



## Legislation Text

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**File #: 2881-2014, Version: 1**

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from HJB, Inc. asking that the City sell a 0.070 acre portion of the undeveloped north/south alley west of South High Street and south of the Becker Street right-of-way. Transfer of this right-of-way will resolve an encroachment issue as well as provide additional parking for the existing business located adjacent to the above noted right-of-way, owned by HJB, Inc. 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 \$2,250.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to HJB, Inc. for \$2,250.

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

The City will receive a total of \$2,250 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 0.070 acre portion of the undeveloped north/south alley west of South High Street and south of the Becker Street right-of-way, adjacent to property owned by HJB, Inc. located at 2195 South High Street.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from HJB, Inc. asking that the City transfer a 0.070 acre portion of the undeveloped north/south alley west of South High Street and south of the Becker Street right-of-way, adjacent to property owned by HJB, Inc., located at 2195 South High Street, to them; and

**WHEREAS**, acquisition of the right-of-way will resolve an encroachment issue as well as provide additional parking for an existing business owned by HJB, Inc., located at 2195 South High Street; 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 HJB, Inc.; 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 \$2,250 was established for this right-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to HJB, Inc. for the amount of \$2,250; 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 HJB, Inc.; to-wit:

DESCRIPTION OF 0.070 ACRE TRACT  
EAST OF INTERSTATE 71  
WEST OF SOUTH HIGH STREET  
NORTH OF FRANK RD (SR 104)

Situated in the State of Ohio, County of Franklin, City of Columbus, being 0.070 acres of land of a 20 foot alley of record on Becker Addition Plat "A" Common Pleas Court Case No. 43894 in Complete Record Volume 238, Page 372 as conveyed to the City of Columbus (all references refer to records in the Franklin County Recorder's Office, Ohio) and being more fully described as follows:

Beginning at a  $\frac{3}{4}$ " ID pipe set at the northwesterly corner of Lot 4 of said Becker Addition Plat "A" on the southerly right of way of Becker Lane being the Point of Beginning;

Thence South  $4^{\circ}22'25''$  East a distance of 152.68 feet, along the westerly line of said Lot 4 and Lots 5-7 of said Plat "A" and easterly line of said 20 foot alley to a  $\frac{3}{4}$ " ID pipe set on a northerly right of way line of Frank Road (SR 104) (FRA-104-8.73) in the northwest corner of ROW parcel 9-WL, as acquired by the City of Columbus in DB 3261, Pg. 512;

Thence South  $89^{\circ}02'40''$  West a distance of 20.04 feet, crossing said 20 foot alley along a northerly right of way line of said Frank Road, to a  $\frac{3}{4}$ " ID pipe set at the southeasterly corner of Lot 18 of said Plat "A" in the northeast corner of ROW parcel 6-WL as acquired by the City of Columbus in DB 3261, Pg. 512;

Thence North  $4^{\circ}22'25''$  West a distance of 152.68 feet, along the easterly line of said Lot 18 and Lots 19-21 of said Plat "A" and westerly line of said 20 foot alley, to a  $\frac{3}{4}$ " ID pipe set at the northeast corner of said Lot 21 on the southerly right of way of said Becker Lane;

Thence North  $89^{\circ}02'40''$  East a distance of 20.04 feet, along the southerly right of way of said Becker Lane, to the Point of Beginning containing 0.070 acres more or less according to an actual field survey made by Hockaden and Associates, Inc. in October of 2014.

An assumed bearing of North  $4^{\circ}22'25''$  West was used along the centerline of South High Street and all other bearings based upon this meridian.

**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 \$2,250 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.