



Legislation Text

File #: 1575-2022, **Version:** 1

1. BACKGROUND

The following ordinance accepts a Director's Deed from the Ohio Department of Transportation (ODOT) in connection to ODOT's Interstate 70/71, Phase 2E project; to quitclaim, at no cost, the fee title ownership of a portion of property to Nationwide Children's Hospital (NCH); and, to dedicate and name the remaining property as City road right-of-way.

The Department of Public Service (DPS) is currently engaged in a project identified as Roadway Improvements - I-70/71 East Interchange Phase 2E project. This project, as part of the ODOT led 70/71 Phase 2E project, re-aligned a portion of Mooberry Street further to the north, between Parsons Avenue and 18th Street, in order to align Mooberry Street with the new I-70 eastbound exit ramp to Parsons Avenue. This realignment of Mooberry Street has created residual property.

ODOT, owner of Limited Access Easements, has transferred all of its rights for a 2.158+/- acre tract of property described as AREA "A", attached hereto, at no cost to the City and reestablished the location for the limitation of access restrictions along the north side of the realigned Mooberry Street. This transfer is recorded under instrument number 202205180076025, Recorder's Office, Franklin County, Ohio.

DPS received a request from Nationwide Children's Hospital (NCH) that a 1.010 acre portion, described as AREA "B", attached hereto, be transferred to NCH, subject to the reservation of easement rights for existing utilities. NCH plans to use this property, when combined with other property it currently owns, to develop another medical tower in connection to the hospital on the NCH campus. The Department of Public Service supports the waiving of Land Review Commission requirements for this transfer.

From time to time, parcels of land are deeded to the City of Columbus for public street and/or alley purposes. Ohio Revised Code Chapter 723.03 requires that property proposed for use as a public street or alley must be accepted and dedicated as public right-of-way by an ordinance specifically passed for such purpose. The remaining portion of property received from ODOT will be dedicated as road right-of-way as Mooberry Street and Parsons Avenue.

2. FISCAL IMPACT

Not applicable.

3. EMERGENCY DESIGNATION

Emergency action is requested to reestablish Mooberry Street right of way and to allow construction of the proposed improvements for Nationwide Children's Hospital tower project can proceed without delay.

To accept a Director's Deed from the State of Ohio, Department of Transportation; to authorize the Director of the Department of Public Service to execute quitclaim deed(s) as necessary to transfer a portion of property to Nationwide Children's Hospital at no cost; to dedicate the remaining parcel as road right-of-way; to name said public right-of-way as Mooberry Street and Parsons Avenue; and to declare an emergency. (\$0.00)

WHEREAS, the Department of Public Service (DPS) is currently engaged in a project identified as Roadway Improvements - I-70/71 East Interchange Phase 2E project. This project, as part of the ODOT led 70/71 Phase 2E project, re-aligned a portion of Mooberry Street further to the north, between Parsons Avenue and 18th Street, in order to align Mooberry Street with the new I-70 eastbound exit ramp to Parsons Avenue; and

WHEREAS, the realignment of Mooberry Street has created residual property; and

WHEREAS, pursuant to instrument number 202205180076025, Recorder's Office, Franklin County, Ohio, the State of Ohio, Department of Transportation "ODOT", owner of Limited Access Easements, has transferred all of its rights for a 2.158+/- acre tract of property described as AREA "A", attached hereto, at no cost to the City and reestablished the location for the limitation of access restrictions along the north side of the realigned Mooberry Street; and

WHEREAS, DPS received a request from Nationwide Children's Hospital (NCH) that a 1.010 acre portion, described as AREA "B", attached hereto, be transferred to NCH, subject to the reservation of easement rights for existing utilities; and

WHEREAS, NCH plans to use this property, when combined with other property it currently owns, to develop another medical tower in connection to the hospital on the NCH campus; and

WHEREAS, the easement rights for all existing utility on this property will be reserved; and

WHEREAS, the Land Review Commission requirements of Chapter 328 for this transfer will be waived; and

WHEREAS, Ohio Revised Code Chapter 723.03 requires that property proposed for use as a public street or alley must be accepted and dedicated as public right-of-way by an ordinance specifically passed for such purpose; and

WHEREAS, the City desires to accept, dedicate, and name the remainder of property and interests included in instrument number 202205180076025, Recorder's Office, Franklin County, Ohio, less and excepting the 1.010 acre tract to be transferred to NCH, as Mooberry Street and Parsons Avenue right-of-way, as applicable; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to accept the Director's Deed from ODOT for 2.158 +/- acres, quitclaim the 1.010 +/- acres to NCH, to dedicate as public right-of-way and to name the remaining portions as Mooberry Street and Parsons Avenue, so the proposed improvements for Nationwide Children's Hospital tower project can proceed without delay, thereby preserving the public health, peace, property, safety and welfare; **NOW, THEREFORE:**

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

SECTION 1. That the City hereby accepts a Director's Deed from ODOT of 2.158 +/- acre tract of property, pursuant to instrument number 202205180076025, Recorder's Office, Franklin County, Ohio.

