



## Legislation Text

**File #:** 0979-2021, **Version:** 1

### 1. BACKGROUND:

The Department of Public Service received a request from the Department of Development, Economic Development Division, asking for an approximate 9,900 square foot (0.237 acre) portion of right-of-way and all of a 10 foot alley to be extinguished and combined with City owned property, Franklin County Tax Parcel Number 010-054645, as part of the future redevelopment of the North Market, as described within an Economic Development Agreement (EDA) dated September 11, 2019 and authorized by Ordinance No. 1993-2019.

The Department of Public Service has agreed to transfer the right-of-way as described and shown within the attached legal description and exhibit as well as extinguish the need for this property as public right-of-way.

Comments were solicited from interested parties, including City agencies, private utilities and the land review 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 extinguishing this right-of-way.

### 2. FISCAL IMPACT

There is no expenditure associated with this Ordinance.

### 3. EMERGENCY DESIGNATION

Emergency action is requested in order to allow subsequent lots splits to occur as contemplated in the EDA, which is necessary for the redevelopment of the North Market to proceed without delay.

To extinguish and combine an approximate 9,900 square foot (0.237 acre) portion of right-of-way on Market Street between Spruce Street and Vine Street and all of a 10 foot public alley off of Market Street; and to declare an emergency. (\$0.00)

**WHEREAS**, the Department of Public Service received a request from the Department of Development, Economic Development Division, asking for an approximate 9,900 square foot (0.237 acre) portion of right-of-way and all of a 10 foot alley to be extinguished and combined with City owned property, Franklin County Tax Parcel Number 010-054645, as part of the future redevelopment of the North Market, as described within an Economic Development Agreement (EDA) dated September 11, 2019 and authorized by Ordinance No. 1993-2019; and

**WHEREAS**, extinguishing and combining this right-of-way will facilitate improvements and enhancements to city-owned property. The right-of-way is within a City owned parcel and should not exist as City right-of-way, but should be City property; and

**WHEREAS**, the right-of-way to be extinguished and combined is located on a portion of Market Street between Spruce Street and Vine Street and all of the 10 foot alley immediately north of Vine Street between Market Street and Wall Street (formerly Fair Alley); and

**WHEREAS**, comments were solicited from interested parties, including City agencies, private utilities and the land review 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 extinguishing this right-of-way;

**WHEREAS**, an emergency exists in the usual daily operations of the City in that it is immediately necessary to extinguish and combine the right-of-way in order to allow subsequent lots splits to occur as contemplated in the EDA,

which is necessary for the redevelopment of the North Market to proceed without delay; and **now, therefore;**

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

**SECTION 1.** That the approximate 9,900 square foot (0.237 acre) portion of right-of-way on Market Street running north and south between Spruce Street and Vine Street and a 10 foot alley immediately north of Vine Street and between Market Street and Wall Street (formerly Fair Alley), as described in the plat included with this ordinance, is hereby extinguished in conformance with this ordinance.

**0.237 ACRE PROPERTY DESCRIPTION**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 10 Township 5, Range 22 Refugee Lands, being portions of Market Street and all of a 10-foot public alley as delineated on the plat of the North Graveyard Addition of record in Plat Book 2, Page 355 as originally conveyed to the City of Columbus, Ohio of record in Deed Book 3, Page 17 and Deed Book 8, Page 360 (all references herein are to records of the Recorder's Office, Franklin County, Ohio unless otherwise stated) and subsequently re-subdivided as adjudged in Franklin County Court of Common Pleas Complete Record 57, Page 1 on file with the Franklin County Clerk of Courts and being more particularly described as follows;

**Commencing** for reference at a Mag Nail Found at the intersection of the northerly right-of-way of Vine Street (50' R/W) and the westerly right-of-way of Wall Street (formerly Fair Alley, 20' R/W) at the southeast corner of Lot 40 of said Addition;

