



## Legislation Text

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**File #: 0359-2013, Version: 1**

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from eNet, Inc. asking that the City sell the right-of-way identified as a 12,470 square foot portion of unimproved right-of-way, adjacent to the Dublin-Granville service road at Ponderosa Drive. Transfer of this right-of-way will allow for the expansion of an existing business owned by eNet, Inc., adjacent to the above noted right-of-way, located at 3000 East Dublin-Granville Road. 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 Department of Law, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$20,326.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to eNet, Inc. for \$20,326.00.

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

The City will receive a total of \$20,326.00 that will be deposited in Fund 748, Project 537650, 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 12,470 square foot portion of unimproved right-of-way, adjacent to the Dublin-Granville service road at Ponderosa Drive, to eNet, Inc.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from eNet, Inc. asking that the City transfer a parcel identified as a 12,470 square foot portion of unimproved right-of-way, adjacent to the Dublin-Granville service road at Ponderosa Drive, to eNet, Inc.; and

**WHEREAS**, acquisition of the right-of-way will allow eNet, Inc. to facilitate the expansion of an existing business on property that is adjacent to the above noted right-of-way, located at 3000 East Dublin-Granville Road; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Planning and Operations, 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 eNet, 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 this right-of-way; and

**WHEREAS**, a value of \$20,326.00 was established for this right-of-way; and

WHEREAS, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to eNet, Inc. for the amount of \$20,326.00; 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 right-of-way to eNet, Inc.; to-wit:

DESCRIPTION OF A 0.288 ACRE TRACT  
LYING NORTH OF DUBLIN-GRANVILLE ROAD  
AND WEST OF PONDEROSA DRIVE

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 17, United States Military Lands, and being part of the 0.388 acre tract of land conveyed as Parcel 3WD to State of Ohio, of record in Deed Book 3180, Page 527, part of the 0.488 acre tract of land conveyed as Parcel 4WD to State of Ohio, of record in Deed Book 3172, Page 83, and part of the 1.173 acre tract of land conveyed as Parcel 5WD to State of Ohio, of record in Deed Book 3332, Page 335, records of the Recorder's Office, Franklin County, Ohio (all State of Ohio tracts referenced were annexed to the City of Columbus by Ordinance Number 00003-72) and being bounded and more particularly described as follows:

Beginning, for reference, at a 3/4 inch iron pin found at the southerly common corner of the 1.762 acre tract of land conveyed to Saeed Kharazi and Kimberly Sue Davis, of record in Instrument Numbers 200008290173938 and 200103070046894 and the 0.849 acre tract of land conveyed to The Roby Company Limited Partnership, of record in Official Record 26284E20, in the northerly line of said 0.388 acre tract, and in the northerly right-of-way line of Dublin-Granville Road (State Route 161);

Thence South 72° 49' 14" East, a distance of 77.41 feet, along the line common to said 1.762 and 0.388 acre tracts and the northerly right-of-way line of said Dublin Granville Road, to a 3/4 inch iron pin found at an angle point in said common line;

Thence North 74° 23' 22" East, a distance of 12.93 feet, along the line common to said 1.762 and 0.388 acre tracts and the northerly right-of-way line of said Dublin Granville Road, to an iron pin set at the Point of True Beginning;

Thence North 74° 23' 22" East, a distance of 101.70 feet, along the line common to said 0.388 and 1.762 acre tracts and the northerly right-of-way line of said Dublin-Granville Road, to a 3/4 inch iron pin found at an angle point in said common line;

Thence South 72° 49' 14" East, a distance of 47.00 feet, continuing along the line common to said 0.388 and 1.762 acre tracts and the northerly right-of-way line of said Dublin-Granville Road, to an iron pin set at a common corner of said 0.388, 0.488, and 1.762 acre tracts;

Thence North 55° 52' 01" East, a distance of 134.03 feet, along the line common to said 0.488 and 1.762 acre tracts and the northerly right-of-way line of said Dublin-Granville Road, to a 3/4 inch iron pin found at an angle point in said common line;

Thence across said 0.388, 0.488, and 1.173 acre tracts, and the right-of-way of said Dublin-Granville Road, the following three (3) courses and distances:

- 1) South 22° 05' 44" West, a distance of 158.40 feet, to an iron pin set;
- 2) North 72° 49' 14" West, a distance of 137.31 feet, to an iron pin set;

3) North 74° 27' 59" West, a distance of 65.42 feet, to the Point of True Beginning, containing 0.288 acres, more or less, all of which is currently in the right-of-way of said Dublin-Granville Road, and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the bearing of North 55° 52' 01" East for a portion of the northerly right-of-way line of State Route 161, as shown on plan FRA-161-13.45, and in a description of a 0.488 acre tract 4WD, of record in Deed Book 3172, Page 83, Recorder's Office, Franklin County, Ohio.

All iron pins set are 3/4 inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description is based on an actual field survey performed in December of 2012.

**Section 2.** That the above referenced real property shall be considered excess road right-of-way and the public right 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 \$20,326.00 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 ordinance shall take effect and be in force from and after the earliest period allowed by law.