



Legislation Text

File #: 1407-2021, **Version:** 1

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Matthew LaBuhn, Esq, requester and agent for the applicant, Specialty Gas Properties LLC, asking the City to sell an approximate 1,137 square foot portion of right-of-way adjacent to property address 4500 Indianola Avenue and Beaumont Road at the southern terminus, just east of Indianola Avenue. The portion of right-of-way in question runs north/south directionally and is adjacent to a parcel already owned by the applicant, PID 010-007552.

Sale of this right-of-way will serve to enhance access to the Specialty Gas Properties LLC property and incorporate the right-of-way into the applicant's current parcel. Sale will also address the irregular shape of the site and provide more utility for the property which will benefit customers and invitees. 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 \$4,548.00 was established. Mitigation was not requested. An easement will be retained. This request went before the Land Review Commission on November 19, 2020. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Specialty Gas House at the cost of \$4,548.00 to them.

2. FISCAL IMPACT:

The City will receive a total of \$4,548.00 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 1,137 square foot portion of the above mentioned right-of-way to Specialty Gas Properties LLC.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Matthew LaBuhn, Esq, requester and agent for the applicant, Specialty Gas Properties LLC, asking the City to sell an approximate 1,137 square foot portion of right-of-way adjacent to property address 4500 Indianola Avenue and Beaumont Road at the southern terminus, just east of Indianola Avenue. The portion of right-of-way in question runs north/south directionally and is adjacent to a parcel already owned by the applicant, PID 010-007552; and

WHEREAS, Sale of this right-of-way will serve to enhance access to the Specialty Gas Properties LLC property and incorporate the right-of-way into the applicant's current parcel. Sale will also address the irregular shape of the site and provide more utility for the property which will benefit customers and invitees; 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 \$4,548.00 was established to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way; and

WHEREAS, mitigation was not requested; and

WHEREAS, an easement will be retained; and

WHEREAS, this request went before the Land Review Commission on November 19, 2020; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred Specialty Gas House at the cost of \$4,548.00 to them; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director to execute the instruments necessary to transfer the right-of-way to Specialty Gas Properties, Inc.; **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 attached exhibit of right-of-way to Specialty Gas Properties LLC; to-wit:

1,137.32 SQ. FT. (0.026 ACRES)

Situate in the State of Ohio, County of Franklin, City of Columbus, and being a part of Beaumont Road right of way as dedicated in Highland Gardens Addition recorded in Plat Book 12, Page 3 (all references to deeds, microfiche, plats, surveys, etc. refer to the Franklin County Recorder's Office or Engineer's Office) and being more particularly described as follows:

COMMENCING FOR REFERENCE at an iron pin set at the intersection of the southerly right of way of said Beaumont Road (50 foot wide) and the easterly right of way of Indianola Avenue (60 foot wide) conveyed to the Commissioners of Franklin County, Ohio as recorded in Deed Book 906, Page 412, and also being on the northerly line of Lot 110 of said Highland Gardens Addition;

Thence along said southerly and northerly line, also along the northerly lines of Lots 111 & 112 of said Highland Gardens Addition, and also along a northerly line of a 0.151 acre tract of land conveyed to Specialty Gas Properties, LLC as recorded in Instrument Number 200602130027526, South 85°58'00" East, for a distance of 179.01 feet to an iron pin set (passing the northeast corner of a 0.772 acre tract of land conveyed to Heal Properties, LTD. As recorded in Instrument 200804230061687 at 176.60 feet) at a corner of said 0.151 acre tract, also being the **TRUE POINT OF BEGINNING**;

Thence across said Beaumont Road right of way along a new dividing line, South 85°58'00" East, for a distance of 37.89 feet to an iron pin set on the westerly railroad right of way conveyed to New York Central Lines LLC as recorded in Instrument Number 200212180325201, and also being on the east right of way of said Beaumont Road;

Thence along said westerly and easterly lines, South 02°47'41" East, for a distance of 52.44 feet to an iron pin set at a corner of said 0.151 acre tract, and also being on a southerly line of said Beaumont Road;

Thence along a northerly line of said 0.151 acre tract and also along said southerly line; South 87°15'08" West, for a distance of 20.00 feet to an iron pin set at a corner thereof;

Thence along a westerly line of said 0.151 acre tract and also along an easterly line of said Beaumont Road, North 02° 47'41" West, for a distance of 37.09 feet to an iron pin set at a corner thereof;

Thence continuing along said southerly right of way and a northerly line of said 0.151 acre tract, on a curve to the left having a radius of 20.00 feet, a delta angle of 83°08'05", an arc length of 29.02 feet, a chord length of 26.54 feet bearing North 44°24'15" West to the **TRUE POINT OF BEGINNING**;

Containing a total of 0.026 acres (1,137.32 Sq. Ft. more or less), subject however to all covenants, conditions, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.

Being an 0.026 acre part of Beaumont Road.

All iron pins set are 3/4" inside diameter iron pipe being 30 inches in length with a 1" yellow plastic cap inscribed "Sands Decker".

Bearings are based on the Ohio State Plane Coordinate System, South Zone, (NAD83) by GPS observations, referenced to the ODOT VRS network with the south right of way of Beaumont Road being South 85°58'00" East.

This description is based upon actual field surveys performed in August, 2019 by Sands Decker, CPS, LLC.

Steven W. Newell, Ohio Registered Professional Surveyor 7212

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 \$4,548.00 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 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.