



## Legislation Details (With Text)

**File #:** 2257-2018      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 7/26/2018      **In control:** Public Service & Transportation Committee  
**On agenda:** 7/30/2018      **Final action:** 8/3/2018

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.078 acre portion of the Library Park North right-of-way south of Oak Street between Washington Avenue and Ninth Street to Motorist Mutual Insurance Company and to transfer the remaining 0.138 acre portion of the above noted right-of-way to the control of the Recreation and Parks Department; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. portion to be transferred to Motorist.pdf

Date	Ver.	Action By	Action	Result
8/3/2018	1	ACTING CITY CLERK	Attest	
8/2/2018	1	MAYOR	Signed	
7/30/2018	1	COUNCIL PRESIDENT	Signed	
7/30/2018	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Motorist Mutual Insurance Company asking that the City transfer a 0.078 acre portion of the Library Park North right-of-way south of Oak Street between Washington Avenue and Ninth Street, which is adjacent to property owned by Motorist Mutual Insurance Company. Transfer of this right-of-way will facilitate the development of a residential project on property currently owned by Motorist Mutual Insurance Company, adjacent to the above noted right-of-way. The remaining 0.138 acre portion of the right-of-way will be transferred to the control of the Recreation and Parks Department. The Department of Public Service has agreed to transfer the rights-of-way as described in the attached exhibit, and extinguish the underlying fee. 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 these rights-of-way. A value of \$16,965.00 was established for this right-of-way. This request went before the Land Review Commission on May 17, 2018. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to Motorist Mutual Insurance Company for the amount of \$16,965.00.

### 2. FISCAL IMPACT:

The City will receive a total of \$16,965.00 that will be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

### 3. EMERGENCY JUSTIFICATION:

Emergency action is requested to allow development of this project to proceed as currently scheduled.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.078

acre portion of the Library Park North right-of-way south of Oak Street between Washington Avenue and Ninth Street to Motorist Mutual Insurance Company and to transfer the remaining 0.138 acre portion of the above noted right-of-way to the control of the Recreation and Parks Department; and to declare an emergency. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Motorist Mutual Insurance Company asking that the City transfer a portion of the Library Park North right-of-way south of Oak Street between Washington Avenue and Ninth Street, adjacent to property owned by Motorist Mutual Company to them; and

**WHEREAS**, acquisition of the right-of-way will facilitate the re-development of property currently owned by Motorist Mutual Company adjacent to the above noted right-of-way; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Infrastructure Management, 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 Motorist Mutual 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 the right-of-way; and

**WHEREAS**, a value of \$16,965.00 was established for the right-of-way; and

**WHEREAS**, this request went before the Land Review Commission on May 17, 2018; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to Motorist Mutual Company for the amount of \$16,965.00 be deposited in Fund 7748, Project P537650; and

**WHEREAS**, the remaining 0.138 acre parcel of the right-of-way will be transferred to the City of Columbus Recreation and Parks Department; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, Division of Infrastructure Management, in that it is immediately necessary to authorize the acceptance of this plat so development of this project can proceed as currently scheduled thereby preserving the public health, peace, property, safety and welfare; **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 0.078 acre right-of-way to Motorist Mutual Insurance Company and the following described 0.138 acre right-of-way to the City of Columbus Recreation and Parks Department; to-wit:

**DESCRIPTION OF 0.078 ACRE  
SOUTH OF OAK STREET  
BETWEEN WASHINGTON AVENUE & NINTH STREET  
COLUMBUS, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a portion of a 20 foot alley (n.k.a). Library Park North) as shown and delineated upon the plat "Elm Square J. Ridgway & Co's Subdivision of Out Lots No. 62 and 63 to Columbus", a subdivision of record in Deed Book 37, Page 27, all records referenced herein being to those

located in the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at an iron pin set previously by IBI Group at the intersection of the westerly right-of-way line of Washington Avenue (49.5 feet in width) with the northerly line of said 20 foot alley at the southeasterly corner of Lot 25 of said plat:

