



Legislation Text

File #: 2269-2013, **Version:** 1

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Mr. David P. Dicke, asking that the City sell a 0.0055 acre portion of the unnamed alley west of Calumet Street between Longview and Clinton Height Avenues, adjacent to property owned by Mr. Dicke, located at 264 Longview Avenue. Transfer of this right-of-way will resolve an encroachment issue related to the adjacent property owned by Mr. Dicke. 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 \$1,080.00 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 Mr. David P. Dicke for \$1,080.00.

2. FISCAL IMPACT:

The City will receive a total of \$1,080.00 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 0.0055 acre portion of the unnamed alley west of Calumet Street between Longview and Clinton Height Avenues, adjacent to property owned by Mr. David P. Dicke located at 264 Longview Avenue.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Mr. David P. Dicke asking that the City transfer a 0.0055 acre portion of the unnamed alley west of Calumet Street between Longview and Clinton Height Avenues, adjacent to property owned by Mr. David P. Dicke located at 264 Longview Avenue, to him; and

WHEREAS, acquisition of the right-of-way will resolve an encroachment issue related to the adjacent property owned by Mr. David P. Dicke located at 264 Longview Avenue; 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 Mr. David P. Dicke; 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 \$1,080.00 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 Mr. David P. Dicke for the amount of \$1,080.00; 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 Mr. David P. Dicke; to-wit:

DESCRIPTION OF 0.0055 ACRE TRACT
NORTH OF LONGVIEW AVENUE
EAST OF CALUMENT STREET
WEST OF MORNINGSTAR DRIVE

Situated in the State of Ohio, County of Franklin, City of Columbus and being 240 square feet or 0.0055 acres of a part of an eight (8) foot alley at the rear of Lot 30 of Longview Addition as dedicated to the City of Columbus as recorded in Plat Book 5, Page 277;

Beginning at an existing ¾" ID pipe at the northeast corner of said Lot 30 on a westerly line of Lot 17 of Dr. Thompson Bull Farm (PB 4, Pg. 67) being the Point of Beginning;

Thence North 89°09'29" West a distance of 30.00 feet, along the north line of said Lot 30 and south line of said eight foot (8.0') alley, to a ¾" ID pipe set;

Thence North 0°50'31" East a distance of 8.00 feet to a ¾" ID pipe set in the south line of Lot 61 of Walhalla Park Second Addition (PB 9, Pg. 29) also being the northerly line of said eight foot (8.0') alley;

Thence South 89°09'29" East a distance of 30.04 feet, along the southerly line of said Lot 61 and a northerly line of said eight foot (8.0') alley, to a ¾" ID pipe set at the northwest corner of Lot 17 of said Dr. Thompson Bull Farm;

Thence South 1°06'39" West a distance of 8.00 feet, along a westerly line of said Lot 17 of said Dr. Thompson Bull Farm, to the Point of Beginning containing 240 square feet of 0.0055 acres more or less according to actual field survey made by Hockaden and Associates, Inc. in August of 2013.

An assumed bearing of North 89°09'29" West was used on the north line of Lot 30 of Longview Addition Plat Book 5, Page 277 and all other bearings are based upon this meridian.

HOCKADEN AND ASSOCIATES, INC.
Consulting Engineers and Surveyors

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 \$1,080.00 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.