



## Legislation Details (With Text)

**File #:** 0787-2022      **Version:** 1

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

**File created:** 3/9/2022      **In control:** Public Service & Transportation Committee

**On agenda:** 4/4/2022      **Final action:** 4/6/2022

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of 0.373 acre portion of the Hughes Street area right-of-way to The Ohio State University. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 0787-2022 Exhibits A & B.pdf

Date	Ver.	Action By	Action	Result
4/6/2022	1	CITY CLERK	Attest	
4/5/2022	1	MAYOR	Signed	
4/4/2022	1	COUNCIL PRESIDENT	Signed	
4/4/2022	1	Columbus City Council	Approved	Pass
3/28/2022	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Cindy Kennedy, Assistant Director of Real Estate - Operations, requester and agent for The Ohio State University, to sell an approximate 0.373 acre portion of the Hughes Street area right-of-way. This portion of right-of-way is described as a 0.373 acre portion with Phale D. Hale Drive abutting at the north, Hawthorne Avenue abutting at the south, PID 010-067001 abutting at the east, and PID 010-297715 abutting at the west. The Ohio State University is already the current owner of the abutting parcels at the east and west.

The sale of this right-of-way will bring together the two separate parcels to the east and west of this portion of the right-of-way that is already owned by The Ohio State University. This will allow a more fluid use of the mentioned parcels now and for future development.

The Department of Public Service has agreed to sell the right-of-way as described and shown within attached legal description and exhibit, (EXHIBIT A and EXHIBIT B) 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 \$20,309.85 was established. This request went before the Land Review Commission on January 21, 2021. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to The Ohio State University, at the cost of \$20,309.85.

### 2. FISCAL IMPACT:

The City will receive a total of \$20,309.85 and the funds are to 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 necessary for the transfer of 0.373 acre portion of the Hughes Street area right-of-way to The Ohio State University. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Cindy Kennedy, Assistant Director of Real Estate - Operations, requester and agent for The Ohio State University, to sell an approximate 0.373 acre portion of the Hughes Street area of right-of-way. This portion of right-of-way is described as a 0.373 acre portion with Phale D Hale Drive abutting at the north, Hawthorne Ave abutting at the south, PID 010-067001 abutting at the east, and PID 010-297715 abutting at the west. The Ohio State University is already the current owner of the abutting parcels at the east and west; and

**WHEREAS**, sale of this right-of-way will bring together the two separate parcels to the east and west of this portion of the right-of-way that is already owned by The Ohio State University. This will allow a more fluid use of the mentioned parcels now and for future development; and

**WHEREAS**, the Department of Public Service has agreed to sell the right-of-way as described and shown within attached legal description and exhibit, (EXHIBIT A and EXHIBIT B) 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 \$20,309.85 was established; and

**WHEREAS**, this request went before the Land Review Commission on January 21, 2021; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to The Ohio State University at the cost of \$20,309.85; 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 attached legal description and exhibit of right-of-way to The Ohio State University to-wit:

DESCRIPTION OF 0.373 ACRE  
HUGHES STREET PUBLIC RIGHT-OF-WAY  
BETWEEN HAWTHORNE AVENUE AND PHALE D. HALE DRIVE  
COLUMBUS, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, being all the right-of-way of Hughes Street, 35 feet in width, between the north right-of-way line of Hawthorne Avenue, 50 feet in width, and the south right-of-way line of Phale D. Hale Drive, 50 feet in width, and as originally established by the plats of Samuel Hughes Subdivision, of record in Plat Book 3, Page 272 and Theodore Leonard Jr. School Board Subdivision, of record in Plat Book 4, Page 405,

all references herein being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a 1-inch iron pin found capped "H&G Engr. & Surveying" at the intersection of the easterly right-of-way line of Hughes Street with the southerly right-of-way line of Phale D. Hale Drive (formerly Clifton Avenue, Plat Book 1, Page 259), being also the northwesterly corner of Lot 1 of the Theodore Leonard Subdivision and the northwesterly corner of that 9.726-acre tract as described in a deed to The Ohio State University, of record in Instrument Number 199904090088853;

Thence South 3°54'48" West, along said easterly right-of-way line and the westerly line of said 9.726-acre tract, a distance of 464.69 feet to a Mag Nail set at the intersection of the northerly right-of-way line of Hawthorne Avenue, being also the southwest corner of Lot 1 of the Samuel Hughes Subdivision;

Thence North 86°26'41" West, crossing Hughes Street, a distance of 35.00 feet to a Mag Nail set at the southeasterly corner of Lot 3 of Samuel Sharps Subdivision, of record in Plat Book 2, Page 136 and at the southeasterly corner of that 2.753-acre tract as described in a deed to The State of Ohio for the benefit of The Ohio State University, of record in Instrument Number 201709010121817;

Thence North 3°54'48" East, along the westerly right-of-way line of Hughes Street and the easterly line of said 2.753-acre tract, a distance of 464.64 feet to a Mag Nail set at the intersection of the southerly right-of-way line of Phale D. Hale Drive and at the northeasterly corner of Lot 6 of David Jones Subdivision, of record in Plat Book 2, Page 119;

Thence South 86°31'14" East, again crossing Hughes Street, a distance of 35.00 feet to the place of beginning and containing 0.373 acre of land.

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, and NAD 1983 (2011) and establishes a bearing of South 3°54'48" West for Hughes Street.

This description was prepared by IBI Group Survey, Columbus, Ohio, and is based on a field survey of the premises performed in March 2021.

Robert S. Wynd  
Registered Surveyor No. 6872

**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 quit claim deed to the grantee thereof.

**SECTION 3.** That the City will receive a total of \$20,309.85 to be deposited in Fund 7748, Project P537650, for the transfer of the requested right-of-way.

**SECTION 4.** 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 5.** 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 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.