



Legislation Details (With Text)

File #: 0156-2004 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 1/14/2004 **In control:** Public Service & Transportation Committee
On agenda: 2/9/2004 **Final action:** 2/10/2004

Title: To authorize the Public Service Director to execute those documents required to transfer a portion of the unimproved alley south of Gay Street from the alley west of Miami Avenue to its western terminus and a 12' wide strip of land contiguous to the 20' wide alley west of Miami Avenue, north of Avon Alley to Ohio Capital Corporation for housing and to waive the competitive bidding provisions of Columbus City Codes.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0156-2004 sale to Ohio Cap Corp.pdf

Date	Ver.	Action By	Action	Result
2/10/2004	1	MAYOR	Signed	
2/10/2004	1	CITY CLERK	Attest	
2/9/2004	1	Columbus City Council	Approved	Pass
2/9/2004	1	COUNCIL PRESIDENT	Signed	
2/2/2004	1	Columbus City Council	Read for the First Time	
1/16/2004	1	Service Drafter	Sent for Approval	
1/16/2004	1	SERVICE DIRECTOR	Reviewed and Approved	
1/16/2004	1	CITY ATTORNEY	Reviewed and Approved	
1/16/2004	1	Service Drafter	Sent to Clerk's Office for Council	
1/15/2004	1	Service Drafter	Sent for Approval	
1/14/2004	1	Service Drafter	Sent for Approval	
1/14/2004	1	Service Reviewer	Reviewed and Approved	

The City of Columbus, Public Service Department, Transportation Division, recently received a request from Thomas F. Kibbey asking that the City sell a portion of the unimproved alley south of Gay Street from the alley west of Miami Avenue to its western terminus and a 12' wide strip of land contiguous to the 20' wide alley west of Miami Avenue, north of Avon Alley to his client, Ohio Capital Corporation for Housing. Sale of these excess rights-of-way will allow Ohio Capital Corporation for Housing to redevelop their adjacent lands in conformance with the site plan submitted with their Council Variance #CV03-023 which was approved pursuant to Ordinance 1867-2003. After investigation, it was determined that there are no objections to the sale of these rights-of-way. The Department of Law, Real Estate Division established a value of \$4,236.60 for these rights-of-way. The Land Review Commission voted to recommend that these rights-of-way be sold to Ohio Capital Corporation for Housing for the Real Estate established value of \$4,236.60.

The City will receive a total of \$4,236.60, to be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested rights-of-way.

To authorize the Public Service Director to execute those documents required to transfer a portion of the unimproved alley south of Gay Street from the alley west of Miami Avenue to its western terminus and a 12' wide strip of land contiguous to the 20' wide alley west of Miami Avenue, north of Avon Alley to Ohio Capital Corporation for housing and to waive the competitive bidding provisions of Columbus City Codes.

WHEREAS, the City of Columbus, Public Service Department, Transportation Division, received a request from Thomas F. Kibbey asking that the City sell a portion of the unimproved alley south of Gay Street from the alley west of Miami Avenue to its western terminus and a 12' wide strip of land contiguous to the 20' wide alley west of Miami Avenue, north of Avon Alley to his client, Ohio Capital Corporation for Housing; and

WHEREAS, sale of these excess rights-of-way will allow Ohio Capital Corporation for Housing to redevelop their adjacent lands in conformance with the site plan submitted with their Council Variance #CV03-023 which was approved pursuant to Ordinance 1867-2003; and

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

WHEREAS, the Department of Law, Real Estate Division established a value of \$4,236.60 for these rights-of-way; and

WHEREAS, the Land Review Commission voted to recommend that this right-of-way be sold to Ohio Capital Corporation for Housing for the Real Estate established value of \$4,236.60; now, therefore

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

Section 1. That the Public Service Director 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 rights-of-way to Ohio Capital Corporation for Housing, for \$4,236.60; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, containing 0.022 acres (962.62 square feet) of land, more or less, said 0.022 acres being part of a 12 feet alley as delineated upon the recorded plat of KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880, of record in Plat Book 3, Page 155, of record in the Recorder's Office, Franklin County, Ohio, said 0.022 acre being more fully described as follows:

Beginning at the southeast corner of Lot 21 of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880; Thence N 02°07'05" E, along the easterly line of Lot 21, a distance of 82.45 feet to a point;

Thence N 42°39'58" W, along said easterly line, a distance of 7.10 feet to a point;

Thence S 87°27'02" E, with the prolongation of the northerly line of said Lot 21, a distance of 16.00 feet to a point 1.00 feet west as measured at right angles, with the easterly line of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880 also being the westerly line of HAYDEN, BAKER AND BROWN'S ADDITION, of record in Plat Book 3, Page 155, of record in the Recorder's Office, Franklin County, Ohio;

Thence S 02°07'05" W, parallel with and 1.00 feet west as measured at right angles, with the easterly line of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880, a distance of 85.30 feet to a point in the prolongation of the southerly line of said Lot 21;

Thence S 81°26'40" W, along said line, a distance of 11.19 feet to the point of beginning of said tract, containing 0.022 acres (962.62 square feet) more or less.

