



Legislation Details (With Text)

File #: 0464-2008 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 3/5/2008 **In control:** Public Service & Transportation Committee
On agenda: 3/31/2008 **Final action:** 4/2/2008

Title: To authorize the Director of the Public Service Department to execute those documents required to sell a 20 foot by 60 foot portion of right-of-way off the north side of Frankfort Street from the alley east of Ebner Street to a point 60 feet west of the alley to George K. and Margaret S. Gesouras for \$6,224.40 and to waive the competitive bidding provisions of Columbus City Codes.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 0464-2008 Frankfort Street.pdf

Date	Ver.	Action By	Action	Result
4/2/2008	1	CITY CLERK	Attest	
4/1/2008	1	MAYOR	Signed	
3/31/2008	1	Columbus City Council	Approved	Pass
3/31/2008	1	COUNCIL PRESIDENT	Signed	
3/17/2008	1	Columbus City Council	Read for the First Time	
3/6/2008	1	SERVICE DIRECTOR	Reviewed and Approved	
3/6/2008	1	CITY ATTORNEY	Reviewed and Approved	
3/6/2008	1	SERVICE DIRECTOR	Sent to Clerk's Office for Council	
3/5/2008	1	Service Drafter	Sent for Approval	
3/5/2008	1	Service Reviewer	Reviewed and Approved	

In late 2002 the City of Columbus, Public Service Department, Transportation Division ("the City") received a request to sell a 20 foot by 60 foot portion of right-of-way off the north side of Frankfort Street from the alley east of Ebner Street to a point 60 feet west of the alley. There is an existing multi-family house located at 360 to 364 Frankfort Street that was originally constructed (sometime in the late 1800's to early 1900's) partially within this portion of City owned right-of-way. The purpose of the initial request to the City was to allow the owner to resolve this encroachment issue and to clear the cloud on the title to this property as a condition of the sale of this property. Shortly after the City received the initial request to sell this excess right-of-way, the property at 360-364 Frankfort Street was sold to George K. and Margaret S. Gesouras. At the time of closing, funds to pay for this right-of-way were deposited in an escrow account however the matter was left unresolved by the City, the title company and the new property owners.

Per existing Transportation Division practice at the time the initial request was received comments were solicited from interested parties, including City departments and private utilities before it was determined that there would be no adverse impact on the City upon the sale of this right-of-way. Recently the title company and an attorney representing the current owners contacted the City to request this issue be resolved as soon as possible. In December 2007 the City Attorney's office, Real Estate Division established a value of \$6,224.40 for this excess right-of-way. The Land Review Commission then voted to recommend that this right-of-way be sold to George K. and Margaret S. Gesouras for the \$6,224.40 value established by the Real Estate Division.

To authorize the Director of the Public Service Department to execute those documents required to sell a 20 foot by 60 foot portion of

right-of-way off the north side of Frankfort Street from the alley east of Ebner Street to a point 60 feet west of the alley to George K. and Margaret S. Gesouras for \$6,224.40 and to waive the competitive bidding provisions of Columbus City Codes.

WHEREAS, in late 2002 the City of Columbus, Public Service Department, Transportation Division ("the City") received a request to sell a 20 foot by 60 foot portion of right-of-way off the north side of Frankfort Street from the alley east of Ebner Street to a point 60 feet west of the alley; and

WHEREAS, there is an existing multi-family house located at 360 to 364 Frankfort Street that was originally constructed partially within this portion of City owned right-of-way; and

WHEREAS, the purpose of the initial request to the City was to allow the owner to resolve this encroachment issue and to clear the cloud on the title to this property as a condition of the sale of this property; and

WHEREAS, shortly after the City received the initial request to sell this excess right-of-way the property at 360-364 Frankfort Street was sold to George K. and Margaret S. Gesouras; and

WHEREAS, at the time of closing funds to pay for this right-of-way were deposited in an escrow account however, the matter was left unresolved by the City, the title company and the new property owners; and

WHEREAS, per existing Transportation Division practice at the time the initial request was received comments were solicited from interested parties, including City departments and private utilities before it was determined that there would be no adverse impact on the City upon the sale of this right-of-way; and

WHEREAS, recently the title company and an attorney representing the current owners contacted the City to request this issue be resolved as soon as possible; and

WHEREAS, in December 2007 the City Attorney's office, Real Estate Division established a value of \$6,224.40 for this excess right-of-way; and

WHEREAS, the Land Review Commission then voted to recommend that this right-of-way be sold to George K. and Margaret S. Gesouras for the \$6,224,40 value established by the Real Estate Division; now, therefore

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

Section 1. That the Director of the Public Service Department 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 George K. Gesouras and Margaret S. Gesouras; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus in Half Section 27, Township 5, Range 22, Refugee Lands being part of an alley behind Lot 9 and Lot 10 (Originally platted as Lot 11) of Miller, Kraner and Knell's Subdivision, as same are delineated on the recorded plat thereof, of record in Plat Book 4, Page 442, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a 1" iron pipe found at the southwest corner of said Lot 10, southeast corner of Lot 11 of said subdivision (originally platted as Lot 12), in the north line of said alley and the northeast corner of the 607 square foot tract conveyed to Jeff J.T. Palatini (Instrument Number 200408020178419, said Recorder's Office);

Thence, along the north line of said alley, and the south line of said Lots 10 and 9, **South 89°54'16" East, 60.28 feet** to a found 1" iron pipe (P.S. 6579) at the intersection of the north line of said alley with the west line of a ten foot wide alley, being the southeast corner of said Lot 9;

Thence, **South 00°05'44" West, 20.00 feet** to a MAG nail set in the north line of East Frankfort Street (20 feet wide) originally platted as Section Alley (Plat Book 3, Page 418, said Recorder's Office);

Thence, along said line, **North 89°54'16" West, 55.82 feet** to a 1" iron pipe set at the southeast corner of said 607 square foot tract;

Thence, along the east line of said tract, **North 12°28'37" West, 20.49 feet** to the place of beginning **CONTAINING 0.027 ACRES** (1,161 square feet).

The forgoing description was prepared from an actual field survey made by Myers surveying Company, Inc. in February 2008. Iron pipe set are 30" X 1" (O.D.) with an orange plastic plug inscribed "P.S. 6579". Bearings are based on the south line of Forest Street held as **East**.

MYERS SURVEYING COMPANY, INC.

Matthew D. Farley, P.S. #7566

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 this Council has determined it is in the best interest of the City of Columbus to allow this right-of-way to be sold without requiring competitive bidding and hereby waives the competitive bidding provision of Columbus City Codes (1959) Revised, Section 329.29 with regards to the sale of this right-of-way.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.