



Legislation Details (With Text)

File #: 1158-2013 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/6/2013 **In control:** Public Service & Transportation Committee

On agenda: 6/3/2013 **Final action:** 6/5/2013

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer the unnamed 15 (fifteen) foot east/west alley, south of Eleventh Avenue, from Hunter Avenue to Highland Avenue, and the unnamed 20 (twenty) foot north/south alley, between Highland and Hunter Avenues to The Ohio State University.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/5/2013	1	CITY CLERK	Attest	
6/4/2013	1	MAYOR	Signed	
6/3/2013	1	COUNCIL PRESIDENT	Signed	
6/3/2013	1	Columbus City Council	Approved	Pass
5/20/2013	1	Columbus City Council	Read for the First Time	

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from The Ohio State University asking that the City sell the rights-of-way identified as the unnamed 15 (fifteen) foot east/west alley, south of Eleventh Avenue, from Hunter Avenue to Highland Avenue, and the unnamed 20 (twenty) foot north/south alley, between Highland and Hunter Avenues. Transfer of these rights-of-way will facilitate the future construction of a proposed student residential project. 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. Then Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for these rights-of-way. A value of \$24,900.00 was established for these rights-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to The Ohio State University for \$24,900.00.

2. FISCAL IMPACT:

The City will receive a total of \$24,900.00 that will be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested rights-of-way.

To authorize the Director of the Department of Public Service to execute those documents required to transfer the unnamed 15 (fifteen) foot east/west alley, south of Eleventh Avenue, from Hunter Avenue to Highland Avenue, and the unnamed 20 (twenty) foot north/south alley, between Highland and Hunter Avenues to The Ohio State University.

WHEREAS, the City of Columbus, Department of Public Service, received a request from The Ohio State University asking that the City transfer the unnamed 15 (fifteen) foot east/west alley, south of Eleventh Avenue, from Hunter Avenue to Highland Avenue, and the unnamed 20 (twenty) foot north/south alley, between Highland and Hunter Avenues, to them; and

WHEREAS, acquisition of the rights-of-way will allow The Ohio State University to expand current student housing facilities on property that is currently owned by The Ohio State University; and

WHEREAS, the City of Columbus, Department of Public Service, Division of Planning and Operations, by this transfer, 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 applicable area commissions, 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 to The Ohio State University; 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 these rights-of-way; and

WHEREAS, a value of \$24,900.00 was established for these rights-of-way; and

WHEREAS, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to The Ohio State University for the amount of \$24,900.00; 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 rights-of-way to The Ohio State University; to-wit:

0.138 ACRES

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a 15' alley and a 20' alley as delineated in John A. Evan's College View Addition as recorded in Plat Book 4 Page 219; being more particularly described as follows:

Commencing at the intersection of the southerly right-of-way line of Eleventh Avenue (50' right-of-way) and the easterly right-of-way line of Highland Street (50' right-of-way), said point also being the northwesterly corner of Lot 8 of said College View Addition; thence,

Along the easterly right-of-way line of Highland Street, also being along the westerly line of said Lot No.8, South 3° 16' 43" West, for a distance of one hundred thirty five and zero one-hundredths feet (135.00) to a mag nail set, said point being the intersection of the easterly right-of-way line of Highland Street and the northerly right-of-way line of a 15' alley, said point also being the southwesterly corner of said Lot No.8, said point also being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Along the northerly right-of-way line of said 15' alley, also being along the southerly lines of Lot No.8, Lot No.7, Lot No.6, Lot No.5, Lot No.4, Lot No.3, Lot No.2 and Lot No.1 of said College View Addition, South 86° 43' 17" East, for a distance of three hundred and zero one-hundredths feet (300.00) to a mag nail set, said point being the intersection of the northerly right-of-way line of said 15' alley and the westerly right-of-way line of Hunter Avenue (60' right-of-way) as dedicated by College Place Addition as recorded in Plat Book 4 Page 175, said point also being the southeasterly corner of said Lot No.1; thence,

Along the westerly right-of-way line of Hunter Avenue, South 3° 16' 43" West, for a distance of fifteen and zero one-hundredths feet (15.00) to a mag nail set, said point being the intersection of the southerly right-of-way line of said 15' alley and the westerly right-of-way line of Hunter Avenue, said point also being the northeasterly corner of Lot No. 18 of said College View Addition; thence,

Along the southerly right-of-way line of said 15' alley, also being along the northerly line of said Lot No. 18, North 86° 43' 17" West, for a distance of one hundred forty and zero one-hundredths feet (140.007) to a mag nail set, said point being the intersection of the southerly right-of-way line of said 15' alley and the easterly right-of-way line of a 20' alley, said point also being the northwesterly corner of said Lot No. 18; thence,

Along the easterly right-of-way line of said 20' alley, also being along the westerly line of said lot No. 18 and Lot No. 19 of said College View Addition, South 3° 16' 43" West, for a distance of seventy five and ninety-four one-hundredths feet (75.947) to a mag nail set, said point being the intersection of the easterly right-of-way line of said 20' alley and the northerly right-of-way line of a 15' alley, said point also being the southwest corner of said Lot No. 19; thence,

Along the northerly right-of-way line of ' said 15' alley, North 86° 43' 17" West, for a distance of twenty and zero one-hundredths feet (20.00) to a mag nail set, said point being the intersection of the westerly right-of-way line of said 20' alley and the northerly right-of-way line of said 15' alley, said point also being the southeasterly corner of Lot No. 17 of said college View Addition; thence,

Along the westerly line of said 20' alley, also being along the easterly lines of said Lot No. 17 and Lot No. 16 of said College View Addition, North 3° 16' 43" East, for a distance of seventy -five and ninety-four one-hundredths feet (75.94) to a mag nail set, said point being the intersection of the westerly right-of-way line of said 20' alley and the southerly right-of-way line of a 15' alley, said point also being the northeasterly corner of said Lot No. 16; thence,

Along the southerly right-of-way line of said 15' alley, also being along the northerly line of said Lot No. 16, North 86° 43' 17" West, for a distance of one hundred forty and zero one-hundredths feet (140.00) to a mag nail set, said point being the intersection of the southerly right-of-way line of said 15' alley and the easterly right-of-way line of Highland Street, said point also being the northwesterly corner of said Lot No. 16; thence,

Along the easterly right-of-way line of Highland Street, North 3° 16' 43" East, for a distance of fifteen and zero one-hundredths feet (15.00) to the point of beginning, containing 0.138 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by Kleingers & Associates in January, 2012.

Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-CORS), with a portion of the northerly right-of-way line of Eleventh Avenue being North 86° 43' 17" West, as determined by a VRS-GPS utilizing CORS station "COLB" and monument "Ringle".

Subject to any easements, restrictions, covenants, ordinances, or agreements of record.

Section 2. That the above referenced real property shall be considered excess road rights-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 rights-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said rights-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 \$24,900.00 to be received by the City as consideration for the sale of these rights-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.