

COMMITTEE

PUBLIC SERVICE & TRANSPORTATION

INTRODUCED BY

MARYELLEN O'SHAUGHNESSY

DATE OF FIRST READING

JAN 27 2003

COLUMBUS CITY COUNCIL

ORIGINAL

Ordinance No. 0105 03

~~Resolution No.~~

30 Day _____ Emergency

I Certify Compliance With Title 39

As Of (Date) _____

Authorized Signature _____

CITY ATTORNEY: This ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

By: _____ Date: _____

FLOOR ACTION
(Clerks Office Only)

JAN 27 2003

P 7-0

AUDITOR'S CERTIFICATE

I hereby certify that there is in the treasury, or anticipated to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within ordinance.

Date: _____ No: _____

Fd No.: _____ Div. No. _____ Ch. _____

By: _____ Amt: _____

City Auditor or Deputy Auditor

EXPLANATION OF LEGISLATION

4541

Background:

The City of Columbus, Public Service Department, Transportation Division, received a request from Greater Linden Development Corporation asking for the right to acquire that portion of McClelland Avenue from Eleventh Avenue to the alley east of Cleveland Avenue to facilitate the development of commercial office and retail space on the northeast corner of Cleveland and McClelland Avenues. After investigation it was determined that there are no objections to the sale of this right-of-way. The Department of Law, Real Estate Division established a value of \$5,795.14 for this right-of-way. Greater Linden Development Corporation requested mitigation of \$4,795.14 of this amount citing the construction of significant improvements to the physical environment and creation of approximately 25 new jobs within this area as justification for their request for mitigation. The Land Review Commission voted to recommend that this right-of-way be transferred to Greater Linden Development Corporation for \$1,000.00 in recognition of these mitigating factors.

Emergency Justification:

Emergency action is requested so that the transfer of this right-of-way may proceed without delay thereby allowing a ground breaking for the proposed development to proceed at the beginning of March 2003 as currently scheduled.

Fiscal Impact:

The City will receive a total of \$1,000.00, to be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested right-of-way.

Mary Lu English (5-5471)

Contact: For Questions - Phone on this Legislation


Approved (Division Head)

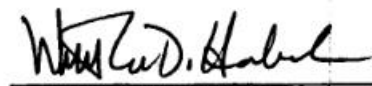
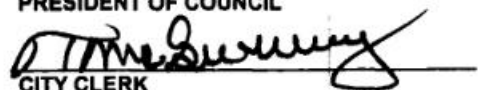

Approved (Department Head)

TITLE (BRIEF DESCRIPTION)

To authorize the Director of the Public Service Department to execute those documents required to transfer that portion of McClelland Avenue from Eleventh Avenue to the alley east of Cleveland Avenue to Greater Linden Development Corporation; to waive the competitive bidding provisions of Columbus City Codes; and to declare an emergency.


MAYOR'S ACTION
SIGNED _____ DATE 01/28/03

COUNCIL ACTION
DATE PASSED/ADOPTED JAN 27 2003


PRESIDENT OF COUNCIL

CITY CLERK

VETO _____ DATE _____

WHEREAS, the City of Columbus, Public Service Department, Transportation Division, received a request from Greater Linden Development Corporation asking for the right to acquire that portion of McClelland Avenue from Eleventh Avenue to the alley east of Cleveland Avenue; and

WHEREAS, acquisition of this right-of-way will facilitate the development of commercial office and retail space on the northeast corner of Cleveland and McClelland Avenues; and

WHEREAS, after investigation it was determined that there are no objections to the transfer of this right-of-way; and

WHEREAS, the Department of Law, Real Estate Division established a value of \$5,795.14 for this right-of-way; and

WHEREAS, Greater Linden Development Corporation requested mitigation of \$4,795.14 of this amount citing the construction of significant improvements to the physical environment and creation of approximately 25 new jobs within this area as justification for their request for mitigation; and