Thence South  $08^{\circ}08'09''$  East, along the extension of said westerly right-of-way line, a distance of 7.22 feet to mag nail set;

Thence South  $81^{\circ}51'00''$  West, through said alley with a new division line, a distance of 471.71 feet to a mag nail set at the intersection of the extension of the easterly right-of-way line of Ninth Street (47.59 feet in width);

Thence North  $07^{\circ}53'10''$  West, along said easterly right-of-way line extension, a distance of 7.22 feet to a mag nail previously set by IBI Group, at the intersection of said westerly right-of way line with the northerly line of said alley and at the southwesterly corner of Lot 17 of said plat;

Thence North  $81^{\circ}51'00''$  East, along the northerly line of said alley and along the southerly line of Lots 17, 18, 19, 20, 21, 22, 23, and said Lot 25, a distance of 471.68 feet to the place of beginning and containing 0.078 acre of land.

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD\*# (2011 adjustment) utilizing GPS observations of the Ohio Cors Network establishing a bearing of North  $81^{\circ}51'00''$  East for Oak Street.

This description was prepared by IBI Group Survey, Westerville, Ohio, and is based on actual field surveys of the premises performed in August 2017.

**DESCRIPTION OF 0.138 ACRE  
SOUTH OF OAK STREET  
BETWEEN WASHINGTON AVENUE & NINTH STREET  
COLUMBUS, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a portion of a 20 foot alley (n.k.a. Library Park North) as shown and delineated upon "Elm Square J. Ridgeway & Co's Subdivision of Out Lots No. 62 and 63 to Columbus", a subdivision of record in Deed Book 37, Page 27, all records referenced herein being to those located in the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning **FOR REFERENCE** at an iron pin set previously by IBI Group at the intersection of the westerly right-of-way line of Washington Avenue (49.5 feet in width) with the northerly line of said 20 foot alley at the southeasterly corner of Lot 25 of said plat; thence South  $08^{\circ}08'09''$  East, along extension of said westerly right-of-way line, a distance of 7.22 feet to mag nail set at the **TRUE PLACE OF BEGINNING;**

Thence South  $08^{\circ}08'09''$  east, continuing along said extension, a distance of 12.78 feet to an iron pin set at the intersection of the south line of said 20 foot alley with said westerly right-of-way line, at the northeasterly corner of that 9.1818 acre tract described in a Governors Deed State of Ohio to the City of Columbus in official Record Volume 6828, Page A10 and the northeasterly corner of Outlot 54 as shown and delineated upon the plat of Columbus Outlots, of record in Plat Book "F", Page 332 (destroyed by fire) re-recorded in Plat Book 3, Page 247 and Plat Book 14, page 27;

Thence South  $81^{\circ}51'00''$  West, along said southerly line, the northerly line of said 9.1818 acre tract and the northerly line of said Outlot 54 and Outlot 55 of said plat, a distance of 471.77 feet to an iron pin set at the intersection of the extension of the easterly right-of-way line of Ninth Street (47.50 feet in width);

Thence North  $07^{\circ}53'10''$  West, along said easterly right-of-way line extension, a distance of 12.78 feet to a mag nail set;

Thence North 81°51'00" East, through said alley with a new division line, a distance of 471.71 feet to the **TRUE PLACE OF BEGINNING** and containing 0.138 acre of land.

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD\*# (2011 adjustment) utilizing GPS observations of the Ohio Cors Network establishing a bearing of North 81°51'00" East for Oak Street.

Iron Pins set consist of a  $\frac{5}{8}$  -inch rebar, 30 inches long with an orange plastic cap stamped "IBI Group, S-6872/S-7740".

This description was prepared by IBI Group Survey, Westerville, Ohio, and is based on actual field surveys of the premises performed in August 2017.

**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 the Department of Public Service will receive \$16,965.00 that will be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

**SECTION 6.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.