



## Legislation Details (With Text)

**File #:** 1658-2021      **Version:** 1

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

**File created:** 6/16/2021      **In control:** Public Service & Transportation Committee

**On agenda:** 7/12/2021      **Final action:** 7/15/2021

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of 0.680 acre portion of the above mentioned right-of-way to City of Columbus, Department of Public Utilities.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. LinviewROWSurvey

Date	Ver.	Action By	Action	Result
7/15/2021	1	CITY CLERK	Attest	
7/13/2021	1	MAYOR	Signed	
7/12/2021	1	COUNCIL PRESIDENT	Signed	
7/12/2021	1	Columbus City Council	Approved	Pass
6/28/2021	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, has requested the transfer of an approximate 0.680 acre portion of the right-of-way identified as Linview Ave - Right-of-way. The area is an un-named portion that runs north / south directionally and is at the terminus of Linview Ave and runs south for 500'+/-; the portion is in an area bounded by Berrell Ave at the east; Denune Ave at the south; Fern Ave at the west; and abuts the terminus of Linview Ave. This portion of right-of-way is adjacent to parcels already owned by the City of Columbus. Parcels 010-069405 through 010-069414 abutting on the east of the portion and Parcels 010-069393 through 010-069399 and PID 010-069663 abutting on the west of the requested portion.

The City of Columbus, Department of Public Utilities is engaged in the construction of a bio retention basin for storm water treatment, and is initiating this request since the other surrounding properties have previously been acquired by City of Columbus, Department of Public Utilities for this purpose. 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, 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 \$30,450.00 was established. Nick Domenick, Project Manager for City of Columbus, Department of Public Utilities requested mitigation. This request went before the Land Review Commission on February 18, 2021. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to City of Columbus, Department of Public Utilities at no cost 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 Director of the Department of Public Service to execute those documents necessary for the transfer of 0.680 acre portion of the above mentioned right-of-way to City of Columbus, Department of Public Utilities.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Nick Domenick, Project Manager for City of Columbus, Department of Public Utilities asking that the City of Columbus, Department of Public Service transfer to the City of Columbus, Department of Public Utilities an approximate 0.680 acre portion of the right-of-way identified as Linview Ave - Right-of-way area that is an un-named portion that runs north / south directionally. It is at the terminus of Linview Ave and runs south for 500'+/-; the portion is in an area bounded by Berrell Ave at the east; Denune Ave at the south; Fern Ave at the west; and abuts the terminus of Linview Ave. This portion of right-of-way is adjacent to parcels already owned by the City of Columbus. Parcels 010-069405 through 010-069414 abutting on the east of the portion and Parcels 010-069393 through 010-069399 and PID 010-069663 abutting on the west of the requested portion; and

**WHEREAS**, the purpose of the transfer is for inclusion of the portion of right-of-way in the bio retention basin for storm water treatment; 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, 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 \$30,450.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on February 18, 2021; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to City of Columbus, Department of Public Utilities at no cost to them; 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 below and attached exhibit of right-of-way to City of Columbus, Department of Public Utilities; to-wit:

**0.680 ACRE PROPERTY DESCRIPTION**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township1, Township 1, Range 18, United States Military Lands and being on, over and across the right of way of Linview Avenue. All references to records herein are those located in the Recorder's Office of Franklin County, Ohio and being more particularly described as follows:

BEGINNING at the southeast corner of Lot 17 as numbered and delineated on the plat entitled "R. H. Barricks Addition to East Linden", a subdivision of record in Plat Book 7 Page 490 and described in a deed to the City of Columbus by deed of record in Instrument No. 202103020037712 same being the intersection of the existing westerly right of way line of

Linview Avenue (60' width) with the existing northerly right of way line of an Alley (14' width);

Thence N 03 degrees 28 minutes 44 seconds E a distance of 493.77 feet with the existing westerly right of way line of Linview Avenue, same being the east line of Lots 17, 16, 15, 14, 13, 12, 11, 10, 9 and across the right of way of an Alley (15' width) and with a portion of the east line of Lot 8 of said plat and described in a deed to Rickie D. Rutherford and Laurie L. Rutherford by deed of record in Instrument No. 200403170058271 to a point in said lot line;

Thence S 86 degrees 28 minutes 56 seconds E a distance of 60.00 feet across Linview Avenue to the northwest corner of Lot 25 of said plat and described in a deed to the City of Columbus by deed of record in Instrument No. 201206200087595 said point being also in the existing easterly right of way line of Linview Avenue, same being also the southwest corner of Lot 24 of said plat and described in a deed to Barbara A. Peck and Richard A. Boham Jr. by deed of record in Instrument No. 199610180213394;

Thence S 03 degrees 28 minutes 44 seconds W a distance of 493.68 feet with the existing easterly right of way line of Linview Avenue, same being the west line of Lots 25 through Lot 34 of said plat to a point in the southwest corner of said Lot 34, same being the intersection of the existing easterly right of way line of Linview Avenue (60' width) with the existing northerly right of way line of an Alley (14' width);

Thence N 86 degrees 34 minutes 34 seconds W a distance of 60.00 feet across Linview Avenue to the southeast corner of Lot 17 and the TRUE POINT OF BEGINNING, containing a total of 0.680 acres more or less.

This description was prepared by Mark S. Ward, professional Surveyor No. S-7514, and was based on available public records and actual field survey of the premises performed by Resource International, Inc. in July, 2019. Bearings used in this description are based on Ohio State Plane Coordinates System, South Zone, NAD 83 (2011) and were established utilizing ODOT's VRS system, GPS Equipment and Procedures and an established bearing of N 03°28'44" E on the centerline of Linview Avenue. **Mark S. Ward, P.S. Professional Surveyor No. S-7514**

**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 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 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.