



## Legislation Details (With Text)

**File #:** 1903-2023      **Version:** 1

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

**File created:** 6/20/2023      **In control:** Criminal Justice & Judiciary Committee

**On agenda:** 7/17/2023      **Final action:** 7/21/2023

**Title:** To settle the quiet title action filed in Franklin County Court of Common Pleas Case Number 22CV004814 and extinguish any rights the City may have in a 0.124 acre portion of right-of-way in exchange for the granting of utility easements to the City. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. East Alley Survey \_ Legal Description

Date	Ver.	Action By	Action	Result
7/21/2023	1	CITY CLERK	Attest	
7/20/2023	1	ACTING MAYOR	Signed	
7/17/2023	1	COUNCIL PRESIDENT	Signed	
7/17/2023	1	Columbus City Council	Approved	Pass
7/10/2023	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** The City is named as a party in a quiet title action in Franklin County Common Pleas Court case number 22CV004814. The case, filed by CGV Properties LLC, (Plaintiff) involves a dispute of ownership of an east west ally and a north south ally located on the east side of North 6<sup>th</sup> Street at the intersection with Detroit Avenue, Columbus Ohio, 43210. The Department of Public Service (DPS) has reviewed the claim and determined that no matter who is the lawful owner of the right-of-way, it is no longer needed by the City for right-of-way purposes. However, there are currently city utilities within these alleys as well as within two private alleys located on the West side of North 6<sup>th</sup> Avenue and over which the City has no recorded easement rights. This ordinance authorizes the Director of DPS to enter into Settlement Entry in case number 22CV004814 whereby the City will extinguish any rights it may have to the two alleys on the east side of North 6<sup>th</sup> Avenue, in exchange for the Plaintiff granting the City general utility easements over the two alleys on the east side of North 6<sup>th</sup> Avenue as well as the two additional alleys on the west side of North 6<sup>th</sup> Avenue. The City will not be adversely affected by releasing any rights to this right-of-way and will gain needed utility easements.

**CONTRACT COMPLIANCE:** Not applicable.

**FISCAL IMPACT:** There is no cost to the City to enter in to this Settlement Entry.

**EMERGENCY JUSTIFICATION:** Not applicable.

To settle the quiet title action filed in Franklin County Court of Common Pleas Case Number 22CV004814 and extinguish any rights the City may have in a 0.124 acre portion of right-of-way in exchange for the granting of utility easements to the City. (\$0.00)

**WHEREAS**, the City is named as a party in a quiet title action in Franklin County Common Pleas Court Case Number 22CV004814. The case, filed by CGV Properties LLC, (Plaintiff) involves a dispute of ownership of an east west ally and a north south ally located on the east side of North 6<sup>th</sup> Street at the intersection with Detroit Avenue, Columbus Ohio, 43210, as identified on the attached 0.124 Acre Boundary Survey dated October 27, 2021; and

**WHEREAS**, the Department of Public Service (DPS) has reviewed the claim and determined that no matter who is the lawful owner of the right-of-way, it is no longer needed by the City for right-of-way purposes; and

**WHEREAS**, there are currently City utilities within these alleys as well as within two private alleys located on the West side of North 6<sup>th</sup> Avenue over which the City has no recorded easement rights; and

**WHEREAS**, in exchange for granting utility easements to the City, the City will sign an agreement in Franklin County Common Pleas Court Case Number 22CV004814 whereby the City will extinguish any rights it may have to the two alleys on the east side of North 6<sup>th</sup> Avenue that are the subject of the quiet title action: and **now, therefore:**

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

**Section 1.** That the City Attorney's Office, on behalf of the Department of Public Service (DPS) be, and here is, authorized to enter into a Settlement Entry or agreement, including granting a quitclaim deed if necessary, in Franklin County Common Pleas Court Case Number 22CV004814 whereby the City will extinguish any rights it may have to the two alleys on the east side of North 6<sup>th</sup> Avenue in exchange for CGV Properties LLC (Plaintiff) granting the City general utility easements over the two alleys on the east side of North 6<sup>th</sup> Avenue as well as the two additional alleys on the west side of North 6<sup>th</sup> Avenue, as identified in the attached 0.124 Acre Boundary Survey dated October 27, 2021.

**SECTION 2.** That any interest in the attached referenced real property that the City may have shall be considered excess road right-of-way and the public rights therein shall terminate upon the Director of DPS's execution and recording of an Entry and/or quitclaim deed.

**SECTION 3.** That the Director of DPS be, and hereby is, authorized to execute all documents and instruments necessary to effectuate the transfers and extinguishments associated with this Ordinance.

**SECTION 4.** That the Columbus City Attorney, Real Estate Division, is required to approve all instruments associated with this Ordinance.

**SECTION 5.** That a general utility easement in, on, over, across and through this excess right-of-way shall be, and hereby is, retained for those utilities currently located within said excess right-of-way.

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