



## Legislation Details (With Text)

**File #:** 0144-2015      **Version:** 1

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

**File created:** 1/6/2015      **In control:** Public Service & Transportation Committee

**On agenda:** 2/2/2015      **Final action:** 2/4/2015

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary to release a portion of the general utility easement that was retained in 1939 pursuant to Ordinance Number 352-39, and in 1940, pursuant to Ordinance number 2-40 .

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/4/2015	1	CITY CLERK	Attest	
2/3/2015	1	MAYOR	Signed	
2/2/2015	1	COUNCIL PRESIDENT	Signed	
2/2/2015	1	Columbus City Council	Approved	Pass
1/26/2015	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

In 1939, pursuant to Ordinance Number 352-39, and in 1940, pursuant to Ordinance Number 2-40, the City of Columbus vacated the alley from the south terminus of Hawthorne Avenue, between Ohio Avenue and Champion Avenue, and the first alley north of Hawthorne Avenue between the east line of Ohio Avenue and the west line of Champion Avenue. The City reserved a general utility easement for those utilities located within those alleys at that time. The Department of Public Service recently received a request from Columbus Metropolitan Housing Authority, owner of the property for this project, known as Poindexter Place, asking that the City release a portion of the reserved general utility easement from this property to help provide clear title and allow for the development of this property. After receipt of this request the Division of Infrastructure Management verified with all the public and private utility companies that there are no public utilities located within this reserved general utility easement and that they have no objections to the release of the portion of this easement. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary to release a portion of the general utility easement that was retained in 1939 pursuant to Ordinance 352-39, and in 1940, pursuant to Ordinance number 2-40. A value of \$500.00 was established for the release of this portion of the general utility easement.

The City will receive a total of \$500.00, to be deposited in Fund 748, for granting the requested release of the general utility easement.

### 2. FISCAL IMPACT

The City will receive a total of \$500.00, to be deposited in Fund 748, for granting this portion of easements to be released.

To authorize the Director of the Department of Public Service to execute those documents necessary to release a portion of the general utility easement that was retained in 1939 pursuant to Ordinance Number 352-39, and in 1940, pursuant to

Ordinance number 2-40 .

**WHEREAS**, in 1939, pursuant to Ordinance Number 352-39, and in 1940, pursuant to Ordinance Number 2-40, the City of Columbus vacated the alley from the south terminus of Hawthorne Avenue, between Ohio Avenue and Champion Avenue, and the first alley north of Hawthorne Avenue between the east line of Ohio Avenue and the west line of Champion Avenue, reserving a general utility easement for those utilities located within those alleys at that time; and

**WHEREAS**, the subject parcel, now known as Poindexter Place, located at 211 North Champion Avenue; and

**WHEREAS**, the Department of Public Service recently received a request from Columbus Metropolitan Housing Authority, owner of the property for this project, asking that the City release a portion of the reserved general utility easement from this property so that they can help provide clear title and allow for the development of this property; and

**WHEREAS**, after receipt of this request the Division of Infrastructure Management verified with all public and private utility companies that there are no utilities located within this portion of reserved general utility easement and that they have no objections to the release of this portion of easement; now therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Director of the Department of Public Service is hereby authorized to execute those documents, as prepared by the City Attorney's office, necessary to release a portion of the general utility easement that was retained for the alley from the south terminus of Hawthorne Avenue, between Ohio Avenue and Champion Avenue, and the first alley north of Hawthorne Avenue between the east line of Ohio Avenue and the west line of Champion Avenue. The portion to be released is described as follows; to-wit:

**0.331 Acre Easement Vacation**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 14, Township 5 North, Range 22 West, of the Refugee Lands and being 0.331 acres out of a 3.917 tract of land conveyed to Columbus Metropolitan Housing Authority by Instrument Number 201308270146015, said 0.331 acre tract is all of the Vacated Alley by Ordinance Numbers 2-40 and 352-29 within said 3.917 acre tract, all records herein are from the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

**Beginning for Reference**, at northeast corner of said 3.917 acre tract and the west Right of Way of Champion Avenue dedicated by Instrument Number 201308230143982;

Thence South 03°03'38" West, a distance of 72.96 feet, along the west Right of Way of said Champion Avenue to the south line of said Vacated Alley;

Thence North 86°24'03" West, a distance of 139.00 feet, along the south line of said Vacated Alley, said point beginning the **True Point of Beginning**;

Thence, the following two courses along the easterly line of said Vacated Alley:

1. South 03°03'38" West, a distance of 360.00 feet to a point;
2. South 86°24'03" East, a distance of 139.00 feet to the west Right of Way of said Champion Avenue;

Thence, South 03°03'38" West, a distance of 16.00 feet along the west Right of Way of said Champion Avenue and the easterly line of said Vacated Alley to the southerly line of said Vacated Alley;

Thence, the following two courses along the easterly lines of said Vacated Alley:

1. North 86°23'29" West, a distance of 139.10 feet to a point:

2. South  $03^{\circ}03'34''$  West, a distance of 122.80 feet to the south line of said 3.917 acre tract:

Thence, North  $86^{\circ}27'39''$  West, a distance of 20.00 feet along the south line of said 3.917 acre tract and crossing said Vacated Alley, to the westerly line of said Vacated Alley:

Thence, the following two courses along the westerly lines of said Vacated Alley:

1. North  $03^{\circ}03'34''$  East, a distance of 122.83 feet to a point;
2. North  $86^{\circ}23'29''$  West, a distance of 139.42 feet to the east Right of Way of Ohio Avenue dedicated by Instrument Number 201308230143982;

Thence, North  $03^{\circ}04'48''$  East, a distance of 16.00 feet along the east Right of Way of said Ohio Avenue and the westerly line of said Vacated Alley, to the northerly line of said Vacated Alley;

Thence, the following three courses along the westerly and southerly lines of said Vacated Alley:

1. South  $86^{\circ}22'52''$  East, a distance of 139.52 feet to a point;
2. North  $03^{\circ}03'38''$  East, a distance of 360.00 feet to a point;
3. South  $86^{\circ}23'46''$  East, a distance of 20.00 feet to the **True Point of Beginning**, containing 0.331 acres, more or less, subject to legal highways and other easements of records.

The bearings described herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station network. The centerline of Champion Avenue, having a bearing of South  $03^{\circ}03'38''$  West is designated the "basis of bearing" for this description.

The described 0.331 acre tract is a part of Auditor's Tax Parcel Number 010-000357-00 and is based on Instrument Number 201308270146015.

I hereby certify this description was based field survey conducted by CW Design Group, LLC under my guidance, Charles A. Wagner, in June 2013 and to the best of my knowledge depicts the boundary lines.

**Section 2.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.