



Legislation Text

File #: 0273-2017, **Version:** 1

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Gravity Project, LLC, an Ohio limited liability company asking that the City vacate a 0.292 acre parcel of the Anson Street right-of-way and a 0.349 acre parcel of Gay Street as described below and shown on the attached exhibit, totaling 0.641 acres. Vacation of these rights-of-way will facilitate the re-development of property adjacent to the above noted rights-of-way, located north of West Broad Street between North May Avenue. 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 these rights-of-way, the City will not be adversely affected by the vacation of these rights-of-way. 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. A value of \$140,750.00 was established for these rights-of-way. After review of the request, the Department of Development has contacted the Department of Public Service requesting Public Service to submit legislation recommending that the above referenced rights-of-way be vacated at no charge.

Emergency Justification: Emergency action is requested by the Department of Development to allow development of this project to be able to comply with the lender and meet the construction schedule.

2. FISCAL IMPACT:

The property is valued at \$140,750.00. The Department of Development has requested that this land be vacated at no charge.

To vacate a 0.292 acre parcel of the Anson Street right-of-way and a 0.349 acre parcel of Gay Street as described below and shown on the attached exhibit, totaling 0.641 acres, to waive the Land Review Commission requirements of Columbus City Codes; and to declare an emergency.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Gravity Project, LLC, an Ohio limited liability company asking that the City vacate a 0.292 acre parcel of the Anson Street right-of-way and a 0.349 acre parcel of Gay Street as described below and shown on the attached exhibit, totaling 0.641 acres; and

WHEREAS, vacation of these rights-of-way will facilitate the re-development of property currently adjacent to the below described right-of-way and attached exhibit; and

WHEREAS, the City of Columbus, Department of Public Service, Division of Infrastructure Management, by this vacation, 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 this right-of-way, the City will not be adversely affected by the vacation of these rights-of-way; 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 \$140,750.00 was established for these rights-of-way; and

WHEREAS, the Department of Development has contacted the Department of Public Service requesting Public Service to submit legislation recommending that the above referenced rights-of-way be vacated at no charge; 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 vacation of the referenced rights-of-way, for the public health, safety and welfare; now, therefore,

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

Section 1. By Council passing this legislation it is hereby vacating the following described rights-of-way and attached exhibit; to-wit:

Description of Anson Street ~ 0.292 Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey Number 1393 and being out of the present right-of-way of Anson Street (40 feet wide, fka Vine Street) as shown on "Ridgway's Addition" of record in Plat Book 1, Page 126, and being more particularly described as follows:

Beginning at a magnetic nail set at the intersection of the northerly right-of-way line of Broad Street (95 feet wide) and the westerly right-of-way line of said Anson Street, the same being the southeasterly corner of Lot 34 as shown on said "Ridgway's Addition";

thence North 08° 48' 44" West, with said westerly right-of-way line, the easterly lines of said Lot 34 and Lot 57 of said "Ridgway's Addition" and an easterly line of Broderick Street (33 feet wide), vacated by Ordinance Number 383-47, a distance of 318.54 feet to a magnetic nail set in the southerly right-of-way line of said Gay Street (50 feet wide, fka Kimball Street), the northeasterly corner of said Lot 57;

thence North 81° 24' 58" East, with the extension of said northerly right-of-way line, a distance of 40.00 feet to an iron pin set in the easterly right-of-way line of said Anson Street and at the northeasterly corner of Lot 58 and shown on said "Ridgway's Addition";

thence South 08° 48' 44" East, with the westerly lines of Lots 58 and 33 of said "Ridgway's Addition" and the westerly line of said Broderick Street vacated by Ordinance Number 25271 and with the easterly right-of-way line of said Anson Street, a distance of 318.32 feet to an iron pin set in said northerly right-of-way line of Broad Street, the same being the southwest corner of said Lot 33;

Thence South 81° 06' 22" West, with the extension of said northerly right-of-way line, a distance of 40.00 feet to the Point of Beginning.

Containing 0.292 acre of land, more or less.

References are to the records of the Recorder's Office, Franklin County, Ohio, excepting ordinances. Ordinances are on file with the Columbus City Council Clerk's Office.

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.

Bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NRS2007). A bearing of South 81° 06' 22" West was held for the northerly right-of-way line of Broad Street between Anson Street and

May Avenue.

This description is based on documents of record, prior plats of survey and observed evidence located by an actual field survey performed in January 2016.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Description of Gay Street ~ 0.349 Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey Number 1393 and being out of the present right-of-way of Gay Street (50 feet wide, fka Kimball Street) as shown on "Ridgway's Addition" of record in Plat Book 1, Page 126, and being more particularly described as follows:

Beginning at a 5/8 inch iron pin found at the intersection of the southerly right-of-way line of said Gay Street and the easterly right-of-way line of May Avenue (40 feet wide, fka Acorn Street), the same being the northwesterly corner of Lot 52 as shown on said "Ridgway's Addition";

thence North 09° 08' 46" West, with the extension of said easterly right-of-way line, a distance of 50.00 feet to an iron pin set in the northerly right-of-way line of said Gay Street, being the southerly line of Lot 115 of said "Ridgway's Addition";

thence North 81° 24' 58" East, with said northerly right-of-way line, the southerly lines of said Lot 115 and Lots 109, 110, 111, 112, 113 and 114 of said "Ridgway's Addition", a distance of 288.77 feet to a magnetic nail set in the westerly line of that portion of Kimball Street vacated by Ordinance Number 25271;

thence South 47° 22' 58" East, with said westerly vacation line, a distance of 32.08 feet to a corner thereof (witnessing a 3/4 inch pinchopt found 2.29 feet north and 2.09 feet west, and a 5/8 inch iron pin found 0.97 feet south and 0.68 feet west);

thence South 08° 48' 44" East, continuing with said westerly vacation line, a distance of 25.00 feet to an iron pin set at the northwesterly corner of Lot 58 of said "Ridgway's Addition";

thence South 81° 24' 58" West, with the extension of the southerly right-of-way line of said Gay Street and with said southerly right-of-way line, the northerly lines of Lots 52, 53, 54, 55, 56 and 57 of said "Ridgway's Addition", a distance of 308.48 feet to the Point of Beginning.

Containing 0.349 acre of land, more or less.

References are to the records of the Recorder's Office, Franklin County, Ohio, excepting ordinances. Ordinances are on file with the Columbus City Council Clerk's Office.

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Bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NRS2007). A bearing of South 81° 06' 22" West was held for the northerly right-of-way line of Broad Street between Anson Street and May Avenue.

This description is based on documents of record, prior plats of survey and observed evidence located by an actual field survey performed in January 2016.

EVANS,
TILTON, INC.

MECHWART,

HAMBLETON

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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 passage of this ordinance thereof.

Section 3. That this Council has determined it is in the best interest of the City of Columbus to allow these rights-of-way to be vacated without requiring a recommendation from Land Review Commission and hereby waives the Land Review Commission provision of Columbus City Codes, Section 328.01, with regards to the vacation of these rights-of-way.

Section 4. 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 5. 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 6. That the above noted rights-of-way be vacated at no charge.

Section 7. 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.