



Legislation Text

File #: 1455-2020, **Version:** 1

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Audrey R. Howard, Administrator for the Genessee Avenue Church of Christ at 1884 E Genessee Avenue, asking that the City sell them an approximate 0.141 acre portion of the right-of-way adjacent to 1884 E. Genessee Avenue located to the west of parcel 010-069426.

The church installed an asphalt parking lot and chain link fencing over this portion of right-of-way, creating an encroachment. The Church was notified and decided to request to purchase the right-of-way to leave the fence and parking lot intact. Sale of this right-of-way will resolve the encroachment issue and will facilitate the combining of the parcel and the portion of right-of-way allowing the fence and parking lot to remain intact. The Department of Public Service has agreed to sell the right-of-way as described and shown within the attached legal description and exhibit, and extinguishes its need for this public right-of-way.

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 City Attorney's Office asking that they establish a value for this right-of-way. A value of \$1,535.00 was established. This request went before the Land Review Commission on August 15, 2019. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to the Genessee Avenue Church of Christ at the cost of \$1,535.00 to them.

2. FISCAL IMPACT

The City will receive a total of \$1,535.00 and the funds are to be deposited in Fund 7748, Project P537650, 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 necessary for the transfer of a 0.0141 acre portion of right-of-way adjacent to 1884 E Genessee Avenue to the Genessee Avenue Church of Christ. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Audrey R. Howard, Administrator for the Genessee Avenue Church of Christ at 1884 E Genessee Avenue, asking that the City sell them an approximate 0.141 acre portion of the right-of-way adjacent to 1884 E. Genessee Avenue to the west of parcel 010-069426; and

WHEREAS, the purpose of the transfer will resolve an encroachment issue due to the construction of a fence and parking lot and will facilitate the combining of the parcel and the portion of right-of-way allowing the fence and parking lot to remain intact; and

WHEREAS, the Department of Public Service has agreed to sell the right-of-way as described and shown within attached legal description and exhibit, and 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 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; and

WHEREAS, the Department of Public Service submitted a request to the City Attorney's Office asking that they establish a value for this right-of-way; and

WHEREAS, a value of \$1,535.00 was established to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way; and

WHEREAS, this request went before the Land Review Commission on August 15, 2019; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Genessee Avenue Church of Christ at the cost of \$1,535.00 to them; **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 a quit claim deed and other incidental instruments prepared by the City Attorney's Office necessary to transfer the legal description as described below and on the attached exhibit of right-of-way to Genessee Avenue Church of Christ; to-wit:

0.0141 ACRE PROPERTY DESCRIPTION

Situate in the State of Ohio, County of Franklin, City of Columbus, being part of Burwell Street (Original name) 50 feet wide, as delineated on the recorded plat of Wolfe & Cary's Addition as is recorded in Plat Book 8, Page 7-B, name changed to Joyce Avenue by City of Columbus Ordinance Number 371-51 on April 16, 1951 and part of Lot 32 of said Addition conveyed to the City of Columbus in Deed Book 2297, Page 548 and Deed Book 2297, Page 550, dedicated to public use by City of Columbus Ordinance Number 1571-61 on December 11, 1961 and being more particularly bounded and described as follows:

BEGINNING at a set iron pin at the southwest corner of Lot 33 of said Wolfe & Cary's Addition, also being the intersection of the east line of Burwell Street with the north line of Genessee Avenue, 50 feet wide;

Thence, along part of the north line of Genessee Avenue, along the south line of Burwell Street and along part of the south line of said Lot 32, North 89 degrees 39 minutes 30 seconds West, 63.99 feet to a set iron pipe;

Thence, across part of said Lot 32, along a curve to the right having a radius of 1770.00 feet, a central angle of 02 degrees 13 minutes 10 seconds, an arc length of 68.56 feet, North 09 degrees 03 minutes 09 seconds East, 68.56 feet to a found 1" iron pipe at a point of tangency;

Thence, continuing across part of said Lot 32 and across part of said Burwell Street, North 10 degrees 09 minutes 44 seconds East, 42.91 feet to a found 1" iron pipe;

Thence, continuing across part of Burwell Street, South 89 degrees 39 minutes 30 seconds East, 46.90 feet to a found 1¼" iron pipe at the northwest corner of said Lot 33, also being the intersection of the east line of Burwell Street with the south line of a 15 foot wide alley;

Thence, along the west line of said Lot 33 and the east line of Burwell Street, South 00 degrees 39 minutes 30 seconds West, 110.05 feet to the POINT OF BEGINNING, CONTAINING 0.141 ACRES. Subject, however to all legal highways, easements, agreements, restrictions of record and of records in the respective utility offices. Basis of bearings is assumed to be North 89 degrees 39 minutes 30 seconds West on the north line of Genessee Avenue. Iron pipes set are 1" O.D. x 30" long with an orange plastic cap inscribed "MYERS PS 6579". Found iron pipes were previously set by Myers Surveying Company in May, 1985. This description is based on a field survey by Myers Surveying Company, in January, 2020 by Myers Surveying Company, Inc. **Paul T. Dinan, Professional Surveyor 7312**

SECTION 2. That the attached 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 quitclaim deed to the grantee thereof.

SECTION 3. That a general utility easement in, on, over, across, and through the attached legal description and exhibit describing the 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 the City will receive a total of \$1,535.00 for the sale of this right-of-way and the funds are to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

SECTION 5. 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 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.