



## Legislation Details (With Text)

**File #:** 2350-2019      **Version:** 1

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

**File created:** 9/5/2019      **In control:** Public Service & Transportation Committee

**On agenda:** 10/7/2019      **Final action:** 10/10/2019

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of 0.146 acre portion of the above mentioned right-of-way to NAMS, LLC.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2018-008 description\_20190611124734, 2. 2018-008 survey\_20190611124655

Date	Ver.	Action By	Action	Result
10/10/2019	1	CITY CLERK	Attest	
10/9/2019	1	MAYOR	Signed	
10/7/2019	1	COUNCIL PRESIDENT	Signed	
10/7/2019	1	Columbus City Council	Approved	Pass
9/23/2019	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from David Perry, agent for NAMS, LLC, asking that the City sell them an approximate 0.146 acre portion of the unnamed east/west right-of-way between Duncan and Hudson Streets, west of Neil Avenue.

Sale of this right-of-way will provide enhanced parking facilities for a planned development on property owned by NAMS, LLC. The Department of Public Service has agreed to sell 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 \$25,360.00 was established. This request went before the Land Review Commission on August 15, 2019. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to NAMS, LLC at the cost of \$25,360.00.

### 2. FISCAL IMPACT

The City will not expend funds for this transaction. The City will receive a total of \$25,360.00 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 0.146 acre portion of the unnamed east/west right-of-way between Duncan and Hudson Streets, west of Neil Avenue, to NAMS, LLC. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from David Perry, agent for NAMS, LLC, asking that the City sell them an approximate 0.146 acre portion of the unnamed east/west right-of-way

between Duncan and Hudson Streets west of Neil Avenue; and

**WHEREAS**, the purpose of the transfer will provide enhanced parking facilities for a planned development on property owned by NAMS, LLC; and

**WHEREAS**, the Department of Public Service has agreed to sell the right-of-way as described and shown within the 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 \$25,360.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on August 15, 2019; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to NAMS, LLC at the cost of \$25,360.00; **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 NAMS, LLC.; to-wit:

**0.146 ACRE PROPERTY DESCRIPTION**

Situated in the City of Columbus, Franklin County, Ohio and being part of a 20' wide alley as dedicated with The Solomon and George W. Beers' North Addition, as recorded in Plat Book volume 1, page 54 (all references to recorded documents refer to the records of the Franklin County Recorder's Office located in Columbus, Ohio) and being more particularly described as follows:

Beginning at a set 5/8" Iron Pin with a yellow CESO cap on the northeasterly corner of a parcel conveyed to NAMS LLC, as recorded in Instrument Number 201801170007054, also being the northeast corner of Lot 22 of the aforementioned Solomon and George W. Beers' North Addition, and at the intersection of the southerly right-of-way line of the said 20' wide alley and the westerly right-of-way line of Neil Avenue, as recorded in the said Plat Book volume 1, page 54;

**Thence** along the said southerly right-of-way line and along the northerly line of the said Lot 22, South 78°39'41" West for a distance of 317.00 feet to an iron pin set at the southwesterly corner of the said 20' wide alley, the northwesterly corner of the said Board of Education parcel, also being the northwesterly corner of a vacated 20' wide alley vacated by ordinance 455-40, and on the easterly line of a parcel conveyed to City of Columbus, Ohio, as recorded in Deed Book volume 2886, page 484;

**Thence** along the said westerly right-of-way line of the said 20' wide alley and along the easterly line of the said City of Columbus parcel, North 11°20'19" West for a distance of 20.00 feet to a bent 1" iron pipe found on the northerly right-of-way line of the said 20' wide alley, at the southwesterly corner of a parcel conveyed to Anthony F. Vrsansky, Trustee, as recorded in Official Record volume 24016, page I15, and at the southwesterly corner of a vacated 20' wide alley vacated by ordinance 455-40;

**Thence** along the said northerly right-of-way line and along the southerly line of the said Vrsansky parcel, North 78° 39'41" East for a distance of 317.00 feet to an iron pin set on the said westerly right-of-way line of Neil Avenue and at the southeasterly corner of a parcel conveyed to Paul Eric Stevenson as recorded in Instrument Number 200402110030640, passing a 1" iron pipe found at a corner common to the said Vrsansky parcel and the said Stevenson parcel at 247.00 feet, the said common corner also being the southeasterly corner of Lot 23 of the aforementioned Solomon and George W. Beers' North Addition;

**Thence** crossing the said 20' wide alley, South 11°20'19" East for a distance of 20.00 feet to the Point of Beginning.

Containing 0.146 Total Acres of land and subject to all easements, encumbrances, covenants, restrictions and matters of record affecting the subject parcel.

Bearings are based upon the Ohio State Plane South Coordinate System NAD 83, (NSRS 2011) and further based upon GPS observations performed by CESO INC. in December of 2017 using the ODOT VRS Network, holding a bearing of South 11°20'19" East for the centerline of the adjacent portion of Neil Avenue.

This description and field survey was prepared as the result of an actual field survey, conducted by CESO INC in December of 2017 under the direct supervision of Jeffrey A. Miller, Ohio Professional Surveyor #7211.

All iron pins called as set are 5/8" X 30" rebar with yellow identification cap stamped "CESO". All monumentation called for as found are in good, stable condition unless noted otherwise.

CESO, Inc. Jeffrey A. Miller, PS Ohio Registered Professional Surveyor No. S-7211

**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 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 the City will receive a total of \$25,360.00 and the funds are to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

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