



Legislation Text

File #: 1401-2022, **Version:** 1

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Craig Moncrief, Plank Law Firm, LLC, on behalf of his client, Lane and Norwich Columbus Owner, LLC, to extinguish the right-of-way and transfer a portion of the W. Norwich Ave. right-of-way and they will dedicate a new right-of-way in exchange. The transfer of the City portion of right-of-way is an unnamed alley consisting of 0.097 acres as described below and within the attached exhibit to allow for this area to be combined and developed. The area being dedicated will consist of 0.085 acres as described below and within the attached exhibit for a new alley connection.

Lane and Norwich Columbus Owner, LLC will pay \$15.00 per sq. ft. for the 496 difference in the square footage. Sale of this right-of-way will be used to connect the abutting parcels in order to build two multi-use buildings on the surrounding parcels. The Department of Public Service has agreed to transfer the right-of-way with the understanding that the applicant will dedicate the new right-of-way and pay the difference for the amount as shown within attached legal descriptions and exhibits, and extinguish the need for the 0.097 acres of public right-of-way.

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 City Attorney's Office, asking that they establish a value for this right-of-way, and a value of \$7,440.00 was established. This request went before the Land Review Commission on December 16, 2021. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Lane and Norwich Columbus Owner, LLC, at the cost of \$7,440.00.

2. FISCAL IMPACT:

The City will receive a total of \$7,440.00 and the dedication of a 0.085 acre tract of land for a new right-of-way area. The funds are to be deposited in Fund 7748, Project P537650, as consideration for the transfer and dedication.

To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of a portion of W. Norwich Ave. right-of-way to Lane and Norwich Columbus Owner, LLC.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Craig Moncrief, Plank Law Firm, LLC, on behalf of his client, Lane and Norwich Columbus Owner, LLC, to extinguish the right-of-way and transfer a portion of the W. Norwich Ave. right-of-way and they will dedicate a new right-of-way in exchange. The transfer of the City portion of right-of-way is an unnamed alley consisting of 0.097 acres as described below and within the attached exhibit to allow for this area to be combined and developed. The area being dedicated will consist of 0.085 acres as described below and within the attached exhibit for a new alley connection. Lane and Norwich Columbus Owner, LLC will pay \$15.00 per sq. ft. for the 496 difference in the square footage; and

WHEREAS, the sale of this right-of-way will be used to connect the abutting parcels in order to build two multi-use buildings on the surrounding parcels. The Department of Public Service has agreed to transfer the right-of-way with the understanding that the applicant will dedicate the new right-of-way and pay the difference for the amount as shown within attached legal descriptions and exhibits, and extinguish the need for the 0.097 acres of public right-of-way; and

WHEREAS, 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; and

WHEREAS, the Department of Public Service submitted a request to the City Attorney's Office, asking that they establish a value for this right-of-way, and a value of \$7,440.00 was established. This request went before the Land Review Commission on December 16, 2021; and

WHEREAS, a value of \$7,440.00 was established to be deposited in Fund 7748, Project P537650, as consideration transfer of the requested right-of-way; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Lane and Norwich Columbus Owner, LLC at the cost of \$7,440.00; **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 a quit claim deed and other incidental instruments prepared by the City Attorney's Office, necessary to transfer the 0.097 acres as described below and within the attached exhibit to Lane and Norwich Columbus Owner, LLC; to-wit:

**Transfer of right-of-way to Lane and Norwich Columbus Owner, LLC
0.097 ACRE**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Quarter Township 3, Township 1, Range 18, United States Military Lands, being all of a north-south 20-foot alley, being the east half of Lot 14 and five feet off the west side of Lot 13 of C.E. Justice's Northern Heights Addition, of record in Plat Book 7, Page 372, as conveyed to the City of Columbus, Ohio in Deed Book 2732, Page 322, also being part of the east-west 20-foot alley, as shown in said Plat Book 7, Page 372, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

COMMENCING at the intersection of the easterly right-of-way line of Tuttle Park Place (50') and the southerly right-of-way line of Norwich Avenue (50') and being the northwesterly corner of Lot 43 of Jacob Weber Place, of record in Plat Book 17, Page 28, referencing a 1" inner diameter iron pipe found at 0.25' East, 1.30' South;

