



## Legislation Details (With Text)

**File #:** 1848-2024      **Version:** 1

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

**File created:** 6/18/2024      **In control:** Public Service & Transportation Committee

**On agenda:** 7/15/2024      **Final action:** 7/18/2024

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of 3,659 square foot (0.084 acre) portion of right-of-way known as Zettler Street from Bluestone Brothers Capital LLC.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. 1848-2024 2023-12-01 Zettler Street Vacation

Date	Ver.	Action By	Action	Result
7/18/2024	1	CITY CLERK	Attest	
7/17/2024	1	ACTING MAYOR	Signed	
7/15/2024	1	COUNCIL PRESIDENT	Signed	
7/15/2024	1	Columbus City Council	Approved	Pass
7/1/2024	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** The City of Columbus, Department of Public Service, received a request from Bluestone Brothers Capital LLC asking that the City transfer them a 3,659 square foot (0.084 acre) portion of the right-of-way known as Zettler Street. The right-of-way area runs north/south directionally for 190+/- feet and the width of the requested portion is 20+/- feet from west to east. It is adjacent to the parcel at 175 E. Rich Street (PID 010-015355) and 183-189 E. Rich Street (PID 010-007906).

Transfer of this right-of-way is necessary to facilitate the completion of the proposed development on PID: 010-015355-00, 010-007906-00, and 010-045500-00. The Department of Public Service has agreed to transfer the right-of-way via a quitclaim deed 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 \$109,770.00 was established.

This request went before the Land Review Commission on March 21, 2024. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to from Bluestone Brothers Capital LLC at the cost of \$109,770.00 to them.

**FISCAL IMPACT:** The City will receive a total of \$109,770.00 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 3,659 square foot (0.084 acre) portion of right-of-way known as Zettler Street from Bluestone Brothers Capital LLC.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Bluestone Brothers Capital LLC asking that the City transfer them a 3,659 square foot (0.084 acre) portion of right-of-way known as Zettler Street. The right-of-way area runs north/south directionally for 190+/- feet and the width of the requested portion is 20+/- feet from west to east. It is adjacent to the parcel at 175 E. Rich Street (PID 010-015355) and 183-189 E. Rich Street (PID 010-007906); and

**WHEREAS**, transfer of this right-of-way is necessary to facilitate the completion of the proposed development on PID: 010-015355-00, 010-007906-00, and 010-045500-00; and

**WHEREAS**, the Department of Public Service has agreed to transfer via quitclaim deed 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 \$109,770.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on March 21, 2024; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to from Bluestone Brothers Capital LLC at the cost of \$109,770.00; **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 hereby is, authorized to execute a quitclaim deed and other incidental instruments prepared by the City Attorney's Office, necessary to transfer the right-of-way described below and depicted in the attached exhibit which is incorporated into this ordinance for reference, to from Bluestone Brothers Capital LLC; to-wit:

**DESCRIPTION OF A 0.084 ACRE EASEMENT**

Situated in the State of Ohio, County of Franklin, City of Columbus and being a portion of a 19.5-foot-wide public alley, commonly known as Zettler Street, as dedicated by Crosby and Co. Addition of Inlots No. 731 to No. 862 to the City of Columbus, as numbered and delineated in Deed Book 11, Page 97, destroyed by fire and reconstituted by the Franklin County Court of Common Pleas in Complete Record 35, Page 302 of the Franklin County Recorder's Office, and being more particularly described as follows:

**Beginning** at a mag nail set at the intersection of the existing southerly line of Rich Street (82.5' Wide, dedicated by Deed Book 11, Page 97) and the existing easterly line of Zettler Street (19.5' Wide, dedicated by Deed Book 11, Page 97), said point also being the northwesterly corner of Lot No. 771 of said Crosby and Co. Addition of Inlots No. 731 to No. 862 to

the City of Columbus;

Thence along the existing easterly line of Zettler Street and the westerly line of Lot No. 771, **South 08°06'52" East** for a distance of **187.85 feet** to a mag nail found at the intersection of the existing easterly line of Zettler Street and the existing northerly line of Cherry Street (33' Wide, dedicated by Deed Book 11, Page 97), said point also being the southwesterly corner of Lot No. 771;

Thence across Zettler Street with the existing northerly line of Cherry Street extended, **South 81° 49' 50" West** for a distance of **19.50 feet** to a mag nail set at the intersection of existing westerly line of Zettler Street and the existing northerly line of Cherry Street, said point also being the southeasterly corner of Lot No. 770 of said Crosby and Co. Addition of Inlots No. 731 to No. 862 to the City of Columbus;

Thence along the existing westerly line of Zettler Street and the easterly line of Lot No. 770, **North 08°06'52" West** for a distance of **187.86 feet** to a mag nail set at the intersection of the existing westerly line of Zettler Street and the existing southerly line of Rich Street, said point also being the northeasterly corner of Lot No. 770;

Thence across Zettler Street with the existing southerly line of Rich Street extended, **North 81° 50' 58" East** for a distance of **19.50 feet** to the **Point of Beginning** and containing **0.084 Acres**, more or less, of which all are within dedicated right-of-way and subject to all legal easements, agreements, and rights-of-way of record.

This description was prepared by Daniel L. Quick, Ohio Professional Surveyor Number 7803 from an actual field survey performed by Korda/Nemeth Engineering, Inc. in February 2020.

The bearings in this description are based on the existing southerly line of East Rich Street being N 81° 50' 58" E as referenced to the State Plane Coordinates Ohio South Zone, NAD 83 with 2011 NSRS Adjustment.

Iron pins set, if any are 5/8"x30" rebar topped by a yellow plastic identification cap, stamped "Korda/Nemeth Engineering".

**SECTION 2.** That the attached referenced real property shall be, and hereby is, 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 legal description and attached exhibit describing the right-of-way shall be 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 \$109,770.00, to be deposited in Fund 7748, Project P537650.

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