



## Legislation Details (With Text)

**File #:** 1518-2011      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/13/2011      **In control:** Public Service & Transportation Committee  
**On agenda:** 9/26/2011      **Final action:** 9/27/2011

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 3.33 foot wide by 140 foot long portion of the East Main Street right-of-way between Ohio Avenue and Twenty-Second Street, and a 7 foot wide by 56 foot long portion of the Ohio Avenue right-of-way between East Main Street and McAlister Avenue to Columbus Compact Corporation; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
9/27/2011	1	MAYOR	Signed	
9/27/2011	1	CITY CLERK	Attest	
9/26/2011	1	COUNCIL PRESIDENT	Signed	
9/26/2011	1	Columbus City Council	Approved	Pass
9/13/2011	1	Service Drafter	Sent for Approval	

### 1. Background:

The City of Columbus, Department of Public Service, received a request from Columbus Compact Corporation asking that the City sell a portion of the right-of-way identified as a 3.33 foot wide by 140 foot long portion of the East Main Street right-of-way between Ohio Avenue and Twenty-Second Street, and a 7 foot wide by 56 foot long portion of the Ohio Avenue right-of-way between East Main Street and McAlister Avenue. Transfer of these rights-of-way will allow for the resolution of a number of encroachment issues as well as facilitating enhanced security measures for prospective property owners. 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 and for any future utilities which may be needed to be installed 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 \$540.00 was established for these rights-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to Columbus Compact Corporation for \$540.00.

### 2. FISCAL IMPACT:

The City will receive a total of \$540.00 that will be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested rights-of-way.

### 3. EMERGENCY JUSTIFICATION:

Emergency action is requested to allow this transfer to occur as soon as possible, thereby allowing Columbus Compact Corporation to complete their transfer and allow Columbus Compact Corporation to proceed with construction plans

without further delay in order to avoid incurring additional costs that would place a strain on the project budget.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 3.33 foot wide by 140 foot long portion of the East Main Street right-of-way between Ohio Avenue and Twenty-Second Street, and a 7 foot wide by 56 foot long portion of the Ohio Avenue right-of-way between East Main Street and McAlister Avenue to Columbus Compact Corporation; and to declare an emergency.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Columbus Compact Corporation, asking that the City transfer a 3.33 foot wide by 140 foot long portion of the East Main Street right-of-way between Ohio Avenue and Twenty-Second Street, and a 7 foot wide by 56 foot long portion of the Ohio Avenue right-of-way between East Main Street and McAlister Avenue, to them; and

**WHEREAS**, acquisition of these rights-of-way will allow Columbus Compact Corporation to redevelop property that is currently owned by Columbus Compact Corporation; 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, and for any future utilities which may be needed to be installed within these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way to Columbus Compact Corporation; 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 these rights-of-way; and

**WHEREAS**, a value of \$540.00 was established for these rights-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to Columbus Compact Corporation for the amount of \$540.00; and now therefore

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to execute those documents which will provide for the immediate transfer of a 3.33 foot wide by 140 foot long portion of the East Main Street right-of-way between Ohio Avenue and Twenty-Second Street, and a 7 foot wide by 56 foot long portion of the Ohio Avenue right-of-way between East Main Street and McAlister Avenue to Columbus Compact Corporation, thereby allowing proposed construction to proceed without delay and preserving the public health, peace, property, safety and welfare 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 rights-of-way to Columbus Compact Corporation; to-wit:

**0.008 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a portion of right-of-way of East Main Street (80 feet wide) north of and adjacent to Lots 4, 5 and 6 of Krumm, Sergeant and Krumm's Subdivision, as same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 366, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a set iron pipe that bears South 88° 12' 30" West, 3.10 feet from a 1" iron pipe found at the northwest

corner of said Lot 4, being the intersection of the south right-of-way line of East Main Street with the east right-of-way line of South 22<sup>nd</sup> Street (50 feet wide);

Thence, across said East Main Street right-of-way, North 00° 25' 00" West 3.34 feet to set iron pipe;

Thence, continuing across said right-of-way, North 88° 17' 25" East, 104.00 feet to a set iron pipe;

Thence, continuing across said right-of-way, South 01 ° 47' 30" East, 3.19 feet to a set iron pipe in the south line of East Main Street and the north line of said Lot 4;

Thence, along the south line of East Main Street, part of the north line of said Lot 4 and the north line of said Lots 5 and 6, South 88° 12' 30" West, 104.08 feet to the place of beginning **CONTAINING 0.008 ACRES** (340 square feet);

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in July, 2011. Iron pipes set are 30" x 1" (O.D.) with an orange plastic cap inscribed "P.S. 6579". Bearings are based on the centerline of South Ohio Avenue assumed SOUTH.

### **0.009 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a portion of right-of-way of South Ohio Avenue (50 feet wide) east of and adjacent to Lot 1 of Krumm, Sergeant and Krumm's Subdivision, as same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 366, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a 1" iron pipe found at the southeast corner of said Lot 1, being the intersection of the west right-of-way line of South Ohio Avenue with the north right-of-way line of Adam Alley (12.5 feet wide);

Thence, along said South Ohio Avenue right-of-way, NORTH, 56.84 feet to set iron pipe;

Thence, across said right-of-way, EAST, 6.83 feet to a set iron pipe;

Thence, continuing across said right-of-way, South 00° 08' 35" East, 56.00 feet to a set MAG nail in a concrete curb;

Thence, continuing across said right-of-way, South 82° 52' 27" West, 6.75 feet to the place of beginning **CONTAINING 0.009 ACRES** (382 square feet);

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in July, 2011. Iron pipes set are 30" x 1" (O.D.) with an orange plastic cap inscribed "P.S. 6579". Bearings are based on the centerline of South Ohio Avenue assumed SOUTH.

**Section 2.** That the above referenced real properties 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 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 currently located within said rights-of-way and for any future utilities which may be needed to be installed 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 areas the Director of the Department of Public Service is hereby authorized to execute those documents necessary to release the retained general utility easements with no additional compensation due to the City and with no further legislative action required by the City.

**Section 5.** That the \$540.00 to be received by the City as consideration for the sale of these rights-of-way shall be deposited in Fund 748, Project 537650.

**Section 6.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.