

PUBLIC SERVICE & TRANSPORTATION
INTRODUCED BY
MARYELLEN O'SHAUGHNESSY

DATE OF FIRST READING

OCT 16 2000

ORIGINAL

Ordinance No. 2235-00

Resolution No. _____

30 Day Emergency _____

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)

OCT 23 2000 Tabled Indef. 7-0

JUN 11 2001 TFT

JUN 11 2001 Amend as submitted to Clerk

JUN 11 2001 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

10-4-00

EXPLANATION OF LEGISLATION

Background: The City of Columbus is the owner of those rights-of-way identified as the alley south of State Street from Mill Street to the alley east (Mead Alley) and the alley east of Mill Street (Mead Alley) from Chapel Street to State Street. The Public Service Department, Engineering and Construction Division, has received a request from the abutting property owner, Byers Realty, Inc., asking for the opportunity to purchase these rights-of-way to allow for expansion of their adjacent site and future development. The Department of Law, Real Estate Division, estimated a value of \$3,832.50 for these rights-of-way. After investigation it has been determined that the transfer of the requested rights-of-way will not adversely affect the City. The Land Review Commission voted to recommend that these rights-of-way be sold to Byers Realty, Inc. for \$3,832.50. The following legislation authorizes the proposed sale.

Emergency Justification: N/A

Fiscal Impact:

The City will receive a total of \$3,832.50, to be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested rights-of-way.

Mary Lu English (5471)

Contact: For Questions - Phone on this Legislation

Robert Smith
10/04/00 DMC Approved (Division Head)

Linda K. Payne 10/6/00
Approved (Department Head)

TITLE (BRIEF DESCRIPTION)

To authorize the Director of the Public Service Department to execute those documents required to sell the alley south of State Street from Mill Street to the alley east (Mead Alley) and the alley east of Mill Street (Mead Alley) from Chapel Street to State Street to Byers Realty, Inc.; and to waive the competitive bidding provisions of Columbus City Codes.

(See next page) Amended 6/11/01

Mary Lu English
MAJORS ACTION
SIGNED DATE 06/12/01

COUNCIL ACTION
JUNE 11 2001
DATE PASSED/ADOPTED

Mark D. Habach
PRESIDENT OF COUNCIL
Maryellen O'Shaughnessy
CITY CLERK

VETO DATE

To authorize the Director of the Public Service Department to execute those documents required to sell the alley south of State Street from Mill Street to the alley east (Mead Alley) ~~and the alley east of Mill Street (Mead Alley) from Chapel Street to State Street~~ to Byers Realty, Inc.; to authorize the expenditure of \$2,136.75 from the General Permanent Improvement Fund to reimburse Byers Realty, Inc., for a proposed sale of Mead Alley right-of-way that the City will not be able to transfer; and to waive the competitive bidding provisions of Columbus City Codes.

*New title
Amended 6/11/01*

WHEREAS, the Land Review Commission has voted to recommend that these rights-of-way be sold to Byers Realty, Inc.; ~~now, therefore~~ and

WHEREAS, the Franklinton Area Commission objected to the sale of Mead Alley and requested the proposed sale legislation be tabled for additional discussions; and

WHEREAS, Byers Realty, Inc., has now agreed to purchase only the alley south of State Street from Mill Street to the alley east thereof; and

WHEREAS, Byers Realty, Inc., submitted a check in the amount of \$3,832.50 to pay for the proposed sale of the alley south of State Street from Mill Street to the alley east (Mead Alley) and the alley east of Mill Street (Mead Alley) from Chapel Street to State Street; and

WHEREAS, the City has an obligation to refund to Byers Realty, Inc., the \$2,136.75 submitted for the purchase of Mead Alley; now, therefore

SECTIONS:

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 Real Estate Division, Department of Law, necessary to transfer the following described rights-of-way to Byers Realty, Inc., for ~~\$3,832.50~~ \$1,695.75; to-wit:

~~Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Mead Alley and a ten-foot alley dedicated by the recorded plat of F.C. Sessions Subdivision of record in Plat Book 2, Page 243, all references being to these records of the Office of Recorder, Franklin County, Ohio and being more particularly bounded and described as follows:~~

~~Beginning at an iron pin set in the southerly line of W. State Street (80-foot wide) and the westerly line of Mead Alley (20-foot wide) at the northeasterly corner of Lot 85 of said F.C. Sessions Subdivision;~~

