



Legislation Details (With Text)

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On agenda: 1/28/2013 **Final action:** 1/31/2013

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.557 acre portion of right-of-way identified as the north/south alley west of North 22nd Street between 5th and Gibbard Avenues, a portion of the east/west alley south of 5th Avenue and west of North 22nd Street, and the east/west alley north of Gibbard Avenue and east of North 21st Street.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/31/2013	1	CITY CLERK	Attest	
1/31/2013	1	MAYOR	Signed	
1/28/2013	1	COUNCIL PRESIDENT	Signed	
1/28/2013	1	Columbus City Council	Approved	Pass
1/14/2013	1	Columbus City Council	Read for the First Time	

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Complete General Construction Company asking that the City sell the rights-of-way identified as the north/south alley west of North 22nd Street between 5th and Gibbard Avenues, a portion of the east/west alley south of 5th Avenue and west of North 22nd Street, and the east/west alley north of Gibbard Avenue and east of North 21st Street. Transfer of these rights-of-way will allow for improvements and enhancements to security measures related to property adjacent to the above noted rights-of-way, owned by Complete General Construction Company. 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, 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 this right-of-way. A value of \$12,160.00 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 Complete General Construction Company for \$12,160.00.

2. FISCAL IMPACT:

The City will receive a total of \$12,160.00 that will be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested rights-of-way.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.557 acre portion of right-of-way identified as the north/south alley west of North 22nd Street between 5th and Gibbard Avenues, a portion of the east/west alley south of 5th Avenue and west of North 22nd Street, and the east/west alley north

of Gibbard Avenue and east of North 21st Street.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Complete General Construction Company, asking that the City transfer the north/south alley west of North 22nd Street between 5th and Gibbard Avenues, a portion of the east/west alley south of 5th Avenue and west of North 22nd Street, and the east/west alley north of Gibbard Avenue and east of North 21st Street to Complete General Construction Company; and

WHEREAS, acquisition of these rights-of-way will allow Complete General Construction Company to perform security improvements and enhancements on property that is adjacent to the above noted rights-of-way, located at 1221 East 5th Avenue; and

WHEREAS, the City of Columbus, Department of Public Service, Division of Planning and Operations, by this transfer, extinguishes its need for these public rights-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 these rights-of-way to Complete General Construction Company; 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 \$12,160.00 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 Complete General Construction Company for the amount of \$12,160.00; 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 Complete General Construction Company; to-wit:

Description of a 20' Alley in Miller, Joyce, Gray, et al,
Addition, Columbus, Ohio

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of the alleys dedicated by the plat of Miller, Joyce, Gray, et al, Addition as recorded in Plat Book 4, Page 5 and being more fully described as follows:

Commencing at a 3/4" iron rod found at the southeasterly corner of Lot 93 of said Miller, Joyce, Gray plat and also being the westerly right of way line of 22nd Ave.

Thence North 00°02'26" East with said right of way line and also being the easterly line of said Lot 93 as conveyed to Gee Gee Equipment Co. of record in O.R 12115 Page 014, a distance of 34.67 feet to a mag nail set in concrete on the southerly line of said proposed alley vacation and being the TRUE POINT OF BEGINNING:

Thence South 89°21'30" West, with said southerly line of said proposed alley vacation and the northerly line of said Lot 93, a distance of 141.11 feet to a mag nail set in concrete;

