



## Legislation Text

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**File #:** 1346-2013, **Version:** 1

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Core Resources, Inc., on behalf of Calvin and Nona Sutton, asking that the City sell the rights-of-way identified as a portion of the unnamed east/west alley east of Nelson Road, and the first north/south alley east of Nelson Road between Livingston Avenue and the first east/west alley. Transfer of these rights-of-way will facilitate the future construction of a proposed retail development on property adjacent to the above noted rights-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 these rights-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 these rights-of-way. A value of \$1,295.00 was established for these rights-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to Core Resources, Inc. on behalf of Calvin and Nona Sutton for \$1,295.00.

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

The City will receive a total of \$1,295.00 that will be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested rights-of-way.

To authorize the Director of the Department of Public Service to execute those documents required to transfer the rights-of-way identified as a portion of the unnamed east/west alley east of Nelson Road, and the first north/south alley east of Nelson Road between Livingston Avenue and the first east/west alley to Core Resources, Inc. on behalf of Calvin and Nona Sutton.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Core Resources, Inc. on behalf of Calvin and Nona Sutton asking that the City transfer rights-of-way identified as a portion of the unnamed east/west alley east of Nelson Road, and the first north/south alley east of Nelson Road between Livingston Avenue and the first east/west alley, to them; and

**WHEREAS**, acquisition of these rights-of-way will facilitate the future construction of a proposed retail development on property adjacent to the above noted rights-of-way, owned by Core Resources, Inc. on behalf of Calvin and Nona Sutton; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Planning and Operations, by this transfer, extinguishes its need for these public rights-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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way to Core Resources, Inc. on behalf of Calvin and Nona Sutton; 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 these rights-of-way; and

**WHEREAS**, a value of \$1,295.00 was established for these rights-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to Core Resources, Inc. on behalf of Calvin and Nona Sutton for the amount of \$1,295.00; 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 rights-of-way to Core Resources, Inc. on behalf of Calvin and Nona Sutton; to-wit:

**Alley Vacation 0.072 Acres**

Situated in the City of Columbus, County of Franklin, State of Ohio: also being a part of Half Section No. 21, Section No. 14, Township No.5, Range No. 22, Refugee Lands; also being a part of Lot No.1 in the case of Belle M. Miller vs. Eliza L. Joyce as delineated on a plat in Exhibit "A" Complete Record 96 Page 515, Court of Common Pleas, Franklin County, Ohio; also being all of a 15' alley running North-South and a portion of a 15' alley running East-West, the remaining lands of Frederick Schmidt as described in Deed Book 317 Page 455; being more particularly described as follows:

Commencing at a nail set at the intersection of the northerly right-of-way line of Livingston Avenue (66' right-of-way) and the easterly right-of-way line of Nelson Road (40' right-of-way), said point being South 27018' 51" East for a distance of 2507.84' from monument Frank 143; thence,

Along the easterly right-of-way line of Nelson Road, North 3° 25' 10" East, for a distance of 120.00' to a railroad spike set, said point being the westerly terminus of the southerly line of a 15' alley, said point also being the northwesterly corner of those lands as conveyed to Calvin & Nona M. Sutton as described in Instrument No. 200509010181239 Parcel No. Two, said point also being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Along the easterly right-of-way line of Nelson Road, North 3° 25' 10" East, for a distance of 7.50' to an iron pin set, said point being along the centerline of said 15' alley at the westerly terminus of said alley; thence,

Along the centerline of said 15' alley, South 85° 58' 50" East, for a distance of 179.49' to an iron pin set, said point being along the centerline of a 15' alley at its westerly terminus; thence,

Along the extended westerly line of Lot 1 of said Frederick Schmidt's Livingston Avenue Subdivision, South 3° 25' 10" West, for a distance of 7.50' to a 1" iron pipe found, said point being along the southerly line of said 15' alley, said point also being the northwesterly corner of said Lot 1, said point also being the northwesterly corner of those lands as conveyed to Calvin & Nona M. Sutton as described in Instrument No. 200509010181238, said point also being the northeasterly corner of those lands as conveyed to Calvin & Nona M. Sutton as described in Instrument No. 200509010181239 Parcel No.1; thence,

Along a portion of the southerly line of said 15' alley, also being the northerly line of said lands of Calvin & Nona M. Sutton North 85° 58' 50" West, for a distance of 40.00' to a 1" iron pipe found, said point being the northwesterly corner of said lands of Calvin & Nona M. Sutton, said point also being the northerly terminus of the easterly line of a 15' alley; thence,

Along a westerly line of said lands of Calvin & Nona M. Sutton, also being along the easterly line of said 15' alley, South 3° 25' 10" West, for a distance of 120.00' to a railroad spike set, said point being the southerly terminus of the easterly line

of said 15' alley, said point also being the southwesterly corner of said lands of Calvin & Nona M. Sutton, said point also being along the northerly right-of-way line of Livingston Avenue; thence,

Along the northerly right-of-way line of Livingston Avenue, also being along the southerly terminus of said 15' alley, North 85° 58' 50" West, for a distance of 15.00' to a railroad spike set, said point being the southerly terminus of the westerly line of said 15' alley, said point also being the southeasterly corner of those lands as conveyed to Calvin & Nona M. Sutton as described in Instrument No. 200509010181239 Parcel No.2; thence,