The bearings for this description are based on the bearing N 02°07'05" E, assumed, for the easterly line of said Lot 21.

BAUER, DAVIDSON & MERCHANT, INC.
Thomas E. Snyder, P.S., No. 6651

AND

Situated in the State of Ohio, County of Franklin, City of Columbus, containing 0.056 acres (2420.33 square feet) of land, more or less, said 0.056 acres being part of a 15 feet alley as delineated upon the recorded plat of KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880, of record in Plat Book 3, Page 155, of record in the Recorder's Office, Franklin County, Ohio, said 0.056 acre being more fully described as follows:

Beginning at the southwest corner of Lot 16 of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880; Thence S 87°27'02" E, along the southerly line of Lots 16, 17, 18, 19 and 20 of said subdivision and with the northerly right-of-way line of said 15.00 feet alley, a distance of 174.15 feet to a point, located 1.00 feet west of the southeasterly corner of said Lot 20;

Thence S 02°07'05" W, parallel with and 1.00 feet westerly as measured at right angles, with the easterly

line of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880, also being the westerly line of HAYDEN, BAKER AND BROWN'S ADDITION, of record in Plat Book 3, Page 155, of record in the Recorder's Office, Franklin County, Ohio, a distance of 15.00 feet to a point, said point being in the northerly line prolongation of Lot 21 of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880;

Thence N 87°27'02" W, along said line and the northerly line of Lots 21, 22, 23, 24, and 25 of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880, a distance of 148.49 feet to a point at the northwesterly corner of said Lot 25;

Thence N 03°12'31" E, a distance of 7.50 feet to a point in the center of said 15 feet alley as delineated by said plat;

Thence N 87°27'02" W, along said centerline, a distance of 26.09 feet to a point in the prolongation of the westerly line of said Lot 16;

Thence N 04°18'10" E, a distance of 7.50 feet to the point of beginning and containing 0.056 acres (2420.33 square feet), more or less.

The bearings of this description are based on the bearing of S 87°27'02" E, assumed, the southerly line of Lots 16 thru 20 of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880.

BAUER, DAVIDSON & MERCHANT, INC.
THOMAS E. Snyder, P.S., No. 6651

Section 2. That the above referenced real property shall be considered excess road rights-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 above described excess rights-of-way shall be and hereby is retained unto the City of Columbus for those utilities currently located within said excess rights-of-way.

Section 4. That the \$4,236.60 to be received by the City as consideration for the sale of these rights-of-way shall be deposited in Fund 748, Project 537650.

Section 5. That this Council has determined it is in the best interest of the City of Columbus to allow this right-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 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



City of Columbus
Mayor Michael B. Coleman

Public Service Department

Linda K. Page, Director

REQUEST FOR CONVEYANCE OF CITY OWNED RIGHT-OF-WAY By Department of Public Service

Name of Petitioner: Thomas F. Kibbey, counsel

File No. 03-29

REQUEST IS TO:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Sell excess right-of-way | <input type="checkbox"/> Transfer excess right-of-way at no charge |
| <input type="checkbox"/> Vacate excess right-of-way | <input type="checkbox"/> Grant a lease |
| <input type="checkbox"/> Grant an easement | <input type="checkbox"/> Release an easement |

BRIEF DESCRIPTION OF AREA UNDER CONSIDERATION:

a portion of the unimproved alley south of Gay street from the alley west of Miami Avenue to its western terminus

PROPOSED USE OF AREA:

development

DEPARTMENTAL ACTION BY DEPARTMENT INITIATING REQUEST:

(Please CHECK the Correct Answer)

- | | | |
|---|---|-----------------------------|
| All Departments and Divisions contacted for comments/approval of request: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| All Utilities contacted for comments/approval of request: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Area Commission/Civic Association contacted for comments: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| All abutting property owners notified of request: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Petitioner notified of need for survey and metes & bounds description: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

- Department Recommendation: SELL VACATE TRANSFER AT NO CHARGE GRANT EASEMENT
- GRANT LEASE RELEASE AN EASEMENT

Signature: [Signature]
Administrator, Transportation Division

Date: 9/11/03

REAL ESTATE DIVISION ACTION:

Estimated Value from County Tax Records:

- | | | |
|--------------------------------------|---|--|
| Easements to be retained: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO *City Sewers |
| Petitioner contacted for comments: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Petitioner agreed to purchase price: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