Thence South 00°35'07" East, with the westerly line of said Lot 93 and the westerly line of Lots 94, 95, 96, 97, 98 and 99 as conveyed to American Glass Services, LLC as recorded in Inst. No. 200309270310486 and the westerly line of Lot 100 as conveyed to William A. Svekric of record in O. R. 29641 Page H09 and with the westerly line of Lots 101 and the vacated 50.00 foot street by Ordinance No. 930-63 and the north 3.50 feet of Lot 102 as conveyed to William A. Svekric of record in O.R. 29641 Page H10 and with the westerly line of the south 31.5 feet of Lots 102, 103 and 104 as conveyed to William A. Svekric of record in O.R. 31976 Page 118 and with westerly of Lot 105 as conveyed to Ronald A. Combs of record in Inst. No. 2012011053133 and with the westerly line of Lots 106, 107 and 108 as conveyed to Complete General Construction Co. of record in Inst. No. 201208310128399 and with the westerly line of Lots 109 and 110 as conveyed to Complete General Construction Co. of record in Inst. No. 200609190187262 passing by an iron rod found at a distance of 35.10 feet and being 0.12 feet east and passing by iron pipe found with a cap No. 6140 at a distance of 261.52 feet 0.43 feet east and passing by iron rod found at a distance of 580.82 feet 3.5 feet east for a total distance of 647.97 feet to iron rod set on the northerly right of way line of Gibbard Ave.(50 feet originally platted as Chase Street COC Ord. No. 178-31);

Thence South 89°03'10" West, with the extension said northerly right of way line, a distance of 20.00 feet to a mag nail set in concrete on the southeasterly corner of Lot 489 of said Miller, Joyce & Gray 2nd Addition plat;

Thence North 00°35'07" West, with the easterly line of said Lot 489 as conveyed to Complete General Construction Co. of record in Inst. No. 200205210126214, a distance of 142.50 feet to an iron rod set;

Thence South 89°03'10" West, with the northerly line of Lots 489,490,491,492,493, 494, 495 and 496 all Lots being conveyed to said Complete General and also the southerly line of the proposed alley vacation a distance of 274.85 feet to an iron rod set on the easterly right of way line of 21st Ave(50 feet);

Thence North 00°39'23" West, with said right of way line a distance of 20.00 feet to an iron rod set on the southwesterly corner of Lot 481 of said Miller, Joyce & Gray 2nd Addition plat;

Thence North 89°03'10" East with the southerly line of Lots 481,482,483,484,485, 486, 487, and 488 and also the northerly line of said proposed alley vacation said lots being conveyed to Gee Gee Equipment Co. of record in O.R. 12115 Page 014 a distance of 274.88 feet to an iron rod set and also being the southeasterly corner of said Lot 488;

Thence North 00°35'07" West with the easterly line of said Lot 488 and with a 50.00 feet road vacated by Ordinance No. 531-48 and with the easterly line of Lot 159 of said Miller, Joyce, and Gray and a 50.00 feet road vacated by said Ordinance No. 531-48 and with easterly line Lot 174 and with a vacated 20.00 feet by said Ordinance No. 531-48 and with the easterly line of Lot 175 all lands being conveyed to said Gee Gee Equipment Co. of record in said Deed Book 12115 page 014, a distance of 635.58 feet to an iron rod set on the southerly right of way line of East Fifth Ave as conveyed to the City of Columbus in O.B. 2154 Page 149;

Thence North 89°21 '44" East crossing said alley with the extension of said right of way line a distance of 20.00 feet to a mag nail set in concrete on the westerly line of Lot 92 of said Miller, Joyce & Gray plat;

Thence South 00°35'07" East with said westerly line of said Lot 92, a distance of 130.00 feet to an iron rod set on the southwesterly corner of said Lot 92;

Thence North 89°21 '30" East with the southerly line of Lots 92, 91, 90, and 89 all lots being conveyed to Complete General Construction Co. of record in Inst. No. 200205030112374 a distance of 141.33 feet to a mag nail set in concrete on the westerly right of way line of said 22nd Ave.;

Thence South 00°02'26" West with said right of way line a distance of 20.00 feet to the true place of beginning and containing 0.557 acres of land more or less.

Iron Rods noted as set are 30" x 5/8" iron bars capped TSI PS7128.

Bearings are based on assumed data of South 89°03'10" West for the northerly right of way line of Gibbard Ave. The

existing Plats do not have bearings listed.

Section 2. That the above 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 above described right-of-way shall be and hereby is retained unto the City of Columbus for those utilities located 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 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 \$12,160.00 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.