



## Legislation Details (With Text)

**File #:** 1016-2015      **Version:** 1

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

**File created:** 4/8/2015      **In control:** Public Service & Transportation Committee

**On agenda:** 4/27/2015      **Final action:** 4/29/2015

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.053 acre portion of the east/west Biehl Alley right-of-way west of Parsons Avenue between Stewart and Deshler Avenues, adjacent to property owned by Columbus Metropolitan Library, located at Parsons and Stewart Avenues; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/29/2015	1	CITY CLERK	Attest	
4/28/2015	1	MAYOR	Signed	
4/27/2015	1	COUNCIL PRESIDENT	Signed	
4/27/2015	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Columbus Metropolitan Library, asking that the City sell a 0.053 acre portion of the east/west Biehl Alley right-of-way west of Parsons Avenue between Stewart and Deshler Avenues. Transfer of this right-of-way will facilitate the construction of the New Parsons Avenue branch of the Columbus Metropolitan Library. 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 \$936.00 was established for this right-of-way. A request for mitigation of the cost of the aforementioned right-of-way was submitted by Columbus Metropolitan Library. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred at no cost to Columbus Metropolitan Library.

### 2. FISCAL IMPACT:

N/A

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.053 acre portion of the east/west Biehl Alley right-of-way west of Parsons Avenue between Stewart and Deshler Avenues, adjacent to property owned by Columbus Metropolitan Library, located at Parsons and Stewart Avenues; and to declare an emergency.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Columbus Metropolitan

Library asking that the City transfer a 0.053 acre portion of the east/west Biehl Alley right-of-way west of Parsons Avenue between Stewart and Deshler Avenues, adjacent to property owned by Columbus Metropolitan Library located at Parsons and Stewart Avenues, to them; and

**WHEREAS**, acquisition of the right-of-way will provide additional parking and improved access for existing residential properties owned by Columbus Metropolitan Library., located at Parsons and Stewart Avenues; 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 Columbus Metropolitan Library.; 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 \$936.00 was established for this right-of-way; and

**WHEREAS**, Columbus Metropolitan Library submitted a request for mitigation of the cost of the aforementioned right-of-way to the Land Review Commission; and

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

0.053 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Biehl Alley (17.8 foot) as delineated on the Wirth-Barth and Huber Subdivision in Plat Book 3, Page 380, all records herein are from the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at the intersection of the south Right of Way of said Biehl Alley and the west Right of Way of Parsons Avenue (formerly Groveport Pike, 60 foot) as delineated in said Plat Book 3, Page 380 and in the northeast corner of Lot 5 as delineated on the Herman Wirth's Subdivision Plat in Plat Book 4, Page 87;

Thence, North 85° 42'14" West, a distance of 129.74 feet, along the south Right of Way of said Biehl Alley and the north line of said Lot 5, to an 3/4" diameter iron pipe bent on the east Right of Way of Huber Alley as delineated in said Plat Book 3, Page 380;

Thence, North 04° 20'53" East, a distance of 17.80 feet, along the east Right of Way of said Huber Alley, to a 3/4" diameter iron pipe bent on the north Right of Way of said Biehl Alley and the southwest corner of Lot 6 of said Plat Book 4, Page 87;

Thence, South 85° 42'14" East, a distance of 129.61 feet, along the north Right of Way of said Biehl alley and the south

line of said Lot 6, to the west Right of Way of said Parsons Avenue;

Thence, South 03° 55'25" West, a distance of 17.80 feet, along the west Right of Way of said Parsons Avenue, to the Point of Beginning, containing 0.053 acres, more or less, subject to legal highways and other easements of records.

The bearings described herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station network. The east Right of Way of Huber Alley, having a bearing of North 04° 20'53" East is designated and monumented as the "basis of bearing" for this description.

This description is based on, Plat Book 3, Page 380, Plat Book 4, Page 87, and Instrument Number 201311190193004.

This description was based field survey conducted by CW Design Group, LLC under my guidance in August 2014 and to the best of my knowledge depicts the boundary lines.

Charles A. Wagner, P.S. S-8091

**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 for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.