



## Legislation Details (With Text)

**File #:** 1542-2016      **Version:** 1

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

**File created:** 6/3/2016      **In control:** Public Service & Transportation Committee

**On agenda:** 6/27/2016      **Final action:** 7/1/2016

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.021 acre parcel of the Fisher Alley right-of-way to 85 North High Street, LLC., which is adjacent to property owned by 85 North High Street, LLC. located at Wall and Gay Streets. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/1/2016	1	CITY CLERK	Attest	
6/30/2016	1	MAYOR	Signed	
6/27/2016	1	COUNCIL PRESIDENT	Signed	
6/27/2016	1	Columbus City Council	Approved	Pass
6/20/2016	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from 85 North High Street, LLC. asking that the City sell a 0.021 acre parcel of the Fisher Alley right-of-way, which is adjacent to property owned by 85 North High Street, LLC. Transfer of this right-of-way will facilitate the development of property currently owned by 85 North High Street, LLC., adjacent to the above noted right-of-way, located at Wall and Gay Streets. 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 \$1,829.50 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to 85 North High Street, LLC. for \$1,829.50.

### 2. FISCAL IMPACT:

The City will receive a total of \$1,829.50 that will be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.021 acre parcel of the Fisher Alley right-of-way to 85 North High Street, LLC., which is adjacent to property owned by 85 North High Street, LLC. located at Wall and Gay Streets. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from 85 North High Street, LLC. asking that the City transfer a 0.021 acre parcel of the Fisher Alley right-of-way, adjacent to property owned by 85 North High Street, LLC., to them; and

**WHEREAS**, acquisition of the right-of-way will facilitate the development of property currently owned by 85 North High Street, LLC. adjacent to the above noted 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 85 North High Street, LLC.; 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 the right-of-way; and

**WHEREAS**, a value of \$1,829.50 was established for the right-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to 85 North High Street, LLC. for the amount of \$1,829.50; and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director to execute those documents necessary to transfer said right of way; 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 85 North High Street, LLC.; to-wit:

DESCRIPTION OF A  
0.021 ACRE PART OF  
FISHER ALLEY  
CITY OF COLUMBUS, OHIO

Situate in the State of Ohio, County of Franklin, City of Columbus, being part of Inlots 280, and 281 of Town Plat of the City of Columbus as recorded in Deed Book F, Page 332, destroyed by fire, replatted in Plat Book 3, Page 247 also represented in Plat Book 14, Page 27, and being the south half of Fisher Alley (12.5 feet in width) platted of record in Dennison & Neil's Subdivision of Inlots 280 and 281 of record in Plat Book 1, Page 190 (all records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning at a magnetic nail set at the southeasterly corner of Fisher Alley on the northerly right-of-way of Gay Street (82.5 feet in width), being the southwesterly corner of a 0.411 acre tract as conveyed to 85 North High Street, LLC by deed of record in Instrument Number 201409220124955;

Thence South 81°51'53" West a distance of 12.50 feet along the northerly right of way line and crossing Fisher Alley to a magnetic nail set on the westerly right of way line of Fisher Alley and the southeasterly corner of 22 West Gay Street Condominium, Declaration of record in Official Record 8627, Page B17, with 99 year lease interest conveyed to Brick & Mortar Property LLC by deed of record in Instrument Numbers 200502080024263, with underlying fee owners Marjorie E. Rankin, (et al) as stated in Affidavit In Aid Of Title of record in Instrument Number 200502080024251;

Thence North 08°06'34" West a distance of 74.05 feet along the westerly right of way line of Fisher Alley to a magnetic nail set;

Thence North 81°53'26" East a distance of 12.50 feet crossing the right of way line of Fisher Alley to a magnetic nail set on the easterly right of way line of Fisher Alley;

Thence South 08°06'34" East a distance of 74.04 feet to the Point of Beginning, containing 0.021 acre, more or less, subject to all easements, restrictions and right of way of record.

Bearings are based on the bearing of North 81°51'53" East for the northerly right-of-way line of Gay Street, as determined by a network of GPS field observations performed in September 2014, Ohio State Plane Coordinate System, South Zone, NAD 83(2007).

Gay Street, as determined by a network of GPS field observations performed in September 2014, Ohio State Plane Coordinate System, South Zone, NAD 83(2007).

All iron pipes set are  $\frac{3}{4}$  inch iron pipes, 30 inches in length with a yellow cap bearing the name "STANTEC".

**Section 2.** That the above referenced real property shall be considered excess road right-of-way and the public right there in 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 the \$1,829.50 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 7748, Project P537650.

**Section 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.