



Legislation Text

File #: 0856-2006, Version: 1

The City of Columbus, Public Service Department, Transportation Division, received a request from Children's Hospital asking that the City sell them that right-of-way identified as a portion of Denton Alley, from Lisle Alley to Wager Street, grant an aerial encroachment easement over a portion of the intersection of Denton Alley and Lisle Alley and grant foundation encroachment easements into the south side of Denton Alley near its intersection with Lisle Alley. Sale of this right-of-way and the granting of the requested encroachment easements will allow for construction of a new multistory parking garage to serve the new patient tower to be constructed on the north side of Livingston Avenue. Per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, before it was determined that there would be no adverse impact to the City upon transfer of this right-of-way, subject to the retention of a general utility easement for those utilities currently located within this portion of Denton Alley, and the granting of the requested aerial and foundation encroachment easements. The Department of Law, Real Estate Division, established a total value of \$19,374.80 for this right-of-way and these encroachment easements. Children's Hospital has agreed to 1) remove overhead City utility lines and relocate them underground within the subject area, 2) relocate a 12" gas line from Denton Alley, 3) resurface Wager Street between Jackson Street and Livingston Avenue, and 4) donate additional right-of-way for turn and deceleration lanes in and around the proposed parking garage and patient tower projects, therefore, the Land Review Commission voted to recommend that this right-of-way be transferred and these encroachments easements be granted to Children's Hospital at no charge.

Emergency Justification: Emergency action is requested so that Children's Hospital can begin construction of the proposed parking facility and, in turn, the patient tower as currently scheduled.

To authorize the Director of the Public Service Department to execute those documents required to transfer that right-of-way identified as a portion of Denton Alley, from Lisle Alley to Wager Street, grant an aerial encroachment easement over a portion of the intersection of Denton Alley and Lisle Alley and grant foundation encroachment easements into the south side of Denton Alley near its intersection with Lisle Alley to Children's Hospital at no charge as recommended by the Land Review Commission, to waive the competitive bidding provisions of Columbus City Codes; and to declare an emergency.

WHEREAS, the City of Columbus, Public Service Department, Transportation Division, received a request from Children's Hospital asking that the City sell them that right-of-way identified as a portion of Denton Alley, from Lisle Alley to Wager Street, grant an aerial encroachment easement over a portion of the intersection of Denton Alley and Lisle Alley and grant foundation encroachment easements into the south side of Denton Alley near its intersection with Lisle Alley; and

WHEREAS, sale of this right-of-way and the granting of the requested encroachment easements will allow for construction of a new multistory parking garage to serve a new patient tower to be constructed on the north side of Livingston Avenue; and

WHEREAS, per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, before it was determined that there would be no adverse impact to the City upon transfer of this right-of-way, subject to the retention of a general utility easement for those utilities currently located within this portion of Denton Alley, and the granting of the requested aerial and foundation encroachment easements, and

WHEREAS, the Department of Law, Real Estate Division, established a total value of \$19,374.80 for this right-of-way and these encroachment easements, and

WHEREAS, Children's Hospital has agreed to 1) remove overhead City utility lines and relocate them underground within the subject area, 2) relocate a 12" gas line from Denton Alley, 3) resurface Wager Street between Jackson Street and Livingston Avenue, and 4) donate additional right-of-way for turn and deceleration lanes in and around the proposed parking garage and patient tower facilities, therefore, the Land Review Commission voted to recommend that this right-of-way be transferred and these encroachments easements be granted to Children's Hospital at no charge; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary to authorize the Director to execute those documents necessary to transfer a portion of Denton Alley, from Lisle Alley to Wager Street, grant an aerial encroachment easement over a portion of the intersection of Denton Alley and Lisle Alley and grant foundation encroachment easements into the south side of Denton Alley near its intersection with Lisle Alley to Children's Hospital without delay so that construction of a proposed parking garage and new patient tower can proceed as currently scheduled 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 Children's Hospital; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 22, Township 5, Range 22, Refugee Lands, being part of Denton Alley, as dedicated in "Swaynes Addition" a subdivision of record in Plat Book 2, Page 35, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the southerly right-of-way line of said Denton Alley and the easterly right-of-way line of Lisle Alley, as dedicated in said "Swaynes Addition", being the northwest corner of Lot 100 of said "Swaynes Addition", and being the northeast corner of the section of said Lisle Alley vacated in Instrument Number 200305050130673;

Thence North 05°04'23" East, a distance of 20.70 feet, across said Denton Alley, to an iron pin set at the intersection of the northerly right-of-way line thereof and said easterly right-of-way line;

Thence South 72°37'07" East, a distance of 146.86 feet, with said northerly right-of-way line, to an iron pin set at the intersection of said northerly right-of-way line and the westerly right-of-way line of Wager Street, as dedicated in said "Swaynes Addition",

Thence South 04°52'41" West, a distance of 20.71 feet, across said Denton Alley, to an iron pin set at the intersection of the southerly right-of-way line thereof and said westerly right-of-way line;

Thence North 72°37'07" West, a distance of 146.93 feet, with said southerly right-of-way line, to the POINT OF BEGINNING, containing 0.068 acre of land, more or less.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on North 00°00'00" East for the centerline of Parsons Avenue as shown in the plat of "Swaynes Addition", a subdivision of record in Plat Book 2, Page 35.

