



## Legislation Text

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**File #: 2019-2014, Version: 1**

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from the Edwards Companies asking that the City sell a 0.0283 acre portion of the east/west alley south of East Long Street between Sixth and Milton Streets. Transfer of this right-of-way will facilitate the development of property adjacent to the above noted right-of-way, owned by the Edwards Companies.

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 \$21,875.00 was established for this right-of-way. The Edwards Companies has submitted a request for mitigation of the cost of the right-of-way based upon their intent to construct a new alley south of the existing right-of-way. In accordance with a Memorandum of Understanding entered into between the Edwards Companies and the City of Columbus, this new alley will be constructed according to City of Columbus standards. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to the Edwards Companies 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 0.0283 acre portion of the east/west alley south of East Long Street between Sixth and Milton Streets, adjacent to property owned by the Edwards Companies, located at East Long and Sixth Streets.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from the Edwards Companies asking that the City transfer a 0.0283 acre portion of the east/west alley south of East Long Street between Sixth and Milton Streets, adjacent to property owned by the Edwards Companies, located at East Long and Sixth Streets, to him; and

**WHEREAS**, acquisition of the right-of-way will facilitate the development of the adjacent property owned by the Edwards Companies; 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 the Edwards Companies; 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 \$21,875.00 was established for this right-of-way; and

**WHEREAS**, the Edwards Companies has submitted a request for mitigation of the cost of the aforementioned City right-of-way; and

**WHEREAS**, the Edwards Companies has entered into a Memorandum of Understanding with the City of Columbus agreeing to construct a new alley south of the existing right-of-way; and

**WHEREAS**, this new alley will be constructed according to City of Columbus standards and dedicated to the City of Columbus; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to the Edwards Companies 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 the Edwards Companies; to-wit:

DESCRIPTION OF  
0.028 ACRE - NORTHERLY 9.83 FEET  
OF EXISTING 14 FOOT ALLEY  
BETWEEN SIXTH STREET AND MILTON ALLEY  
SOUTH OF EAST LONG STREET AND NORTH OF GAY STREET  
CITY OF COLUMBUS, OHIO

Situate in the State of Ohio, Franklin County, City of Columbus, lying in Half Section 25, Township 5, Range 22, Refugee Lands, being part of the Northerly 14 foot alley that lies between Sixth Street and Milton Street (formerly Kelly Alley), south of East Long Street and north of Gay Street as delineated on the record plat of "Kelley Place Addition" of record in plat Book 3, Page 238 (all records herein are from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at a magnetic nail set at the intersection of the westerly right of way line of Milton Street (14 feet in width) and the north right of way line of a 14 feet wide alley south of Long Street (82.5 feet in width) and being the southeasterly corner of Lot 33;

thence South 08006°23" East, a distance of 9.83 feet along the westerly right of way line of Milton Street to a magnetic nail set;

thence South 81053°03" West, a distance of 125.36 feet, across the Alley to a magnetic nail set on the easterly right-of-way line of Sixth Street (50 feet in width);

thence North 08013°29" West, a distance of 9.83 feet, along the easterly right-of-way line of Sixth Street to a magnetic nail set at the southwesterly corner of Lot 36 of "Kelley Place Addition";

thence North 81053'03" East, a distance of 125.38 feet, along southerly lines of Lots 36 through 33 of "Kelley Place Addition", passing a magnetic nail set at 62.00 feet at the southeasterly corner of Lot 35 to the Point of Beginning, containing 0.028 acre, more or less, and being subject to all easements, restrictions and rights of way of record.

Bearings are based on the bearing of North 81053'03" East for the northerly right of way line of Gay Street, as determined by a network of GPS field observations performed in August 2006. Ohio State Plane Coordinate System, South Zone, NAD 83 with the 1986 Adjustment.

All iron pipes set are 3/4 inch, 30 inches in length, with a yellow cap stamped "STANTEC".

**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.