



Legislation Details (With Text)

File #: 2021-2014 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/29/2014 **In control:** Public Service & Transportation Committee

On agenda: 9/22/2014 **Final action:** 9/25/2014

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.028 acre portion of the unimproved north/south alley west of Linwood Avenue, between Fair Avenue and Lake Alley, adjacent to property owned by Ms. Moore, located at 1316 Fair Avenue.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/25/2014	1	CITY CLERK	Attest	
9/24/2014	1	MAYOR	Signed	
9/22/2014	1	COUNCIL PRESIDENT	Signed	
9/22/2014	1	Columbus City Council	Approved	Pass
9/15/2014	1	Columbus City Council	Read for the First Time	

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Ms. Rita Moore, asking that the City sell a 0.028 acre portion of the unimproved north/south alley west of Linwood Avenue, between Fair Avenue and Lake Alley, adjacent to property owned by Ms. Moore, located at 1316 Fair Avenue. Transfer of this right-of-way will facilitate the recovery of the area through the removal of debris and overgrown vegetation, and to enhance the property currently owned by Ms. Moore.

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 \$756.00 was established for this right-of-way. Ms. Moore submitted a letter requesting mitigation of the cost of the above noted right-of-way, citing a number of factors justifying mitigation. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Ms. Moore at no cost.

2. FISCAL IMPACT:

None

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.028 acre portion of the unimproved north/south alley west of Linwood Avenue, between Fair Avenue and Lake Alley, adjacent to property owned by Ms. Moore, located at 1316 Fair Avenue.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Ms. Rita Moore asking that the City transfer a 0.028 acre portion of the unimproved north/south alley west of Linwood Avenue, between Fair Avenue and Lake Alley, adjacent to property owned by Ms. Moore, located at 1316 Fair Avenue, to him; and

WHEREAS, acquisition of the right-of-way will facilitate the recovery of the area through the removal of debris and overgrown vegetation, and to allow for enhancements to the adjacent property owned by Ms. Rita Moore; and

WHEREAS, the City of Columbus, Department of Public Service, 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 Ms. Rita Moore; 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 \$756.00 was established for this right-of-way; and

WHEREAS, Ms. Moore has submitted a request for mitigation of the cost of the aforementioned right-of-way; and

WHEREAS, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to Ms. Rita Moore at no cost; 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 Ms. Rita Moore; to-wit:

July 25, 2014

DESCRIPTION OF A 0.028 ACRE PROPOSED ALLEY VACATION

Situated in the City of Columbus, County of Franklin, State of Ohio, being an 8 foot wide alley as dedicated to The City of Columbus in the plat of Ide Place Addition, of record in Plat Book 3, Page 376 and being more particularly described as:

BEGINNING at a 3/4 inch iron pin found at the southeasterly corner of Lot 63 in said Ide Place subdivision, being also the point of intersection of the northerly line of Fair Avenue (60' right-of-way) with the westerly line of said 8 foot wide alley;

Thence, North 04°08'04" East, with the easterly line of said Lot 63 and with the westerly line of said 8 foot wide alley, a distance of 150.00 feet to a rebar set, being the intersection of the westerly line of said 8 foot wide alley with the southerly line of Lake Alley (20' right-of-way);

Thence, South 85°51'56" East, a distance of 8.00 feet to a rebar set at the northwesterly corner of John M. Pugh's subdivision, of record in Plat Book 4, Page 144, the same being the northwesterly corner of Lot 62 in said subdivision and being the intersection of the easterly line of said 8 foot wide alley with the southerly line of said Lake Alley;

Thence, South 04°08'04" West, with the westerly line of said Lot 62 and with the easterly line of said 8 foot wide alley, a distance of 150.03 feet to a rebar set at the intersection of the easterly line of said 8 foot wide alley with the northerly line of said Fair Avenue;

Thence, North 85°51 '56"East, a distance of 8.00 feet to the TRUE PLACE OF BEGINNING, containing 0.028 acres, subject to all easements of record.

All rebar's set are 5/8 inch, 30 inches long (w/ "S. #7980" cap).

Bearings are assumed as North 85° 51' 56" West, for the northerly line of Fair Avenue as there are no bearings on the associated subdivision plats.

All references are to records of the Recorder's Office, Franklin County, Ohio.

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