



Legislation Text

File #: 0422-2020, Version: 1

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Ted Repasky on behalf of Repasky Waste Services asking that the City sell an approximate 0.070 acre (3,062+/- square feet) portion of the Bonham Avenue right-of-way. This right-of-way consists of an unnamed alley running north/south directionally and an unnamed alley running east/west directionally. Alley One runs south off of Bonham at the eastern terminus for approximately 126 feet. Alley Two runs west for approximately 190 feet. This portion of right-of-way is adjacent to parcel 010-020828.

Sale of this excess right-of-way will expand Repasky Waste Services current lot size which would make a substantial difference in maneuverability for vehicles in the lot. The Department of Public Service has agreed to sell the right-of-way as described below 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 \$2,287.00 was established. This request went before the Land Review Commission on November 21, 2019. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Repasky Waste Services at the cost of \$2,287.00 to them.

2. FISCAL IMPACT

The City will receive a total of \$2,287.00 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 0.070 acre portion of the Bonham Avenue right-of-way to Repasky Waste Services. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Ted Repasky on behalf of Repasky Waste Services asking that the City sell an approximate 0.070 acre portion of the Bonham Ave right-of-way; and

WHEREAS, the purpose of the transfer of this excess right-of-way will expand Repasky Waste Services current lot size which would make a substantial difference in vehicle maneuverability in the lot; and

WHEREAS, the Department of Public Service has agreed to sell the right-of-way as described below 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 \$2,287.00 was established; and

WHEREAS, this request went before the Land Review Commission on November 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 Repasky Waste Services at the cost of \$2,287.00 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 Repasky Waste Services; to-wit:

0.070 ACRE PROPERTY DESCRIPTION

Situate in the State of Ohio, County of Franklin, City of Columbus, being part of an alley as delineated on Sinks and Hoover's St. Clair Avenue Addition as recorded in Plat Book 5, Page 464, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a set iron pipe at the northeast corner of Lot 50 of said St. Clair Avenue Addition, also being the intersection of a west line of said alley with the south line of Bonham Avenue, 50 feet wide;

Thence, along a north line of said alley and the south line of Bonham Avenue, South 87 degrees 33 minutes 00 seconds East, 10.00 feet to a found 1" iron pipe at the northeast corner of said alley and in the west line of a 3.145 Acre tract conveyed to Columbus Concrete Construction Company, Inc. in Deed Book 3302, Page 19;

Thence, along the east line of said alley and part of the west line of said 3.145 Acre tract, South 02 degrees 27 minutes 00 seconds West, 126.25 feet to a set iron pipe at the southeast corner of said alley and the northeast corner of a 4.328 Acre tract conveyed to 8+1, LLC in Instrument Number 201706220084953;

Thence along part of the south line of said alley and part of the north line of said 4.328 Acre tract, North 87 degrees 33 minutes 00 seconds West, 190.00 feet to a found 5/8" solid iron pin, capped "Ackison" at the southeast corner of a 0.218 Acre tract conveyed to 8+1, LLC in Instrument Number 201709150129336;

Thence, across said alley, along part of an east line of said 0.218 Acre tract, North 02 degrees 27 minutes 00 seconds East, 10.00 feet to a set iron pipe at the southwest corner of Lot 55 and the southeast corner of Lot 56 of said St. Clair Avenue Addition;

Thence, along part of a north line of said alley and along the south lines of Lots 50 through 55 of said St. Clair Avenue Addition, South 87 degrees 33 minutes 00 seconds East, 180.00 feet to a set iron pipe at the southeast corner of said Lot 50 and the west line of said alley;

Thence, along the east line of said Lot 50 and the west line of said alley, North 02 degrees 27 minutes 00 seconds East, 116.25 feet to the **POINT OF BEGINNING, CONTAINING 0.070 ACRES** (3062 square feet). Subject, however to all legal highways, easements, agreements, restrictions of record and of records in the respective utility offices. Basis of bearings is South 87 degrees 33 minutes 00 seconds East on the south line of Bonham Avenue as recorded in Plat Book 5, Page 464. Iron pipes set are 1" O.D. x 30" long with an orange plastic cap inscribed "MYERS PS 6579". This description is based on a field survey by Myers Surveying Company, in January, 2020. **Joseph P. Myers, Professional Surveyor 7361**

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. The City will receive a total of \$2,287.00 and the funds are to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

SECTION 5. 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 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.