



Legislation Text

File #: 1846-2024, **Version:** 1

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Shawn Crawford, representative for Ohio Power Company, an Ohio corporation asking that the City sell them an approximate 37,250 square foot portion of the right-of-way north of Maryland Avenue, and west of Sunbury Road.

Sale of this right-of-way will facilitate the development of electrical facilities. 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. 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 \$111,731.00 was established. Shawn Crawford, representative for Ohio Power Company, an Ohio corporation requested mitigation. This request went before the Land Review Commission on March 21, 2024. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Ohio Power Company, an Ohio corporation at the cost of \$111,731.00 to them.

2. FISCAL IMPACT:

The City will receive a total of \$111,731.00 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 0.855 acre portion of right-of-way north of Maryland Avenue to Ohio Power Company.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Shawn Crawford, representative for Ohio Power Company, an Ohio corporation asking that the City sell them an approximate 37,250 square foot portion of the north of Maryland Avenue, and west of Sunbury Road; and

WHEREAS, the purpose of the transfer is to facilitate the expansion of the parking lot on the existing property; 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

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 \$111,731.00 was established; and

WHEREAS, this request went before the Land Review Commission on March 21, 2024; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Ohio Power Company, an Ohio corporation at the cost of \$111,731.00 to them; **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 quitclaim 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 Ohio Power Company, an Ohio corporation; to-wit:

**Description of a 0.855± Acre Tract of the Existing Right-of-Way of
Woodland Avenue**

For

Ohio Power Company

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Half Section 2, Township 5, Range 22, Refugee Lands, and being all of a 4/5ths acre tract of land conveyed to County of Franklin, as recorded in Deed Book 419, Page 573, also being all of a 2/5ths acre tract of land conveyed to County of Franklin, as recorded in Deed Book 419, Page 575. All references contained herein are to the Franklin County Recorder's records, Columbus, Ohio, and being shown on Exhibit "B" attached hereto and being made a part thereof and being more particularly bounded and described as follows:

Commencing for reference at a MAG nail set at the centerline intersection of Maryland Avenue (width varies), formerly Acheson Street and Johnstown Road (name changes per Ordinance No. 25534 on December 12, 1910) with Woodland Avenue (60 feet wide), being the northwest corner of Lot 7 of the Partition of John J. Nelson's Lands, and on the north line of Half Section 15, also being the northwest corner of a 5.902 acre tract of land conveyed to Maryland Ave, LLC, as recorded in Instrument Number 202211030152677, said MAG nail being further referenced by an iron pipe found at the intersection of the south right-of-way line of said Maryland Avenue with the east right-of-way line of said Woodland Avenue, being S 41°12'44" E, 42.48 feet therefrom and having a State Plane Coordinate value of Northing: 720,695.49 and Easting: 1,840,513.96;

Thence, S 86°08'00" E, 292.77 feet with the centerline of said Maryland Avenue, the south line of said Half Section 2, and the north line of said Half Section 15, passing at 141.62 feet a MAG nail set at the southwest corner of a 2.638 acre tract of land conveyed to Ohio Power Company, as recorded in Instrument Number 202304100033735 to a MAG nail set on the west right-of-way line of said Woodland Avenue and the north line of the same lands conveyed to City of Columbus, Ohio, as recorded in Deed Book 516, Page 106, and being the southwest corner of said 2/5ths acre tract, the southeast corner of said 2.638 acre tract;

Thence, N 02°08'16" E, 30.03 feet with the West line of said Woodland Avenue, the West line of said 2/5ths acre tract and the East line of said 2.638 acre tract to a 3/4 inch iron pipe found on the North right-of-way line of said Maryland Avenue and being the **True Point of Beginning** of the herein described 0.855 acre tract;

Thence, N 02°08'16" E, 620.01 feet with the east line of said 2.638 acre tract, the east line of said 2/5ths acre tract and the West right-of-way line of said Woodland Avenue to a 5/8 inch rebar and cap set at the northeast corner of said 2.638 acre tract and the northwest corner of said 2/5ths acre tract, said 5/8 inch rebar being on a southerly line of a 23.663 acre

tract (Parcel 3500-WD, FRA-671-3.93 RR) of land conveyed to Norfolk & Western Railway Company, as recorded in Instrument Number 200108270198107;

Thence, S 87°51'44" E, 60.00 feet with the north right-of-way line of said Woodland Avenue and a southerly line of said 23.663 acre tract to a 5/8 inch rebar and cap set at the northeast corner of said 4/5ths acre tract;

Thence, S 02°08'16" W, 621.83 feet with the East right-of-way line of said Woodland Avenue and the East line of said 4/5ths acre tract, passing at 56.24 feet a 5/8 inch rebar and cap set at the northwest corner of a 2.544 acre tract of land conveyed to Ohio Power Company, as recorded in Instrument Number 202304100033735 to a 5/8 inch rebar and cap set at the southwest corner of said 2.544 acre tract and at a northwesterly corner of Parcel No. 17 of Norfolk & Western Railway Company, as recorded in Deed Book 914, Page 17, said 5/8 inch rebar and cap being a westerly of said Norfolk & Western Railway Company's Parcel No. 17;

Thence, N 86°08'00" W, 60.03 feet with North right-of-way line of said Maryland Avenue, and running within said 2/5ths and 4/5ths acre tracts to the **Point of Beginning**, containing 0.855 acres of land, more or less, also being subject to all legal streets, highways, rights-of-way, alleys, easements, agreements and/or conditions of record, if any, and is based on an actual field survey performed by me, or under my supervision during April of 2024.

Bearings are based on measurements and computations on the Ohio State Plane Coordinate System, Ohio South Zone, North American Datum 1983 (2011), showing the centerline line of Maryland Avenue as being S 86°08'00" E.

All iron pins set are 5/8" x 30" rebar with yellow plastic caps stamped "Central Surv. Co., Ltd".

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 quitclaim 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. That the City will receive a total of \$111,731.00, to be deposited in Fund 7748, Project P537650.

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