



## Legislation Text

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**File #: 0506-2005, Version: 1**

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**Background:** The City of Columbus, Public Service Department, Transportation Division, received a request from Brian T. and Michelle M. Webb asking that the City sell them the first alley east of Douglas Street from Capital Street north to East Broad Street. Sale of this alley to Mr. and Mrs. Webb will increase the size of their property, will enhance their landscaping options and will allow them to convert this alley to a gated private driveway for their home at 875 East Broad Street. After investigation by the Transportation Division staff it was determined there are no objections to the sale of this excess right-of-way subject to the retention of a general utility easement for those utilities currently located within this right-of-way. A value of \$25,350.00 has been established by the Department of Law, Real Estate Division, for this right-of-way. The Land Review Commission voted to recommend that this right-of-way be transferred to Brian and Michelle Webb for \$25,350.00.

**Fiscal Impact:** The City will receive a total of \$25,350.00, 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 the first alley east of Douglas Street from Capital Street north to East Broad Street to Brian T. and Michelle M. Webb for \$25,350.00, 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 Brian T. and Michelle M. Webb asking that the City sell them the first alley east of Douglas Street from Capital Street north to East Broad Street; and

**WHEREAS,** sale of this alley to Mr. and Mrs. Webb will increase the size of their adjacent property, allow them to landscape their yard and allow them to convert this public alley to a private gated driveway; and

**WHEREAS,** after investigation by the Transportation Division staff it was determined that there are no objections to the 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 \$25,350.00 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 Brian T. and Michelle M. Webb for \$25,350.00; 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 Brian T. and Michelle M. Webb for \$25,350.00; to-wit:

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Section 10, township 5, Range 22, Refugee Lands and being all of a 20.00 feet wide alley as delineated on the plat of SAMUEL BARTLETT ADDITION, of record in Plat Book 1, Page 301, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Begin for Reference, at a ¾" iron pin found at the intersection of the southerly line of East Broad Street (100 feet in width) and the easterly line of Douglas Avenue (50 feet in width), said point also being the northwesterly corner of Lot 19 of said SAMUEL BARTLETT ADDITION;

Thence North 85°00'00" East, a distance of 150.00 feet, along the southerly line of said East Broad Street and the northerly line of Lots 19, 20 and 21 to a mag nail set at the northeasterly corner of said Lot 21 and the

northwesterly corner of said alley, said point also being the **Point of True Beginning** for the herein described tract;

Thence North 85°00'00" East, a distance of 20.00 feet, continuing along the southerly line of said East Broad Street to a mag nail set at the northeasterly corner of said alley and the northwesterly corner of Lot 22 of said SAMUEL BARTLETT ADDITION;

Thence South 04°53'52" East, a distance of 150.00 feet, along the line common to said alley and Lot 22, to an iron pin set in the northerly line of Capital Street (30 feet in width) at the southerly common corner of said alley and Lot 22;

Thence South 85°00'00" West, a distance of 20.00 feet, along the northerly line of said Capital Street and the southerly line of said alley to a ¾" iron pin found at the southerly common corner of said alley and Lot 21;

Thence North 04°53'52" West, a distance of 150.00 feet, along the line common to said alley and Lot 21, to the **Point of True Beginning**, containing 0.069 acres, more or less.

The bearings in the above description are based on the bearing of North 85°00'00" east for the south line of East Broad Street and are used to denote log angles only.

All iron pins set are ¾ inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description was prepared from an on the ground survey in May of 2004.

LANDMARK SURVEY GROUP, INC.

Scott D. Grundei, P.S., Registered Surveyor No. 8047

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

**Section 4.** That upon notification and verification of the relocation of all utilities located within the retained general utility easement the Director of the Public Service Department 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 \$25,350.00 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 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 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.