



## Legislation Details (With Text)

**File #:** 3387-2018      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/28/2018      **In control:** Public Service & Transportation Committee

**On agenda:** 12/10/2018      **Final action:** 12/13/2018

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 231 square foot portion of the Walton Avenue right-of-way to D1 Holdings to legitimize the encroachment of a garage and clear title to the property; to authorize the Department of Public Service to accept the sum of \$346.50 for this transfer; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit.pdf, 2. Legal Description.pdf

Date	Ver.	Action By	Action	Result
12/13/2018	1	ACTING CITY CLERK	Attest	
12/12/2018	1	MAYOR	Signed	
12/10/2018	1	COUNCIL PRESIDENT	Signed	
12/10/2018	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from the abutting property owner D1 Holdings, LLC, asking that the City transfer a 231 square foot (0.005 acres) portion of the Walton Avenue right-of-way, which is adjacent to the east side of the property owned by D1 Holdings, LLC., located at 740-742 Oakwood Avenue. Transfer of this right-of-way will legitimize the encroachment of the garage and clear title to the property. The Department of Public Service has agreed to transfer the right-of-way as described in the attached legal description and exhibit. 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 this right-of-way, the City will not be adversely affected by the transfer of this right-of-way. The Department of Public Service submitted a request to the City Attorney's Office, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$346.50 was established for this right-of-way. This request went before the Land Review Commission on September 20, 2018. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to D1 Holdings, LLC., for the amount of \$346.50.

### 2. FISCAL IMPACT:

The City will receive a total of \$346.50 that will be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

### 3. EMERGENCY JUSTIFICATION

Emergency action is requested to allow the title to clear as soon as possible.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 231 square foot portion of the Walton Avenue right-of-way to D1 Holdings to legitimize the encroachment of a garage and clear title to the property; to authorize the Department of Public Service to accept the sum of \$346.50 for this transfer; and to declare an emergency. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from the abutting property owner, D1 Holdings, LLC, asking that the City transfer a 231 square foot (0.005 acres) portion of the Walton Avenue right-of-way, which is adjacent to the east side of the property owned by D1 Holdings, LLC, located at 740-742 Oakwood Avenue; and

**WHEREAS**, acquisition of the right-of-way will legitimize the encroachment of the garage and clear title to the property; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Infrastructure Management, by this transfer, extinguishes its need for this public right-of-way; 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 this right-of-way, the City will not be adversely affected by the transfer of this right-of-way to D1 Holdings, LLC; and

**WHEREAS**, the Department of Public Service submitted a request to the City Attorney's Office, Real Estate Division, asking that they establish a value for the right-of-way; and

**WHEREAS**, a value of \$346.50 was established for the right-of-way to be deposited in fund 7748, Project P537650; and

**WHEREAS**, this request went before the Land Review Commission on September 20, 2018, and after review of the request the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to D1 Holdings, LLC, for the amount of \$346.50; **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 City Attorney's Office, Real Estate Division, necessary to transfer the attached described right-of-way to D1 Holdings, LLC.

**SECTION 2.** That the 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 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 the City will receive a total of \$346.50 that will be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

**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.