



## Legislation Text

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**File #: 0299-2020, Version: 1**

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from David Perry on behalf of 48 Parkwood LTD asking that the City sell them an approximate 0.035 acre portion of right-of-way of an unnamed alley connecting Eastwood Avenue to Maplewood Alley. It is the first alley east of Parkwood Avenue and is adjacent to and north of Eastwood Ave. This portion of right-of-way is adjacent to parcels already owned by the Ohio Baptist General Convention, Inc., at 32 and 40 Parkwood Avenue.

The intended use of this right-of-way is for parking for new housing planned on the abutting parcels. 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. An easement was requested and will be maintained. 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 \$6,128.00 was established. There was no request for mitigation. This request went before the Land Review Commission on November 21, 2019. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to 48 Parkwood LTD at the cost of \$6,128.00.

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

The City will receive a total of \$6,128.00 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 a portion of right-of-way of an unnamed alley connecting Eastwood Avenue to Maplewood Alley to 48 Parkwood LTD. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from David Perry on behalf of 48 Parkwood LTD asking that the City sell them an approximate 0.035 acre portion of right-of-way of an unnamed alley connecting Eastwood Avenue to Maplewood Alley; and

**WHEREAS**, the purpose of the transfer is for parking for new housing planned on the abutting parcels; 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 an easement will be maintained; 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 \$6,128.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on November 21, 2019; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to 48 Parkwood LTD at the cost of \$6,128.00; **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 48 Parkwood LTD; to-wit:

**0.035 ACRE PROPERTY DESCRIPTION**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of a 15.5' wide alley conveyed to City of Columbus, Ohio by the instrument filed as Deed Book volume 591, page 314 (hereafter referred to as "Grantor", all deed references refer to the records of the Recorder's Office Franklin County Ohio), also being a part of Lots 44 and 45 of Calender and Rockwell's Subdivision of record in Plat Book volume 4, page 115, also being a part of a 15' wide alley vacated by Ordinance 29223, and described as follows:

**COMMENCING FOR REFERENCE** at an iron pin found at the northwest corner of Lot 48 of the said Calender and Rockwell's Subdivision, also being the northwesterly corner of a parcel conveyed to 48 Parkwood LTD. by the instrument filed as Instrument Number 201910090134404, also being at the intersection of the easterly right-of-way line of Parkwood Avenue (60' wide) and the southerly right-of-way line of Maplewood Alley (20' wide);

**Thence** along the westerly line of the said 48 Parkwood LTD. parcel and along the said easterly right-of-way line, South 04 degrees 01 minutes 15 seconds West for a distance of 208.66 feet to an iron pin set at the southwesterly corner of a parcel conveyed to 48 Parkwood LTD. by the instrument filed as Instrument Number 201910090134403, on the northerly right-of-way line of Eastwood Avenue (20' wide), and at the southwesterly corner of Lot 52 of the said Calender and Rockwell's Subdivision, passing iron pins found at 76.05 feet and 115.36 feet;

**Thence** along the said northerly right-of-way line and along the southerly line of the said 48 Parkwood LTD. parcel, North 82 degrees 00 minutes 15 seconds East for a distance of 136.02 feet to an iron pin set at the southeasterly corner of the said 48 Parkwood LTD. parcel, at the Grantor's southwesterly corner, and on the centerline of the said vacated 15' wide alley, the said pin being the **TRUE POINT OF BEGINNING** of the parcel herein described.

**Thence** along the Grantor's westerly line and along the easterly line of the said 48 Parkwood LTD. parcel, North 4 degrees 12 minutes 57 seconds East for a distance of 100.48 feet to an iron pin set at the Grantor's northwesterly corner and at an interior corner of the said 48 Parkwood LTD. parcel;

**Thence** along the Grantor's northerly line and along the southerly line of the said 48 Parkwood LTD. parcel, South 86 degrees 03 minutes 25 seconds East for a distance of 15.50 feet to an iron pin set at the Grantor's northeasterly corner and at the northwesterly corner of a parcel conveyed to On Broad LLC by the instrument filed as Instrument Number 201305020072721;

**Thence** along the Grantor's easterly line and along the westerly line of the said On Broad LLC parcel, South 04 degrees 12 minutes 57 seconds West for a distance of 97.19 feet to an iron pin set at the Grantor's southeasterly corner, at the southwesterly corner of the said On Broad LLC parcel, and on the said northerly right-of-way line of Eastwood Avenue;

**Thence** along the Grantor's southerly line and along the northerly right-of-way line, South 82 degrees 00 minutes 15 seconds West for a distance of 15.863 feet to the **TRUE POINT OF BEGINNING**, containing 0.035 acres, more or less, subject to all easements, encumbrances, covenants, restrictions and matters of record affecting the subject parcel.

Bearings are based upon the Ohio State Plane South Coordinate System NAD 83, (NSRS 2011) and further based upon GPS observations performed by CESO INC. in April of 2018, holding a bearing of North 4 degrees 01 minutes 15 seconds East for the centerline of Parkwood Avenue.

This description and field survey was prepared as the result of an actual field survey, conducted by CESO INC in April of 2018 under the direct supervision of Jeffrey A. Miller, Ohio Professional Surveyor #7211.

All iron pins called as set are 5/8" X 30" rebar with yellow identification cap stamped "CESO". All monumentation called for as found are in good, stable condition unless noted otherwise.

**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 quit claim 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.** The City will receive a total of \$6,128.00 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.