~~Thence with the southerly line of W. State Street, North 89 degrees 10 minutes 20 seconds East, 20.00 feet to an iron pin set in the easterly line of Mead Alley;~~

~~Thence with said easterly line, South 00 degrees 34 minutes 20 seconds East, 187.66 feet to an iron pin set in the northerly line of Chapel Street (32.50-foot wide);~~

~~Thence with said northerly line, South 89 degrees 03 minutes 22 seconds West, 20.00 feet to an iron pin set in the westerly line of Mead Alley at the southeasterly corner of Lot 93 of said F.C. Sessions Subdivision;~~

~~Thence with the westerly line of Mead Alley, the easterly line of said Lot 93, North 00 degrees 34 minutes 20 seconds West, 78.43 feet to an iron pin set at the northeasterly corner of Lot 93 and the southerly line of a 10-foot alley;~~

~~Thence with the southerly line of said 10-foot alley, South 89 degrees 05 minutes 59 seconds West, 206.28 feet to an iron pin set at the northwesterly corner of Lot 86 of said F.C. Sessions Subdivision and in the easterly line of Mill Street (49.5-foot wide);~~

~~Thence with said easterly line, North 01 degree 25 minutes 26 seconds West, 10.00 feet to an iron pin set at the southwesterly corner of Lot 278 and in the northerly line of said 10-foot alley;~~

~~Thence with said northerly line, North 98 degrees 05 minutes 59 seconds East, 206.43 feet to an iron pin set at the southeasterly corner of said Lot 85 and in the westerly line of Mead Alley;~~

~~Thence with said westerly line and the easterly line of Lot 85, North 00 degrees 34 minutes 20 seconds West, 99.27 feet to the place of beginning and CONTAINING 0.133 ACRES.~~

*New page
Amended 6/11/01*

~~The foregoing description is from an actual field survey of the premises during September 2000. Iron pins set are 30" X 1" O.D. with an orange plastic cap inscribed "P.S. 6579". The basis of bearings for the foregoing description is W. State Street held as North 89 degrees 10 minutes 20 seconds East (assumed).~~

~~MYERS SURVEYING COMPANY, INC.
James L. Williams, P.S. #7167~~

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a 10 foot alley dedicated by the recorded plat of F.C. sessions Subdivision of record in Plat book 2, Page 243, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at a set iron pin in the east line of Mill Street, 49.5 feet wide, and the north line of said 10 foot alley, at the southwest corner of Lot 278 of said F.C. Sessions Subdivision;

Thence, along the north line of said alley, North 89 degrees 05 minutes 59 seconds East, 206.43 feet to a set iron pin in the west line of Mead Alley, 20 feet wide, at the southeast corner of Lot 85 of said F.C. Sessions Subdivision;

Thence, along the west line of Mead Alley, South 00 degrees 34 minutes 20 seconds East, 10.00 feet to a set iron pin in the south line of said 10 foot alley and at the northeast corner of Lot 93 of said F.C. Sessions Subdivision;

Thence, along the south line of said 10 foot alley, South 89 degrees 05 minutes 59 seconds West, 206.28 feet to a set iron pin in the east line of Mill Street at the northwest corner of Lot 86 of said F.C. Sessions Subdivision;

Thence, along the east line of Mill Street, North 01 degree 25 minutes 26 seconds West, 10.00 feet to the Point of Beginning, CONTAINING 0.047 ACRES.

Iron pins set are 30" X 1" O.D. with an orange plastic cap inscribed "P.S. 6579". Basis of bearings is an assumed bearing of North 89 degrees 10 minutes 20 seconds East on the south line of West State Street. This description is based on a field survey by Myers Surveying Company, Inc. in September, 2000.

MYERS SURVEYING COMPANY, INC.
Paul T. Dinan, P.S. #7312

Section 4. That the ~~\$3,832.50~~ \$1,695.75 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 5. That the Public Service Department, Engineering and Construction Division is hereby authorized to expend those funds necessary to refund to Byers Realty, Inc., \$2,136.75 submitted for the purchase of Mead Alley.

