



## Legislation Details (With Text)

**File #:** 0873-2024      **Version:** 1

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

**File created:** 3/20/2024      **In control:** Public Service & Transportation Committee

**On agenda:** 4/15/2024      **Final action:** 4/19/2024

**Title:** To authorize the Interim Director of the Department of Public Service to execute those documents necessary for the transfer of right-of-way consisting of a collective 0.744 acre portion of Bon Air Drive and South Park Drive to Clark Baltzell and Gloria Zaharoff.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. 0873-2024 description & exhibit - 2022-030 - llewellyn, 2. Ord. 0873-2024 BON-AIR LEGAL DESCRIPTION ROW, 3. Ord. 0873-2024 SOUTH PARK LEGAL DESCRIPTION ROW

Date	Ver.	Action By	Action	Result
4/19/2024	1	CITY CLERK	Attest	
4/18/2024	1	MAYOR	Signed	
4/15/2024	1	COUNCIL PRESIDENT	Signed	
4/15/2024	1	Columbus City Council	Approved	Pass
4/8/2024	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Clark Baltzell and Gloria Zaharoff, asking that the City sell them a 0.744 acre portion of right-of-way. The right of way areas are also known as Bon Air Drive (0.331) and South Park Drive (0.413) with Llewellyn Road abutting each portion at the west and Cottage Street abutting at the east of each portion. Right-of-way area is unimproved and exists within or adjacent to the parcel (PID=600-155355).

Transfer of this right-of-way will facilitate the combining of the parcel while removing the right-of-way from the parcel and allowing removal of the division in their parcel for better continuity. The Department of Public Service has agreed to transfer 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, the City will not be adversely affected by the transfer of this right-of-way and that a general utility easement will be retained over the portions. 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 \$48,612.00 was established. Applicant requested mitigation. This request went before the Land Review Commission on August 17, 2023. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Clark Baltzell and Gloria Zaharoff, at the cost of \$0.00 to them.

### 2. FISCAL IMPACT:

The City will receive a total of \$0.00 and no funds are to be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested right-of-way.

To authorize the Interim Director of the Department of Public Service to execute those documents necessary for the transfer of right-of-way consisting of a collective 0.744 acre portion of Bon Air Drive and South Park Drive to Clark Baltzell and Gloria Zaharoff.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Clark Baltzell and Gloria Zaharoff, asking that the City sell them a 0.744 acre portion of right-of-way. The right of way areas are also known as Bon Air Drive (0.331) and South Park Drive (0.413) with Llewellyn Road abutting each portion at the west and Cottage Street abutting at the east of each portion. The right-of-way area is unimproved and exists within or adjacent to the parcel (PID=600-155355); and

**WHEREAS**, transfer of this right-of-way will facilitate the combining of the parcel while removing the right-of-way from the parcel and allowing removal of the division in their parcel for better continuity; and

**WHEREAS**, the Department of Public Service has agreed to transfer 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, the City will not be adversely affected by the transfer of this right-of-way and that a general utility easement will be retained over the portions; 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 \$48,612.00 was established and applicant requested complete mitigation; and

**WHEREAS**, this request went before the Land Review Commission on August 17, 2023; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Clark Baltzell and Gloria Zaharoff, at the cost of \$0.00 to them; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Interim 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 Clark Baltzell and Gloria Zaharoff; to-wit:

**0.331 ACRE PROPERTY DESCRIPTION - BON-AIR DRIVE**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 2, Range 17, United States Military District, being part of Bon-Air Drive right of way, as shown and delineated upon the plat "Gould Park No. 3" a subdivision of record in Plat Book 20, Page 20, all references herein being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pipe set at the intersection of the easterly right of way line of Llewellyn Road (40 feet in width, Ded. by Plat Book 19, Page 31) with the northerly right of way line of Bon-Air Drive (40.00 feet in width, Ded. by Plat Book 20, Page 20) as shown and delineated upon said plat of "Gould Park No. 3" and at the southwesterly corner of Tract 1 as conveyed to Clark Duane Baltzell by deed of record in Official Record Volume 4097, Page I03 and Gloria J. Zaharoff by deed of record in Instrument No. 201607120088603;

