



## Legislation Details (With Text)

**File #:** 2917-2016      **Version:** 1

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

**File created:** 11/7/2016      **In control:** Public Service & Transportation Committee

**On agenda:** 12/12/2016      **Final action:** 12/15/2016

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.133 acre parcel of the right-of-way located at the intersection of Mooberry and Gilbert Streets to Mr. Woodrow Morgan which is adjacent to property owned by Mr. Morgan located at 572-574 Gilbert Street.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/15/2016	1	CITY CLERK	Attest	
12/14/2016	1	MAYOR	Signed	
12/12/2016	1	COUNCIL PRESIDENT	Signed	
12/12/2016	1	Columbus City Council	Approved	Pass
12/5/2016	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Woodrow Morgan asking that the City sell a 0.133 acre parcel of the right-of-way located at the intersection of Mooberry and Gilbert Streets, which is adjacent to property owned by Mr. Morgan. Transfer of this right-of-way will facilitate landscaping enhancements to property currently owned by Mr. Morgan adjacent to the above noted right-of-way, located at 572-574 Gilbert Street. 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. 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. A value of \$3,803.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend a reduction in price of \$687.39 based on enhancements already performed on the previously mentioned right-of-way, and that the above referenced right-of-way be transferred to Woodrow Morgan for \$3,115.61.

### 2. FISCAL IMPACT:

The City will receive a total of \$3,115.61 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 0.133 acre parcel of the right-of-way located at the intersection of Mooberry and Gilbert Streets to Mr. Woodrow Morgan which is adjacent to property owned by Mr. Morgan located at 572-574 Gilbert Street.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Woodrow Morgan asking the City transfer a 0.133 acre parcel of the right-of-way located at the intersection of Mooberry and Gilbert Streets, adjacent

to property owned by Mr. Morgan., to him; and

**WHEREAS**, acquisition of the right-of-way will facilitate landscaping enhancements to property currently owned by Mr. Morgan 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 Mr. Morgan; 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 \$3,115.00 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 Mr. Morgan for the amount of \$3,115.61; **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 Mr. Morgan to-wit:

Description of 0.133 acres at Mooberry and Gilbert Streets

SITUATED in the State of Ohio, County of Franklin, City of Columbus, and being a part of Half Section 24, Township 5, Range 22, Refugee Lands, and being a part of Mooberry St. (FRA-40-13.83, width variable), originally dedicated as Shelby St. (60' wide) on George Gilbert's Subdivision, Plat Book 3, pg. 337, Franklin County Recorder's Office; All records referred to are those of record in the Franklin County Recorder's Office;

BEGINNING at a set iron pin at the northwest corner of Lot 49 of the said George Gilbert's Subdivision, being the intersection of the east right of way line of Gilbert St. (50' wide), and the south right of way line of the said Mooberry St.;

THENCE North 02 degrees 35 minutes 47 seconds East, a distance of 56.01 feet, along the east right of way Line of Gilbert St. extended, crossing the said Mooberry St., to a set iron pin;

THENCE North 47 degrees 23 minutes 16 seconds East, a distance of 1.60 feet, crossing the said Mooberry St., to a set iron pin;

THENCE South 80 degrees 34 minutes 56 seconds East, a distance of 117.08 feet, crossing the said Mooberry St., to a set iron pin;

THENCE South 03 degrees 17 minutes 10 seconds West, a distance of 41.78 feet, crossing the said Mooberry St., to a set iron pin, being the northeast corner of the said Lot 49, and the intersection of the south right of way line of the said Mooberry St. and the west right of way line of 19' wide alley;

THENCE North 88 degrees 07 minutes 16 seconds West, a distance of 116.89 feet, along the north line of the said Lot 49 and the south right of way line of the said Mooberry St., to the point of beginning, containing an area of 5,803 square feet or 0.133 acres, according to a survey by J&J Surveying Services, Inc. in April of 2016, under the direct supervision

of Raymond J. Wood, P.S. 7745;

The bearings described herein are assumed, and are used to denote angles only. The portion of the east right of way line of Gilbert St., having a bearing of North 02 degrees 35 minutes 47 seconds East, and monumented as described herein, is designated the "Basis of Bearing" for this survey. All iron pins set are 5/8" diameter, 30" long rebars with a cap stamped "J&J SURVEYING".

**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 the \$3,115.61 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.