



Legislation Text

File #: 0944-2019, **Version:** 1

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Sean M. Sprouse, on behalf of NAS 6, LLC, asking that the City sell them four pieces of City owned right-of-way: an approximate 2,250 square foot portion of the unimproved right-of-way north of Whitehead Road; an approximate 1,300 square foot portion of the unimproved right-of-way north of Whitehead Road; an approximate 4,750 square foot portion of the Midland Avenue right-of-way; and an approximate 2,800 square foot portion of the unimproved right-of-way north of Whitehead Road. The requested right-of-way totals approximately 11,100 square feet or 0.1895 acres.

Sale of these rights-of-way will facilitate the combining of parcels allowing the redevelopment of property adjacent to the above noted rights-of-way with single-unit and/or multi-unit residences controlled by NAS 6, LLC. The Department of Public Service has agreed to sell the rights-of-way as described and shown within attached legal descriptions and exhibits, and extinguishes its need for these public rights-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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way. The Department of Public Service submitted a request to the City Attorney's Office asking that they establish a value for these rights-of-way, and a value of \$6,660.00 was established. Sean M. Sprouse, on behalf of NAS 6, LLC, requested mitigation. This request went before the Land Review Commission on January 18, 2018. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to NAS 6, LLC, at no cost to them.

2. FISCAL IMPACT

There is no fiscal impact for these transactions. The City will not expend nor receive funds.

To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of rights-of-way along Whitehead Road and Midland Avenue to NAS 6, LLC. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Sean M. Sprouse, on behalf of NAS 6, LLC, asking that the City sell them an approximate 2,250 square foot portion of the unimproved right-of-way north of Whitehead Road, an approximate 1,300 square foot portion of the unimproved right-of-way north of Whitehead Road, an approximate 4,750 square foot portion of the Midland Avenue right-of-way and an approximate 2,800 square foot portion of the unimproved right-of-way north of Whitehead Road, totaling approximately 11,100 square feet or 0.1895 acres; and

WHEREAS, The purpose of the transfer is to facilitate the combining of parcels and allow the redevelopment of property adjacent to the above noted rights-of-way with single-unit and/or multi-unit residences; and

WHEREAS, the Department of Public Service has agreed to sell the right-of-way as described and shown within attached legal descriptions and exhibits, and extinguishes its need for these public rights-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 rights-of-way, the City will not be adversely affected by the transfer of these rights-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 these rights-of-way; and

WHEREAS, a value of \$6,660.00 was established; and

WHEREAS, NAS 6, LLC, requested mitigation of the fees associated with the requested rights-of-way transfer; and

WHEREAS, this request went before the Land Review Commission on January 18, 2018; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to NAS 6, LLC, at no cost 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 quit claim deed and other incidental instruments prepared by the City Attorney's Office necessary to transfer the legal descriptions as described below and attached exhibits of rights-of-way to NAS 6, LLC; to-wit:

0.1712 ACRE PROPERTY DESCRIPTION

Situated in the State of Ohio, County of Franklin, City of Columbus, located in V.M.S. 971 and V.M.S. 3356, being part of an Alley and right-of-way shown on the recorded plat of RAINBOW ADDITION of record in Plat Book 16, Page 63, part of right-of-way shown on the recorded plat of WOODROW PLACE of record in Plat Book 5, Page 278 and part of right-of-way shown on the recorded plat of COMMONWEALTH PLAZA of record in Plat Book 24, Page 16 (all references in this description are to the records in the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at a 5/8" rebar found capped "SITE ENG INC" at the northeasterly corner of Lot 181 as designated and delineated on Plat Book 16, Page 63, being at the southeasterly corner of that 0.0615 acre tract described in a deed to NAS 6, LLC of record in Instrument Number 201504020041396 and being on the westerly right-of-way line of Midland Avenue (50' wide R/W);

Thence North 13° 51' 37" East 10.05 feet along the easterly line of said 0.0615 acre tract and the northerly extension of said westerly right-of-way line, to a 5/8" rebar found capped "SITE ENG INC" on the southerly line of that 2.423 acre tract described in a deed to NAS 6, LLC of record in Instrument Number 2014063000082913 and the northerly line of said Alley;

Thence South 81° 55' 01" East 75.27 feet, along the northerly line of said Alley, and along the southerly line of said 2.423 acre tract, to a 3/4" hollow iron pin (0.3' above grade) at the southwesterly corner of that 0.124 acre vacated REA AVENUE (Ord. 255-74) described in a deed to NAS 6 LLC of record in Instrument Number 201705180066915;

Thence South 76° 05' 46" East 122.69 feet, along the northerly line of said Alley, and along the southerly line of said 0.124 acre tract, to an iron pin set;

Thence North 13° 54' 14" East 40.00 feet, along the easterly line of said 0.124 acre tract, to an iron pin set on the southwesterly line of Lot 25 as designated and delineated on said Plat Book 24, Page 16;

