



## Legislation Text

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**File #:** 1744-2015, **Version:** 1

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Lifestyle Communities on behalf of The Annex at River South II, LTD, asking that the City sell a 0.004 acre parcel of Rich Street right-of-way and granting of a number of building elements to encroach into Rich Street, Wall Street, and South High Street right-of-way. The right-of-way transfer is described below and the encroachments are delineated on the attached drawings. The transfer of this right-of-way and the granting of these building elements will facilitate the construction of a new residential facility on property currently owned by The Annex at River South II, LTD., adjacent to the above noted right-of-ways, located at the northwest corner of High and Rich Streets. 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 right-of-way, the City will not be adversely affected by the transfer or building encroachments of these right-of-ways. The Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for the transfer of this right-of-way. A value of \$609.00 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 The Annex at River South II, LTD for \$609.00.

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

The City will receive a total of \$609.00 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 the 0.004 acre parcel of the Rich Street right-of-way and the building elements to encroach into public right-of-ways to The Annex at River South II, LTD., which is adjacent to property owned by The Annex at River South II, LTD. located at 3304 East Broad Street.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Lifestyle Communities on behalf of The Annex at River South II, LTD asking that the City transfer a 0.004 acre parcel of Rich Street right-of-way and granting of a number of building elements to encroach into Rich Street, Wall Street, and South High Street right-of-way, adjacent to property owned by The Annex at River South II, LTD, to them; and

**WHEREAS**, the transfer of this right-of-way and the granting of these building elements will facilitate the construction of a new residential facility on property currently owned by The Annex at River South II, LTD., adjacent to the above noted right-of-ways, located at the northwest corner of High and Rich Streets; 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 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 right-of-way, the City will not be adversely affected by the transfer or building encroachments of these right-of-ways to The Annex at River South II, LTD; 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 transfer of this right-of-way; and

**WHEREAS**, a value of \$609.00 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 The Annex at River South II, LTD for the amount of \$609.00; 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 those documents necessary to transfer and allow the building elements to encroach into the public right-of-way and other incidental instruments prepared by the Department of Law, Real Estate Division, necessary to transfer the following described right-of-way and the encroachments as delineated on the attached drawings to The Annex at River South II, LTD; to-wit:

0.004 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 17, Township 5, Range 22, Refugee Lands, and being part of Rich Street (82.5 feet wide), as depicted on that Plat of the Town of Columbus, of record in Deed Book F, Page 332, Plat Book 3, Page 247 and Plat Book 14, Page 27, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at a drill hole found at the intersection of the northerly right-of-way line of said Rich Street and the westerly right-of-way line of High Street (100 feet wide), as depicted on said Plat of the Town of Columbus, being the southeast corner of Inlot 252 of said Plat of the Town of Columbus, and being the southeast corner of that 0.541 acre tract conveyed to The Annex at River South II, Ltd. by deed of record in Instrument Number 201305140079116;

Thence across said Rich Street, the following courses and distances:

South 08° 07' 15" East, a distance of 1.00 feet to a magnetic nail set;

South 81° 50' 15" West, a distance of 187.51 feet to a magnetic nail set; and

North 080 09'45" West, a distance of 1.00 feet to a magnetic nail set at the intersection of said northerly right-of-way line and the easterly right-of-way line of Wall Street (33 feet wide), as depicted on said Plat of the Town of Columbus, being the southwesterly corner of said Inlot 252 and 0.541 acre tract;

Thence North 81° 50' 15" East, with said northerly right-of-way line, the southerly line of said Inlot 252 and 0.541 acre tract, a distance of 187.51 feet to the POINT OF BEGINNING containing 0.004 acre, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone as per NAD83 (1986 adjustment). A bearing of South 08° 07' 14" East for a portion of the centerline of High Street was held as the Basis of Bearings for this description.

Heather L. King  
Professional Surveyor No. 8307

**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 excess 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 \$609.00 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.