



## Legislation Text

---

**File #:** 0310-2016, **Version:** 1

---

### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from JMM Real Estate Investments, Inc. asking that the City sell a 0.071 acre parcel of the Kennedy Drive right-of-way, which is adjacent to property owned by JMM Real Estate Investments, Inc. Transfer of this right-of-way will facilitate the re-development of property currently owned by JMM Real Estate Investments, Inc. adjacent to the above noted right-of-way, located at South Lane and Kennedy Drive. 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 \$3,866.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to JMM Real Estate Investments, Inc. for \$3,866.00.

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

The City will receive a total of \$3,866.00 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 0.071 acre parcel of the Kennedy Drive right-of-way to JMM Real Estate Investments, Inc. which is adjacent to property owned by JMM Real Estate Investments, Inc. located at South Lane and Kennedy Drive.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from JMM Real Estate Investments, Inc. asking that the City transfer a 0.071 acre parcel of the Kennedy Drive right-of-way, adjacent to property owned by JMM Real Estate Investments, Inc., to them; and

**WHEREAS**, acquisition of the right-of-way will facilitate the re-development of property currently owned by JMM Real Estate Investments, Inc. 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 JMM Real Estate Investments, Inc.; 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 \$3,866.00 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 JMM Real Estate Investments, Inc. for the amount of \$3,866.00; and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director to execute those documents required to transfer said right-of-way; 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 JMM Real Estate Investments, Inc.; to-wit:

**DESCRIPTION OF A PORTION OF KENNEDY DRIVE  
BEING A 0.071 ACRE TRACT  
SOUTH OF JACKSON STREET (40') NORTH  
OF SOUTH LANE (28')  
COLUMBUS, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 27, Township 5 North, Range 22 West, Refugee Lands, being part of easterly half that 16.00 foot wide alley (now known as Kennedy Drive) as shown and delineated on the plat entitled "William F. Lehmans Executors Subdivision", a subdivision of record in Plat Book 3, Page 201 and being part of the westerly half of said 16.00 foot wide alley and part of Lot 13 as shown and delineated on the plat entitled "Joseph Schwartz's Subdivision", a subdivision of record in Deed Book 32, Page 13 as presently occupied and being part of Tract 15 Parcel 4 as described in a deed to JMIVI Real Estate Investments, Inc., of record in Instrument No. 201103170037114, all references herein being to the records located at the Recorder's Office, Franklin County, Ohio and being more particularly described as follows;

BEGINNING at an iron pin set at the intersection of the southerly right-of-way line of Jackson Street (40.00 feet in width) with the westerly right-of-way line of Jackson Street (16.00 feet in width) as shown and delineated on the plat entitled "Plat of Michael Oestreicher, ETAL", a subdivision of record in Plat Book 5, Page 206, also being the northeasterly corner of Lot 6 of said subdivision;

Thence **South 86° 34' 34" East**, through the right-of-way of said Kennedy Drive, with the easterly projection of said southerly right-of-way line, a distance of **16.00 feet** to a MAG nail set in the westerly line of Lot 17 of said "William F. Lehmans Executors Subdivision", also being a point in the easterly right-of-way line of said Kennedy Drive;

Thence **South 3° 37' 09" West**, along the westerly line of said Lot 9, the westerly line of 16.00 foot wide alley as vacated by ordinance 774-69 and along the westerly lines of Lots 19,21,23, 25 and 27, a distance of **191.93 feet** to an iron pin set in the easterly projection of the northerly right-of-way line of South Lane (28.00 feet in width);

Thence **North 86° 46' 06" West**, through the right-of-way of said Kennedy Drive, along said easterly projection, a distance of **16.00 feet** to an iron pin set in the westerly right-of-way line of said Kennedy Drive, passing the easterly line of Lot 13 of "Joseph Schwartz's Subdivision", a subdivision of record in Deed Book 32, Page 109 at a distance of 8.00 feet;

Thence **North 3° 37' 09" East**, along said westerly right-of-way line, 8.00 feet westerly of and parallel to the easterly line of said Lot 13, and the easterly line of Lots 8 and 6 of said "Plat of Michael Oestreicher, ETAL", a distance of **191.98 feet** to the **PLACE OF BEGINNING** and containing **0.071 acre** of land.

Bearings herein are based on a bearing of S 3° 32' 28" W for the westerly line of Parsons Avenue as derived from GPS observations in conjunction with the Ohio Department of Transportation VRS network, being the Ohio State Plane

Coordinate System, South Zone, NAD 1983.

0.028 acre of the above described 0.071 acre is part of Tract *15*, Parcel 4 in the above described deed to JMM Real Estate, resulting in 0.043 acre in the present dedicated fee right-of-way and 0.028 acre in easement right-of-way.

This description was prepared by American Land Surveyors, LLC, by Jon B. Adcock, Ohio P.S. No. 8461 and is based on a field survey performed in October, *2015*.

**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 \$3,866.00 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.