



Legislation Text

File #: 0632-2009, Version: 2

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Andrew I. Klein asking that the City sell the unimproved north/south alley east of Say Avenue, from the first alley south of Fourth Avenue to a point approximately 115 south thereof, to him. Transfer of this undeveloped alley will allow Mr. Klein to construct an addition to his adjacent residence. Per current practice, comments were solicited from interested parties, including City departments, 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 unimproved alley. 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 \$9,321.90 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend that the above referenced unimproved right-of-way be transferred to Andrew I. Klein for \$9,321.90.

2. FISCAL IMPACT

The City will receive a total of \$9,321.90 that will be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested unimproved right-of-way.

To authorize the Director of the Department of Public Service to execute those documents required to transfer the unimproved north/south alley east of Say Avenue, from the first alley south of Fourth Avenue to a point approximately 115 south thereof, to Andrew I. Klein and to waive the competitive bidding provisions of Columbus City Codes as they may apply to this transfer; **and to declare an emergency.**

WHEREAS, the City of Columbus, Department of Public Service, received a request from Andrew I. Klein asking that the City the unimproved north/south alley east of Say Avenue, from the first alley south of Fourth Avenue to a point approximately 115 south thereof, to him; and

WHEREAS, acquisition of the unimproved right-of-way will allow Mr. Klein to construct an addition to his adjacent residence; and

WHEREAS, per current practice, comments were solicited from interested parties, including City departments, 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 unimproved right-of-way to Mr. Klein; 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 \$9,321.90 was established for this right-of-way; and

WHEREAS, the Land Review Commission voted to recommend that the above referenced unimproved right-of-way be transferred to Andrew I. Klein for \$9,321.90; **and now, therefore**

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service and Transportation in that it is immediately necessary to pass this ordinance as an emergency measure because of the need for the applicant to be able to move forward with the proposed work to his property during Ohio's brief construction season; for the preservation of 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 Andrew I. Klein; to-wit:

Situate in the State of Ohio, County of Franklin, City of Columbus, being part of an alley lying between Lots 7, 8, 9, 10 and 11 of SOPHIA GEARY'S HEIRS SUBDIVISION, of record in Plat Book 2, Page 30, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Begin for reference at a point at the intersection of the southerly line of Ottar Alley (15.00 feet in width) and the easterly line of Say Avenue (30 feet in width), at the northwesterly corner of Lot 11 of said SOPHIA GEARY'S HEIRS SUBDIVISION;

Thence North 90°00'00" East, a distance of 120.00 feet, to a ¾" iron pin found at the northerly common corner of said Lot 11 and said alley at the northeast corner of the tract conveyed to Andrew I. Klein, of record in Instrument Number 200804250063776, said point being the **Point of True Beginning** for the herein described tract;

Thence North 90°00'00" East, a distance of 14.00 feet, continuing along the southerly line of said Ottar Alley, to a ¾" iron pin bound at the northerly common corner of said alley and Lot 7 at the northwesterly corner of the tract of land conveyed to New Victorians, of record in Official Record 25737, Page F19;

Thence South 11°18'40" East, a distance of 115.71 feet, along the easterly line of said alley and the westerly line of said Lots 7, 8, and 9, along said New Victorians tract and along a second tract conveyed to New Victorians, of record in Official Record 25737, Page F17, to an iron pin set at the northeasterly corner of a portion of said alley vacated by City of Columbus Ordinance No. 2640-87 as conveyed to Andrew I. Klein, of record in Official Record 11178, Page H13 and the southwesterly corner of said New Victorians tract (O.R. 25737, Pg. F17); a northerly common corner of the tract conveyed to and a tract conveyed to A. Irving Klein, of record in Official Record 8998, Page G04;

Thence North 90°00'00" West, a distance of 14.00 feet, along the northerly line of said vacated alley, to a point in the easterly line of said Lot 10 at the northwesterly corner of said vacated alley and the southeasterly corner of said Andrew I. Klein tract (Instrument Number 200804250063776);

Thence North 11°18'40" West, a distance of 115.71 feet, along the westerly line of said alley and the easterly line of said Lots 10 and 11 and Andrew I. Klein tract (Instrument Number 200804250063776), to the **Point of True Beginning**, containing 0.036 acres, more or less.

The bearings in the above description are based on the assumed bearing of N 90°00'00" East for the southerly line of Ottar Alley and are used to denote lot angles only.

All iron pins set are ¾" I.D. iron pipes 30" long, with red plastic cap stamped Landmark Survey.

The above description is based on an actual field survey in January of 2009.

Landmark Survey Group, Inc.
Scott D. Grundei, P.S.
Registered Surveyor No. 8047

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 currently 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 \$9,321.90 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 748, Project 537650.

Section 6. That this Council has determined it is in the best interest of the City of Columbus to allow this right-of-way to be transferred without requiring competitive bidding and hereby waives the competitive bidding provision of Columbus City Codes (1959) Revised, Section 329.29 with regards to the transfer of this right-of-way.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law. That for the reason 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.