*new page
Amended 6/11/01*

Section 6. That for the purpose of paying for said costs the sum of \$2,136.75 is hereby authorized to be expended from the General Permanent Improvement Fund as follows:

<u>Project #</u>	<u>Dept./Div.</u>	<u>Fund #</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
537650	59-03	748	5512	642678	\$2,136.75

Section 5 7. That this Council has determined it is in the best interest of the City of Columbus to allow this property to be sold 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 this property.

Section 6 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

*New page
Amended 6/11/01*

WHEREAS, the City of Columbus, Public Service Department, Engineering and Construction Division, is the owner of the alley south of State Street from Mill Street to the alley east (Mead Alley) and the alley east of Mill Street (Mead Alley) from Chapel Street to State Street; and

WHEREAS, the abutting property owner, Byers Realty, Inc., desires to acquire these rights-of-way to allow for expansion of their adjacent site and future development; and

WHEREAS, a general utility easement in, on, over, across, under and through these rights-of-way must be and shall be retained unto the City of Columbus; and

WHEREAS, an estimated value of \$3,832.50 was determined for these rights-of-way by the Department of Law, Real Estate Division; and

WHEREAS, after investigation, it has been determined that the transfer of the requested rights-of-way will not adversely affect the City; and

WHEREAS, the Land Review Commission has voted to recommend that these rights-of-way be sold to Byers Realty, Inc.; 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 Real Estate Division, Department of Law, necessary to transfer the following described rights-of-way to Byers Realty, Inc., for \$3,832.50; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Mead Alley and a ten foot alley dedicated by the recorded plat of F.C. Sessions Subdivision of record in Plat Book 2, Page 243, all references being to those records of the Office of Recorder, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning at an iron pin set in the southerly line of W. State Street (80 feet wide) and the westerly line of Mead Alley (20 feet wide) at the northeasterly corner of Lot 85 of said F.C. Sessions Subdivision;

Thence with the southerly line of W. State Street, North 89 degrees 10 minutes 20 seconds East, 20.00 feet to an iron pin set in the easterly line of Mead Alley;

Thence with said easterly line, South 00 degrees 34 minutes 20 seconds East, 187.66 feet to an iron pin set in the northerly line of Chapel Street (32.50 feet wide);

Thence with said northerly line, South 89 degrees 03 minutes 22 seconds West, 20.00 feet to an iron pin set in the westerly line of Mead Alley at the southeasterly corner of Lot 93 of said F.C. Sessions Subdivision;

Thence with the westerly line of Mead Alley, the easterly line of said Lot 93, North 00 degrees 34 minutes 20 seconds West, 78.43 feet to an iron pin set at the northeasterly corner of Lot 93 and the southerly line of a 10 foot alley;

Thence with the southerly line of said 10 foot alley, South 89 degrees 05 minutes 59 seconds West, 206.28 feet to an iron pin set at the northwesterly corner of Lot 86 of said F.C. Sessions Subdivision and in the easterly line of Mill Street (49.5 feet wide);

Thence with said easterly line, North 01 degree 25 minutes 26 seconds West, 10.00 feet to an iron pin set at the southwest corner of Lot 278 and in the northerly line of said 10 foot alley;

Thence with said northerly line, North 98 degrees 05 minutes 59 seconds East, 206.43 feet to an iron pin set at the southeasterly corner of said Lot 85 and in the westerly line of Mead Alley;

Thence with said westerly line and the easterly line of Lot 85, North 00 degrees 34 minutes 20 seconds West, 99.27 feet to the place of beginning and **CONTAINING 0.133 ACRES.**

The foregoing description is from an actual field survey of the premises during September 2000. Iron pins set are 30" X 1" O.D. with an orange plastic cap inscribed "P.S. 6579". The basis of bearings for the foregoing description is W. State Street held as North 89 degrees 10 minutes 20 seconds East (assumed).

MYERS SURVEYING COMPANY, INC.
James L. Williams, P.S. #7167

Section 2. That the above referenced real property shall be considered excess road right-of-way and the public right therein shall terminate upon the Director's execution and delivery of said quit claim deeds to the grantees thereof.

Section 3. That general utility easements in, on, over, across, under and through the above described rights-of-way be and hereby are retained unto the City of Columbus.

Section 4. That the \$3,832.50 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 5. That this Council has determined it is in the best interest of the City of Columbus to allow this property to be sold 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 this property.

