



## Legislation Details (With Text)

**File #:** 0446-2017      **Version:** 1

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

**File created:** 2/14/2017      **In control:** Public Service & Transportation Committee

**On agenda:** 3/13/2017      **Final action:** 3/16/2017

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.1027 acre portion of the East Nationwide Boulevard right-of-way, east of North High Street, adjacent to property owned by 77 Hotel Partners, LLC and Philip J. Fulton. A 0.0825 acre portion shall be deeded to 77 Hotel Partners, LLC and a 0.0202 acre portion shall be deeded to Philip J. Fulton.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/16/2017	1	CITY CLERK	Signed	
3/15/2017	1	MAYOR	Signed	
3/13/2017	1	COUNCIL PRESIDENT	Signed	
3/13/2017	1	Columbus City Council	Approved	Pass
2/27/2017	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from David Kozar, on behalf of 77 Hotel Partners, LLC and Philip J. Fulton asking that the City sell a 0.1027 acre portion of the East Nationwide Boulevard right-of-way, east of North High Street. A 0.0825 acre portion shall be deeded to 77 Hotel Partners, LLC, and a 0.0202 acre portion shall be deeded to Philip J. Fulton. Transfer of this right-of-way will facilitate the resolution of encroachment issues related to properties owned by 77 Hotel Partners, LLC and Philip J. Fulton, adjacent to the above mentioned 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 \$55,913.00 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 77 Hotel Partners, LLC and Philip J. Fulton for the amount of \$55,913.00.

### 2. FISCAL IMPACT:

The City will receive a total of \$55,913.00 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 0.1027 acre portion of the East Nationwide Boulevard right-of-way, east of North High Street, adjacent to property owned by 77 Hotel Partners, LLC and Philip J. Fulton. A 0.0825 acre portion shall be deeded to 77 Hotel Partners, LLC and a 0.0202

acre portion shall be deeded to Philip J. Fulton.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from David Kozar, on behalf of 77 Hotel Partners, LLC and Philip J. Fulton asking that the City transfer a 0.1027 acre portion of the East Nationwide Boulevard right-of-way, east of North High Street to them; and

**WHEREAS**, acquisition of the right-of-way will facilitate the resolution of encroachment issues related to properties owned by 77 Hotel Partners, LLC and Philip J. Fulton; and

**WHEREAS**, 77 Hotel Partners, LLC shall receive a 0.0825 acre portion of the above noted right-of-way, and Philip J. Fulton shall receive a 0.0202 acre portion of 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 portions of this right-of-way to 77 Hotel Partners, LLC and Philip J. Fulton; 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 \$55,913.00 was established for 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 to 77 Hotel Partners, LLC and Philip J. Fulton in the portions as previously described, for the amount of \$55,913.00; 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 required to transfer a 0.1027 acre portion of the East Nationwide Boulevard right-of-way, east of North High Street, adjacent to property owned by 77 Hotel Partners, LLC and Philip J. Fulton; 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 0.0825 acre portion to 77 Hotel Partners, and the 0.0202 acre portion to Philip J. Fulton.; to-wit:

Parcel "A" - 0.0825 ACRES

Situate in the State of Ohio, County of Franklin, City of Columbus, being a part of Naghten Street(originally dedicated as North Public Lane), 49.5 feet wide now known as Nationwide Boulevard, as delineated on the Town Plat of Columbus as recorded in Deed Book "F", Page 332, destroyed by fire and Re-recorded in Plat Book 3, Page 247 and Plat Book 14, Page 27, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Commencing at a found Mag nail at the northeast corner of Lot 514 of said Town Plat of Columbus, also being the intersection of the south line of Nationwide Boulevard and the west line of Third Street;

Thence along the north line of said Lot 514 and the south line of said Nationwide Boulevard, North 86 degrees 54

minutes 25 seconds West, 63.06 feet to a set mag nail, passing a mag nail found at 26.91 feet being the northeast corner of Lot 513 and northwest corner of Lot 514, also being the TRUE POINT OF BEGINNING of the tract herein intended to be described;

Thence continuing along part of the north line of said Lot 513 and Lot 512 and the south line of said Nationwide Boulevard, North 86 degrees 54 minutes 25 seconds West, 128.06 feet to a found mag nail at the northwest corner of Lot 512 and northeast corner of Lot 511;

Thence across part of said Nationwide Boulevard, North 02 degree 27 minutes 57 seconds East, 28.71 feet to a set iron pin;

Thence continuing across part of said Nationwide Boulevard, along a curve to the right having a radius of 1839.67 feet, a central angle of 4 degrees 1 minutes 51 seconds, an arc length of 129.42 feet, South 85 degrees 31 minutes 07 seconds East, 129.39 feet to a set iron pin;

Thence continuing across part of said Nationwide Boulevard, South 05 degree 17 minutes 10 seconds West, 25.60 feet to the POINT OF BEGINNING, CONTAINING 0.0825 ACRES (3593 Sq. Ft.).

Subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices

Iron pins set are 5/8" inch solid iron pins, 30" in length with a yellow plastic cap inscribed "EP FERRIS SURVEYOR 8342".

Basis of bearings is assumed to be North 86 degrees 54 minutes 25 seconds West on the south line of Nationwide Boulevard. This description is based on a field survey by E.P. Ferris and Associates in January 2007, August 2014 and July 2016.

**Parcel "B" - 0.0202 ACRES**

Situate in the State of Ohio, County of Franklin, City of Columbus, being a part of Naghten Street (originally dedicated as North Public Lane), 49.5 feet wide now known as Nationwide Boulevard, as delineated on the Town Plat of Columbus as recorded in Deed Book "F", Page 332, destroyed by fire and Re-recorded in Plat Book 3, Page 247 and Plat Book 14, Page 27, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Commencing at a found Mag nail at the northeast corner of Lot 514 of said Town Plat of Columbus, also being the intersection of the south line of Nationwide Boulevard and the west line of Third Street;

Thence along part of the north line of said Lot 514 and the south line of said Nationwide Boulevard, North 86 degrees 54 minutes 25 seconds West, 26.91 feet to a found Mag nail, also being the TRUE POINT OF BEGINNING of the tract herein intended to be described;

Thence continuing along part of the north line of said Lot 514 and the south line of said Nationwide Boulevard, North 86 degrees 54 minutes 25 seconds West, 36.15 feet to a mag nail set at the northwest corner of Lot 514 and the northeast corner of Lot 513;

Thence across part of said Nationwide Boulevard, North 05 degree 17 minutes 10 seconds East, 25.60 feet to a set iron pin;

Thence continuing across part of said Nationwide Boulevard, South 84 degrees 03 minutes 29 seconds East, 35.56 feet to a set iron pin;

Thence continuing across part of said Nationwide Boulevard, South 06 degree 09 minutes 07 seconds West, 11.93 feet to

a found Mag nail;

Thence continuing across part of said Nationwide Boulevard, South 01 degree 43 minutes 47 seconds West, 11.90 feet to the POINT OF BEGINNING, CONTAINING 0.0202 ACRES (880 Sq. Ft.)

Subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

Iron pins set are 5/8" inch solid iron pins, 30" in length with a yellow plastic cap inscribed "EP FERRIS SURVEYOR 8342".

Basis of bearings is assumed to be North 86 degrees 54 minutes 25 seconds West on the south line of Nationwide Boulevard. This description is based on a field survey by E.P. Ferris and Associates in January 2007, August 2014 and July 2016.

**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 deeds to the grantees 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 \$55,913.00 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.