\$ 3062.20 (2510 +/- sf @ \$1.22) * 1174.40 (962 I SF)

PAC/JCL

cc: File No. 03-29

K:\Right of Way Information\Right-of-Way Sales\03_VACATE 03-29 REQUEST FOR CONVEYANCE.DOC

212-625-0330 Director's Office
 212-249-7577 Facilities Management Division
 212-249-1000 Fleet Management Division
 212-249-1000 Refuse Collection Division
 212-249-1116 Transportation Division

City Hall 160 West Broad Street, 3rd Floor Columbus, Ohio 43215-9000
 City Hall 100 West Broad Street, 4th Floor Columbus, Ohio 43215-9001
 4100 North Columbus Avenue Columbus, Ohio 43214
 2130 Acme Creek Drive Columbus, Ohio 43207-1714
 163 North Court Street 5th Floor Columbus, Ohio 43215-9003

FAX 614-220-5
 FAX 614-220-140
 FAX 614-220-140
 FAX 614-220-140
 FAX 614-220-140

DEPARTMENT OF DEVELOPMENT ACTION:

(Please CHECK the correct answer)

Mitigating Circumstances Identified: YES NO

Recommended Action: DISAPPROVED TRANSFER AT NO CHARGE SELL

VACATE GRANT EASEMENT RELEASE AN EASEMENT

Signature: Mark Barkash Date: 12/1/03

by Louisa Hunter

**IDENTIFICATION OF MITIGATING CIRCUMSTANCES
AND BRIEF EXPLANATION OF EACH**

_____ The value of improvements undertaken by purchaser(s) upon property of the City which further the interest and welfare of the public.

_____ The value of land donations or other services being made to the City by the petitioner(s)

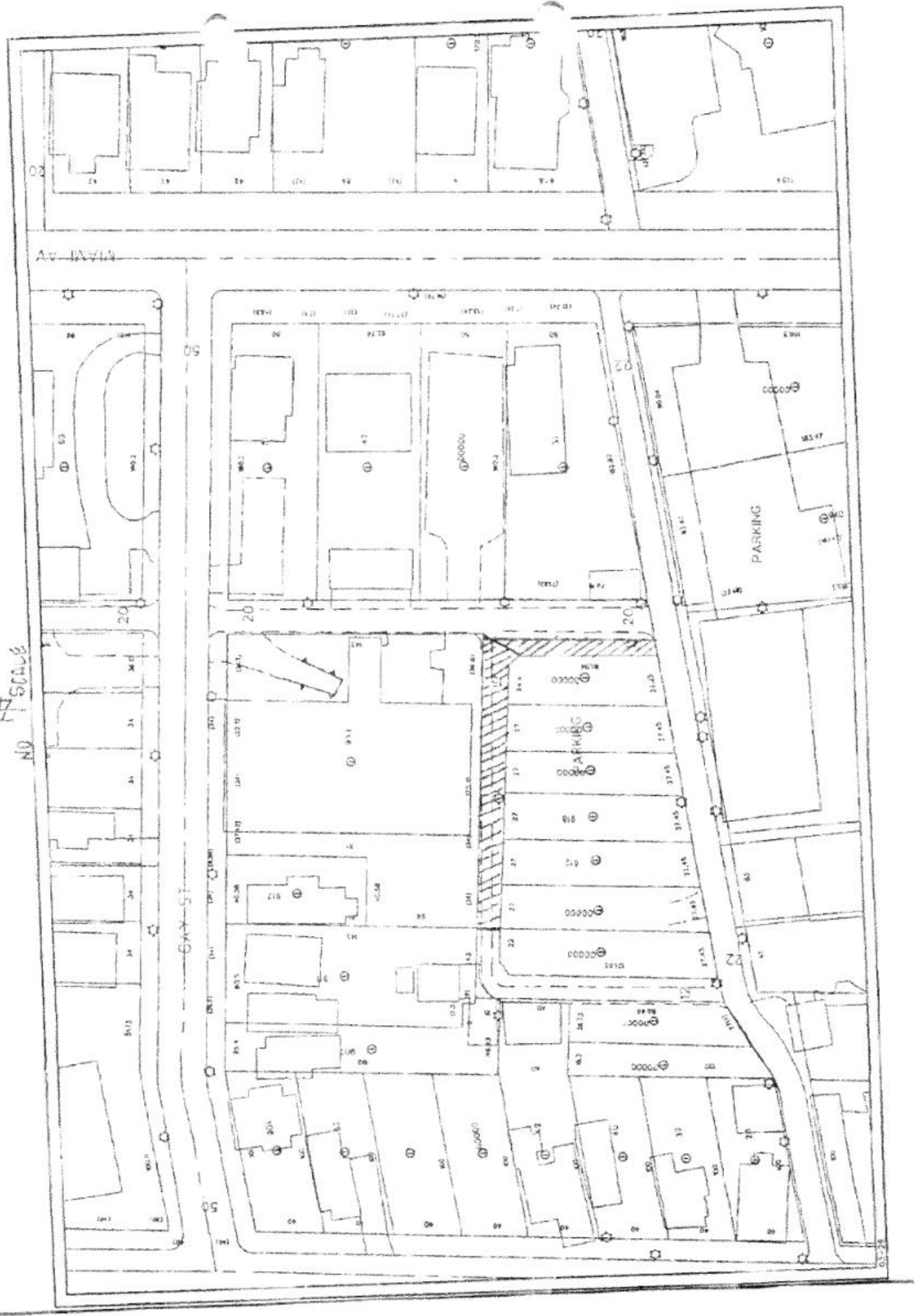
_____ The willingness of the purchaser(s) to absorb the cost of utility relocation from the property being purchased if not discounted in the fair market value of the property.

