



## Legislation Details (With Text)

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

**File created:** 12/24/2014      **In control:** Public Service & Transportation Committee

**On agenda:** 1/26/2015      **Final action:** 1/27/2015

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.034 acre portion of the north/south right-of-way east of Fifth Street between Spring and Lafayette Streets, adjacent to property owned by Mr. Robbins, located at 225 East Spring Street.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
1/27/2015	1	MAYOR	Signed	
1/26/2015	1	COUNCIL PRESIDENT	Signed	
1/26/2015	1	Columbus City Council	Approved	Pass
1/12/2015	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Mr. Glen Robbins, asking that the City sell a 0.034 acre portion of the north/south right-of-way east of Fifth Street between Spring and Lafayette Streets to him. Transfer of this right-of-way will facilitate the enhancement of landscaping, and security measures for property owned by Mr. Robbins, adjacent to the above mentioned right-of-way, located at 225 East Spring Street. 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 \$975.00 was established for this right-of-way.

### 2. FISCAL IMPACT:

The City will receive a total of \$975.00 that will be deposited in Fund 748, Project 537650, 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 required to transfer a 0.034 acre portion of the north/south right-of-way east of Fifth Street between Spring and Lafayette Streets, adjacent to property owned by Mr. Robbins, located at 225 East Spring Street.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Mr. Glen Robbins asking that the City transfer a 0.034 acre portion of the north/south right-of-way east of Fifth Street between Spring and Lafayette Streets, adjacent to property owned by Mr. Glen Robbins, located at 225 East Spring Street, to him; and

**WHEREAS**, acquisition of the right-of-way will facilitate enhancements in landscaping and security to the adjacent property owned by Mr. Glen Robbins; 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 Mr. Robbins; 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 \$975.00 was established for this right-of-way; 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 Mr. Glen Robbins; to-wit:

**0.034 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lot 19 of Latham's Addition, as same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 123, as conveyed to Japhet Hughes in Deed Book 85, Page 187, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a found 1" iron pipe in the south line of East Spring Street (60 feet wide) and the north line of said Lot 19, at the northwest corner of an unimproved alley, being the northeast corner of Parcel #4 conveyed to Glen A. Robbins and Linda J. Sowers, Trustees (Deed Book 3771, Page 28, said Recorder's Office), and bearing North 89 degrees 48 minutes 50 seconds East, 98.00 feet from the northwest corner of Lot 18 of said Latham's Addition, being the intersection of said south line of East Spring Street with the east line of North Fifth Street (60 feet wide);

Thence, along said south line of East Spring Street, north line of said Lot 19 and north line of said alley, North 89 degrees 48 minutes 50 seconds East, 10.00 feet to a found 1" iron pipe at the northeast corner of said alley, northeast corner of said Lot 19, northwest corner of Lot 20 of said Latham's Addition and northwest corner of the McKeever and Nickamp, LLC tract (Instrument Number 200412220288760 said Recorder's Office);

Thence, along the east line of said alley, east line of said Lot 19, west line of said Lot 20 and McKeever and Nickamp, LLC tract, SOUTH, 149.79 feet to a found 1" iron pipe at the southeast corner of said alley, southeast corner of said Lot 19, southwest corner of said Lot 20 and McKeever and Nickamp, LLC tract, and being in the north line of East Lafayette Street (20 feet wide);

Thence, along the south line of said alley, south line of said Lot 19 and north line of East Lafayette Street, South 89 degrees 54 minutes 30 seconds West, 10.00 feet to a found 1" solid iron pin at the southwest corner of said alley and southeast corner the Glen A. Robbins and Linda J. Sowers, Trustees (Official Records Volume 34321 E-06, said Recorder's Office);

Thence, across said Lot 19, along the west line of said alley, east line of said Glen A. Robbins and Linda J. Sowers, Trustees tract and east line of Parcel 46, Parcel 45 and Parcel 44 conveyed to Glen A. Robbins and Linda J. Sowers, Trustees (Deed Book 3771, Page 28, said Recorder's Office), NORTH, 149.79 feet to the place of beginning

**CONTAINING 0.034 ACRES** (1,498 square feet) subject however, to all legal highways, easements, leases and restrictions of record, and subject to Ingress & Egress rights granted to Albert Baker, May 15, 1869 in Deed Book 98, Page 250.

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in October 2014. Iron pipes set are 30" X 1" (O.D.) with an orange plastic cap inscribed "MYERS P.S. 6579". Bearings are based on the west line of North Fifth Street held as **NORTH.**

**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 the \$975.00 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 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.