EVANS, MECHWART, HAMBLETON & TILTON, INC.
James M. Pearsall, Professional Surveyor No. 7840

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 deed to the grantee thereof.

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

Section 4. That upon notification and verification of the relocation of all utilities located within the retained general utility easement the Director of the Public Service Department 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 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 grant the following described aerial encroachment easement to Children's Hospital; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 22, Township 5, Range 22, Refugee Lands, being that portion of the following described strip of land on, over, and across Denton Alley, as dedicated in Plat Book 2, Page 35, (all references are to the records of the Recorder's Office, Franklin County, Ohio) located above the elevation of 797.68 feet:

BEGINNING in the southerly right-of-way line of said Denton Alley, at the northeast corner of Lot 32 of

"Swaynes Addition", a subdivision of record in Plat Book 2, Page 35;

Thence North 68°55'13" West, a distance of 40.63 feet, with said southerly right-of-way line, and the northerly line of said Lot 32, to a point;

Thence South 86°32'37" East, a distance of 60.01 feet, across said Denton Alley, to a point;

Thence South 20°54'52" West, a distance of 18.17 feet, continuing across said Denton Alley, to a point in the southerly right-of-way line thereof, being in the northerly line of that section of Lisle Alley, as dedicated in Plat Book 2, Page 35, and as vacated in Instrument Number 200305050130673;

Thence North 68°55'13" West, a distance of 16.65 feet, with said northerly line, and said southerly right-of-way line, to the POINT OF BEGINNING, containing 0.012 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King, Professional Surveyor No. 8307

Section 6. 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 grant the following described subsurface encroachment easements to Children's Hospital; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 22, Township 5, Range 22, Refugee Lands, being a strip of land on, over and across Denton Alley, as dedicated in Plat Book 2, Page 35, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING in the southerly right-of-way line of said Denton Alley, at the northeast corner Lot 32 of "Swaynes Addition", a subdivision of record in Plat Book 2, Page 35;

Thence North 68°55'13" West, a distance of 4.35 feet, with said southerly right-of-way line, and the northerly line of said Lot 32, to a point;

Thence across said Denton Alley, the following courses and distances:

North 21°04'47" East, a distance of 3.70 feet, to a point;

South 68°55'13" East, a distance of 10.50 feet, to a point;

South 21°04'47" West, a distance of 3.70 feet, to a point in the southerly right-of-way line of said Denton Alley, being in the northerly line of that section of Lisle Alley, as dedicated in Plat Book 2, Page 35, and as vacated in Instrument Number 200305050130673;

Thence North 68°55'13" West, a distance of 6.15 feet, with said northerly line, and said southerly right-of-way line to the POINT OF BEGINNING, containing 0.001 acre of land, more or less.

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AND

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 22, Township 5, Range 22, Refugee Lands, being a strip of land on, over, and across Denton Alley, as dedicated in Plat Book 2, Page 35, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning for reference, in the southerly right-of-way line of said Denton Alley, at the northeast corner of Lot 32 of "Swaynes Addition", a subdivision of record in Plat Book 2, Page 35;

Thence North 68°55'13" West, a distance of 14.82 feet, with said southerly right-of-way line, and the northerly line of said Lot 32, to the TRUE POINT OF BEGINNING;

Thence North 68°55'13" West, a distance of 10.50 feet, continuing with said southerly right-of-way line, and the northerly line of said Lot 32, to a point;

Thence across said Denton Alley, the following courses and distances:

North 21°04'47" East, a distance of 3.70 feet, to a point;

South 68°55'13" East, a distance of 10.50 feet, to a point;

South 21°04'47" West, a distance of 3.70 feet, to the TRUE POINT OF BEGINNING, containing 0.001 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King, Professional Surveyor No. 8307

AND

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 22, Township 5, Range 22, Refugee Lands, being a strip of land on, over and across Denton Alley, as dedicated in Plat Book 2, Page 35, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning for reference, in the southerly right-of-way line of said Denton Alley, at the northeast corner of Lot 32 of "Swaynes Addition", a subdivision of record in Plat Book 2, Page 35;

Thence North 68°55'13" West, a distance of 33.98 feet, with said southerly right-of-way line, and the northerly line of said Lot 32, to the TRUE POINT OF BEGINNING;

Thence North 68°55'13" West, a distance of 14.00 feet, continuing with said southerly right-of-way line, and the northerly line of said Lot 32, to a point;

Thence across said Denton Alley, the following courses and distances:

North 21°04'47" East, a distance of 5.18 feet, to a point;

South 68°55'13" East, a distance of 14.00 feet, to a point;

South 21°04'47" West, a distance of 5.18 feet, to the TRUE POINT OF BEGINNING, containing 0.002 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.
Heather L. King, Professional Surveyor No. 8307

Section 7. 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 and these easements to be granted 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 8. 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.