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

May 30, 2001

Council Member Maryellen O'Shaughnessy
Columbus City Council
90 West Broad Street
Columbus, Ohio 43215

Amendment

Dear Council Member O'Shaughnessy:

At the request of the Franklinton Area Commission Ordinance 2235-00, to authorize the sale of the alley south of State Street from Mill Street to the alley east (Mead Alley) and the alley east of Mill Street (Mead Alley) from Chapel Street to State Street to Byers Realty, Inc., was tabled indefinitely on October 23, 2000. The Franklinton Area Commission was concerned with the proposed sale of Mead Alley and asked that additional discussions take place before proceeding with the proposed sale. Byers Realty, Inc., has now agreed to purchase only the alley south of State Street from Mill Street easterly to Mead Alley. Byers Realty, Inc., previously submitted a check, in the amount of \$3,832.50 for the purchase of both alleys. Passage of the amended ordinance will obligate the City to refund \$2,136.75 to Byers upon finalization of the proposed sale. At this time I would like to request that Ordinance 2235-00 be taken from the table, amended as follows and voted upon by City Council.

TITLE:

To authorize the Director of the Public Service Department to execute those documents required to sell the alley south of State Street from Mill Street to the alley east (Mead Alley) ~~and the alley east of Mill Street (Mead Alley) from Chapel Street to State Street~~ to Byers Realty, Inc.; to authorize the expenditure of \$2,136.75 from the General Permanent Improvement Fund to reimburse Byers Realty, Inc., for a proposed sale of Mead Alley right-of-way that the City will not be able to transfer; and to waive the competitive bidding provisions of Columbus City Codes.

BODY:

WHEREAS, the Land Review Commission has voted to recommend that these rights-of-way be sold to Byers Realty, Inc.; ~~now, therefore~~ and

WHEREAS, the Franklinton Area Commission objected to the sale of Mead Alley and requested the proposed sale legislation be tabled for additional discussions; and

WHEREAS, Byers Realty, Inc., has now agreed to purchase only the alley south of State Street from Mill Street to the alley east thereof; and

614-645-8290 Director's Office
614-645-3182 Construction Inspection Division
614-645-8376 Engineering and Construction Division
614-645-7602 Facilities Management Division
614-645-8281 Fleet Management Division
614-645-7620 Refuse Collection Division
614-645-7790 Traffic Engineering and Parking Division

City Hall/90 West Broad Street, 3rd Floor/Columbus, Ohio 43215-9009
1800 East 17th Avenue, Columbus, Ohio 43219-1007
109 North Front Street, 3rd Floor/Columbus, Ohio 43215-9023
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, 2nd Floor/Columbus, Ohio 43215-9024

FAX: 645-7805
FAX: 645-3298
FAX: 645-6938
FAX: 645-7180
FAX: 645-7347
FAX: 645-3053
FAX: 645-7921

WHEREAS, Byers Realty, Inc., submitted a check in the amount of \$3,832.50 to pay for the proposed sale of the alley south of State Street from Mill Street to the alley east (Mead Alley) and the alley east of Mill Street (Mead Alley) from Chapel Street to State Street; and

WHEREAS, the City has an obligation to refund to Byers Realty, Inc., the \$2,136.75 submitted for the purchase of Mead Alley; now, therefore

SECTIONS:

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 Real Estate Division, Department of Law, necessary to transfer the following described rights-of-way to Byers Realty, Inc., for ~~\$3,832.50~~ \$1,695.75; to-wit:

~~Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Mead Alley and a ten foot alley dedicated by the recorded plat of F.C. Sessions Subdivision of record in Plat Book 2, Page 243, all references being to those records of the Office of Recorder, Franklin County, Ohio and being more particularly bounded and described as follows:~~

~~Beginning at an iron pin set in the southerly line of W. State Street (80 feet wide) and the westerly line of Mead Alley (20 feet wide) at the northeasterly corner of Lot 85 of said F.C. Sessions Subdivision;~~

~~Thence with the southerly line of W. State Street, North 89 degrees 10 minutes 20 seconds East, 20.00 feet to an iron pin set in the easterly line of Mead Alley;~~

~~Thence with said easterly line, South 00 degrees 34 minutes 20 seconds East, 187.66 feet to an iron pin set in the northerly line of Chapel Street (32.50 feet wide);~~

~~Thence with said northerly line, South 89 degrees 03 minutes 22 seconds West, 20.00 feet to an iron pin set in the westerly line of Mead Alley at the southeasterly corner of Lot 93 of said F.C. Sessions Subdivision;~~

