



Legislation Text

File #: 1045-2016, **Version:** 1

1. BACKGROUND:

The City's Department of Public Service (DPS) received a request from Andrew Kalnitsky, on behalf of Career Gateway Homes LLC., asking that the City transfer a 0.024 acre unnamed east/west alley east of Heyl Avenue between Whittier Street and Reinhard Avenue. The 0.024 acre portion shall be deeded to Career Gateway Homes LLC. Transfer of this right-of-way will allow for access to a proposed 4 unit townhouse and parking facilities located on the property to the west of this portion of alley. 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. DPS submitted a request to the City Attorney's Real Estate Division to establish a value for this right-of-way. Accordingly, the City Attorney's Real Estate Division established a value of \$525.00 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 Career Gateway Homes LLC. for the total amount of \$525.00.

2. FISCAL IMPACT:

The City will receive a total of \$525.00 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 0.024 acre unnamed east/west alley east of Heyl Avenue between Whittier Street and Reinhard Avenue. The 0.024 acre portion shall be deeded to Career Gateway Homes LLC.

WHEREAS, the City's Department of Public Service (DPS) received a request from Andrew Kalnitsky, on behalf of Career Gateway Homes LLC., asking that the City transfer a 0.024 acre unnamed east/west alley east of Heyl Avenue between Whittier Street and Reinhard Avenue., to them; and

WHEREAS, transfer of this right-of-way will allow for access to a proposed 4 unit townhouse and parking facilities located on the property to the west of this portion of alley; and

WHEREAS, the Career Gateway Homes LLC., shall receive a 0.024 acre portion of the above noted right-of-way; and

WHEREAS, DPS's 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 portions of this right-of-way to Career Gateway Homes LLC.; and

WHEREAS, the City Attorney's Real Estate Division established a value of \$525.00 for this right-of-way; and

WHEREAS, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to Career Gateway Homes LLC., as previously described, for the total amount of \$525.00; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. The director of the Department of Public Service (DPS) is authorized to execute and acknowledge any necessary instruments prepared by the City Attorney in order to quit-claim grant the following 0.024 acre portion of right-of-way to Career Gateway Homes LLC., its successors and assigns:

Legal Description 0.024 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Half Section 30, Township 5, Range 22, being a part of that 15 foot wide alley as dedicated in part by Mary A. Goddard's Subdivision, of record in Plat Book 10, page 303, and in part by George W. Rhodes Subdivision, of record in Plat Book 7, page 382, both being re-subdivisions of Lots 8, 9 and 10 of Philip Schmitt's Subdivision, of record in Plat Book 3, page 107, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a 1 inch iron pipe found at the northeast corner of Lot 4 of said Rhodes Subdivision, said Lot 4 is described in a deed to Board of Education of the Columbus City School District, of record in Deed Book 3493, page 970 (see Instrument Number 201512180177320), being the northwest corner of Lot 5 of said Rhodes Subdivision, said Lot 5 is described in a deed to Beverly J. Butler-Burnam, of record in Official Record 34225 A17, and said point being on the south right-of-way line for Whittier Street (60 feet wide) as delineated in Plat Book 7, page 382;

Thence **South 03 degrees 49 minutes 15 seconds East**, along the east line of said Lot 4 and along the west line of said Lot 5, a distance of **110.00 feet** to the southeast corner of said Lot 4 and the southwest corner of said Lot 5, being on the north right-of-way line for said 15 foot wide alley;

Thence **North 85 degrees 47 minutes 52 seconds West**, along the south line of said Lot 4, along the north right-of-way line for said alley, a distance of **3.95 feet** to an iron pin set at the **TRUE POINT OF BEGINNING** for this description;

Thence **South 03 degrees 49 minutes 15 seconds West**, across said alley, a distance of **15.00 feet** to an iron pin set on the south right-of-way line for alley, being the northeast corner of the west half of Lot 3 and the northwest corner of the east half of Lot 3 of said Goddard's Subdivision, said west half of Lot 3 is described in a deed to Board of Education of the Columbus City School District, of record in Deed Book 3467, page 736 (see Instrument Number 201512180177320), said east half of Lot 3 is described in a deed to City of Columbus, Ohio, of record in Instrument Number 201507100093351;

Thence **North 85 degrees 48 minutes 02 seconds West**, along the south right-of-way line for said alley, along the north line of said Lot 3, along the north line of Lot 2 of said Goddard's Subdivision, said Lot 2 is described in a deed to Board of Education of the Columbus City School District, of record in Deed Book 3467, page 734 (see Instrument Number 201512180177320), and along the north line of the east 20 feet of Lot 1 of said Goddard's Subdivision, said east 20 feet of Lot 1 is described in a deed to Board of Education of the Columbus City School District, of record in Instrument Number 201507100093352, a distance of **70.00 feet** to an iron pin set at a point, being the northwest corner of said east 20 feet of Lot 1, being the northeast corner of the remainder of said Lot 1, said Lot 1 is described in a deed to Board of Education of the City School District of Columbus, Ohio, and being the southeast corner of that portion of said alley

previously vacated by City of Columbus Ordinance Number 1316-55;

Thence **North 03 degrees 49 minutes 15 seconds East**, across said alley and along the east line of said previously vacated portion, a distance of **15.00 feet** to an iron pin set on the north line of said alley, being the northeast corner of said previously vacated portion, being on the south line of Lot 2 of said Rhodes Subdivision, said Lot 2 is described in a deed to Board of Education of the Columbus City School District, of record in Deed Book 1921, page 645 (see Instrument Number 201512180177320);

Thence **South 85 degrees 48 minutes 02 seconds East**, along the north right-of-way line for said alley, along the south line of said Lot 2, along the south line of Lot 3 of said Rhodes Subdivision, said Lot 3 is described in a deed to Board of Education of the Columbus City School District, of record in Deed Book 3493, page 968 (see Instrument Number 201512180177320), and along the south line of said Lot 4 of said Rhodes Subdivision, a distance of **70.00 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total area of **0.024 acres** located entirely within the dedicated public right-of-way for said 15 foot wide alley.

Bearings described herein are based on the bearing of South 85 degrees 48 minutes 02 seconds East for the south right-of-way line for Whittier Street, which is measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment), as established utilizing a GPS survey tied to the ODOT VRS Network.

Iron pins referenced as being set are 5/8 inch diameter by 30 inch long rebar with caps stamped "ASI PS-8438".

The above description was prepared on March 2, 2016 by Brian P. Bingham, Registered Professional Surveyor Number 8438, is based on an actual field survey of the premises performed by American Structurepoint, Inc. and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

SECTION 2. The real property described in Sections One (1) of this ordinance are considered excess road right-of-way and the public rights to this real property terminate upon the execution and delivery of the quit-claim deeds to the grantees described in Sections One of this ordinance.

SECTION 3. A general utility easement in, on, over, across and through the above described right-of-way shall be retained unto the City of Columbus for those utilities located within the right-of-way.

SECTION 4. Upon notification and verification of the relocation of all utilities located within the retained general utility easement area, the director of DPS is 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. The \$525.00 to be received by the City as consideration for the sale of this right-of-way shall 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.