



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed
File created: 8/29/2011 **In control:** Public Service & Transportation Committee
On agenda: 9/12/2011 **Final action:** 9/13/2011

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer the unimproved east/west alley east of North 17th Street between East Long Street and Almond Alley and the unimproved north/south alley north of Almond Alley and east of North 17th Street to The Affordable Housing Trust for Columbus and Franklin County; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/13/2011	1	MAYOR	Signed	
9/13/2011	1	CITY CLERK	Attest	
9/12/2011	1	COUNCIL PRESIDENT	Signed	
9/12/2011	1	Columbus City Council	Approved	Pass

1. Background:

The City of Columbus, Department of Public Service, received a request from The Affordable Housing Trust for Columbus and Franklin County asking that the City sell the unimproved east/west alley east of North 17th Street between East Long Street and Almond Alley, and the unimproved north/south alley north of Almond Alley and east of North 17th Street. Transfer of these rights-of-way will allow for the development and rehabilitation of property currently owned by The Affordable Housing Trust for Columbus and Franklin County. 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 \$5,564.00 was established for these rights-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to The Affordable Housing Trust for Columbus and Franklin County for \$5,564.00.

2. FISCAL IMPACT:

The City will receive a total of \$5,564.00 that will be deposited in Fund 748, Project 537650, 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 The Affordable Housing Trust for Columbus and Franklin County to complete their transfer and allow The Affordable Housing Trust for Columbus and Franklin County to proceed with construction plans without further delay in order to avoid incurring additional costs that would place a strain on the project budget.

To authorize the Director of the Department of Public Service to execute those documents required to transfer the unimproved east/west alley east of North 17th Street between East Long Street and Almond Alley and the unimproved north/south alley north of Almond Alley and east of North 17th Street to The Affordable Housing Trust for Columbus and Franklin County; and to declare an emergency.

WHEREAS, the City of Columbus, Department of Public Service, received a request from The Affordable Housing Trust for Columbus and Franklin County, asking that the City transfer the unimproved east/west alley east of North 17th Street between East

Long Street and Almond Alley (.031 acre parcel), and the unimproved north/south alley north of Almond Alley and east of North 17th Street (.024 acre parcel), to them; and

WHEREAS, acquisition of these rights-of-way will allow The Affordable Housing Trust for Columbus and Franklin County to redevelop property that is currently owned by The Affordable Housing Trust for Columbus and Franklin County; 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 this right-of-way to The Affordable Housing Trust for Columbus and Franklin County; 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 \$5,564.00 was established for these rights-of-way; and

WHEREAS, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to The Affordable Housing Trust for Columbus and Franklin County for the amount of \$5,564.00; 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 the unimproved east/west alley east of North 17th Street between East Long Street and Almond Alley, and the unimproved north/south alley north of Almond Alley and east of North 17th Street to The Affordable Housing Trust for Columbus and Franklin County, 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 The Affordable Housing Trust for Columbus and Franklin County; to-wit:

Legal Description
0.031 Acres (1,342 Square Feet)

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of a twelve (12) foot wide alley as shown on Lowrey's Subdivision, of record in Plat Book 4, Page 193, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at an iron pipe set at the northwest corner of Lot 1 of said Lowrey's Subdivision, also being the intersection of the south line of E. Long Street (70 feet wide) with the east line of N. 17th Street (48.4 feet wide);

Thence, along part of the west line of said Lot 1, the east line of N. 17th Street, South 03° 19'17" West, 92.39 feet to a set iron pipe at the southwest corner of said Lot 1, the northwest corner of said alley and being ***THE TRUE POINT OF BEGINNING*** of this description;

Thence, along the north line of said alley, along the south line of said Lot 1 and the south lines of Lots 2 and 3 of said Subdivision, North 80° 55' 39" East, 116.63 feet to an iron pipe set at the southeast corner of said Lot 3, the northeast corner of said alley, also being on the west line of Lot 1 of Knights Noble & English's Subdivision, (Plat Book 3, Page 155);

Thence, along part of the east line of said alley, also being along part of the east line of said Reserve A, along part of the west line of said Lot 1 of Knights Noble & English's Subdivision, South 07° 59' 00" East, 6.00 feet to an iron pipe set at the centerline of said alley;

Thence, along the centerline of said alley, South 80° 55' 39" West, 12.00 feet to an iron pipe set;

Thence, across said alley, South 07° 59' 00" East, 6.00 feet to an iron pipe set at the northeast corner of a 0.076 acre tract (Tract Four) conveyed to City County Holding Company, (Instrument Number 201105270067447), being on the south line of said alley also being the northwest corner of a twelve (12) foot wide alley shown on City of Columbus Right of Way maps, also being on the north line of the remaining part of Reserve A;

