



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 1/5/2017 **In control:** Public Service & Transportation Committee

On agenda: 1/30/2017 **Final action:** 2/1/2017

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.732 acre portion of the unnamed east/west right-of-way east of Rarig Avenue and north of Lamb Avenue, adjacent to property owned by Northbank Partners, LLC, the Leilani Y. Minor Revocable Living Trust, and Boston Heights Realty Investment, LLC, located east of Rarig Avenue between Lamb Avenue and 17th Street.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/1/2017	1	CITY CLERK	Attest	
1/31/2017	1	MAYOR	Signed	
1/30/2017	1	COUNCIL PRESIDENT	Signed	
1/30/2017	1	Columbus City Council	Approved	Pass
1/23/2017	1	Columbus City Council	Read for the First Time	

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Northbank Partners, LLC, the Leilani Y. Minor Revocable Living Trust, and Boston Heights Realty Investment, LLC. asking that the City sell a 0.732 acre portion of the unnamed east/west right-of-way east of Rarig Avenue and north of Lamb Avenue. An 0.183 acre parcel (parcel #1) shall be deeded to Boston Heights Realty Investment, LLC.; an 0.183 acre parcel (parcel #2) shall be deeded to Northbank Partners, LLC., and an 0.366 acre (parcel #3) shall be deeded to the Leilani Y. Minor Revocable Living Trust. Transfer of these rights-of-way will allow for improvements in ingress/egress for existing businesses, located on property currently owned by the above named property owners. 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 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 these rights-of-way. A value of \$3,986.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to Northbank Partners, LLC., the Leilani Y. Minor Revocable Living Trust, and Boston Heights Realty Investment, LLC. for the amount of \$3,986.00.

2. FISCAL IMPACT:

The City will receive a total of \$3,986.00 that will be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested rights-of-way.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.732

acre portion of the unnamed east/west right-of-way east of Rarig Avenue and north of Lamb Avenue, adjacent to property owned by Northbank Partners, LLC, the Leilani Y. Minor Revocable Living Trust, and Boston Heights Realty Investment, LLC, located east of Rarig Avenue between Lamb Avenue and 17th Street.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Northbank Partners, LLC, the Leilani Y. Minor Revocable Living Trust, and Boston Heights Realty Investment, LLC, asking that the City transfer a 0.732 acre portion of the unnamed east/west right-of-way east of Rarig Avenue and north of Lamb Avenue, adjacent to property owned by Northbank Partners, LLC, the Leilani Y. Minor Revocable Living Trust, and Boston Heights Realty Investment, LLC, located east of Rarig Avenue between Lamb Avenue and 17th Street, to them; and

WHEREAS, acquisition of these rights-of-way will facilitate improvements to the adjacent property owned by Northbank Partners, LLC, the Leilani Y. Minor Revocable Living Trust, and Boston Heights Realty Investment, LLC, located east of Rarig Avenue between Lamb Avenue and 17th Street; and

WHEREAS, the City of Columbus, Department of Public Service, Division of Infrastructure Management, by this transfer, extinguishes its need for these public rights-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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way to Northbank Partners, LLC, the Leilani Y. Minor Revocable Living Trust, and Boston Heights Realty Investment, 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 these rights-of-way; and

WHEREAS, a value of \$3,986.00 was established for these rights-of-way; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to the Northbank Partners, LLC, the Leilani Y. Minor Revocable Living Trust, and Boston Heights Realty Investment, LLC for the amount of \$3,986.00; 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 Northbank Partners, LLC, the Leilani Y. Minor Revocable Living Trust, and Boston Heights Realty Investment, LLC; to-wit:

DESCRIPTION OF 0.183 ACRES
Parcel #1
FRANKLIN COUNTY, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, Township of Mifflin, Virginia Military Survey No. 9921, and part of an alley as shown in Block “J” of Elmhurst Addition No. 2, of record in Plat Book 11, Page 19, all being of record in the Recorder’s Office, Franklin County, Ohio and being more particularly described as follows:

BEGINNING FOR REFERENCE, at a $\frac{3}{4}$ inch iron pin found (Bird & Bull) at the intersection of the easterly right-of-way line of Rarig Avenue, the northerly right-of-way line of Lamb Avenue, and the southwest corner of Lot 1, as shown in said Block “J” of Elmhurst Addition No. 2;

Thence, North 04°36'34" East with a line common to said Lot 1, conveyed in deed to Boston Heights Realty by Instrument 201201040000858, and the easterly right-of-way line of said Rarig Avenue, passing a $\frac{3}{4}$ " iron pin found at 185.00 feet, a distance of 205.00 feet to a $\frac{5}{8}$ " rebar with cap (CEC) set at the corner common with said alley, and the southwest corner of Lot 22 of said Block "J" as conveyed in deed to Northbank Partners, LLC., by Instrument 201504130046754 and also being the POINT OF TRUE BEGINNING;

Thence, South 86°22'00" East, leaving the easterly right-of-way line of said Rarig Avenue and along a line common with said alley and said Lot 22 and Lot 23 of said Block "J", as conveyed in deed to Northbank Partners, LLC., by Instrument 201504130046754, a distance of 80.00 feet, to a $\frac{5}{8}$ " rebar with cap (CEC) set at the common corner of said Lot 23 and Lot 24 of said Block "J";

Thence, the following courses through said alley;
South 04°36'34" West, a distance of 10.00 feet, to a $\frac{5}{8}$ " rebar with cap (CEC) set;
North 86°22'00" West, a distance of 80.00 feet, to a $\frac{5}{8}$ " rebar with cap (CEC) set;

Thence, North 04°36'34" East, along a line common with said alley and said Rarig Avenue right-of-way, a distance of 10.00 feet, to the POINT OF TRUE BEGINNING, containing 0.183 acres, more or less.

