



## Legislation Details (With Text)

**File #:** 2405-2022      **Version:** 1

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

**File created:** 8/29/2022      **In control:** Public Service & Transportation Committee

**On agenda:** 9/19/2022      **Final action:** 9/21/2022

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of 0.426 acre portion of E. 5th Ave. right-of-way to CALKAR LLC. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 2405-2022 Description & Exhibit 2020-029.pdf

Date	Ver.	Action By	Action	Result
9/21/2022	1	CITY CLERK	Attest	
9/20/2022	1	MAYOR	Signed	
9/19/2022	1	COUNCIL PRESIDENT	Signed	
9/19/2022	1	Columbus City Council	Approved	Pass
9/12/2022	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from CALKAR LLC, to sell an approximate 0.426 acre portion of the E. 5<sup>th</sup> Ave. right-of-way. This portion of right-of-way is adjacent to property at 3245 E. 5th Ave. Sale of this right-of-way will serve to straighten the property boundaries.

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 \$4,508.00 was established. This request went before the Land Review Commission on July 15, 2021. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to CALKAR LLC at the cost of \$4,508.00.

### 2. FISCAL IMPACT:

The City will receive a total of \$4,508.00 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 0.426 acre portion of E. 5<sup>th</sup> Ave. right-of-way to CALKAR LLC. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from CALKAR LLC, to sell an approximate 0.426 acre portion of the E. 5th Ave. right-of-way; and

**WHEREAS**, the purpose of the transfer will serve to straighten the property boundaries; 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 \$4,508.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on July 15, 2021; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to CALKAR LLC at the cost of 4,508.00; 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 and attached exhibit of right-of-way to CALKAR LLC; 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 \$4,508.00 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.