



## Legislation Details (With Text)

**File #:** 0303-2016      **Version:** 1

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

**File created:** 1/27/2016      **In control:** Public Service & Transportation Committee

**On agenda:** 2/22/2016      **Final action:** 2/26/2016

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.021 acre parcel of the Fisher Alley right-of-way to Brick & Mortar Property, LLC., which is adjacent to property owned by Brick & Mortar Property, LLC. located at Wall and Gay Streets.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/26/2016	1	CITY CLERK	Attest	
2/25/2016	1	ACTING MAYOR	Signed	
2/22/2016	1	COUNCIL PRESIDENT (approver)	Signed	
2/22/2016	1	Columbus City Council	Approved	Pass
2/8/2016	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Brick & Mortar Property, LLC. asking that the City sell a 0.021 acre parcel of the Fisher Alley right-of-way, which is adjacent to property owned by Brick & Mortar Property, LLC. Transfer of this right-of-way will facilitate the installation of enhancements and amenities on property currently owned by Brick & Mortar Property, LLC., adjacent to the above noted right-of-way, located at Wall and Gay Streets. 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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-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 these rights-of-way. A value of \$1,829.50 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to Brick & Mortar Property, LLC. for \$1,829.50.

### 2. FISCAL IMPACT:

The City will receive a total of \$1,829.50 that will 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 required to transfer a 0.021 acre parcel of the Fisher Alley right-of-way to Brick & Mortar Property, LLC., which is adjacent to property owned by Brick & Mortar Property, LLC. located at Wall and Gay Streets.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Brick & Mortar Property, LLC. asking that the City transfer a 0.021 acre parcel of the Fisher Alley right-of-way, adjacent to property owned by Brick & Mortar Property, LLC., to them; and

**WHEREAS**, acquisition of the right-of-way will facilitate the installation of enhancements and amenities on property currently owned by Brick & Mortar Property, LLC. adjacent to the above noted right-of-way; 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 these rights-of-way, the City will not be adversely affected by the transfer of this right-of-way to Brick & Mortar Property, LLC.; 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 the right-of-way; and

**WHEREAS**, a value of \$1,829.50 was established for the right-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to Brick & Mortar Property, LLC. for the amount of \$1,829.50; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director to execute those documents required to transfer said right-of-way; 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 Brick & Mortar Property, LLC.; to-wit:

**DESCRIPTION OF 0.021 ACRES  
TRACT 2  
LYING NORTH OF GAY STREET  
AND WEST OF HIGH STREET**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Inlot 281 of the Town plat of the City of Columbus as shown and delineated in Flat Book F, Page 332 (Destroyed in fire) re-platted in Flat Book 14, Page 27, and being part of Fisher Alley (12.5 feet wide) as shown and delineated on the plat of Dennison and Neil's Subdivision of inlots 280 and 281, of record in Plat Book 1, Page 190, Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning for Reference, at a MAG nail set, at the southeast corner of said Lot 280 and the northwest intersection of Gay Street (82.5 feet wide) and High Street (100 feet wide), also being the southeast corner of a 0.411 acre tract conveyed to 85 North High Street, LLC, by deed of record in Instrument Number 201409220124955;

Thence South 81° 32'33" West, a distance of 135.50 feet along the line common to said 0.411 acre tract and said Gay Street, to a MAG nail set at the southwesterly corner of said 0.411 acre tract, the northeasterly intersection of said Gay Street and said Fisher Alley;

Thence North 08°06'56" West, a distance of 73.27 feet, along the line common to said 0.411 acre tract and said Fisher Alley, to a MAG nail set and being the **Point of True Beginning**;

Thence South 81°53'04" West, a distance of 12.50 feet, across said Fisher Alley, to a MAO nail set on the line

common to said Fisher Alley and a tract of land conveyed to 22 West Gay Street Condominium, by deed of record in Official Record 8627B 17, Brick & Mortar Property LLC, by deed of record in Instrument Number 200502080024263, Affidavit in aid of title Marjorie E. Rankin, etal, by deed of record in Instrument Number 200502080024251;

Thence with the following two (2) courses and distances, along the lines common to said Brick & Mortar Property LLC tract and said Fisher Alley:

1. North 08°06'56" West, a distance of 22.10 feet, to a MAO nail set;
2. South 81°32'33" West, a distance of 40.16 feet, to a MAG nail set, at the northwest corner of said Brick & Mortar Property LLC tract and the southeast intersection of said Fisher Alley and Wall Street (33 feet wide);

Thence North 08°09'33" West, a distance of 12.50 feet, along the easterly line of said Wall Street, to a MAO nail set, at the southwesterly corner of said 0.411 acre tract and the northeast intersection of said Wall Street and said Fisher Alley;

Thence with the following two (2) courses and distances, along the lines common to said 0.411 acre tract and said Fisher Alley:

1. North 81° 32' 33" East, a distance of 52.67 feet, to a MAO nail set;
2. South 08°06'56" East, a distance of 34.67 feet, to the Point of True Beginning, containing 0.021 acres more or less and being subject to all easement, restrictions and rights-of-way of record.

The bearing on the above description are based on the bearing of South 81 ° 32' 33" West for the northerly right-of-way line of Gay Street, based on the Ohio State Plane Coordinate System, South Zone, NAD 83 Datum (2011), taken from GPS observation.

The above description is based on an actual field survey performed in October of 2015.

**Section 2.** That the above referenced real property shall be considered excess road rights-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 rights-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said rights-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 \$1,829.50 to be received by the City as consideration for the sale of these rights-of-way shall be deposited in Fund 7748, Project P537650.

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