



Legislation Text

File #: 2110-2017, Version: 1

1. BACKGROUND

The purpose of this legislation is to authorize the Director of the Department of Public Service to execute those documents necessary to vacate the right-of-way identified within ordinance 1973-96 to allow Battelle to combine parcels, clear title, and as a result allow the area and Battelle's adjacent headquarters complex to be redeveloped.

In 1996, pursuant to Ordinance 1973-96, the City agreed to transfer various streets and alleys ("right-of-way") to Battelle Memorial Institute (Battelle) in exchange for \$70,700.00 and a bike path easement along the Olentangy River. These streets and alleys run east and west in an area generally located north of Third Avenue, south of Vermont Place, west of Perry Street, and east of the Olentangy River. City records indicate Battelle paid the City the \$70,700.00 for the right-of-way and granted the bike path easement, as recorded under Instrument No. 199606240161205, Recorder's Office, Franklin County. A quit claim deed was also prepared by the City of Columbus Attorney's Office and signed by the Director of Public Service on December 16, 1998, but it was just recently discovered while Battelle was in the process of combining certain parcels that there is no record of that quit claim deed having been recorded and the original cannot be located. Therefore, Battelle, as the owner of all abutting property to the right-of-way, is now requesting that the City vacate the right-of-way to clear any title issues and allow the parcels to be combined by the County Auditor's Office, which will then allow the area to be re-developed. Per current practice, comments were solicited from City agencies and it was determined that, subject to the retention of easements 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 right-of-way consists of 5 strips, running west of the west right-of-way line of Perry Street to their west terminus, as depicted on Exhibit B and attached. The first strip is a 20± foot wide alley north of the north right-of-way line of Third Avenue, approximately 127± feet and west of Perry Street to the west terminus. The second strip is a 60± foot wide right-of-way known as Hill Avenue north of the north right-of-way line of Third Avenue, approximately 275± feet and west of Perry Street to the west terminus. The third strip is a 20± foot wide alley north of the north right-of-way line of Third Avenue, approximately 465± feet and west of Perry Street to the west terminus. The fourth strip is a 60± foot wide right-of-way known as Fourth Avenue north of the north right-of-way line of Third Avenue, approximately 611± feet and west of Perry Street to the west terminus. The fifth strip is a 20± foot wide alley north of the north right-of-way line of Third Avenue, approximately 790± feet and west of Perry Street to the west terminus. Per current practice it was determined that the City will not be adversely affected by the vacation of the right-of-way.

2. FISCAL IMPACT

No additional funds will be required.

3. EMERGENCY DESIGNATION

An emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to allow Battelle to combine certain parcels, clear title, and allow redevelopment on the site and of Battelle's adjacent headquarters complex to occur as currently scheduled.

To vacate the right-of-way identified within ordinance 1973-96 to allow Battelle to combine parcels, clear title, and as a result allow the area and Battelle's adjacent headquarters complex to be redeveloped; and to declare an emergency;

WHEREAS, in 1996, pursuant to Ordinance 1973-96, the City agreed to transfer various streets and alleys ("right-of-way") to Battelle Memorial Institute (Battelle) in exchange for \$70,700.00 and a bike path easement along the Olentangy River. These streets and alleys run east and west in an area generally located north of Third Avenue, south of Vermont

Place, west of Perry Street, and east of the Olentangy River; and

WHEREAS, City records indicate Battelle paid the City the \$70,700.00 for the right-of-way and granted the bike path easement, as recorded under Instrument No. 199606240161205, Recorder's Office, Franklin County; and

WHEREAS, a quit claim deed was also prepared by the City Attorney's Office, signed by the Director of Public Service on December 16, 1998, but it was just recently discovered while Battelle was in the process of combining certain parcels that there is no record of that quit claim deed having been recorded and the original of that quit claim deed cannot be located; and

WHEREAS, Battelle is now requesting that the City vacate these right-of-ways so the parcels can be combined, to clear title, and allow the area and Battelle's adjacent headquarters complex to be redeveloped; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is ammedietely necessary to allow Battelle to combine certain parcels, clear title, and allow redevelopment on the site and of Battelle's adjacent headquarters complex to occur as currently scheduled, thereby preserving the public health, property, safety and welfare; **NOW, THEREFORE;**

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

Section 1. That this Council hereby vacates certain right-of-way consisting of 5 strips, running west of the west right-of-way line of Perry Street to their west terminus, as described below and in the exhibits attached as previously intended to be transferred by Ordinance 1973-96. Per current practice it was determined that the City will not be adversely affected by the vacation of these right-of-ways.

Areas to be vacated:

The first is a 20± foot wide alley north of the north right-of-way line of Third Avenue, approximately 127± feet and west of Perry Street to the west terminus.

The second is a 60± foot wide right-of-way known as Hill Avenue north of the north right-of-way line of Third Avenue, approximately 275± feet and west of Perry Street to the west terminus.

The third is a 20± foot wide alley north of the north right-of-way line of Third Avenue, approximately 465± feet and west of Perry Street to the west terminus.

The forth is a 60± foot wide right-of-way known as Fourth Avenue north of the north right-of-way line of Third Avenue, approximately 611± feet and west of Perry Street to the west terminus.

The fifth is a 20± foot wide alley north of the north right-of-way line of Third Avenue, approximately 790± feet and west of Perry Street to the west terminus.

Section 2. That this Council has determined it is in the best interest of the City to allow this right-of-way to be vacated without requiring an additional recommendation from Land Review Commission and hereby waives the Land Review Commission provision of Columbus City Codes (1959) Revised, Section 328 and Section 329 with regards to the vacation of this right-of-way.

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 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.