment easement.

2. FISCAL IMPACT

The City will receive a total of \$500.00, to be deposited in Fund 7748, Project P537650, for the foundation encroachment easement.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to transfer 0.048 acres of right-of-way and grant a 0.023 acre encroachment easement to legally allow the Developer to build the wall on private property and to allow the foundation to extend into the public right-of-way as described below and shown on the attached exhibits; and to waive the Land Review Commission Requirements.

WHEREAS, NWD Investment, LLC, an Ohio limited liability company (the "Developer") is engaged in the redevelopment of a tract of land known as Parks Edge Condominiums property; and

WHEREAS, redevelopment of this site is located east of Neil Avenue, west of John H. McConnell Boulevard and north of Spring Street; and

WHEREAS, to facilitate the redevelopment of this site the Developer has agreed to donate to the City of Columbus the right-of-way needed for the improvements proposed by the Spring Street Streetscape Improvements project for roadway and intersection improvements. In exchange for this donation, the Developer has requested the City abandon as right-of-way and transfer portions of the northeast corner of existing Neil Avenue and Spring Street per ordinance 3211-2015; and

WHEREAS, as this project has proceeded it became the City of Columbus's desire to have a shared use path along the north side of Spring Street. Due to the stage of construction of the Parks Edge Condominiums property it was determined by both Public Service and the Developer that a wall and foundation would need to be constructed. The Developer has

agreed to build the wall, foundation, and maintain these items; and

WHEREAS, installation of these elements will enhance the building and improve the pedestrian network in the area and transfer the right-of-way at no cost and receive a value of \$500.00 for the encroachment easement; and

WHEREAS, a value of \$500.00 for the encroachment easement was established to be deposited in Fund 7748, Project P537650; and

WHEREAS, Public Service requests to waive the approval of the Land Review Commission requirements; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director to execute those documents necessary for the City to transfer 0.048 acres of right-of-way and grant a 0.023 acre foundation encroachment easement to legally allow the Developer to build the wall on private property and to allow the foundation to extend into the public rights-of-way as described below and shown on the attached exhibits; **NOW, THEREFORE**;

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

Section 1. That the Director of the Department of Public Service is authorized to execute those documents necessary for the City to transfer 0.048 acres of right-of-way and grant a 0.023 acre foundation encroachment easement to legally allow the Developer to build the wall on private property and to allow the foundation to extend into the public right-of-way as described below and shown on the attached exhibits:

Right-of-Way Transfer:

0.048 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 10 (Section 8), Township 5, Range 22, Refugee Lands, and being out of that 0.001 acre tract conveyed to the City of Columbus by deed of record in Instrument Number 201605240065521 and Spring Street, as dedicated in Plat Book 90, Page 75, (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 at the southeasterly corner of Lot 3 of that subdivision entitled "Arena District Subdivision" of record in Plat Book 90, Page 75, in the easterly line of that 1.769 acre tract conveyed to 245 Parks Edge Place, LLC by deed of record in Instrument Number 201605240065523, the intersection of the westerly right-of-way line of John H. McConnell Boulevard (formerly West Street) as dedicated in Plat Book 90, Page 75 and the northerly line of that portion of Spring Street released by the City of Columbus by Ordinance Number 2598-2003;

thence South 03° 23' 49" West, with said westerly right-of-way line, a distance of 7.11 feet to an iron pin set at the most northerly corner of said 0.001 acre tract, the TRUE POINT OF BEGINNING;

thence South 03° 23' 49" West, with the easterly line of said 0.001 acre tract, a distance of 1.96 feet to an iron pin set;

thence across said 0.001 acre tract and Spring Street, the following courses and distances:

South 46° 17' 24" West, a distance of 15.46 feet to an iron pin set;

North 86° 36' 12" West, a distance of 462.07 feet to a magnetic nail set;

North 41° 36' 12" West, a distance of 12.15 feet to a magnetic nail set; and

North 03° 23' 48" East, a distance of 9.24 feet to an iron pin set in the westerly line of that 0.004 acre tract conveyed to 245 Parks Edge Place, LLC by deed of record in Instrument Number 201605240065523, the current northerly right-of-way line of Spring Street;

thence South 46° 59' 23" East, with said westerly line and northerly right-of-way line, a distance of 23.03 feet to an iron pin set at the southwesterly corner of said 0.004 acre tract, an angle point in said northerly right-of-way line;

thence South 86° 53' 16" East, with the southerly line of said 0.004 acre tract and a southerly line of said 1.769 acre tract, said northerly right-of-way line, a distance of 456.12 feet to an iron pin set at a southeasterly corner of said 1.769 acre tract, an angle point in said northerly right-of-way line;

thence North 46° 23' 17" East, with a southerly line of said 1.769 acre tract, said northerly right-of-way line, a distance of 10.76 feet to the TRUE POINT OF BEGINNING, containing 0.048 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 same meridian as the bearings shown on the subdivision plat entitled "Huntington Park" of record in Plat Book 112, Page 24, Recorder's Office, Franklin County, Ohio. On said plat of record the centerline of Huntington Park Lane has a bearing of North 03° 05' 07" East.

This description was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

Section 2. That this Council has determined it is in the best interest of the City of Columbus 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.

**Foundation Encroachment Easement:
0.023 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 10 (Section 8), Township 5, Range 22, Refugee Lands, being on, over, and across that 0.001 acre tract conveyed to the City of Columbus by deed of record in Instrument Number 201605240065521 and Spring Street and John H. McConnell Boulevard (formerly West Street), as dedicated in Plat Book 90, Page 75, and to extend between an elevation of 715 feet and 724 feet (NAVD88), (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 southeasterly corner of Lot 3 of that subdivision entitled "Arena District Subdivision" of record in Plat Book 90, Page 75, in the easterly line of that 1.769 acre tract conveyed to 245 Parks Edge Place, LLC by deed of record in Instrument Number 201605240065523, the intersection of the westerly right-of-way line of John H. McConnell Boulevard as dedicated in Plat Book 90, Page 75 and the northerly line of that portion of Spring Street released by the City of Columbus by Ordinance Number 2598-2003;

thence South 03° 23' 49" West, with said westerly right-of-way line, a distance of 6.09 feet to the TRUE POINT OF BEGINNING;

thence across said 0.001 acre tract, John H. McConnell Boulevard, and Spring Street, the following courses and distances:

South 86° 32' 21" East, a distance of 1.70 feet to a point;

South 03° 23' 49" West, a distance of 4.08 feet to a point;

South 46° 17' 24" West, a distance of 16.68 feet to a point;

North 86° 36' 12" West, a distance of 463.77 feet to a point;

North 41° 36' 12" West, a distance of 13.81 feet to a point; and

North 03° 23' 48" East, a distance of 11.72 feet to a point in the northerly right-of-way line of Spring Street;

thence with said northerly right-of-way line, the following courses and distances:

South 46° 59' 23" East, a distance of 2.60 feet to a point;

South 03° 23' 48" West, a distance of 9.24 feet to a point;

South 41° 36' 12" East, a distance of 12.15 feet to a point;

South 86° 36' 12" East, a distance of 462.07 feet to a point; and

North 46° 17' 24" East, a distance of 15.46 feet to a point in said westerly right-of-way line;

thence North 03° 23' 49" East, with said westerly right-of-way line, a distance of 2.98 feet to the TRUE POINT OF BEGINNING, containing 0.023 acre, more or less.

The Vertical Datum is based on the elevation established by the Franklin County Engineering Department, monument COC 13-83, being 752.140 feet in elevation. The said monument being a source bench mark with elevation that is based on the North American Vertical Datum of 1988.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.