



## Legislation Details (With Text)

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

**File created:** 1/7/2013      **In control:** Public Service & Transportation Committee

**On agenda:** 2/4/2013      **Final action:** 2/6/2013

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.405 acre portion of right-of-way identified as the east/west alley, north of and parallel to Mock Road, between Woodland Avenue and Danby Drive

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/6/2013	1	CITY CLERK	Attest	
2/5/2013	1	MAYOR	Signed	
2/4/2013	1	COUNCIL PRESIDENT	Signed	
2/4/2013	1	Columbus City Council	Approved	Pass
1/28/2013	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from MiraCit Development Corporation asking that the City sell the right-of-way identified as the east/west alley, north of and parallel to Mock Road, between Woodland Avenue and Danby Drive. Transfer of this right-of-way will allow for improvements and enhancements to security measures related to property adjacent to the above noted right-of-way, owned by MiraCit Development Corporation, located at 2181 Mock Road. 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 \$6,527.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to MiraCit Development Corporation for \$6,527.00.

### 2. FISCAL IMPACT:

The City will receive a total of \$6,527.00 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 0.405 acre portion of right-of-way identified as the east/west alley, north of and parallel to Mock Road, between Woodland Avenue and Danby Drive

**WHEREAS,** the City of Columbus, Department of Public Service, received a request from MiraCit Development

Corporation, asking that the City transfer a identified as the east/west alley, north of and parallel to Mock Road, between Woodland Avenue and Danby Drive to MiraCit Development Corporation; and

**WHEREAS**, acquisition of the right-of-way will allow MiraCit Development Corporation to perform security improvements and enhancements on property that is adjacent to the above noted right-of-way, located at 2181 Mock Road; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Planning and Operations, 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 MiraCit Development Corporation; 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 \$6,527.00 was established for this right-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to MiraCit Development Corporation for the amount of \$6,527.00; 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 MiraCit Development Corporation; to-wit:

Legal Description  
25' Public Alley  
0.405 Acre Tract

Situated in the city of Columbus, County of Franklin, and State of Ohio and a portion of 3.5024 acre tract of land designated as "Commercial Area" of Arlington Park Tract Number Two, as the said Commercial Area is delineated on the recorded plat thereof of record in Plat Book 27,  
Page 7, Recorder's Office, Franklin County, Ohio and described as follows:

Beginning at 1" iron pipe monument found at the south east comer of Woodland Avenue 80 feet wide and Barry Drive 50 feet wide;

Thence South 3°-44'-05" West 120.50 feet along the easterly line of said Woodland Avenue to the southwest comer of land conveyed to Millennium Properties & Investment Inc. by Instrument No. 200708200146488 in Franklin County deed records and the Principle Place of Beginning of a 25 foot public alley intended to be described herein.

Thence South 86°-19'-55" East 705.65 feet, along the southerly line of said Millennium Properties & Investment Inc. to a point of tangency in the south line of Danby Drive (50 feet wide);

Thence South 3°-44'-05" East 25.00 feet, along a line parallel with the easterly line of said Woodland Avenue to a point;

Thence North 86°-19'-55" West 705.65 feet, along the northerly line of land conveyed to Miracit Development Corporation by deed recorded as Instrument No. 200804070052847 in Franklin County Deed Records to a point on the easterly line of said Woodland Avenue;

Thence North 3°-44' -05"East 25.00 feet, along said easterly line to the Principle Place of Beginning and containing 0.405 acres of land as surveyed by Bemba K. Jones, Ohio Registered Surveyor #7343, for XYZ Survey Service, LTD.

Bearing are based on Ohio North Plan Coordinates derived from Ohio VRS Network, NAD 83 (cors96).

**Section 2.** That the above referenced real property shall be considered excess road right-of-way and the public right 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 \$6,527.00 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.