



## Legislation Details (With Text)

**File #:** 2942-2014      **Version:** 1

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

**File created:** 12/3/2014      **In control:** Public Service & Transportation Committee

**On agenda:** 1/12/2015      **Final action:** 1/14/2015

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.0615 acre portion of the undeveloped east/west right-of-way south of West Mound Street between Clarendon and Whitehorn Avenues, adjacent to property owned by NAS 6, LLC, located at 2157 West Mound Street.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

| Date       | Ver. | Action By             | Action                  | Result |
|------------|------|-----------------------|-------------------------|--------|
| 1/14/2015  | 1    | CITY CLERK            | Attest                  |        |
| 1/13/2015  | 1    | MAYOR                 | Signed                  |        |
| 1/12/2015  | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 1/12/2015  | 1    | Columbus City Council | Approved                | Pass   |
| 12/15/2014 | 1    | Columbus City Council | Read for the First Time |        |

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from NAS 6, LLC, asking that the City sell a 0.0615 acre portion of the undeveloped east/west right-of-way south of West Mound Street between Clarendon and Whitehorn Avenues, adjacent to property owned by NAS 6, LLC, located at 2157 West Mound Street. Transfer of this right-of-way will facilitate the improvement of access and parking facilities for the adjacent residential properties, owned by NAS 6, LLC. 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 Department of Law, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$945.00 was established for this right-of-way. A request for mitigation of the cost of the aforementioned right-of-way was submitted by NAS 6, LLC. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred at no cost to NAS 6, LLC.

### 2. FISCAL IMPACT:

N/A

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.0615 acre portion of the undeveloped east/west right-of-way south of West Mound Street between Clarendon and Whitehorn Avenues, adjacent to property owned by NAS 6, LLC, located at 2157 West Mound Street.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from NAS 6, LLC. asking that the City transfer a 0.0615 acre portion of the undeveloped east/west right-of-way south of West Mound Street between Clarendon and Whitehorn Avenues, adjacent to property owned by NAS 6, LLC., located at 2157 West Mound Street, to them; and

**WHEREAS**, acquisition of the right-of-way will provide additional parking and improved access for existing residential properties owned by NAS 6, LLC., located at 2157 West Mound Street; 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 NAS 6, LLC.; 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 this right-of-way; and

**WHEREAS**, a value of \$945.00 was established for this right-of-way; and

**WHEREAS**, NAS 6, LLC submitted a request for mitigation of the cost of the aforementioned right-of-way to the Land Review Commission; and

**WHEREAS**, after a review of the request, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred at no cost to NAS 6, LLC; and 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 right-of-way to NAS 6, LLC.; to-wit:

**SEI FILE NO.3775**

NAS 6, LLC

**PROPERTY DESCRIPTION**

NOVEMBER 6, 2014

Revised November 12, 2014

Situated in the State of Ohio, County of Franklin, City of Columbus, located in V.M.S. 971 and being part of a 10' wide alley shown on the recorded plat of RAINBOW ADDITION of record in plat Book 16, Page 63 (all references in this description are to the records in the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at an iron pin set at the northeasterly corner of Lot 181 as designated and delineated on said subdivision plat, being on the westerly right-of-way line of Midland Avenue (50' wide R/W);

Thence North 81° 55' 01" West 266.49 feet, along the southerly line of a 10' Alley shown on said subdivision plat and along the northerly line of said Lot 181, its westerly extension, and the northerly line of Lot 254 of said subdivision, passing an iron pin set at 150.09 feet at the northwesterly corner of said Lot 181, to an iron pin set;

Thence North  $00^{\circ} 07' 51''$  East 10.10 feet, crossing said Alley along the southerly extension of the westerly line of that 2.423 acre tract described in a deed to NAS 6, LLC of record in Instrument No. 2014063000082913, passing a 3/4" hollow iron pin found (0.5' below grade) at 9.79 feet, to the southeasterly corner of that 0.389 acre tract described in a deed to Macabee Properties, LLC of record in Instrument No. 2014 01030000773;

Thence South  $81^{\circ} 55' 01''$  East 268.90 feet, along the northerly line of said Alley, and along the southerly line of said 2.423 acre tract, to an iron pin set;

Thence South  $13^{\circ} 51' 37''$  West 10.05 feet, crossing said Alley, along the northerly extension of the westerly right-of-way line of said Midland Avenue, to the Point of Beginning, containing 0.0615 acres of land, more or less.

NOTE: Bearings are used for the determination of angles only. For the purpose of this description, a bearing of South  $81^{\circ} 55' 01''$  East was used on the southerly line of that 2.423 acre tract as called for in Instrument 2014063000082913. The iron pins set are 5/8" rebar, 30" long with yellow plastic caps stamped "SITE ENG INC."

The above description was prepared from an actual field survey on November 5<sup>th</sup>, 2014 by Site Engineering, Inc.

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