~~Thence with the westerly line of Mead Alley, the easterly line of said Lot 93, North 00 degrees 34 minutes 20 seconds West, 78.43 feet to an iron pin set at the northeasterly corner of Lot 93 and the southerly line of a 10 foot alley;~~

~~Thence with the southerly line of said 10 foot alley, South 89 degrees 05 minutes 59 seconds West, 206.28 feet to an iron pin set at the northwesterly corner of Lot 86 of said F.C. Sessions Subdivision and in the easterly line of Mill Street (49.5 feet wide);~~

~~Thence with said easterly line, North 01 degree 25 minutes 26 seconds West, 10.00 feet to an iron pin set at the southwesterly corner of Lot 278 and in the northerly line of said 10 foot alley;~~

~~Thence with said northerly line, North 98 degrees 05 minutes 59 seconds East, 206.43 feet to an iron pin set at the southeasterly corner of said Lot 85 and in the westerly line of Mead Alley;~~

~~Thence with said westerly line and the easterly line of Lot 85, North 00 degrees 34 minutes 20 seconds West, 99.27 feet to the place of beginning and **CONTAINING 0.133 ACRES.**~~

~~The foregoing description is from an actual field survey of the premises during September 2000. Iron pins set are 30" X 1" O.D. with an orange plastic cap inscribed "P.S. 6579". The basis of bearings for the foregoing description is W. State Street held as North 89 degrees 10 minutes 20 seconds East (assumed).~~

~~MYERS SURVEYING COMPANY, INC.~~

~~James L. Williams, P.S. #7167~~

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a 10 foot alley dedicated by the recorded plat of F.C. sessions Subdivision of record in Plat book 2, Page 243, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at a set iron pin in the east lien of Mill Street, 49.5 feet wide, and the north line of said 10 foot alley, at the southwest corner of Lot 278 of said F.C. Sessions Subdivision;

Thence, along the north line of said alley, North 89 degrees 05 minutes 59 seconds East, 206.43 feet to a set iron pin in the west line of Mead Alley, 20 feet wide, at the southeast corner of Lot 85 of said F.C. Sessions Subdivision;

Thence, along the west line of Mead Alley, South 00 degrees 34 minutes 20 seconds East, 10.00 feet to a set iron pin in the south line of said 10 foot alley and at the northeast corner of Lot 93 of said F.C. Sessions Subdivision;

Thence, along the south line of said 10 foot alley, South 89 degrees 05 minutes 59 seconds West, 206.28 feet to a set iron pin in the east line of Mill Street at the northwest corner of Lot 86 of said F.C. Sessions Subdivision;

Thence, along the east line of Mill Street, North 01 degree 25 minutes 26 seconds West, 10.00 feet to the Point of Beginning, **CONTAINING 0.047 ACRES.**

Iron pins set are 30" X 1" O.D. with an orange plastic cap inscribed "P.S. 6579". Basis of bearings is an assumed bearing of North 89 degrees 10 minutes 20 seconds East on the south line of West State Street. This description is based on a field survey by Myers Surveying Company, Inc. in September, 2000.

MYERS SURVEYING COMPANY, INC.

Paul T. Dinan, P.S. #7312

Section 4. That the ~~\$3,832.50~~ \$1,695.75 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 5. That the Public Service Department, Engineering and Construction Division is hereby authorized to expend those funds necessary to refund to Byers Realty, Inc., \$2,136.75 submitted for the purchase of Mead Alley.


Section 6. That for the purpose of paying for said costs the sum of \$2,136.75 is hereby authorized to be expended from the General Permanent Improvement Fund as follows:

Project #	Dept./Div.	Fund #	Object Level 3	OCA Code	Amount
537650	59-03	748	5512	642678	<u>\$2,136.75</u>

Section 5 7. That this Council has determined it is in the best interest of the City of Columbus to allow this property to be sold 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 this property.

Section 6 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Sincerely,


Linda K. Page
Director

LKP/MLE

cc: Pamela A. Clawson, P.E., City Engineer
Randall J. Bowman, P.E., Assistant City Engineer
Mary Lu English, Right-of-Way Coordinator
David Chovan, Fiscal Section Manager
L:\marylu\memos\byers amendment cl.doc