Thence, along part of the north line of the remaining part of Reserve A, along the north line of Lot 20 as shown on J W Baker's Subdivision, (P.B. 1, P. 59), along part of the south line of said twelve (12) foot wide alley shown on Lowrey's Subdivision, along the north line of said 0.076 Acre tract, South 80 degrees 55 minutes 39 seconds West, 107.04 feet to a 5/8" diameter rebar found at the northwest corner of said 0.076 Acre tract, the northwest corner of said Lot 20, also being on the east line of N. 17th Street;

Thence, along the west line of said twelve (12) foot wide alley shown on Lowrey's Subdivision, along the east line of N. 17th Street, North 03 degrees 19 minutes 17 seconds East, 12.29 feet to the point of beginning ***CONTAINING 0.031 ACRES***. Iron pipe set are 30" x 1" O.D. with an orange plastic cap inscribed "P.S. 6579", unless otherwise noted. Basis of bearings is the south line of E. Long Street held as North 81 degrees 52 minutes 03 seconds East as per State Plane Coordinates NAD83 (86 adjusted) South Zone. The foregoing description was prepared from a boundary survey by Myers Surveying Company, Inc. in March 2011.

Legal Description

0.024 Acres (1,043 Square Feet)

Situated in the State of Ohio, County of Franklin, City of Columbus, being 0.024 Acres, part of Reserve A of Knights Noble & English's Subdivision of record in Plat Book 3, Page 155, Recorder's Office, Franklin County, Ohio and shown as a 12' Alley on City of Columbus Right of Way Plans and being more particularly described as follows:

Commencing at a mag nail set at the southwest corner of Lot 19 of J.W. Bakers Subdivision (Plat Book 1, Page 59), also being the intersection of the east line of N. Seventeenth Street (48.4 feet wide) with the north line of Almond Alley (width varies), also being the southwest corner of the tract conveyed to City County Holding Company (Instrument Number 201103310043464);

Thence, along the south line of said Lot 19, along the north line of said Almond Alley, along part of the south line of said City County Holding Company tract, North 82 degrees 05 minutes 15 seconds East, 98.89 feet to an iron pipe set at the southeast corner of said Lot 19, the southwest corner of said Reserve A;

Thence, along part of the south line of said Reserve A, along the north line of said Almond Alley, along part of the south line of said City County Holding Company tract, North 81 degrees 52 minutes 03 seconds East, 23.87 feet to an iron pipe set at the southeast corner of said City County Holding Company and being **THE TRUE POINT OF BEGINNING**.

Thence, across said Reserve A, along the east line of said City County Holding Company tract, also along the east line of a tract conveyed to City County Holding Company (Instrument Number 201011150153555) and the east line of a 0.076 Acre tract (Tract Four) conveyed to City County Holding Company (Instrument Number 201105270067447), and an east line of a 12' wide Alley shown in Lowrey's Subdivision (Plat Book 4, Page 193) North 07 degrees 59 minutes 00 seconds West, 86.83 feet to an iron pipe set at the centerline of said 12 foot wide Alley of Lowrey's Subdivision;

Thence, along the centerline of said 12 foot wide Alley of Lowrey's Subdivision, North 80 degrees 55 minutes 39 seconds East, 12.00 feet to an iron pipe set on the east line of said Reserve A, the west line of Lot 1 of said Knights Noble & English's Subdivision;

Thence, along part of the east line of said Reserve A, part of the west line of said Lot 1, South 07 degrees 59 minutes 00 seconds East, 87.03 feet to an iron pipe set at the southeast corner of said Reserve A, the southwest corner of said Lot 1, also being on the north line of said Almond Alley ;

Thence, along the south line of said Reserve A, the north line of said Almond Alley, South 81 degrees 52 minutes 03 seconds West, 12.00 feet to the place of beginning **CONTAINING 0.024 ACRES**. Iron pipe set are 30" x 1" O.D. with an orange plastic cap inscribed "P.S. 6579", unless otherwise noted. Basis of bearings is the south line of E. Long Street held as North 81 degrees 52 minutes 03 seconds East as per State Plane Coordinates NAD83 (86 adjusted) South Zone. The foregoing description was prepared from a boundary survey by Myers Surveying Company, Inc. in March 2011.

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

Section 4. That upon notification and verification of the relocation of all utilities located within the retained general utility easement areas the Director of the Department of Public Service is hereby authorized to execute those documents necessary to release the retained general utility easements with no additional compensation due to the City and with no further legislative action required by the City.

Section 5. That the \$5,564.00 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.