The basis of bearing for this survey is based on the bearing of North 86°22'00" West for the northerly right-of-way line Lamb Avenue as measured with GPS observations on March 21, 2016 using Horizontal Datum NAD83 (2011 ADJ).

DESCRIPTION OF 0.183 ACRES

Parcel #2

FRANKLIN COUNTY, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, Township of Mifflin, Virginia Military Survey No. 9921, and being part of an alley as shown in Block "J" of Elmhurst Addition No. 2, of record in Plat Book 11, Page 19, all being of record in the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

BEGINNING FOR REFERENCE, at a $\frac{3}{4}$ inch iron pin found at the intersection of the easterly right-of-way line of Rarig Avenue, the northerly right-of-way line of Lamb Avenue, and the southwest corner of Lot 1, as shown in said Block "J" of Elmhurst Addition No. 2;

Thence, North 04°36'34" East with a line common to said Lot 1, as conveyed in deed to Boston Heights Realty by Instrument 201201040000858, and the easterly right-of-way line of said Rarig Avenue, distance of 185.00 feet to a $\frac{3}{4}$ " iron pin found at a corner common with said Lot 1 and said alley, and also being the POINT OF TRUE BEGINNING;

Thence, North 04°36'34" East, continuing along a line common with said alley and easterly right-of-way line of said Rarig Avenue, a distance of 10.00 feet to a $\frac{5}{8}$ " rebar with cap (CEC) set;

Thence, South 86°22'00" East, leaving the easterly right-of-way line of said Rarig Avenue and through said alley along a line parallel with the northerly lines of Lot 1 and Lot 2, a distance of 80.00 feet, to a $\frac{5}{8}$ " rebar with cap (CEC) set;

Thence, South 04°36'34" West, through said alley, a distance of 10.00 feet to a $\frac{5}{8}$ " rebar with cap (CEC) set at a corner common with Lot 3 of said Block "J", as conveyed in deed to Jack D. Minor, by Instrument 201503230035782, and Lot 2 of said Block "J", conveyed in deed to Boston Heights Realty by Instrument 201201040000858, and a $\frac{5}{8}$ " rebar with cap (CEC) set;

Thence, North 86°22'00" West, with a line common to said alley and said Lots 1 & 2, of Block "J" of Elmhurst Addition No. 2, a distance of 80.00 feet, to the POINT OF TRUE BEGINNING, containing 0.183 acres, more or less.

The basis of bearing for this survey is based on the bearing of North 86°22'00" West for the northerly right-of-way line

Lamb Avenue as measured with GPS observations on March 21, 2016 using Horizontal Datum NAD83 (2011 ADJ).

DESCRIPTION OF 0.366 ACRES

Parcel #3

FRANKLIN COUNTY, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, Township of Mifflin, Virginia Military Survey No. 9921, and being part of an alley as shown in Block "J" of Elmhurst Addition No. 2, of record in Plat Book 11, Page 19, all being of record in the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

BEGINNING FOR REFERENCE, at a $\frac{3}{4}$ inch iron pin found at the intersection of the easterly right-of-way line of Rarig Avenue, the northerly right-of-way line of Lamb Avenue, and the southwest corner of Lot 1, as shown in said Block "J" of Elmhurst Addition No. 2;

Thence, North $04^{\circ}36'34''$ East with a line common to said Lot 1, as conveyed in deed to Boston Heights Realty by Instrument 201201040000858, and the easterly right-of-way line of said Rarig Avenue, a distance of 185.00 feet to a $\frac{3}{4}$ " iron pin found at a corner common with said Lot 1 and said alley;

Thence, South $86^{\circ}22'00''$ East, along a line common with said alley and said Lot 1, and Lot 2, as conveyed in deed to Boston Heights Realty by Instrument 201201040000858, a distance of 80.00 feet to a $\frac{5}{8}$ " rebar with cap (CEC) set at the common corner of Lot 2 & 3 of said Block "J", and also being the POINT OF TRUE BEGINNING;

Thence, North $04^{\circ}36'34''$ East, through said alley, passing a $\frac{5}{8}$ " rebar with cap (CEC) set at 10.00 feet, a distance of 20.00 feet to a $\frac{5}{8}$ " rebar with cap (CEC) set at a common corner of Lot 23, as conveyed in deed to Northbank Partners, LLC., by Instrument 201504130046754 and Lot 24, as conveyed in deed to Jack D. Minor by Instrument 201503230035782;

Thence, South $86^{\circ}22'00''$ East, along a line common with said alley and said Lot 24 and Lot 25, as conveyed in deed to Jack D. Minor by Instrument 201503230035782, a distance of 160.00 feet, to a $\frac{5}{8}$ " rebar with cap (CEC) set at the common corner of Lot 25 & 26 of said Block "J";

Thence, South $04^{\circ}36'34''$ West, through said alley, a distance of 20.00 feet to a $\frac{5}{8}$ " rebar with cap (CEC) set at the common corner of Lot 4 & 5 of said Block "J";

Thence, North $86^{\circ}22'00''$ West, along a line common to said alley and Lot 4, as conveyed in deed to Jack D. Minor, by Instrument 201503230035782, and Lot 3, as conveyed in deed to Jack D. Minor by Instrument 201503230035782, a distance of 160.00 feet, to the POINT OF TRUE BEGINNING, containing 0.366 acres, more or less;

The basis of bearing for this survey is based on the bearing of North $86^{\circ}22'00''$ West for the northerly right-of-way line Lamb Avenue as measured with GPS observations on March 21, 2016 using Horizontal Datum NAD83 (2011 ADJ).

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 rights-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said rights-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 \$3,986.00 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.