



## Legislation Text

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**File #:** 1629-2024, **Version:** 1

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Jordan Zickafoose, representative for Upgrade Equity, LLC and Taggart Texas LTD, joint owners, asking that the City sell them an approximate 1,100 square foot portion of the right-of-way south of Jenkins Avenue and east of 19th Street.

Sale of this right-of-way will facilitate the expansion of the parking lot on the existing property. 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.

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, and a value of \$1,132.00 was established. This request went before the Land Review Commission on April 18, 2024. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Upgrade Equity, LLC and Taggart Texas LTD, joint owners at the cost of \$1,132.00 to them.

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

The City will receive a total of \$1,132.00 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 0.026 acre portion of right-of-way south of Jenkins Avenue and east of 19th Street to Upgrade Equity, LLC and Taggart Texas LTD, joint owners.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Jordan Zickafoose, representative for Upgrade Equity, LLC and Taggart Texas LTD, joint owners asking that the City sell them an approximate 1,100 square foot portion of the south of Jenkins Avenue and east of 19th Street; and

**WHEREAS**, the purpose of the transfer is to facilitate the expansion of the parking lot on the existing property; 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 \$1,132.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on April 18, 2024; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Upgrade Equity, LLC and Taggart Texas LTD, joint owners at the cost of \$1,132.00 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 quitclaim deed and other incidental instruments prepared by the City Attorney's Office, necessary to transfer the legal description as described below and attached exhibit of right-of-way to Upgrade Equity, LLC and Taggart Texas LTD, joint owners; to-wit:

ALLEY DESCRIPTION  
0.026 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part that Alley (16 feet wide) lying south of East Jenkins Avenue and east of South 19th Street (R/W varies) as shown for record on the Plat of the Estate of Wm Merion Dec'd, of record in Plat Book 17, Page 256, (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 0.026 acre Alley being more particularly described as follows:

Beginning at a ¾ inch iron pipe found at the southeasterly corner of Lot 407 of said Plat, also being the southwesterly corner of Lot 408 of said Plat, also being in the northerly line of said Alley;

Thence across and through said Alley, with the west line of that portion of said Alley, declared as "Excess Right of Way" in Ordinance No. 1932-95, of record in Official Record 30109 E13, South 3°30'13" West, a distance of 16.00 feet to an iron pipe set at the northeasterly corner of Lot 450 of said Plat, also being the northwesterly corner of Lot 451 of said Plat, also being in the southerly line of said Alley;

Thence with the southerly line of said Alley, also with the northerly line of said Lot 450 and continuing with the northerly line of Lot 449 of said Plat, North 86°11'41" West, a distance of 70.00 feet to an iron pipe set at the northwesterly corner of said Lot 449, also being the northeasterly corner of Lot 448 of said Plat;

Thence across and through said Alley, North 3°30'13" East, a distance of 16.00 feet to an iron pipe set at the southeasterly corner of Lot 405 of said Plat, also being the southwesterly corner of Lot 406 of said Plat, also being in the northerly line of said Alley;

Thence with the northerly line of said Alley, also with the southerly line of said Lot 406, and continuing with the southerly line of said Lot 407, South 86°11'41" East, a distance of 70.00 feet to the point of beginning, and containing 0.026 acre of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The southerly Right of Way line of Jenkins Avenue was assigned a bearing of South 86°11'41" East, as described in Instrument Number 201904010036100, Recorder's Office, Franklin County, Ohio.

The above description was prepared by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Sands Decker, and is based on an actual survey of the premises performed in August 2023.

**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 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 City will receive a total of \$1,132.00, to be deposited in Fund 7748, Project P537650.

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