



## Legislation Text

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**File #: 0899-2017, Version: 1**

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Mr. Jay Kasey asking that the City sell a 0.011 acre parcel of the Alexander Alley right-of-way south of Sycamore Street between 5th Street and Purdy Alley, which is adjacent to property owned by Mr. Kasey. Transfer of this right-of-way will resolve an encroachment issue related to property 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 these rights-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 \$8,024.00 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 Mr. Kasey for \$8,024.00.

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

The City will receive a total of \$8,024.00 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 0.011 acre parcel of the Alexander Alley right-of-way south of Sycamore Street between 5th Street and Purdy Alley to Mr. Jay Kasey, which is adjacent to property owned by Mr. Jay Kasey located at 700 South 5<sup>th</sup> Street; and to declare an emergency. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Mr. Jay Kasey asking that the City transfer a 0.011 acre parcel of the Alexander Alley right-of-way south of Sycamore Street between 5th Street and Purdy Alley, adjacent to property owned by Mr. Jay Kasey to him; and

**WHEREAS**, acquisition of the right-of-way will resolve an encroachment issue related to property adjacent to the above noted right-of-way; 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 Mr. Jay Kasey; 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 the right-of-way; and

**WHEREAS**, a value of \$8,024.00 was established for the right-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to

Mr. Jay Kasey for the amount of \$8,024.00; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to resolve the encroachment issue between the properties as soon as possible, thereby preserving the public health, peace, property, safety and welfare; **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 Mr. Jay Kasey; to-wit:

**Legal Description of a 0.011 Ac.**

Situated in the State of Ohio, County of Franklin, the City of Columbus being part of Alexander Alley as Platted in A. Shattuck Subdivision in Plat Book 1, Page 403, records stated herein are from the Recorder's Office, Franklin County, Ohio and being more particularly described as follows;

Beginning for reference at a Found Pipe at the Northwest corner of said A. Shattuck Subdivision begin at the point of intersection of the East line of Fifth Street with the South line of Sycamore Street also being the Northwest corner of Part Lot 1 as conveyed to Marlyn C. Day; Trustee in Instrument NO.2015031900034054;

Thence with the East line of Fifth Street South 00°00'00" East a distance of 177.12 feet to a Set 5/8" Rebar in Alexander Alley being the TRUE POINT OF BEGINNING of the herein described 0.011 acre tract;

Thence with a new line through Alexander Alley South 77°45'47" East a distance of 164.00 feet to a Set 5/8" Rebar in the West line of Purdy Alley;

Thence with the West line of Purdy Alley South 00°00'00" East a distance of 2.88 feet to a Set 5/8" Rebar at the Northeast corner of Lot 5 of said Shattuck Subdivision as conveyed to Susan Kasey and Jack D. Kasey; Jr. in Instrument No. 201405020053858;

Thence with the North line of said Kasey tract and the South line of Alexander Alley North 77°45'47" West a distance of 164.00 feet to a Set 5/8" Rebar at the Northwest corner of said Kasey tract being in the East line of Fifth Street;

Thence with the East line of Fifth Street North 00°00'00" West a distance of 2.88 feet to the TRUE POINT OF BEGINNING and containing 0.011 Acres.

Subject to all easements, rights-of-way or restrictions of record.

This description was prepared by Ackison Surveying, LLC. (614-766-4000) under the direct supervision of Steven B. Walton Registered Surveyor No. S-7675 from an actual field survey of the premises in June of 2016. And a Plat of survey is attached hereto and made a part hereof.

Basis of Bearing is the South line of Alexander Alley as North 77°45'47" West as determined through G.P.S. observation utilizing the O.D.O.T. VRS Network (NSRS2007) and should be used to denote angles only.

Deed References and Documents as Recorded in the Franklin County, Ohio Recorder's Office.

All Iron Pins set are 5/8" X 30" rebar with a yellow plastic cap reading Ackison Surveying.

**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 \$8,024.00 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 for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.