Thence along the southerly right-of-way line of said Norwich Avenue, South 86°11'07" East, passing a ¾" inner diameter iron pipe found at 60.03 feet, passing a ¾" inner diameter iron pipe found at 90.00 feet, passing a ¾" inner diameter iron pipe found at 149.95 feet, passing a ¾" inner diameter iron pipe found at 209.92 feet, passing a ¾" inner diameter iron pipe found at 239.91 feet, a total distance of 270.01 feet to an iron pin set, being the intersection of the westerly right-of-way of said north-south 20-foot alley and the southerly right-of-way of said Norwich Avenue, also being the northeasterly corner of the remainder of Lot 14 of said Plat Book 7, Page 372, as conveyed to Norwich Holding Company, LLC as Parcel One and Parcel Two in Instrument Number 201309270164693 (Parcel One - East Half Lot 16 and West Half Lot 15, Parcel Two - East Half Lot 15 and West Half Lot 14), said iron pin set being the **TRUE POINT OF BEGINNING** of the parcel herein described

Thence along the northerly terminus of said north-south 20-foot alley right-of-way, along the southerly right-of-way of said Norwich Avenue, South 86°11'07" East, 20.00 feet to an iron pin found capped "G. TURNER", being at the intersection of the easterly right-of-way line of said north-south 20-foot alley and the southerly right-of-way line of said Norwich Avenue, being on the northwesterly corner of the remainder of said Lot 13, as conveyed to Harrison Holdings I LLC in Instrument Number 200306180183642;

Thence along the easterly right-of-way line of said north-south 20-foot alley, along the westerly line of the remainder of

said Lot 13, along the easterly terminus of said east-west 20-foot alley right-of-way, along the westerly line of the portion of said east-west 20-foot alley as vacated by Ordinance Number 365-66, South 03°19'58" West, 174.85 feet to a mag nail set, being on the northerly line of Lot 12 of R.P. Woodruff's Subdivision of the East End of Lot No. 26 of Sidney L. Chaffee's Northwood Place, of record in Plat Book 2, Page 284, and being the intersection of the southerly right-of-way line of said east-west 20-foot alley and the easterly right-of-way line of said north-south 20-foot alley;

Thence along the southerly right-of-way line of said east-west 20-foot alley, along the northerly lines of Lots 12 through 14, inclusive of said Plat Book 2, Page 284, as conveyed to Harrison Holdings I LLC in Instrument Number 200306180183642 (Lot 12 and Lot 13) and as conveyed to Inn Town Holdings II LLC in Instrument Number 201812210173058 (Lot 14), North 86°19'34" West, 56.00 feet to a mag nail set;

Thence across said east-west 20-foot alley right-of-way, North 03°19'58" East, 20.00 feet to an iron pin set, being on the northerly right-of-way line of said east-west 20-foot alley and being on the southerly line of said Lot 15 of said Plat Book 7, Page 372;

Thence along the northerly right-of-way line of said east-west 20-foot alley, along the southerly lines of said Lot 14 and Lot 15 of said Plat Book 7, Page 372, South 86°19'34" East, passing a bent ¾" inner diameter iron pipe found at 5.96 feet, a total distance of 36.00 feet to an iron pin set, being the southeasterly corner of said Parcel Two and the remainder of said Lot 14, being the intersection of the northerly right-of-way of said east-west 20-foot alley and the westerly right-of-way of said north-south 20-foot alley;

Thence along the easterly line of said Parcel Two and the remainder of said Lot 14, along the westerly right-of-way line of said north-south 20-foot alley, North 03°19'58" East, 154.90 feet to the **POINT OF BEGINNING**, containing 0.097 acres (4,217 S.F.), more or less.

Subject however to all legal easements, restrictions, and rights of way of record and of records in the respective utility offices.

All monuments found are in good condition unless otherwise noted.

Iron pins set are 5/8" rebar, 30" long, with a yellow plastic cap inscribed "EP Ferris Surveyor 8342".

Mag nails set are magnetic nails with a 1.5" diameter brass washer stamped "EP FERRIS SURVEYOR 8342" on top.