Along the westerly line of said 15' alley, also being along the easterly line of said lands of Calvin & Nona M. Sutton, North 3° 25' 10" East, for a distance of 120.00' to a railroad spike set, said point being the northerly terminus of the westerly line of said 15' alley, said point also being along the southerly line of a 15' alley, said point also being the northeasterly corner of said lands of Calvin & Nona M. Sutton; thence,

Along the southerly line of said 15' alley, also being along the northerly line of said lands of Calvin & Nona M. Sutton, North 85° 58' 50" West, for a distance of 124.49' to the point of beginning containing 0.072 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by The Kleingers Group in October, 2012.

Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-CORS), with a portion of the easterly right-of-way line of Nelson Road being North 3° 25' 10" West, as determined by a VRS-GPS survey utilizing CORS station "COLB" as maintained by the Ohio Department of Transportation and station "FRANK 143".

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "Kleingers & Assoc".

#### **Alley Vacation 0.020 Acres**

Situated in the City of Columbus, County of Franklin, State of Ohio: also being a part of Half Section No. 21, Section No. 14, Township No.5, Range No. 22, Refugee Lands; also being a part of Lot No.1 in the case of Belle M. Miller vs. Eliza L. Joyce as delineated on a plat in Exhibit "A" Complete Record 96 Page 515, Court of Common Pleas, Franklin County, Ohio; also being part of a 15' alley running East-West as delineated in Frederick Schmidt's Livingston Avenue Subdivision as recorded in Plat Book 7 Page 61; being more particularly described as follows:

Commencing at a nail set at the intersection of the northerly right-of-way line of Livingston Avenue (66' right-of-way) and the easterly right-of-way line of Nelson Road (40' right-of-way), said point being South 27° 18' 51" East for a distance of 2507.84' from monument Frank 143; thence,

Along the easterly right-of-way line of Nelson Road, North 3025' 10" East, for a distance of 135.00' to point, said point being the westerly terminus of the northerly right-of-way line of said 15' alley, said point also being the southwesterly corner of those lands as conveyed to Sandra R. Shipley as described in Official Record 28058 D-15 Tract 1 and Tract 2, said point witnessed by a 1" iron pipe found that bears North 6° 34' 24" West for a distance of 0.59' from said point; thence,

Along the northerly line of said 15' alley, also being along a portion of the southerly line of said lands of Sandra R. Shipley, South 85° 58' 50" East, for a distance of 179.49' to an iron pin set, said point being along the southerly line of said lands of Sandra R. Shipley, said point also being the northwesterly corner of a 15' alley as delineated on said Frederick Schmidt's Livingston Avenue Subdivision; thence,

Along the westerly terminus of said 15' alley, South 3° 25' 10" West, for a distance of 7.50' to an iron pin set, said point being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Along the centerline of said 15' alley, South 85° 58' 50" East, for a distance of 114.36' to an iron pin set, said point being

along the extended easterly line of Lot No.3 of said Frederick Schmidt's Livingston Avenue Subdivision; thence,

Along a line through said 15' alley along the extended easterly line of Lot No.3, South 3025' 10" West, for a distance of 7.50' to an iron pin set, said point being the northeasterly corner of said Lot No.3, said point also being along the southerly line of said 15' alley, said point also being the terminus of the westerly line of a 20' alley as established by City of Columbus Ordinance 451-67 and conveyed to The City of Columbus, Ohio as described in Deed Book 2806 Page 624; thence,

Along the southerly line of said 15' alley, also being along the northerly lines of said Lot No.3 and Lot No.2 and Lot No.1 of said Frederick Schmidt's Livingston Avenue Subdivision, also being the northerly line of those lands as conveyed to Calvin & Nona M. Sutton as described in Instrument No. 200509010181238, North 85058' 50" West, for a distance of 114.36' to a 1" iron pipe found, said point being a northwesterly corner of said Lot No.1, said point also being the northwesterly corner of said lands of Calvin & Nona M. Sutton, said point also being the northeasterly corner of those lands as conveyed to Calvin & Nona M. Sutton as described in Instrument No 200509010181239 Parcel No.1, said point also being the southeasterly corner of a 15' alley, the remainder of those lands as conveyed to Frederick Schmidt as described in Deed Book 317 Page 455; thence,

Along the extended westerly line of said Lot No.1, North 30 25' 10" East, for a distance of 7.50' to the point of beginning, containing 0.020 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by The Kleingers Group in October, 2012.

Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-CORS), with a portion of the easterly right-of-way line of Nelson Road being North 3° 25' 10" West, as determined by a VRS-GPS survey utilizing CORS station "COLB" as maintained by the Ohio Department of Transportation and station "FRANK 143".

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "Kleingers & Assoc".

Subject to any easements, restrictions, covenants, ordinances, or agreements of record.

**Section 2.** That the above referenced real property shall be considered excess road rights-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 rights-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said rights-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 \$1,295.00 to be received by the City as consideration for the sale of these rights-of-way shall be deposited in Fund 748, Project 537650.

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