



## Legislation Details (With Text)

**File #:** 1214-2007      **Version:** 1

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

**File created:** 7/10/2007      **In control:** Public Service & Transportation Committee

**On agenda:** 7/30/2007      **Final action:** 8/2/2007

**Title:** To authorize the Director of the Public Service Department to execute those documents required to transfer that right-of-way identified as Yantes Avenue from Fifth Avenue south to the first alley south of Fifth Avenue to The Timken Company for a total of \$6,352.50; and to waive the competitive bidding provisions of Columbus City Codes.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Legistar Ord 1214-2007.pdf

Date	Ver.	Action By	Action	Result
8/2/2007	1	CITY CLERK	Attest	
8/1/2007	1	MAYOR	Signed	
7/30/2007	1	Columbus City Council	Approved	Pass
7/30/2007	1	COUNCIL PRESIDENT	Signed	
7/23/2007	1	Columbus City Council	Read for the First Time	
7/12/2007	1	Service Reviewer	Sent to Clerk's Office for Council	
7/11/2007	1	Service Reviewer	Reviewed and Approved	
7/11/2007	1	SERVICE DIRECTOR	Reviewed and Approved	
7/11/2007	1	CITY ATTORNEY	Reviewed and Approved	
7/10/2007	1	Service Drafter	Sent for Approval	

The City of Columbus, Public Service Department, Transportation Division, received a request from The Timken Company asking that the City sell Yantes Avenue from Fifth Avenue south to the first alley south of Fifth Avenue to them. Sale of this right-of-way will allow The Timken Company to complete remediation activities to and enlarge their adjacent site. Per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, before it was determined that there would be no adverse impact to the City upon transfer of this right-of-way subject to the retention of a general utility easement for those utilities currently located within this right-of-way. The Department of Law, Real Estate Division, established a total value of \$6,352.50 for this right-of-way. The Land Review Commission voted to recommend that this right-of-way be transferred to The Timken Company for the value established by the Real Estate Division.

**Fiscal Impact:** The City will receive a total of \$6,352.50, to be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested right-of-way.

To authorize the Director of the Public Service Department to execute those documents required to transfer that right-of-way identified as Yantes Avenue from Fifth Avenue south to the first alley south of Fifth Avenue to The Timken Company for a total of \$6,352.50; and to waive the competitive bidding provisions of Columbus City Codes.

**WHEREAS**, the City of Columbus, Public Service Department, Transportation Division, received a request from The Timken Company asking that the City sell Yantes Avenue from Fifth Avenue south to the first alley south of Fifth Avenue to them; and

**WHEREAS**, sale of this right-of-way will allow The Timken Company to complete remediation activities to and enlarge their adjacent site; and

**WHEREAS**, per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, before it was determined that there would be no adverse impact to the City upon transfer of this right-of-way subject to the retention of a general utility easement for those utilities currently located within this right-of-way; and

**WHEREAS**, a value of \$6,352.50 was established for this right-of-way by the Department of Law, Real Estate Division; and

**WHEREAS**, the Land Review Commission voted to recommend that this right-of-way be transferred to John E. Lester for a total of \$6,352.50; now, therefore

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

**Section 1.** That the Director of the Public Service Department 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 Timken Company for \$6,352.50; to-wit:

Being in the County of Franklin, City of Columbus, in Half Section 4, Township 5, Range 22, Refugee Lands also being:

A 0.139 Acre part of Yantes Avenue R/W 30', dedicated April 23, 1917 by Ordinance #30084, located from the South Right of Way of Fifth Avenue R/W 60' to the North line of lands owned now or previously by The Timken Company, as shown on the Plat of Robert Neil Estates Plat "A" recorded in Common Pleas Court Record 153, Page 440 and more particularly described as follows:

Beginning at the intersection of the centerline of Fifth Avenue R/W 60' and the centerline of Cleveland Avenue R/W 60' at a P.K. nail set: (said point referenced by a 1" bar found in a monument box being S 00°01'42" E, 59.79 feet):

Thence S 00°01'42" E along the centerline of Cleveland Avenue R/W 60', a distance of 30.00 feet to a P.K. nail set at the Northeast corner of land owned now or previously by The Timken Company recorded in Deed Volume 628, Page 387;

Thence S 89°43'52" W along the South Right of Way line of Fifth Avenue R/W 60', a distance of 725.86 feet to the East Right of Way of Yantes Avenue R/W 30' also being a Northwesterly corner of lands owned now or previously by The Timken Company at a rebar with cap found noting "E.P. Ferris" and being the TRUE POINT OF BEGINNING of the parcel herein described as follows:

- 1) Thence S 00°02'03" E along the East Right of Way of Yantes Avenue R/W 30' and the West line of said Timken Company lands, a distance of 201.72' to a P.K. nail found in the concrete foundation for a fence post;
- 2) Thence S 89°59'01" W along the South line of Yantes Avenue R/W 30' and a portion of the North Line of parcels owned now or previously by The Timken Company recorded in Deed Volumes 628, Page 387 and Deed Volumes 2283, Page 513, a distance of 30.00 feet to a rebar set;
- 3) Thence N 00°02'03" W along the West line of Yantes Avenue R/W 30' and the East line of land owned now or previously by Strait Real Estate recorded in Deed Volume 33276, B 08, Tract 1 and 2 and the East end of an un-named and un-dedicated street, a distance of 201.59' to a P.K. nail set;
- 4) Thence N 89°43'52" E along the South Right of Way of Fifth Avenue R/W 60', a distance of 30.00 feet to the True Point of Beginning of the parcel herein described containing 0.139 acres of land.

The Basis of Bearings is the Centerline of Cleveland Avenue being S 00°01'42" E from Timken deed 28200, B 07.

A call for a 5/8" rebar set is a 5/8" diameter green epoxy coated rebar, 30 inches long, with a cap stating Accurate Technologies.

I hereby state that is description was derived from a field survey made under my supervision and meets the Minimum Standards for Boundary Surveys in the State of Ohio as adopted by 11/01/2003.

Richard Carpenter, P.S. 7138

**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 alley shall be and hereby is retained unto the City of Columbus for those utilities currently located within said unimproved right-of-way.

**Section 4.** That the \$6,352.50 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 5.** That this Council has determined it is in the best interest of the City of Columbus to allow this right-of-way to be transferred without requiring competitive bidding and hereby waives the competitive bidding provision of Columbus City Codes (1959) Revised, Section 329.25 with regards to the transfer of these properties.

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