



## Legislation Details (With Text)

**File #:** 2889-2014      **Version:** 1

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

**File created:** 11/25/2014      **In control:** Public Service & Transportation Committee

**On agenda:** 12/15/2014      **Final action:** 12/18/2014

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer to Franklin University a 0.563 acre portion of the north/south right-of-way west of Grant Avenue between Rich and Main Streets, adjacent to property owned by Franklin University.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/18/2014	1	CITY CLERK	Attest	
12/16/2014	1	MAYOR	Signed	
12/15/2014	1	COUNCIL PRESIDENT	Signed	
12/15/2014	1	Columbus City Council	Approved	Pass
12/8/2014	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Franklin University, asking that the City sell a 0.563 acre portion of the north/south right-of-way west of Grant Avenue between Rich and Main Streets. Transfer of this right-of-way will allow for the resolution of a number of title issues relating to property currently owned by Franklin University, adjacent to the above noted 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 Department of Law, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$135,300.00 was established for this right-of-way. Franklin University had submitted a request for the mitigation of the cost of the aforementioned right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred at no cost to Franklin University.

### 2. FISCAL IMPACT:

N/A

To authorize the Director of the Department of Public Service to execute those documents required to transfer to Franklin University a 0.563 acre portion of the north/south right-of-way west of Grant Avenue between Rich and Main Streets, adjacent to property owned by Franklin University.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Franklin University asking that the City transfer a 0.563 acre portion of the north/south right-of-way west of Grant Avenue between Rich and Main

Streets, adjacent to property owned by Franklin University, to them; and

**WHEREAS**, acquisition of this right-of-way will allow for the resolution of a number of title issues relating to property owned by Franklin University, adjacent to the aforementioned right-of-way; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Infrastructure Management, 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 Franklin 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 this right-of-way; and

**WHEREAS**, a value of \$135,300.00 was established for this right-of-way; and

**WHEREAS**, Franklin University had submitted a request for the mitigation of the cost of this right-of-way; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred at no cost to Franklin University; 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 Franklin University; to-wit:

**PEDESTRIAN MALL AND ADJOINING RIGHT-OF- WAY  
0.563 ACRES**

Situated in the City of Columbus, County of Franklin, State of Ohio; also being all of that portion of Sixth Street rededicated as "Pedestrian Mall" as delineated in Market Mohawk Urban Renewal Plat No. 5 as recorded in Plat Book 38 Page 89 and a portion of Sixth Street as established by Crosby and Company's Addition as recorded in Deed Book 11 Page 97; being more particularly described as follows:

Beginning at a 1" iron pipe found at the intersection of the southerly right-of-way line of Rich Street (82.5' right-of-way as dedicated in Plat of Town of Columbus as recorded in Deed Book F Page 332, destroyed by fire, replated in Plat Book 3 Page 247 and also represented in Plat Book 14 Page 27) and the easterly right-of-way line of Sixth Street (24' right-of-way), said point also being the northwesterly corner of Lot 782 of said Crosby and Company's Addition, said point also being the northwesterly corner of a 0.658 acre tract as conveyed to Franklin University as described in Deed Book 3623 Page 653 Parcel I, said point also being the TRUE POINT OF BEGINNING, and from said beginning point running thence,

Along the easterly right-of-way line of Sixth Street and then along an easterly right-of-way line of said Pedestrian Mall, also being along the westerly line of said Lot No. 782 and then along the westerly terminus of that portion of Cherry Street as vacated by Ordinance 942-67 and then along the westerly line of Lot No. 793 of said Crosby and Company's Addition, also being along the westerly line of said 0.658 acre tract and along the westerly line of Disposal Parcel 15 of said Market Mohawk Urban Renewal Plat No. and along the westerly line of a 0.679 acre tract as conveyed to Franklin University as described in Official Record 9973 D-05, South 08° 02' 08" East, for a distance of 408.61' to a 1" iron pipe found along the northerly right-of-way line of Main Street (82.5' right-of-way, originally dedicated as Friend Street in said Plat of the Town of Columbus), said point also being the southeasterly corner of said Pedestrian Mall, said point also

being the southwesterly corner of said Lot No. 793, said point also being the southwesterly corner of said Disposal Parcel 15, said point also being the southwesterly corner of said 0.769 acre tract; thence,

Along the northerly right-of-way line of Main Street, also being along the southerly right-of-way line of said Pedestrian Mall, South  $81^{\circ} 57' 52''$  West, for a distance of 60.00' to a  $5/8''$  iron pin found at the southwesterly corner of said Pedestrian Mall, said point also being the southeasterly corner of Lot 794 of said Crosby and Company's Addition, said point also being the southeasterly corner of Disposal Lot 13 of said Market Mohawk Urban Renewal Plat No. 5, said point also being the southeasterly corner of a 3.897 acre tract as conveyed to North Columbus Jaycee Housing, Inc. as recorded in Deed Book 3086 Page 257; thence,

Along the westerly line of said Pedestrian Mall, also being along the easterly line of said 3.897 acre tract and along the easterly line of said Disposal Parcel 13, also being along the easterly line of said Lot No 794 and then along the easterly terminus of that portion of Cherry Street as vacated by Ordinance 1437-65 and then along the easterly line of Lot No. 781 of said Crosby and Company's Addition, North  $08^{\circ} 02' 08''$  West, for a distance of 408.61' to a  $5/8''$  iron pin found, said point being the northeasterly corner of said 3.897 acre tract, said point also being the northeasterly corner of said Disposal Parcel 13, said point also being the northeasterly corner of said Lot No. 781, said point also being the northwesterly corner of said Pedestrian Mall, said point also being along the southerly right-of-way line of Rich Street; thence,

Along the southerly right-of-way line of Rich Street, also being along the northerly line of said Pedestrian Mall and then crossing Sixth Street, North  $81^{\circ} 57' 52''$  East, for a distance of 60.00' to the point of beginning, containing 0.563 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by The Kleingers Group in January, 2013.

Basis of bearings for the above-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS 2007), with a portion of the southerly right-of-way line of Rich Street being North  $81^{\circ} 57' 52''$  East, as determined by a GPS survey utilizing CORS station "COLB" and station "MORLAN".

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

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