



## Legislation Details (With Text)

**File #:** 1580-2013      **Version:** 1

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

**File created:** 6/19/2013      **In control:** Public Service & Transportation Committee

**On agenda:** 7/22/2013      **Final action:** 7/25/2013

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.1626 acre portion of the undeveloped right-of-way between Fairwood and Bulen Avenues to Emmanuel Memorial Progressive Neo-Pentecostal Church.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/25/2013	1	ACTING CITY CLERK	Attest	
7/24/2013	1	ACTING MAYOR	Signed	
7/22/2013	1	COUNCIL PRESIDENT	Signed	
7/22/2013	1	Columbus City Council	Approved	Pass
7/15/2013	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Emmanuel Memorial Progressive Neo-Pentecostal Church (hereafter, "the Church") asking that the City sell the right-of-way identified as a 0.1626 acre portion of the undeveloped right-of-way between Fairwood and Bulen Avenues. Transfer of this right-of-way will allow for the expansion of an existing building as well as enhancements to property adjacent to the above noted right-of-way currently owned by the Church located at 2727 Bulen Avenue. 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 Department of Law, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$2,927.00 was established for this right-of-way. The Church submitted a request for mitigation of the established value of the aforementioned right-of-way. After review of the request, the Land Review Commission voted to recommend a fifty (50) per cent mitigation of cost and that the above referenced right-of-way be transferred to the Church for \$1,463.50.

### 2. FISCAL IMPACT:

The City will receive a total of \$1,463.50 that will be deposited in Fund 748, Project 537650, 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 required to transfer a 0.1626 acre portion of the undeveloped right-of-way between Fairwood and Bulen Avenues to Emmanuel Memorial Progressive Neo-Pentecostal Church.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Emmanuel Memorial Progressive Neo-Pentecostal Church, asking that the City transfer the right-of-way identified as a 0.1626 acre portion of the undeveloped right-of-way between Fairwood and Bulen Avenues to the Church; and

**WHEREAS**, acquisition of the right-of-way will allow the Church to expand an existing structure and perform enhancements on property that is adjacent to the above noted right-of-way, located at 2727 Bulen Avenue; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Planning and Operations, by this transfer, 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 applicable area commissions, 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 to the Church; 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 this right-of-way; and

**WHEREAS**, a value of \$2,927.00 was established for this right-of-way; and

**WHEREAS**, Emmanuel Memorial Progressive Neo-Pentecostal Church has submitted a request for mitigation of the established value for this right-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend a fifty (50) percent mitigation of the established value and that the aforementioned right-of-way be transferred to the Church for the amount of \$1,463.50; and 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 right-of-way to the Church; to-wit:

DESCRIPTION OF 0.1626 ACRE  
BEING A PORTION OF DEWBERRY ROAD EAST  
OF AN UNIMPROVED PUBLIC ALLEY (16') WEST OF  
BULEN AVENUE (50') COLUMBUS, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, being a 50 foot wide strip of an unimproved portion of Dewberry Road located west of the westerly right-of-way line of Bulen Avenue (50') and east of the easterly right-of-way line of a 16 foot wide unimproved alley, all being shown and delineated on the plat entitled "Opportunity Farms", a subdivision of record in Plat Book 15, Page 28, all references herein being to the records located at the Recorder's Office, Franklin County, Ohio and being more particularly described as follows;

BEGINNING at a 1" iron pipe found at the southeasterly corner of Lot 112 of said "Opportunity Farms" as described in a deed to Lany J. Silcott, of record in Instrument No. 200106250142797, also being a point at the intersection of the northerly right-of-way line of Dewberry Road (50') with the westerly right-of-way line of Bulen Road (50');

Thence South 3° 44' 13" West, through the right-of-way of said Dewberry Road a distance of 50.00 feet to an iron pin set at the northeasterly corner of Lot 111 of said "Opportunity Farms" as described in a deed to Barbara Ayers, of record in Instrument No. 199803310074687, also being a point at the intersection of the southerly right-of-way line of Dewberry

Road and the westerly right-of-way line of Bulen Avenue;

Thence North 86° 02' 24" West, along the southerly right-of-way line of said Dewberry Road, the northerly line of said Lot III and northerly line of said Ayers tract, a distance of 141.71 feet to an iron pin set at the northwesterly corner of said Lot III, also being a point in the easterly right-of-way line of a 16 foot wide unimproved alley and the northwesterly corner of said Ayers tract;

Thence North 3° 44' 13" East, through the right-of-way of said Dewberry Road, a distance of 50.00 feet to an iron pin set the southwesterly corner of said Lot 112, also being a point at the intersection of the easterly right-of-way line of said 16 foot wide alley and the northerly right-of-way line of said Dewberry Road and being the southwesterly corner of said Silcott tract;

Thence South 86° 02' 24" East, along the southerly line of said Lot 112, the northerly right-of-way line of said Dewberry Road and the southerly line of said Silcott tract, a distance of 141.71 feet to the PLACE OF BEGINNING and containing 0.1626 acre of land (7085 square feet).

Bearings herein are based on a bearing of N 3° 44' 13" E for the westerly line of Bulen Avenue derived from GPS observations in conjunction with the Ohio Department of Transportation VRS network, being the Ohio State Plane Coordinate System, South Zone, NAD 1983.

Iron pins set consist of a 5/8" x 30" rebar with a plastic cap inscribed "Jon B. Adcock, P.S. 8461."

This description was prepared by American Land Surveyors, LLC, by Jon B. Adcock, Ohio P .S. No. 8461 and is based on a field survey performed in May, 2013.

**Section 2.** That the above referenced real property shall be considered excess road right-of-way and the public right 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 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 \$1,463.50 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 748, Project 537650.

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