**Thence** along the northerly right-of-way of Vine Street in the south line of said Lot 40, Lot 39, and Lot 38 of said Addition, South 81°49'24" West a distance of 95.71 feet to a Mag Spike set on the easterly right-of-way of Market Street (40' R/W) at the southwest corner of Lot 38 of said Addition and being the Point of True Beginning;

**Thence** continuing along the northerly right-of-way of Vine Street, South 81°49'24" West a distance of 40.85 feet to a Mag Spike set on the westerly right-of-way of Market Street at the southeast corner of Lot 37 of said Addition;

**Thence** along the westerly right-of-way of Market Street in the east line of said Lot 37, Lot 36 thru Lot 31, Lot 28, Lot 27 and Lot 24 of said Addition, North 03°30'08" East a distance of 243.17 feet to a Mag Spike set on the southerly right-of-way of Spruce Street (R/W width varies) at the northeast corner of said Lot 24;

**Thence** along the southerly right-of-way of Spruce Street, South 86°28'45" East a distance of 40.01 feet to a Mag Spike set on the said easterly right-of-way of Market Street in the west line of Lot 22 of said Addition;

**Thence** along the easterly right-of-way of Market Street in the west line of said Lot 22, Lot 25, Lot 26, Lot 29, and Lot 30 of said Addition, South 3°30'08" West a distance of 122.66 feet to a Mag Spike set on the northerly right-of-way of a Public Alley (10' R/W) at the southwest corner of said Lot 30;

**Thence** along the northerly right-of-way of the said Public Alley in the south line of said Lot 30, North 81°52'08" East a distance of 72.85 feet to a Mag Spike set on the said westerly right-of-way of North Wall Street at the southeast corner of said Lot 30;

**Thence** along the said westerly right-of-way of Wall Street, South 8°15'02" East a distance of 10.00 feet to a Mag Spike set on the southerly right-of-way of the said Public Alley at the northeast corner of said lot 40;

**Thence** along the southerly right-of-way of the said Public Alley in the north line of said Lot 40, Lot 39, and Lot 38, South 81°52'08" West a distance of 74.93 feet to a Mag Spike set on the said easterly right-of-way of Market Street at the northwest corner of said Lot 38;

**Thence** along the easterly right-of-way of Market Street and the west line of said Lot 38, South 3°30'08" West a distance

of 102.01 feet to the Point of True Beginning, containing 0.237 acres, more or less.

Being subject to all easements and restrictions and rights-of-way of record.

Franklin County Auditor Tax Parcel 010-054645.

The bearings shown on hereon are based on the bearing of South 81°49'24" West for the centerline of Vine Street by GPS network of field observations performed in March 2021, referenced from State of Ohio Department of Transportation Virtual Reference Station "COLB", Ohio State Plane Coordinate System, South Zone, North American Datum 1983, (2011).

Description is based on an actual field survey performed in March 2021 made under my direct supervision and that the information, courses and distances as shown are correct to the best of my knowledge.

An exhibit entitled "Exhibit of Existing Right-of-Way City of Columbus, Ohio within North Graveyard Addition" is attached hereto and made a part hereof.

STANTEC CONSULTING SERVICES INC. - Robert A. Bosworth; Professional Surveyor No. 7750

**SECTION 2.** That the above described public right-of-way being extinguished shall be combined with Franklin County Tax Parcel Number 010-054645.

**SECTION 3.** That control of this asset shall be transferred from the Public Service Department to the Department of Finance and Management.

**SECTION 4.** That a general utility easement in, on, over, across and through this excess right-of-way shall be and hereby is retained for those utilities currently located within said excess rights-of-way.

**SECTION 5.** That upon verification with all the public and private utility companies that all utilities have been relocated and/or that there are no longer public utilities or need for these easements within the right-of-way being extinguished, the Director of the Department of Public Service is hereby authorized to execute those documents necessary to release the easement rights reserved in this ordinance.

**SECTION 6.** That this ordinance for the reasons stated in the preamble, which are made a part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.