



Legislation Text

File #: 0027-2016, **Version:** 1

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Esteban Saldarriaga of EyE Homes, Inc., asking that the City sell a 0.028 acre portion of the unnamed north/south right-of-way east of Wilson Avenue between Franklin Avenue and Elliot Alley to him. Transfer of this right-of-way will facilitate the improvements to property owned by Mr. Saldarriaga, adjacent to the above mentioned right-of-way located at 208 Wilson Avenue. 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 \$1,080.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to Mr. Esteban Saldarriaga for the amount of \$1,080.00.

Emergency Justification:

Emergency action is requested to allow development of the proposed improvements to proceed as currently scheduled.

2. FISCAL IMPACT:

The City will receive a total of \$1,080.00 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 0.028 acre portion of the unnamed north/south right-of-way east of Wilson Avenue between Franklin Avenue and Elliot Alley, adjacent to property owned by Mr. Saldarriaga, located at 208 Wilson Avenue; and to declare an emergency.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Mr. Esteban Saldarriaga asking that the City transfer a 0.028 acre portion of the unnamed north/south right-of-way east of Wilson Avenue between Franklin Avenue and Elliot Alley, adjacent to property owned by Mr. Esteban Saldarriaga, located at 208 Wilson Avenue, to him; and

WHEREAS, acquisition of the right-of-way will facilitate improvements to the adjacent property owned by Mr. Esteban Saldarriaga; 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 Mr. Saldarriaga; 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 \$1,080.00 was established for this right-of-way; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to Mr. Esteban Saldarriaga for the amount of \$1,080.00; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Infrastructure Management, in that it is immediately necessary to authorize the acceptance of this transfer so development of this property can proceed as currently scheduled thereby preserving the public health, peace, property, safety and welfare; 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 Mr. Esteban Saldarriaga; to-wit:

0.028 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of a twelve (12) foot alley east of and adjacent to Lots 1, 2, and 3, and west of and adjacent to Lot 5 of Benjamin Monett's Wilson Avenue Subdivision, as same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 317, Recorder's Office, Franklin County, Ohio (all deed references made being to said Recorder's Office) and being more particularly described as follows:

Beginning at a MAG nail set at the southeast corner of said Lot 1, being the intersection of the north right-of-way line of Franklin Avenue (50 feet wide, originally platted as State Street, Plat Book 2, Page 225) with the west right-of-way of said alley, said nail bearing North 89° 29'00" East, 90.00 feet from the southwest corner of said Lot 1, being the intersection of the north line of said Franklin Avenue with the east right-of-way line of Wilson Avenue (60 feet wide, Plat Book 2, Page 225);

Thence, along the west line of said alley and the east line of said Lots 1, 2, and 3, NORTH, 102.27 feet to a found 3/4" iron pipe at the northeast corner of said Lot 3, being the southeast corner of Lot 4 of said subdivision;

Thence, across said 12 foot alley, along the north line of said Lot 3 produced easterly, North 89° 33'30" East, 12.00 feet to a set iron pipe in the west line of said Lot 5;

Thence, along the east line of said 12 foot alley and along the west line of said Lot 5, SOUTH, 102.25 feet to a set iron pipe at the southwest corner of said Lot 5, being the intersection of the east line of said alley with the north line of said Franklin Avenue;

Thence, across said 12 foot alley, South 89° 29'00" West, 12.00 feet to the place of beginning, **CONTAINING 0.028 ACRES** (1,227 square feet), subject however, to all legal highways, easements, leases and restrictions of record.

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in October 2015, Iron pipes set are 30" X 1" (O.D.) with an orange plastic cap inscribed "MYERS P.S. 6579". Bearings

are based on the centerline of Wilson Avenue held as **NORTH**.

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 \$1,080.00 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 for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.