



## Legislation Details (With Text)

**File #:** 1180-2011      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 7/11/2011      **In control:** Public Service & Transportation Committee  
**On agenda:** 7/25/2011      **Final action:** 7/26/2011

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a portion of the Gay Street right-of-way north of Broderick Street between Mill Street and May Avenue, and a portion of the Broderick Street right-of-way north of Broad Street between Mill Street and May Avenue to Columbus Metropolitan Housing Authority; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1180-2011 Location Map.pdf

Date	Ver.	Action By	Action	Result
7/26/2011	1	MAYOR	Signed	
7/26/2011	1	CITY CLERK	Attest	
7/25/2011	1	Columbus City Council	Approved	Pass
7/25/2011	1	COUNCIL PRESIDENT	Signed	
7/13/2011	1	SERVICE DIRECTOR	Reviewed and Approved	
7/13/2011	1	CITY ATTORNEY	Reviewed and Approved	
7/13/2011	1	Service Drafter	Sent to Clerk's Office for Council	
7/11/2011	1	Service Drafter	Sent for Approval	
7/11/2011	1	Service Reviewer	Reviewed and Approved	
7/11/2011	1	Service Drafter	Sent for Approval	

**1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Columbus Metropolitan Housing Authority asking that the City sell a portion of the Gay Street right-of-way north of Broderick Street between Mill Street and May Avenue, and a portion of the Broderick Street right-of-way north of Broad Street between Mill Street and May Avenue. Transfer of these rights-of-way will facilitate the construction of a three story, 100 unit housing facility.

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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way. Then Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for these rights-of-way. A value of \$37,781.00 was established for these rights-of-way. A request for mitigation was submitted by Columbus Metropolitan Housing Authority and after review of the request and based upon meeting a number of mitigating circumstances, the Land Review Commission voted to recommend a fifty percent reduction in the established value, and the above referenced rights-of-way be transferred to Columbus Metropolitan Housing Authority for \$18,890.50.

It has also been determined by The Division of Mobility Options that in order to provide for future accessibility, a 16 foot shared use path easement will be granted by Columbus Metropolitan Housing Authority to the City of Columbus to provide connectivity between May Avenue and Mill Street.

**2. FISCAL IMPACT:**

The City will receive a total of \$18,890.50 that will be deposited in Fund 748, Project 537650 and a 16 foot shared use path easement, as consideration for the transfer of the requested rights-of-way.

**3. EMERGENCY JUSTIFICATION:**

Emergency action is requested to allow this transfer to occur as soon as possible, thereby allowing Columbus Metropolitan Housing Authority to complete their transfer and allow Columbus Metropolitan Housing Authority to proceed with construction plans without further delay in order to avoid incurring additional costs that would place strain on the project budget.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a portion of the Gay Street right-of-way north of Broderick Street between Mill Street and May Avenue, and a portion of the Broderick Street right-of-way north of Broad Street between Mill Street and May Avenue to Columbus Metropolitan Housing Authority; and to declare an emergency.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Columbus Metropolitan Housing Authority, asking that the City transfer a portion of the Gay Street right-of-way north of Broderick Street between Mill Street and May Avenue, and a portion of the Broderick Street right-of-way north of Broad Street between Mill Street and May Avenue, to them; and

**WHEREAS**, acquisition of these rights-of-way will allow Columbus Metropolitan Housing Authority to redevelop property that is currently owned by Columbus Metropolitan Housing Authority; and

**WHEREAS**, per current practice, comments were solicited from interested parties, including City agencies, private utilities and applicable area commissions, before it was determined that, subject to the retention of a general utility easement for those utilities currently located within these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way to Columbus Metropolitan Housing Authority; and

**WHEREAS**, the Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for these rights-of-way; and

**WHEREAS**, a value of \$37,781.00 established for these rights-of-way; and

**WHEREAS**, a request for mitigation was submitted by Columbus Metropolitan Housing Authority; and

**WHEREAS**, after review, the Land Review Commission has determined that a number of mitigating circumstances have been met; and

**WHEREAS**, a 16 foot shared use path easement shall be donated to The City of Columbus by Columbus Metropolitan Housing Authority; and

**WHEREAS**, the Land Review Commission voted to recommend a fifty percent reduction in the established value and that the above referenced rights-of-way be transferred to Columbus Metropolitan Housing Authority for the amount of \$18,890.50 and the donation of the 16 foot shared use path easement; and now therefore

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to execute those documents which will provide for the immediate transfer of a portion of the Gay Street right-of-way north of Broderick Street between Mill Street and May Avenue, and a portion of the Broderick Street right-of-way north of Broad Street between Mill Street and May Avenue to Columbus Metropolitan Housing Authority, thereby allowing proposed construction to proceed without delay and 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 Director of the Department of Public Service 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 Columbus Metropolitan Housing Authority; to-wit:

**0.161 Acre Broderick Street tract**

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a part of Virginia Military Survey No. 1393; also

being a portion of Broderick Street (formerly Davies Alley, 33' right-of-way) as delineated in Joseph Ridgeway's Addition as recorded in Plat Book 1 Page 126; being more particularly described as follows:

Beginning at a nail set at the intersection of the southerly right-of-way line of Broderick Street and the westerly line of May Avenue (formerly Acorn Street, 40' right-of-way) as shown on said Joseph Ridgeway's Addition; said point being the northeasterly corner of Lot No. 40 of said Joseph Ridgeway's Addition, said point also being the northeasterly corner of a tract as conveyed to Byers Realty, LLC as described in Instrument No. 200203270077593; said point also being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Along the southerly right-of-way line of Broderick Street, also being along the northerly lines of Lots No. 40 through 43 and a portion of the northerly line of Lot No. 44 of said Joseph Ridgeway's addition, also being along the northerly line of said lands as conveyed to Byers Realty, LLC and then along the northerly line of a tract of land as conveyed to Byers Realty, LLC as described in Instrument No. 200203270077593, South 80° 50' 53" West, for a distance of two hundred twelve and eighty-eight one-hundredths feet (212.88') to an iron pin set, said point being the northwesterly corner of a said tract of land as conveyed to Byers Realty, LLC, said point also being the northeasterly corner of a tract of land as conveyed to Jimmy Rea Electronics, Inc. as described in Deed Book 3447 Page 128; thence,

Along a line through Broderick Street, said line being perpendicular to the previous course, North 09° 09' 07" West, for a distance of thirty-three and zero one-hundredths feet (33.00') to an iron pin set in the northerly line of Broderick Street, said point also being along the southerly line of Lot No. 47 of said Joseph Ridgeway's Addition, said point also being along the southerly line of a tract of land as conveyed to West Broad Street Partners, LLC as described in Instrument No. 200406150138069 Exhibit C Parcel 1; thence,

Along the northerly right-of-way line of Broderick Street, also being along a portion of the southerly line of said Lot No. 47 and then along the southerly Lines of Lots No. 48 through 51, also being along a portion of the southerly line of said lands of West Broad Street Partners, LLC and then along the southerly lines of lands as conveyed to West Broad Street Partners, LLC as described in Instrument No. 200406150138069 Exhibit C Parcel 3, Exhibit C Parcel 2 and Exhibit D, North 80° 50' 53" East, for a distance of two hundred twelve and eighty-eight one-hundredths feet (212.88') to an iron pin set, said point being the intersection of the northerly right-of-way line of Broderick Street and the westerly right-of-way line of May Avenue, said point also being the southeasterly corner of said Lot No. 51, said point also being the southeasterly corner of those lands as conveyed to West Broad Street Partners, LLC as described in Instrument No. 200406150138069; thence,

Along a line perpendicular to the previous course, said line being along the westerly right-of-way line of May Avenue through Broderick Street, South 09° 09' 07" East, for a distance of thirty-three and zero one-hundredths feet (33.00') to the point of beginning, containing 0.161 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by Kleingers & Associates in July, 2010.

Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-CORS), with the westerly right-of-way line of May Avenue being South 09° 09' 07" East, as determined by a GPS survey utilizing CORS station "COLB" as maintained by the Ohio Department of Transportation and monument "COC 18-83".

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "Kleingers & Assoc".

#### **0.258 Acre Gay Street tract**

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a part of Virginia Military Survey No. 1393; also being a portion of Gay Street (formerly Kimball Street, 50' right-of-way) as delineated in Joseph Ridgeway's Addition as recorded in Plat Book 1 Page 126; being more particularly described as follows:

Beginning at a iron pin set at the intersection of the southerly right-of-way line of Gay Street and the westerly line of May Avenue (formerly Acorn Street, 40' right-of-way) as shown on said Joseph Ridgeway's Addition; said point being the northeasterly corner of Lot No. 51 of said Joseph Ridgeway's Addition, said point also being the northeasterly corner of a tract as conveyed to West Broad Street Partners, LLC as described in Instrument No. 200406150138069 Exhibit D; said point also being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Along the southerly line of Gay Street, also being along the northerly lines of Lots No. 51, No. 50, No. 49, No. 48 and No. 47, also being along the northerly line of said lands of West Broad Street Partners, LLC and then along the northerly lines of tracts of land as conveyed to West Broad Street Partners, LLC as described in Instrument No. 200406150138069 Exhibit C Parcels 1 through 3, South 80° 50' 53" West, for a distance of two hundred twenty-five and fourteen one-hundredths feet (225.14') to a point, passing over a 1" iron pipe found at a distance of 2.35' from the terminus of this course; thence,

Along a line through Gay Street, said line being perpendicular to the previous course, North 09° 09' 07" West, for a distance of fifty and zero one-hundredths feet (50.00') to an iron pin set, said point being along the northerly line of Gay street, said point also being along the southerly line of Lot No. 122 of said Joseph Ridgeway's Addition, said point also being along the southerly line of a tract of land as conveyed to West Broad Street Partners, LLC as described in Instrument No. 200406150138069 Exhibit B; thence,

Along the northerly right-of-way line of Gay Street, also being along a portion of the southerly line of said Lot No. 122 and then along the southerly lines of Lots No. 121, No. 120, No. 119, No. 118, and No. 117 of said Joseph Ridgeway's Addition, also being along a portion of the southerly line of said lands of West Broad Street partners, LLC, North 80° 50' 53" East, for a distance of two hundred twenty-five and fourteen one-hundredths feet (225.14') to an iron pin set, said point being along the northerly right-of-way line of Gay Street, said point also being the southeasterly corner of said Lot No. 117, said point also being the southwesterly corner of Lot No. 116 of said Joseph Ridgeway's Addition, said point also being along the extended westerly right-of-way line of May Avenue; thence,

Along a line through Gay Street, said line being perpendicular to the previous course, said line also being along the extended westerly right-of-way line of May Avenue, South 09° 09' 07" East, for a distance of fifty and zero one-hundredths feet (50.00') to the point of beginning, containing 0.258 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by Kleingers & Associates in July, 2010.

Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-CORS), with the westerly right-of-way line of May Avenue being South 09° 09' 07" East, as determined by a GPS survey utilizing CORS station "COLB" as maintained by the Ohio Department of Transportation and monument "COC 18-83".

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "Kleingers & Assoc".

**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 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 \$18,890.50 and a 16 foot shared use path easement 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 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.