



## Legislation Text

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**File #:** 2013-2021, **Version:** 1

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### **1. BACKGROUND**

The City of Columbus, Department of Public Service, received a request from Sara Moosman and Zachary S. Konz, on behalf of themselves and their neighbor Mary Conroy, asking that the City sell them an approximate 3,354+/- square foot portion of the unimproved north/south right-of-way north of, and adjacent to, Westwood Road; just east of Olentangy Blvd. The North parcel, 1,438 square feet or 0.033 square acre, was approved for sale to Sara Moosman and Zachary S. Konz at 264 Westwood Road, and the South parcel to the abutting property owner, Mary Conroy at 240 Westwood Road. Ordinance 1962-2021 details the sale of the South parcel to Mary Conroy.

Sale of the North parcel of this right-of-way will facilitate the improvement of properties adjacent to the above noted right-of-way, owned by Sara Moosman and Zachary S. Konz who are the petitioners/applicants.

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 of a general utility easement for this right-of-way. This request went before the Land Review Commission on March 21, 2019. After review of the request, the Land Review Commission voted to recommend the above referenced North Portion of right-of-way be transferred to Sara Moosman & Zachary S. Konz at the cost of \$5,752.00 to them.

### **2. FISCAL IMPACT**

The City will receive a total of \$5,752.00 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 a 1,438 square foot (0.033 acre) portion of the parcel adjacent to Westwood Road to Sara Moosman & Zachary S. Konz.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Sara Moosman and Zachary S. Konz, on behalf of themselves and their neighbor Mary Conroy, asking that the City sell them an approximate 3,354+/- square foot portion of the unimproved north/south right-of-way north of, and adjacent to, Westwood Road; just east of Olentangy Blvd. The North parcel, 1,438 square feet or 0.033 square acre, was approved for sale to Sara Moosman and Zachary S. Konz at 264 Westwood Road, and the South parcel to the abutting property owner, Mary Conroy at 240 Westwood Road; and

**WHEREAS**, Ordinance 1962-2021 details the sale of the South parcel to Mary Conroy; and

**WHEREAS**, The purpose of the transfer is to facilitate the improvement of properties adjacent to the above noted right-of-way, owned by Sara Moosman and Zachary S. Konz who are the petitioners/applicants; 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**, the City will receive a total of \$5,752.00 to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way; and

**WHEREAS**, this request went before the Land Review Commission on March 21, 2019; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Sara Moosman & Zachary S. Konz; **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 quit claim 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 Sara Moosman & Zachary S. Konz; to-wit:

**0.033 ACRES PROPERTY DESCRIPTION (NORTH PARCEL)**

Situate in the State of Ohio, County of Franklin, City of Columbus, being part of a sixteen foot Alley dedicated in Webster Estate Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 15, Page 11, Recorder's Office, Franklin County, Ohio (all references to recorded documents are on file in said Recorder's Office, unless otherwise noted) and being more particularly described as follows;

**COMMENCING** at a found 1" iron pipe at the intersection of the north line of Westwood Road (50 feet wide) and the east line of Olentangy Boulevard (80 feet wide) and the southwest corner of Lot 83 of said Webster Estate Addition;

**Thence**, along the north line of said Westwood Road, the south line of said Lot 83, and the south line of the Sara N. Moosman and Zachary S. Konz tract, as conveyed in Instrument Number 201503230036093, EAST, 178.10 feet to a found 1" iron pipe at the southwest corner of said 16.00 foot alley, also being the southeast corner of said Lot 83 and of said Moosman and Konz tract;

**Thence**, along part of the west line of said 16.00 foot Alley, along the east line of said Lot 83 and part of the east line of Lot 82 of said Webster Estate Addition and along part of the east line of said Moosman and Konz tract, North 00 degrees 05 minutes 46 seconds East, 105.00 feet to the **TRUE POINT OF BEGINNING** of the parcel herein intended to be described, passing a set mag nail at 99.00 feet;

**Thence**, continuing along part of the west line of said 16.00 foot Alley, along part of the east line of said Lot 82, along the east lines of Lots 81 and 80 of said Webster Estate Addition and along part of the east line of said Moosman and Konz tract, North 00 degrees 05 minutes 46 seconds East, 105.00 feet to a found 1" iron pipe at the northeast corner of said Lot 80, at the northeast corner of said Moosman and Konz tract and in the south line of a 16.00 foot Alley (unimproved) dedicated by said Webster Estate Addition;

**Thence**, along the north line of said 16.00 foot Alley (described first) and part of the south line of said 16.00foot Alley (described second) EAST, 16.00 feet to a found 1" iron pipe in the east line of said 16 foot alley (described first) and at the northwest corner of Lot 84 of said Webster Estate Addition, as conveyed to Mary N. Conroy in Instrument Number

201811210158213;

**Thence**, along part of the east line of said 16.00 foot Alley (described first) and part of the west lines of said Lot 84, South 00 degrees 05 minutes 46 seconds West, 82.00 feet to a set iron pipe;

**Thence**, across part of said 16.00 foot Alley (described first), North 89 degrees 54 minutes 14 seconds West, 4.00 feet to a set iron pipe;

**Thence**, continuing across part of said 16.00 foot alley (described first), South 27 degrees 37 minutes 17 seconds West, 25.97 feet to the **TRUE POINT OF BEGINNING, CONTAINING 0.033 ACRES**, subject however to all legal highways, easements, leases, agreements, restrictions of record and of records in the respective utility offices.

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in July 2019 and October 2020. Iron pipe set are 30"x 1" O.D. with an orange plastic cap inscribed "MYERS P.S. 6579" unless otherwise noted. Basis of bearings is the north line of Westwood Road assumed to be WEST. **Paul T. Dinan, P.S. 7312**

**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 quit claim 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 \$5,752.00 to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

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