



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1181-2012, **Version:** 1

1. Background:

The City of Columbus, Department of Public Service, received a request from Wilber and Susan Presley, asking that the City sell the portion of the McKinley Avenue right-of-way adjacent to 1930 McKinley Avenue. Transfer of this right-of-way will facilitate improvements to property currently owned by Wilber and Susan Presley. 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 \$1,772.70 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 Wilber and Susan Presley for \$1,772.70.

2. FISCAL IMPACT:

The City will receive a total of \$1,772.70 that will be deposited in Fund 748, Project 537650, 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 the portion of the McKinley Avenue right-of-way adjacent to 1930 McKinley Avenue.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Wilber and Susan Presley, asking that the City transfer the portion of the McKinley Avenue right-of-way adjacent to 1930 McKinley Avenue to them; and

WHEREAS, acquisition of the right-of-way will allow Wilber and Susan Presley to perform improvements and enhancements on property that is currently owned by Wilber and Susan Presley; 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 Wilber and Susan Presley; 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 \$1,772.70 was established for this right-of-way; and

WHEREAS, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to Wilber and Susan Presley for the amount of \$1,772.70; and 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 Wilber and Susan Presley; to-wit:

**0.113 Acres
For 1930 McKinley Avenue**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Virginia Military Survey Number 2668, part of the City of Columbus, Ohio 0.380 Acre tract as conveyed in Instrument 19970220097853 (Parcel 2WD) and part of the City of Columbus, Ohio 0.7653 Acre tract as conveyed in Official Record Volume 32822 F05, as filed in the Recorder's Office, Franklin County, Ohio (all references made are of said Recorder's Office, unless otherwise noted) and being more particularly described as follows:

Commencing at a MAG nail set at the northeast corner of the New York Central Lines LLC tract which is part of Segment "F" of the 120.07 Acre tract conveyed in Instrument 200212180325201, at a southeasterly corner of the Raymond Baker 5.848 Acre tract conveyed in Instrument 199810020251039 (Parcel 1) and in a westerly line of the Wilber L. and Susan E. Presley 10.547 Acre tract conveyed in Official Record Volume 28283 J06;

Thence, along the north line of said Railroad tract and a southerly line of said 5.848 Acre tract, South 84° 13' 22" West, 45.25 feet to a MAG nail set in the old centerline of McKinley Avenue, being 102.81 feet Left of Station 66+65.40 of the centerline of McKinley Avenue as established by the City of Columbus "McKinley Avenue Realignment and Rehabilitation" Project in City of Columbus Drawer E Plan 1493, at the northeast corner of said 0.380 Acre tract (Parcel 2WD), a southwesterly corner of said 5.848 Acre tract, a southeasterly corner of the City of Columbus, Ohio 0.380 Acre tract as conveyed in Instrument 19970220097853 (Parcel 3WD) and being the TRUE POINT OF BEGINNING of the herein described tract;

Thence, along said old centerline, the east line of said 0.380 Acre (Parcel 2WD) and the west line of said Railroad tract, South 08° 27' 33" East, 80.09 feet to a MAG nail set at an angle point in said old centerline, being 44.46 feet Left of Station 67+20.25 of said centerline of McKinley Avenue, at a northwesterly corner of the Richard D. Langhout, Trustee et al 1.175 Acre tract as conveyed in Instrument 200508190169514, the southwest corner of said Railroad tract and a northeasterly corner of said 0.7653 Acre tract;

Thence, continuing along said old centerline, a westerly line of said 1.175 Acre tract and an easterly line of said 0.7653 Acre tract, South 41° 41' 07" East, 37.06 feet to an iron pipe set at an angle point in said old centerline, being 35.78 feet Left of Station 67+56.28 of said centerline of McKinley Avenue;

Thence, across said 0.7653 Acre tract, South 37° 32' 41" West, 4.33 feet to an iron pipe set being 31.46 feet Left of Station 67+56.07 of said centerline of McKinley Avenue and being 100 feet northeasterly from the Limited Access Right of Way of Interstate 70 (FRA-70-1 0.36 S);

Thence, continuing across said 0.7653 Acre tract, across said 0.380 Acre tract (Parcel 2WD) and being 100 feet northeasterly and parallel with said Limited Access Right of Way, North 52° 27' 19" West, 156.81 feet to an iron pipe set being 39.05 feet Left of Station 65+99.44 of said centerline of McKinley Avenue;

Thence, continuing across said 0.7653 Acre tract, across said 0.380 Acre tract (Parcel 2WD) and being 100 feet northeasterly and parallel with said Limited Access Right of Way, North 55° 15' 10" West, 8.58 feet to an iron pipe set being 39.04 feet Left of Station 65+90.86 of said centerline of McKinley Avenue, in the north line of said 0.380 Acre tract (Parcel 2WD) and in the south line of said 0.380 Acre tract (Parcel 3WD);

Thence, along the north line of said 0.380 Acre tract (Parcel 2WD) and the south line of said 0.380 Acre tract (Parcel 3WD), North 84° 13' 22" East, 98.09 feet to the place of beginning CONTAINING 0.113 ACRES, subject however to all legal highways, leases, agreements, easements, restrictions of record and of records in the respective utility offices. Iron pipes set are 30" x 1" O.D. with orange plastic caps inscribed P.S. 6579, unless otherwise noted. The foregoing description was prepared from actual field measurements in accordance with Chapter 4733-37 Ohio Administrative Code in June 2010 and September 2011. Basis of bearings is the centerline of McKinley Avenue held as South 55° 13' 46" East as per City of Columbus "McKinley Avenue Realignment and Rehabilitation" Project in City of Columbus Drawer E Plan 1493.

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 \$1,772.70 to be received by the City as consideration for the sale of this right-of-way shall be deposited as followed:

Fund / Dept. - Div. / Project / Project Name / O.L. 01-03 Codes / OCA Code / Amount

748 / 59-12 / 537650-100000 / General Roadway Street Improvement / 77-0817 / 591264 / \$1,772.70

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