SECTION 2. That the Director of the Department of Public Service be and is hereby authorized to execute quitclaim deed(s) and other incidental instruments prepared by the City Attorney's Office, Real Estate Division, as necessary to transfer a 1.010 +/- acre tract of real property described as AREA "B" to Nationwide Children's Hospital (NCH) at no cost.

SECTION 3. That a general utility easement in, on, over, across and through the 1.010 acre tract described in Section 2 above shall be and hereby is reserved for all existing utilities.

SECTION 4. That the 1.010 +/- acre tract shall be considered excess road right-of-way and the public rights in the 1.010 +/- acre tract described in Section 2 above shall terminate upon the Director's execution and delivery of said quit-claim deed(s) to NCH.

SECTION 5. That the City hereby accepts, dedicates, and names the remainder of property and interests included in instrument number 202205180076025, Recorder's Office, Franklin County, Ohio, less and excepting the 1.010 acre tract being transferred to NCH, as Mooberry Street and Parsons Avenue right-of-way, as applicable, and more particularly described as follows:

EXHIBIT 'A'

Description of Relocated Mooberry Street between Parsons Avenue and 18th Street

Situated in the City of Columbus, County of Franklin, State of Ohio, located in Section 15, Half Section 24, Township 5N, Range 22W of the Refugee Lands and being part of Lots 12-14 and part of Lots 21-28 as shown in The Heirs of Jeremiah Armstrong, decd, Addition to Columbus in Plat Book 1 page 284 and part of Lots 27 & 29, all of Lot 28, part of Lots 43 & 64 as shown in Livingston Park Addition in Plat Book 4 page 300, part of Mooberry Street (formerly Donaldson St. by City Ord. 1614-65), part of two 20 foot and a 14 foot unnamed alleys, part of Garfield Avenue and part of Stauring Street as shown in said Livingston Park Addition and part of Stauring Street as shown in said Armstrong Addition and Parsons Avenue, originally dedicated as East Public Alley as dedicated in Deed Book "F" page 332 (destroyed by fire) replatted in Plat Book 3 page 247 also represented in Plat Book 14 page 27, all records on file at the Recorder's Office Franklin County, Ohio, and being more particularly described as follows:

Commencing at the northeasterly corner of Parcel 5 and the northwesterly corner of Parcel 12 as shown on Children's Hospital Urban Renewal Area Plat "A" in Plat Book 43 page 17;

Thence following the northerly line of Parcel 12 along the arc of a curve to the right, having a radius of 2,266.83 feet, a delta of 00° 54' 48", a chord bearing of North 87° 33' 51" East, a chord distance of 36.14 feet, for an arc length of 36.14 feet to an iron pin set on the easterly line of said 14 foot alley and being the **True Place of Beginning** of the parcel herein described;

Thence passing through said 14 foot alley, Lots 28-21, 20 foot alley and Lots 12-14 of said Armstrong Addition for the following ten (10) courses and distances;

1. North 03° 33' 23" East, for a distance of 41.61 feet to an iron pin set;
2. North 73° 52' 08" West, for a distance of 14.46 feet to an iron pin set;
3. North 37° 44' 26" West, for a distance of 16.98 feet to an iron pin set;
4. North 74° 04' 28" West, for a distance of 118.64 feet to an iron pin set;
5. South 66° 34' 00" West, for a distance of 21.23 feet to an iron pin set;
6. North 80° 53' 28" West, for a distance of 65.34 feet to an iron pin set;
7. North 48° 26' 30" West, for a distance of 19.49 feet to an iron pin set;
8. North 89° 40' 14" West, for a distance of 99.63 feet to an iron pin set;
9. South 50° 41' 08" West, for a distance of 55.97 feet to an iron pin set;
10. South 03° 31' 41" West, for a distance of 75.73 feet to an iron pin set on the southerly line of said Lot 14;

