



## Legislation Text

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**File #: 2981-2013, Version: 1**

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from The Annunciation Greek Orthodox Cathedral (hereafter, “the Church”) asking that the City sell the right-of-way identified as a 0.034 acre portion of the Worden Alley right-of-way south of Spruce Street between School Alley and Armstrong Street. Transfer of this right-of-way will allow for the development of property adjacent to the above noted right-of-way currently owned by the Church located at 492 Armstrong Street. 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 \$7,905.00 was established for this right-of-way. The Church submitted a request for mitigation of the established value of the aforementioned right-of-way. After review of the request, the Land Review Commission voted to recommend a fifty (50) per cent mitigation of cost and that the above referenced right-of-way be transferred to the Church for \$3,952.50.

### **2. FISCAL IMPACT:**

The City will receive a total of \$3,952.50 that will be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested right-of-way.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.034 acre portion of the Worden Alley right-of-way south of Spruce Street between School Alley and Armstrong Street to The Annunciation Greek Orthodox Cathedral.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from The Annunciation Greek Orthodox Cathedral, asking that the City transfer the right-of-way identified as a 0.034 acre portion of the right-of-way between portion of the Worden Alley right-of-way south of Spruce Street between School Alley and Armstrong Street to the Church; and

**WHEREAS**, acquisition of the right-of-way will allow the Church to expand an existing structure and perform enhancements on property that is adjacent to the above noted right-of-way, located at 492 Armstrong Street; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Planning and Operations, 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 the Church; 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 \$7,905.00 was established for this right-of-way; and

**WHEREAS**, The Annunciation Greek Orthodox Cathedral has submitted a request for mitigation of the established value for this right-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend a fifty (50) percent mitigation of the established value and that the aforementioned right-of-way be transferred to the Church for the amount of \$3,952.50; 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 the Church; to-wit:

LEGAL DESCRIPTION OF A 0.034 ACRE TRACT

Situated in the State of Ohio, County of Franklin, City of Columbus, in Half Section 10, Township 5, Range 22. Refugee Lands and that portion of Worden Alley (Ten feet in width) as delineated in J.R. Hunt's Sub., recorded in Plat Book 2, Page 144, recorder's Office. Franklin County. Ohio and being more particularly described as follows;  
Beginning at a PK nail set marking the northeast corner of said Worden Alley and the southeast corner of Lot One of said J.R. Hunt's Sub. as conveyed to The Greek Orthodox Church "The Annunciation", an Ohio Corporation in Instrument No. 200310100327538, also being in the west line of School Alley (20 feet in width) as delineated in said J.R. Hunt's Sub and the Park Add. as recorded in Plat Book 2, Page 51;

Thence South 00°01'30" West 10.00 feet, in the east line of said Worden Alley and the west line of said School Alley. to a 3/4" iron pipe found, marking the southeast corner of said Worden Alley and being the northeast corner of Lot Eleven also in said Park Add and being conveyed to The Greek Orthodox Church "The Annunciation", an Ohio Corporation in Instrument No. 200310100327538;

Thence North 89°49'05" West 150.00 feet. in the south line of said Worden Alley and the north line of said Lot Eleven, to a 3/4" iron pipe found in the west line of Armstrong Street (66 feet in width), marking the southwest corner of said Worden Alley and the northwest corner of said Lot Eleven;

Thence North 00°01'30" East 10.00 feet in the west line of Worden Alley and the east line of said Armstrong Street, to a 5/8" rebar set, marking the northwest corner of said Worden Alley and the southwest corner of Lot 6 in said J.R. Hunt's Sub.;

Thence South 89°49'05" East 150.00 feet in the north line of said Worden Alley and the south lines of Lot 1 thru 6 in said J.R. Hunt's Sub. to the Point of Beginning, containing 0.034 acres more or less.

Basis of bearings based on the east line of Worden Alley being South 00°01 '30" West from Inst. No. 200012290262084. A survey of the above described premises was done by Robert T. Patridge Jr., P.S. 7462, in November, 2013. All iron pins set are 5/8" rebar, 30" long, with 1 1/4" plastic caps stamped "Patridge Surveying"

All referenced documents are on file at the Franklin County Recorder's Office, Columbus, Ohio.

**Section 2.** That the above referenced real property shall be considered excess road right-of-way and the public right 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 \$3,952.50 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 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.