Thence northeasterly along a right-of-way line of REA AVENUE (50' R/W, P.B. 24, PG. 16) a line of said Lot 25, being on the arc of a curve to the left, having a radius of 10.00 feet, a central angle of 107° 43' 53", an arc length of 18.80 feet, the chord of which bears North 43° 42' 42" East 16.15 feet, to an iron pin set on the westerly right-of-way line of WHITETHORNE AVENUE (60' R/W, P.B. 24, PG. 16);

Thence South 10° 09' 15" East 15.31 feet, along said westerly right-of-way line, to a 3/4" hollow iron pin found (0.2' below grade) at an angle in said line;

Thence South $08^{\circ} 34' 23''$ East 54.15 feet, along said westerly right-of-way line, to a rebar set at the northeasterly corner of Lot 101 (P.B. 16, PG. 63);

Thence North $76^{\circ} 05' 46''$ West 157.15 feet, along a southerly line of said Alley, and along the northerly line of said Lot 101, passing a $5/8''$ rebar found (1.5' below grade) at the northwesterly corner of Lot 101, on the easterly right-of-way line of a 20' Alley (P.B. 16, PG. 63) crossing said Alley and along a northerly line of Lot 180 (P.B. 16, PG. 63) to an iron pin set;

Thence North $81^{\circ} 55' 01''$ West 25.52 feet, along the southerly line of said Alley, and along a northerly line of said Lot 180, to an iron pin set on the easterly right-of-way line of said Midland Avenue;

Thence South $13^{\circ} 51' 37''$ West 86.41 feet, along said easterly right-of-way line and westerly lines of Lots 180 and 179 to the southwesterly corner of Lot 179, witness a $3/4''$ hollow iron pin found at South $76^{\circ} 08' 23''$ East 0.23 feet;

Thence North $76^{\circ} 08' 23''$ West 50.00 feet, crossing said MIDLAND AVENUE, to an iron pin set on the easterly line of Lot 182;

Thence North $13^{\circ} 51' 37''$ East 81.35 feet, along easterly lines of said Lots 182 and 181, and the westerly right-of-way line of said MIDLAND AVENUE, to the Point of Beginning, and containing **0.1712** acre of land, more or less.

NOTE: Bearings are used for the determination of angles only. For the purpose of this description, a bearing of South $81^{\circ} 55' 01''$ East was used on the southerly line of that 2.423 acre tract as called for in Instrument 2014063000082913. The iron pins set are $5/8''$ rebars, 30" long with yellow plastic caps stamped "SITE ENG INC."

The above description was prepared from an actual field survey on October 24th, 2018 by Site Engineering, Inc. **Mark A. Hazel Professional Surveyor No. 7039**

0.0183 ACRE PROPERTY DESCRIPTION

Situated in the State of Ohio, County of Franklin, City of Columbus, located in V.M.S. 971 and being part of a 10' wide Alley shown on the recorded plat of RAINBOW ADDITION of record in plat Book 16, Page 63 (all references in this description are to the records in the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at an iron pin set at the northwesterly corner of Lot 254 as designated and delineated on said subdivision plat, being on the easterly right-of-way line of Clarendon Avenue (50' wide R/W);

Thence northeasterly, along said right-of-way line, being the arc of a curve to the left, having a radius of 977.66 feet, a central angle of $00^{\circ} 35' 27''$, an arc length of 10.08 feet, the chord of which bears North $00^{\circ} 45' 07''$ East 10.08 feet, to a $1/2''$ hollow iron pin found (0.7' below grade) at the southwesterly corner of that 0.389 acre tract described in a deed to NAS 6, LLC of record in Instrument Number 201703020029197 and being the southeasterly corner of that 0.314 acre tract described in a deed to the City of Columbus of record in Deed Book 2447, Page 73;

Thence South $81^{\circ} 55' 01''$ East 79.50 feet, along the northerly line of said Alley, and along the southerly line of said 0.389 acre tract, to the southwesterly corner of that 2.423 acre tract described in a deed to NAS 6, LLC of record in Instrument Number 2014063000082913, and a northwesterly corner of that 0.0615 acre tract described in a deed to NAS 6, LLC of record in Instrument Number 201504020041396, witness a $3/4''$ hollow iron pin found (0.5' below grade) at S $00^{\circ} 07' 51''$ West 0.31 feet;

Thence South $00^{\circ} 07' 51''$ West 10.10 feet, along the westerly line of said 0.0615 acre tract, to a $5/8''$ rebar found capped "SITE ENG INC" on the northerly line of said Lot 254;

Thence North 81° 55' 01" West 79.61 feet, along the northerly line of said Lot 254 and southerly line of said Alley, to the Point of Beginning, and containing **0.0183** acre of land, more or less.

NOTE: Bearings are used for the determination of angles only. For the purpose of this description, a bearing of South 81° 55' 01" East was used on the southerly line of that 2.423 acre tract as called for in Instrument 2014063000082913. The iron pins set are 5/8" rebars, 30" long with yellow plastic caps stamped "SITE ENG INC."

The above description was prepared from an actual field survey on October 24th, 2018 by Site Engineering, Inc. **Mark A. Hazel Professional Surveyor No. 7039**

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