Thence North 86° 22' 32" West, following the southerly line of Lot 14, for a distance of 11.00 feet to a Survey Mag Spike set;

Thence North 45° 14' 33" West, passing through said Lot 14 and then through the right of way of Parsons Avenue, for a distance of 58.12 feet to a Survey Mag Spike set on the baseline of construction of Parsons Avenue as shown in Right of way plans FRA-70-14.48, PID No. 77370 prepared by DLZ Ohio for the Ohio Department of Transportation;

Thence North 03° 27' 30" East, following the baseline of Parsons Avenue, for a distance of 128.21 feet to a Survey Mag Spike set on the southerly line of Limited Access Easement Right of way for Interstate Route 71 as shown in said right of way plans and as declared in Instrument Number 202205180076025;

Thence following the said southerly line of the limited access easement right of way line for the following seven (7) courses and distances;

1. North 88° 56' 00" East, for a distance of 126.67 feet to an iron pin set;
2. Along the arc of a curve to the right having a radius of 744.70 feet, a delta of 17° 09' 34", a chord bearing of South 82° 29' 13" East, a chord distance of 222.20 feet, for an arc length of 223.03 feet to an iron pin set;
3. South 73° 54' 26" East, for a distance of 197.88 feet to an iron pin set;
4. Along the arc of a curve to the left having a radius of 926.43 feet, a delta of 13° 50' 22", a chord bearing of South 80° 49' 37" East, a chord distance of 223.23 feet, for an arc length of 223.77 feet to an iron pin set;
5. Along the arc of a curve to the left having a radius of 2,890.40, a delta of 04° 32' 49", a chord bearing of South 86° 00' 47" East, a chord distance of 229.32 feet for an arc length of 229.38 to a Survey Mag Spike set;
6. South 87° 32' 05" East, for a distance of 79.93 feet to a Survey Mag Spike set;
7. Along the arc of a curve to the right having a radius of 5,680.75 feet, a delta of 02° 48' 27", a chord bearing of South 85° 47' 43" East, a chord distance of 278.33 feet, for an arc length of 278.35 feet to a Survey Mag Spike set at an angle point along the existing LA Easement right of way;

Thence through existing Mooberry Street for the following seven (7) courses and distances;

1. South 15° 12' 43" West, for a distance of 19.46 feet to a point;
2. North 77° 04' 52" West, for a distance of 48.11 feet to a point;
3. North 82° 19' 58" West, for a distance of 37.30 feet to a point;
4. North 84° 28' 45" West, for a distance of 99.38 feet to a point;
5. North 83° 04' 59" West, for a distance of 128.75 feet to a point;
6. North 88° 16' 02" West, for a distance of 260.36 feet to a point;
7. North 65° 18' 02" West, for a distance of 15.19 feet to the southeasterly corner of said Lot 43;

Thence North 88° 14' 39" West, following the southerly line of said Lot 43, for a distance of 133.09 feet to the southwesterly corner of said Lot 43;

Thence South 35° 12' 42" West, through Garfield Avenue, for a distance of 59.93 feet to an iron pin set on the northerly line of Parcel 6 of said Children's Hospital Urban Renewal Plat Area A;

Thence North 88° 15' 01" West, following the northerly line of said Parcel 6, for a distance of 14.95 feet to an iron pin set;

Thence continuing along the northerly line of said Parcel 6 and then the northerly line of said Parcel 12 following the arc of a curve to the left, having a radius of 2,266.83 feet, a delta of 03° 39' 47", a chord bearing of South 89° 51' 08" West, a chord distance of 144.89 feet, for an arc length of 144.92 feet to the **True Place of Beginning**, and containing 54,087 square feet or 1.242 acres of land, more or less.

Description Acreage Breakdown:

0.263 acres within City of Columbus fee ownership (not dedicated/deeded ROW)	0.703 acres
within dedicated/deeded right of way	0.276 acres within Annette
Pastor's fee ownership	

The bearings for this description are based on Grid North, Ohio State Plane, South Zone and referenced to the North

American Datum of 1983 (1986 Adjustment) determined by GPS Observations between Franklin County Control Monuments “Frank 143” and “COC 5-83” as being North 77° 09’ 24” West.

All iron pin set are 5/8”x30” rebar with a ‘MS CONS INC.’ identifying cap.

The above description was prepared under the direction and supervision of Chad S. Snow, Registered Professional Surveyor No. 8559 and is based on an actual field survey performed in October, 2021.

SECTION 6. 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.