The bearings referenced herein are based on the Ohio State Plan Coordinate System, South Zone, NAD83 (2011) being the southerly line of Norwich Avenue, bearing South 86°11'07" East. The bearing originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected station in the Ohio Department of Transportation Virtual Reference Station Network.

This description is based on a field survey conducted by E.P. Ferris and Associates from February 2020 through June 2020.

This description was prepared by Matthew Lee Sloat, Registered Surveyor No. 8342, of E.P. Ferris and Associates, Inc. on March 17, 2022.

Dedication to the City of Columbus
0.085 ACRE

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Quarter Township 3, Township 1, Range 18, United States Military Lands, being part of Lot 15 and Lot 16 of C.E. Justice's Northern Heights Addition, of record in Plat Book 7, Page 372, as conveyed to Lane and Norwich Columbus Owner, LLC in Instrument Number 202204040051266, designated Tract 4, all records being of the Recorder's Office, Franklin County, Ohio, and being more

particularly described as follows:

COMMENCING at the intersection of the easterly right-of-way line of Tuttle Park Place (50') and the southerly right-of-way line of Norwich Avenue (50') and being the northwesterly corner of Lot 43 of Jacob Weber Place, of record in Plat Book 17, Page 28, referencing a 1" inner diameter iron pipe found at 0.25' East, 1.30' South;

Thence along the southerly right-of-way line of said Norwich Avenue, South 86°11'07" East, passing a ¾" inner diameter iron pipe found at 60.03 feet, passing a ¾" inner diameter iron pipe found at 90.00 feet, passing a ¾" inner diameter iron pipe found at 149.95 feet, a total distance of 210.01 feet to the northwesterly corner of said Tract 4 also being the northeasterly corner of a tract designated Parcel Two as conveyed to Ithica I, LLC in Instrument Number 200504260077505, referencing a ¾" inner diameter iron pipe found at North 22°34'33" West, 0.19 feet, said corner being the **TRUE POINT OF BEGINNING** of the parcel herein described

Thence continuing along the southerly right-of-way line of said Norwich Avenue and along the northerly line of said Tract 4 and said Lot 15 and Lot 16, South 86°11'07" East, 24.00 feet to an iron pin set;

Thence across said Lot 15 and said Tract 4, South 03°19'58" West, 154.99 feet to an iron pin set, being on the southerly line of said Lot 15 and said Tract 4, being on the northerly line of a 20-foot east-west alley as delineated in Plat Book 7, Page 372;

Thence along the southerly lines of said Tract 4, said Lot 15 and Lot 16, and along the northerly line of said 20-foot east-west alley, North 86°19'34" West, 24.00 feet to the southwest corner of said Tract 4, also being the southeasterly corner of said Parcel Two, referencing a ¾" inner diameter iron pipe found at North 20°05'11" West, 1.46 feet;

Thence across said Lot 16, along the westerly line of said Tract 4, and along the easterly line of said Parcel Two, North 03°19'58" East, 155.04 feet to the **POINT OF BEGINNING**, containing 0.085 acres (3,721 S.F.), more or less.

Subject however to all legal easements, restrictions, and rights of way of record and of records in the respective utility offices.

All monuments found are in good condition unless otherwise noted.

Iron pins set are 5/8" rebar, 30" long, with a yellow plastic cap inscribed "EP Ferris Surveyor 8342".

Mag nails set are magnetic nails with a 1.5" diameter brass washer stamped "EP FERRIS SURVEYOR 8342" on top.

The bearings referenced herein are based on the Ohio State Plan Coordinate System, South Zone, NAD83 (2011) being the southerly line of Norwich Avenue, bearing South 86°11'07" East. The bearing originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected station in the Ohio Department of Transportation Virtual Reference Station Network.

This description is based on a field survey conducted by E.P. Ferris and Associates from February 2020 through June 2020.

This description was prepared by Matthew Lee Sloat, Registered Surveyor No. 8342, of E.P. Ferris and Associates, Inc. on April 5, 2022.

SECTION 2. That the attached 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 attached legal description and exhibit describing the 0.097 acre tract of 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 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 the City will receive a total of \$7,440.00 for the sale of this right-of-way and the funds are to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.