_____ The substantial increase in tax revenue, including but not limited to real property and income taxes, generated by the development of the property to be purchased.

_____ The identification of improvements that further the general welfare of the City through significant improvements to the physical environment.

Name of Petitioners: Thomas Kibbey counsel for Ohio Capital Corporation for Housing
File No. 03-29

NO SCALE





City of Columbus
Mayor Michael B. Coleman

Public Service Department

Linda K. Page, Director

December 11, 2003

Thomas F. Kibbey, Esq.
Squire, Sanders & Dempsey LLP
1300 Huntington Center
41 South High Street
Columbus, Ohio 43215-6197

Dear Mr. Kibbey:

The City of Columbus, Transportation Division, has reviewed the revised request you submitted on behalf of your client, Ohio Capital Corporation for Housing, regarding the acquisition of additional land contiguous to the alley behind 933 East Gay Street. After investigation, it was determined the City has no objections to the sale of this right-of-way. Based upon information provided by the Franklin County Auditor the City has estimated a value of \$1,174.40 for this additional right-of-way. The total value determined for this right-of-way and that portion of the unimproved alley south of Gay Street from the alley west of Miami Avenue to its western terminus your client previously agreed to purchase is \$4,236.60

If your client wishes to proceed with the purchase of this additional right-of-way please have this letter signed and dated in the space provided below then return, within thirty days, to Ms. Pamela A. Clawson, P.E., Administrator, Transportation Division, Public Service Department, 109 North Front Street, 3rd Floor, Columbus, Ohio 43215, Attention: Mary Lu English. If your client objects to the stated total transfer price of \$4,236.60 you will need to contact Ms. Donna Hunter in the Department of Development to discuss a possible reduction of this amount. Ms. Hunter's address is: Department of Development, Attention Donna Hunter, Administrator, Office of Land Management, 109 North Front Street, Columbus, Ohio 43215. Please provide a copy of any correspondence you send to Ms. Hunter to me for my file.

For your convenience I have attached a list of valid mitigating circumstances that the City will consider when reducing a right-of-way transfer price. Unless mitigating circumstances that directly benefit the Transportation Division can be identified, Division policy requires that a recommendation to transfer at full price be forwarded from the Division to the Department of Development.

After an agreement on the transfer price is reached the Department of Development will place this request on the Land Review Commission agenda for their consideration.

614-645-8290 Director's Office
614-645-7602 Facilities Management Division
614-645-8281 Fleet Management Division
614-645-7620 Refuse Collection Division
614-645-8376 Transportation Division

City Hall/90 West Broad Street, 3rd Floor/Columbus, Ohio 43215-9009
City Hall/90 West Broad Street, Rm. B-16/Columbus, Ohio 43215-9001
423 Short Street/Columbus, Ohio 43215-5614
2100 Alum Creek Drive, Columbus, Ohio 43207-1714
109 North Front Street, 3rd Floor/Columbus, Ohio 43215-9023

FAX: 645-7805
FAX: 645-7180
FAX: 645-7347
FAX: 645-3053
FAX: 645-6938

Mr. Kibbey
December 11, 2003
Page Two

If you have any questions concerning this matter please contact me at (614) 645-5471.

Sincerely,

Mary Lu English

Mary Lu English
Right of Way Coordinator

AUTHORIZATION TO PROCEED
Ohio Capital Corporation for Housing

By: *Harold Keller* *12/11/03*
Signature Date

Its: *President*

Enclosures
cc:

- Pamela A. Clawson, P.E., Administrator, Transportation Division
- Randall J. Bowman, P.E., City Engineer
- Clyde R. Garrabrant, P.S., RW Services Manager
- File 03-29
- P:\marylu\letters\0320d\#1revised Kibbey.doc