Thence South 86°00'29" East, along said northerly right of way line and the southerly line of said Tract 1, a distance of 360.00 feet to an iron pin set at the intersection of said northerly right of way line with the westerly right of

way line of Cottage Street (40.00 feet in width, Ded. by Plat Book 20, Page 20) and at the southeasterly corner of said Tract 1;

Thence South 03°59'31" West, along an extension of said westerly right of way line, a distance of 40.00 feet to an iron pin set at the intersection of the southerly right of way line of said Bon-Air Drive and the westerly right of way line of said Cottage Street, and at the northeasterly corner of Tract 2 as described in said deed to Clark Duane Baltzell and Gloria J. Zaharoff,

Thence North 86°00'29" West, along said southerly right of way line and the northerly line of said Tract 2, a distance of 360.00 feet to an iron pin set at the intersection of said southerly right of way line with the easterly right of way line of said Llewellyn Road and at the northwesterly corner of said Tract 2;

Thence North 03°59'31" East, along an extension of the easterly right of way line of said Llewellyn Road, a distance of 40.00 feet to place of beginning and containing 0.331 acre of land.

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 establishing a bearing of South 86°00'29" West, for the northerly right of way line of Linwood Drive.

Iron pins set consist of a 5/8-inch rebar, 30 inches long with an orange plastic cap stamped "IBI Group, S-6872/S-7740".

This description was prepared by Arcadis Survey, Columbus, Ohio, and is based on an actual field survey of the premises performed in January 2023.

#### **0.413 ACRE PROPERTY DESCRIPTION - SOUTH PARK DRIVE**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 2, Range 17, United States Military District, being part of South Park Drive right of way, as shown and delineated upon the plat "Gould Park No. 3" a subdivision of record in Plat Book 20, Page 20, all references herein being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pipe set at the intersection of the easterly right of way line of Llewellyn Road (40 feet in width, Ded. by Plat Book 19, Page 31) with the northerly right of way line of South Park Drive (50.00 feet in width, Ded. by Plat Book 20, Page 20) as shown and delineated upon said plat of "Gould Park No. 3" and at the southwest corner of Tract 2 as conveyed to Clark Duane Baltzell by deed of record in Official Record Volume 4097, Page I03 and Gloria J. Zaharoff by deed of record in Instrument No. 201607120088603;

Thence South 86°01'29" East, along said northerly right of way line and the southerly line of said Tract 2, a distance of 360.00 feet to an iron pin set at the intersection of said northerly right of way line with the westerly right of way line of Cottage Street (40.00 feet in width, Ded. by Plat Book 20, Page 20) and at the southeasterly corner of said Tract 2;

Thence South 03°59'31" West, along an extension of said westerly right of way line, a distance of 50.00 feet to an iron pin set in the southerly right of way line of said South Park Drive and in the northerly line of Tract 3 as described in said deed to Clark Duane Baltzell and Gloria J. Zaharoff,

Thence North 86°01'29" West, along said southerly right of way line and the northerly line of said Tract 3, a distance of 360.00 feet to an iron pin set at the intersection of said southerly right of way line with the extension of the easterly right of way line of said Llewellyn Road;

Thence North 03°59'31" East, along the extension of the easterly right of way line of said Llewellyn Road, a distance of 50.00 feet to place of beginning and containing 0.413 acre of land.

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 establishing a bearing of South 86°00'29" West, for the northerly right of way line of Linwood Drive.

Iron pins set consist of a 5/8-inch rebar, 30 inches long with an orange plastic cap stamped "IBI Group, S-6872/S-7740".

This description was prepared by Arcadis Survey, Columbus, Ohio, and is based on an actual field survey of the premises performed in January 2023

**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 Interim Director's execution and delivery of said quitclaim 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 Interim 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.