City of Columbus

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90 West Broad Street
Columbus OH 43215-9015
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Legislation Details (With Text)

File #:	0005-2022 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	12/16/2021	**In control:**	Public Service & Transportation Committee
On agenda:	1/31/2022	**Final action:**	2/3/2022
Title:	To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of 0.073 acre portion of the above mentioned right-of-way to JEL - New York 684.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Ord. 0005-2022 EXHIBIT 2020-030 NEW YORK.PDF, 2. Ord. 0005-2022 Legal Description.pdf, 3. City Bulletin Report, 4. City Bulletin Report		

Date	Ver.	Action By	Action	Result
2/3/2022	1	CITY CLERK	Attest	
2/2/2022	1	MAYOR	Signed	
1/31/2022	1	COUNCIL PRESIDENT	Signed	
1/31/2022	1	Columbus City Council	Approved	Pass
1/10/2022	1	Columbus City Council	Read for the First Time	

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from John Krivak on behalf of JEL - New York 684, to sell an approximate 3,198± square foot portion (0.073 acres) of the New York Avenue right-of-way. This portion of right-of-way is adjacent to the following parcels: 010-026986, 010-026988, 010-042025, 010-038034, 010-025645, and 010-055621. It is the un-named alley north of New York Avenue running from south-west to north-east directionally. It is the first alley east of Cleveland Avenue; with New York Avenue adjacent on the south end of the alley and Shoemaker Avenue adjacent on the north end of the alley.

Sale of this right-of-way will allow purchaser to consolidate the adjacent parcels for future development, while in the short-term use it as additional parking for the existing structures. The Department of Public Service has agreed to sell the right-of-way as described and shown within attached legal description and exhibit, and extinguishes its need for this public right-of-way.

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, asking that they establish a value for this right-of-way, and a value of $9,594.00 was established. This request went before the Land Review Commission on May 20, 2021. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to JEL - New York 684 at the cost of $9,594.00.

2. FISCAL IMPACT:
The City will receive a total of $9,594.00 and the funds are to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of 0.073 acre portion of the above mentioned right-of-way to JEL - New York 684.

WHEREAS, the City of Columbus, Department of Public Service, received a request from John Krivak on behalf of JEL - New York 684, to sell an approximate 3,198± square foot portion (0.073 acres) of the New York Avenue right-of-way. This portion of right-of-way is adjacent to the following parcels: 010-026986, 010-026988, 010-042025, 010-038034, 010-025645, and 010-055621. It is the un-named alley north of New York Avenue running from south-west to north-east directionally. It is the first alley east of Cleveland Avenue; with New York Avenue adjacent on the south end of the alley and Shoemaker Avenue adjacent on the north end of the alley; and

WHEREAS, the purpose of the transfer will allow purchaser to consolidate the adjacent parcels for future development, while in the short-term use it as additional parking for the existing structures; and

WHEREAS, the Department of Public Service has agreed to sell the right-of-way as described and shown within attached legal description and exhibit, and 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 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; and

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

WHEREAS, a value of $9,594.00 was established to be deposited in Fund 7748, Project P537650, as consideration transfer of the requested right-of-way; and

WHEREAS, this request went before the Land Review Commission on May 20, 2021; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to JEL - New York 684 at the cost of $9,594.00; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director to execute documents necessary to transfer the portion of right-of-way described above; 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 a quit claim deed and other incidental instruments prepared by the City Attorney's Office, necessary to transfer the legal description as described below and attached exhibit of right-of-way to JEL - New York 684; to-wit:

SECTION 2. That the attached 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 attached legal description and exhibit describing the 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 $9,594.00 for the sale of this right-of-way and the funds are to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

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