



## Legislation Details (With Text)

**File #:** 2092-2017      **Version:** 1

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

**File created:** 7/20/2017      **In control:** Public Service & Transportation Committee

**On agenda:** 7/31/2017      **Final action:** 8/3/2017

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.218 acre parcel of the undeveloped right-of-way south of Bonham Avenue and east of Cleveland Avenue to 8+1, LLC; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/3/2017	1	ACTING CITY CLERK	Attest	
8/2/2017	1	MAYOR	Signed	
7/31/2017	1	COUNCIL PRESIDENT	Signed	
7/31/2017	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from James T. Wilson Sr., on behalf of 8+1, LLC, asking that the City sell a 0.218 acre parcel of undeveloped right-of-way, south of Bonham Avenue and east of Cleveland Avenue, which is adjacent to property owned by 8+1, LLC. Transfer of this right-of-way will resolve a number of encroachment issues and facilitate the re-development of property currently owned by 8+1, LLC adjacent to the above noted right-of-way. Per current practice, comments were solicited from interested parties including City agencies, private utilities and the applicable area commission. 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 \$10,256.00 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 8+1, LLC. for \$10,256.00.

### 2. FISCAL IMPACT:

The City will receive a total of \$10,256.00 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 0.218 acre parcel of the undeveloped right-of-way south of Bonham Avenue and east of Cleveland Avenue to 8+1, LLC; and to declare an emergency. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from 8+1, LLC. asking that the City transfer to them a 0.218 acre parcel of the undeveloped right-of-way, south of Bonham Avenue and east of Cleveland Avenue, adjacent to property owned by 8+1, LLC.; and

**WHEREAS**, acquisition of the right-of-way will resolve a number of encroachment issues and facilitate the re-development of property currently owned by 8+1, 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 commission, and the City will not be adversely affected by the transfer of this right-of-way to 8+1, 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 \$10,256.00 was established for the right-of-way to be deposited in Fund 7748 Project P537650; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to 8+1, LLC. for the amount of \$10,256.00;

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director of Public Service to execute those documents required to transfer a 0.218 acre parcel of the undeveloped right-of-way south of Bonham Avenue and east of Cleveland Avenue to 8+1, LLC so that project schedules can be maintained; **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 8+1, LLC.; to-wit:

**Description of a 0.218 Acre Lot Split**

Situated in City of Columbus, Franklin County, Ohio, Being in the Fourth Quarter, Township 1, Range 18, United States Military Lands, and Being part of a platted alley in Sink & Hoover's St. Clair Addition in Plat Book 5, Page 464 in the Franklin County Recorder's Office. More particularly bounded and described as follows:

Commencing in the South right-of-way line of Bonham Ave. (50' wide) at the Northeast corner of Lot 56 and the Northwest corner of Lot 55 of the above referenced St. Clair Addition from which a ¾" pipe was found 1.00' West;

Thence with the line between said lots South 03°33'31" West a distance of 116.25 feet to a Set 5/8" rebar at the Southeast corner of said Lot 56 and the Southwest corner of said Lot 55 also in the North line of the above referenced alley of which this a part being the TRUE POINT OF BEGINNING of the herein described 0.218 acre tract;

Thence with a new line through the subject alley South 03°33'31" West a distance of 10.00 feet to a Set 5/8" rebar in the South line of said alley and in the North line of a 16.720 acre tract as conveyed to Phil-Ro Company, Inc. in Instrument 200503240054545;

Thence with said South line and the North line of said 16.720 acre Phil-Ro Company tract North 86°26'29" West a distance of 600.00 feet to a Set 5/8" rebar at the point where said South line intersects the extension of the East line of Lot 75 of said Addition;

Thence partially with a new line through the subject alley and with the East line of said Lot 75 North 03°33'31" East a

distance of 126.25 feet to a Set 5/8" rebar in the South right-of-way line of Bonham Avenue at the Northeast corner of Lot 75;

Thence with the South right-of-way line of Bonham Avenue being a new line through the subject alley South 86°26'29" East a distance of 15.00 feet to a Set 5/8" Rebar in said South line being at the Northwest corner of Lot 74;

Thence with the West line of Lot 74 South 03°33'31" West a distance of 116.25 feet to a Set 5/8" rebar at the Southwest corner of said Lot and in the Northerly line of the subject alley;

Thence with the North line of the subject alley South 86°26'29" East a distance of 450.00 feet to a Set 5/8" rebar at the Southeast corner of Lot 60;

Thence with the East line of Lot 60 North 03°33'31" East a distance of 116.25 feet to a Set 5/8" rebar in the South right-of-way line of Bonham Avenue being at the Northeast corner of Lot 60;

Thence with the South right-of-way line of Bonham Avenue and with a new line through the subject alley South 86°26'29" East, passing a Found ¾" Pipe at 14.00 feet a total distance of 15.00 feet to a Set 5/8" rebar at the Northwest corner of Lot 59;

Thence with the West line of Lot 59 South 03°33'31" West a distance of 116.25 feet to a Set 5/8" rebar at the Southwest corner of said Lot;

Thence with the South line of Lot 59, South line of Lot 58, South line of Lot 57 and the South line of Lot 56 South 86°26'29" East a distance of 120.00 feet the TRUE POINT OF BEGINNING and containing 0.218 acres.

The Basis of Bearings Being the South Right of Way Line of Bonham Ave. as S.86°26'29" E. and was determined through G.P.S. Observations Utilizing the O.D.O.T. V.R.S. Network (NAD 83) and Should be Used to Denote Angles Only.

Deed References and Documents as Recorded in the Franklin County Recorder's Office, Columbus, Ohio.

All Iron Pins set are 5/8" X 30" rebar with a yellow plastic cap reading Ackison Surveying.

The above description was prepared by **Ackison Surveying, LLC (614-766-4000)** from the best available County Records. The information displayed was derived from an actual field survey performed in March 2012.

March 16, 2017

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Registered Surveyor No. 7675  
Steven B. Walton

**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 the \$10,256.00 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 4.** That for the 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.

