



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Details (With Text)

**File #:** 2658-2013      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/6/2013      **In control:** Public Service & Transportation Committee

**On agenda:** 1/13/2014      **Final action:** 1/15/2014

**Title:** To authorize the Director of the Department of Public Service on behalf of the City of Columbus, Ohio, to execute the documents prepared and approved by the Columbus City Attorney, Real Estate Division, necessary vacate, transfer, and quit-claim grant certain portions of Alum Creek Drive public right-of-way to Congregation Ahavas Shalom (0.007 Acres), The First Hungarian Hebrew Congregation (0.015 Acres), Trustees of the Congregation Agudas Achim (0.017 Acres), and The Trustees of the Congregation of the House of Jacob (0.007 Acres); and to waive the Land Review Commission requirements of Columbus City Code, Chapter 328. (\$0.00)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Exhibit-A, 2. Exhibit-B, 3. Exhibit-C, 4. Exhibit-D

| Date       | Ver. | Action By             | Action                  | Result |
|------------|------|-----------------------|-------------------------|--------|
| 1/15/2014  | 1    | CITY CLERK            | Attest                  |        |
| 1/14/2014  | 1    | MAYOR                 | Signed                  |        |
| 1/13/2014  | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 1/13/2014  | 1    | Columbus City Council | Approved                | Pass   |
| 12/16/2013 | 1    | Columbus City Council | Read for the First Time |        |

### BACKGROUND:

The City of Columbus, Ohio ("City"), Department of Public Service, owns and manages certain public right-of-way known as Alum Creek Drive. The City's Department of Public Service discovered that certain real property improvements of an historic cemetery ("Cemetery") encroach into the public right-of-way of Alum Creek Drive. The City's Department of Public Service reviewed, approved, and determined that vacating portions of the City's public right-of-way to Alum Creek Drive does not adversely affect the City and should be granted at no cost, because the portions of public right-of-way encroached upon by the Cemetery is not needed by the City. However, the City will retain a general utility easement over the Property, and the City will retain a temporary construction easement over the Property to complete restorative construction of Alum Creek Drive. Therefore, this ordinance waives the Land Review Commission requirements of Columbus City Code, Chapter 328, and this ordinance authorizes the City's Director of the Department of Public Service to execute those documents prepared and approved by the Columbus City Attorney, Real Estate Division, necessary to vacate, transfer, and quit-claim grant certain portions of Alum Creek Drive public right-of-way to the following four (4) adjacent property owners of the Cemetery: (A) 0.007 acres to Congregation Ahavas Shalom; (B) 0.015 acres to The First Hungarian Hebrew Congregation; (C) 0.017 acres to the Trustees of the Congregation Agudas Achim; and (D) 0.007 acres to The Trustees of the Congregation of the House of Jacob.

**FISCAL IMPACT:** Not applicable.

**EMERGENCY JUSTIFICATION:** Not requested.

To authorize the Director of the Department of Public Service on behalf of the City of Columbus, Ohio, to execute the documents prepared and approved by the Columbus City Attorney, Real Estate Division, necessary vacate, transfer, and quit-claim grant certain portions of Alum Creek Drive public right-of-way to Congregation Ahavas Shalom (0.007 Acres), The First Hungarian Hebrew Congregation (0.015 Acres), Trustees of the Congregation Agudas Achim (0.017 Acres), and The Trustees of the Congregation of the House of Jacob (0.007 Acres); and to waive the Land Review Commission requirements of Columbus City Code, Chapter 328. (\$0.00)

**WHEREAS**, the City of Columbus, Ohio (“City”), Department of Public Service, owns and manages certain public right-of-way known as Alum Creek Drive;

**WHEREAS**, the City’s Department of Public Service discovered that certain real property improvements of an historic cemetery (“Cemetery”) encroach into the public right-of-way of Alum Creek Drive;

**WHEREAS**, the City’s Department of Public Service reviewed, approved, and determined that vacating portions of the City’s public right-of-way to Alum Creek Drive does not adversely affect the City and should be granted at no cost, because the portions of public right-of-way encroached upon by the Cemetery is excessive and not needed by the City;

**WHEREAS**, the City will retain a general utility easement over the Property, and the City will retain a temporary construction easement over the Property to complete restorative construction of Alum Creek Drive;

**WHEREAS**, this ordinance waives the Land Review Commission requirements of Columbus City Code, Chapter 328, and this ordinance authorizes the City’s Director of the Department of Public Service to execute those documents prepared and approved by the Columbus City Attorney, Real Estate Division, necessary to vacate, transfer, and quit-claim grant certain portions of Alum Creek Drive public right-of-way to the following four (4) adjacent property owners of the Cemetery: (A) 0.007 acres to Congregation Ahavas Shalom; (B) 0.015 acres to The First Hungarian Hebrew Congregation; (C) 0.017 acres to the Trustees of the Congregation Agudas Achim; and (D) 0.007 acres to The Trustees of the Congregation of the House of Jacob; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**SECTION 1.** That the Director of the Department of Public Service on behalf of the City of Columbus, Ohio, an Ohio municipal corporation (“City”), is authorized to execute documents prepared and approved by the Columbus City Attorney, Real Estate Division, necessary to vacate, transfer, and quit-claim grant the following described four (4) parcels of real property (collectively, “Property”), which are fully described in their associated exhibits and fully incorporated into this ordinance:

| <b><u>EXHIBIT</u></b> | <b><u>ACREAGE</u></b> | <b><u>GRANTEE</u></b>                                  |
|-----------------------|-----------------------|--|
| (A)                   | 0.007 Acres           | Congregation Ahavas Shalom                             |
| (B)                   | 0.015 Acres           | The First Hungarian Hebrew Congregation                |
| (C)                   | 0.017 Acres           | Trustees of the Congregation Agudas Achim              |
| (D)                   | 0.007 Acres           | The Trustees of the Congregation of the House of Jacob |

**SECTION 2.** That the Property is deemed excess road right-of-way and the public rights to the Property will terminate upon the Director's execution and delivery of the quit-claim deeds to the Grantees.

**SECTION 3.** That the City reserves a general utility easement in, on, over, across, above, and through the Property for those utilities located within the Property.

**SECTION 4.** Upon notification and verification of the relocation of all utilities located within the reserved general utility easement, the City’s Director of the Department of Public Service is authorized to execute those documents

prepared and approved by the Columbus City Attorney, Real Estate Division, 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 reserves a temporary construction easement in, on, over, across, above, and through the Property in order to complete restorative construction of Alum Creek Drive.

**SECTION 6.** That for good cause shown, this ordinance waives the Land Review Commission requirements of Columbus City Code, Chapter 328.

**SECTION 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.