WHEREAS, the Land Review Commission voted to recommend that this right-of-way be transferred to Greater Linden Development Corporation for \$1,000.00 in recognition of these mitigating factors; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department in that it is immediately necessary to authorize the Director to execute those documents necessary to transfer this right-of-way so that Greater Linden Development Corporation can proceed with a ground breaking for the proposed development currently scheduled for the beginning of March 2003 for the preservation of 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 Director of the Public Service Department be and is hereby authorized to execute quit claim deeds and other incidental instruments prepared by the Department of Law, Real Estate Division, necessary to transfer the following described right-of-way to Greater Linden Development Corporation for \$1,000.00; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a 0.191 acre tract of land known as a southwesterly portion of McClelland Avenue, as shown of record on the plat of Miller's Cleveland Terrace as same is recorded in Plat Book 13, Page 19, said 0.191 acres being more particularly bounded and described as follows:

Beginning for reference at an iron pin found in a monument box located at the intersection of the centerline of Cleveland Avenue and the Westerly centerline of Eleventh Avenue;

Thence **North 39°14'02" East** along the centerline of Cleveland Avenue a distance of **45.03 feet** to a point on the northerly right-of-way line of Eleventh Avenue extended westerly;

Thence **South 75°26'30" East** along the said northerly right-of-way line a distance of **191.39 feet** to an iron pin found at the southwesterly corner of said McClelland Avenue, said iron pin being **THE TRUE PLACE OF BEGINNING** for the 0.191 acre tract herein to be described;

Thence **North 39°13'11" East** along the easterly lines of Lots 5 through 11 and along the westerly line of McClelland Avenue a distance of 210.01 feet to an iron pin found in a southerly line of Lot 12 and in the northerly right-of-way line of McClelland Avenue;

Thence **South 86°54'59" East** along said southerly lot line of Lot 12 and a northerly right-of-way line of McClelland Avenue a distance of **39.18 feet** to an iron pin found;

Thence **South 18°52'42" West** across McClelland Avenue a distance of **41.57 feet** to an iron pin found in the southerly right-of-way line of said McClelland Avenue and in the northerly line of Lot 33;

Thence along the northerly line of Lot 33, the westerly lines of Lots 32 and 31, the northerly and westerly right-of-way lines of McClelland Avenue the following three (3) courses;

- 1) **North 86°54'59" West** a distance of **7.55 feet** to an iron pin set;
- 2) **South 39°13'11" West** a distance of **143.17 feet** to an iron pin set on a point of curvature;
- 3) Along a curve to the left having a radius of **7.00 feet**, a delta angle of **126°03'39"**, a chord distance of **12.48 feet**, said chord bears **South 23°48'39" East** to an iron pin set in the northerly right-of-way line of Eleventh Avenue;

Thence across the southerly lines of McClelland Avenue the following two (2) courses;

- 1) **North 86°50'28" West** a distance of **13.76 feet** to a rail road spike found;
- 2) **South 89°53'42" West** a distance of **51.71 feet** to the **TRUE PLACE OF BEGINNING** containing 0.191 acres, more or less, as calculated by the above courses. The above description was written from an actual field survey under the supervision of Robert A. Hock, Ohio P.S. No. 5564 on January 10, 2003.

The bearings used in this description were based on the centerline of Cleveland Avenue being **North 39°14'02" East** as shown on survey by Paul K. Moore and Associates, dated October 12, 2001.

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 Director's execution and delivery of said quit claim deeds to the grantee thereof.

Section 3. That a general utility easement in, on, over, across and through the above described excess right-of-way shall be and hereby is retained unto the City of Columbus for those utilities currently located within said excess right-of-way.

Section 4. That upon notification and verification of the relocation or removal of all existing utilities the above referenced general utility easement reserved unto the City shall be terminated with no additional legislative action required.

Section 5. That the \$1,000.00 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 748, Project 537650.

Section 6. That this Council has determined it is in the best interest of the City of Columbus to allow these rights-of-way to be transferred without requiring competitive bidding and hereby waives the competitive bidding provision of Columbus City Codes (1959) Revised, Section 329.25 with regards to the transfer of these properties.

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.