



Legislation Text

File #: 0127-2016, **Version:** 1

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Hirschvogel Incorporated asking that the City sell a 0.143 acre portion of the 3rd Street right-of-way east of South High Street and south of Bellevue Avenue. Transfer of this right-of-way will resolve encroachment issues relating to property owned by Hirschvogel Incorporated adjacent to the above noted 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 Department of Law, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$6,229.00 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 Hirschvogel Incorporated for the amount of \$6,229.00.

2. FISCAL IMPACT:

The City will receive a total of \$6,229.00 that will 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 required to transfer a 0.143 acre portion of the 3rd Street right-of-way east of South High Street and south of Bellevue Avenue, adjacent to property owned by Hirschvogel Incorporated, located at 2230 South 3rd Street. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Hirschvogel Incorporated, asking that the City transfer a 0.143 acre portion of the 3rd Street right-of-way east of South High Street and south of Bellevue Avenue, adjacent to property owned by Hirschvogel Incorporated, located at 2230 South 3rd Street, to them; and

WHEREAS, acquisition of the right-of-way will resolve encroachment issues regarding adjacent property owned by the Hirschvogel Incorporated, located at 2230 South 3rd 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 Hirschvogel Incorporated; 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 \$6,229.00 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 Hirschvogel Incorporated for the amount of \$6,229.00; 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 Hirschvogel Incorporated; to-wit:

DESCRIPTION OF A 0.143 ACRE TRACT

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a 0.143 acre tract as part of Third Street (50 feet in width) in Hearthstone Addition as recorded in Plat Book 18, Page 24, all references to the Recorder's Office, Franklin County, Ohio, said 0.143 acre tract being more particularly described as follows;

Beginning at a point at the northwesterly corner of a 13.120 acre tract conveyed to Hirschvogel Incorporated as recorded in Official Record 26341, Page H-01 and the easterly right-of way line of said Third Street;

Thence, South $04^{\circ} 06'43''$ West, along the easterly right-of-way line of said Third Street and the westerly line of said 13.120 acre tract, a distance of 170.50 feet to a point in northerly limited access right-of-way line of State Route 104 (FRA-1 04-8.73), the easterly right-of-way line of said Third Street and a southwesterly corner of said 13.120 acre tract;

Thence, North $24^{\circ}26'46''$ West, along the northerly limited access right-of-way line of said State Route 104 and crossing said Third Street, a distance of 104.59 feet to a point in the northerly limited access right-of-way line of said State Route 104, the westerly right-of-way line of said Third Street and the easterly line of Lot 41 of said Hearthstone Addition;

Thence, North $04^{\circ} 06'43''$ East, along the westerly right-of-way line of said Third Street and the easterly line of said Lot 41, a distance of 78.87 feet to a point in said lines;

Thence, South $85^{\circ} 38' 17''$ East, crossing said Third Street, a distance of 50.00 feet to a point at the PLACE OF BEGINNING.

Containing 0.143 acres of land, more or less.

Subject to all easements, restrictions and rights-of-ways of record.

Basis of bearings for the purpose of this description, a bearing of South $86^{\circ} 04' 53''$ East was measured for the northerly right-of-way line of Sixth Street Relocation utilizing the O.D.O.T. VRS RTK Network (NAD83 (CORS96) reference frame: 2002.0 Epoch).

This description is based upon a field survey performed by Pomeroy & Associates, Ltd. in July 2015.

All references are to records of the Recorder's Office Franklin County, Ohio.

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 \$6,229.00 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 7748, main account 49040.

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