



Legislation Details (With Text)

File #: 2914-2018 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 10/15/2018 **In control:** Public Service & Transportation Committee

On agenda: 12/3/2018 **Final action:** 12/6/2018

Title: To authorize the Director of the Department of Public Service to execute those documents necessary to release the easement of an eight foot alley, the first alley South of Reynolds Avenue and adjacent to Cleveland Avenue, to allow clear title to ECP AP MILO PARTNERS, LLC. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit.pdf

Date	Ver.	Action By	Action	Result
12/6/2018	1	CITY CLERK	Attest	
12/5/2018	1	ACTING MAYOR	Signed	
12/3/2018	1	COUNCIL PRESIDENT	Signed	
12/3/2018	1	Columbus City Council	Approved	Pass
11/19/2018	1	Columbus City Council	Read for the First Time	

1. BACKGROUND:

In 2018, pursuant to Ordinance 1983-2018, the City of Columbus vacated a portion of an eight foot alley, the first alley South of Reynolds Avenue and adjacent to Cleveland Avenue, and reserved a utility easement for existing utilities. The Department of Public Service recently received a request from ECP AP MILO PARTNERS, LLC, asking that the City release the reserved easement over this area to clear title for this site. After receipt of this request the Department of Public Service, Division of Infrastructure Management, verified with all the public and private utility companies that there are no public utilities or need for this easement located within the requested area and that they have no objections to this portion of the easement being released. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary to release the portions of easement described below, and on the attached exhibit, to allow clear title for this site. A value of \$500.00 for releasing the easement was established.

2. FISCAL IMPACT

The City will receive a total of \$500.00, to be deposited in Fund 7748, Project P537650, for releasing of the easement so the property can have a clear title.

To authorize the Director of the Department of Public Service to execute those documents necessary to release the easement of an eight foot alley, the first alley South of Reynolds Avenue and adjacent to Cleveland Avenue, to allow clear title to ECP AP MILO PARTNERS, LLC. (\$0.00)

WHEREAS, in 2018, pursuant to Ordinance 1983-2018, the City of Columbus vacated a portion of an eight foot alley, the first alley South of Reynolds Avenue and adjacent to Cleveland Avenue, and reserved a utility easement for existing utilities; and

WHEREAS, the Department of Public Service recently received a request from ECP AP MILO PARTNERS, LLC, asking that the City release the reserved easement over this area to clear title for this site; and

WHEREAS, the Department of Public Service, Division of Infrastructure Management, verified with all the public and private utility companies that there are no public utilities, or need for this easement, located within the requested area and that they have no objections to this portion of the easement being released; and

WHEREAS, a value of \$500.00 for the encroachment easement was established, to be deposited in Fund 7748, Project P537650, for releasing of the easement so the property can have a clear title; and

WHEREAS, it has become necessary in the usual daily operation for the Department of Public Service to authorize the Director to execute those documents necessary to release the easement areas as described below and on the attached exhibit to allow the area to clear title for this site; **NOW, THEREFORE;**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. To authorize the Director of the Department of Public Service to execute those documents, as prepared and approved by the City Attorney's Office, necessary to release the portion of easement areas as described below and on the attached exhibit:

Easement Areas to be released:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Half Section 5, Township 5, Range 22, Refugee Lands, being a portion of the southerly 8 feet of Lot 3 as delineated on Terrace View Addition, as recorded in Plat Book 4, Page 250 as conveyed to the City of Columbus, as recorded in Official Record Volume 1504 Page I14 and now being vacated by City of Columbus Ordinance Number 1983-2018, as recorded in Instrument Number 201808310118845, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a mag nail found at the northeasterly corner of Lot 5 of said Terrace View Addition, as conveyed to E.J.B., INC. in Official Record Volume 1331 Page D17, same being the intersection of the westerly line of said Cleveland Avenue, and the southerly line of Reynolds Avenue (50'), formerly known as Elizabeth Street, as delineated on said Terrace View Addition;

Thence along the westerly line of said Cleveland Avenue, and the easterly lines of said Lot 5, and Lot 4 of said Terrace View Addition as conveyed to E.J.B., INC. in Official Record Volume 1331 Page D17, and the northerly remainder of Lot 3 of said Terrace View Addition as conveyed to E.J.B., INC. in Deed Book 3186 Page 569, South 03° 48' 05" West, 60.40 feet to a 5/8" rebar capped "Cottrill 6858", being the northeasterly corner of said southerly 8 feet of Lot 3;

Thence continuing along the northerly line of the said southerly 8 feet of Lot 3, and the southerly line of said northerly remainder of Lot 3, North 86° 24' 57" West, 10.00 feet to an iron pin set, said pin also being the **TRUE POINT OF BEGINNING** for the parcel herein described;

Thence across said southerly 8 feet of Lot 3, South 03° 48' 05" West, 8.00 feet to an iron pin set on the southerly line of said Lot 3, and being on the northerly line of Lot 2 of said Terrace View Addition as conveyed to E.J.B., INC. in Instrument No. 201006240079199;

Thence along the northerly line of said Lot 2, and the southerly line of said Lot 3, North 86° 24' 57" West, 110.00 feet to a point, being referenced by a 5/8" rebar capped "Cottrill 6858" at 0.20 feet south, said point being the northwesterly corner of said Lot 2, and the southwest corner of said southerly 8 feet of Lot 3, and being on the easterly line of the 15 foot alley west of Cleveland Avenue(60'), as delineated on said Terrace View Addition and now being vacated by said City of Columbus Ordinance Number 1983-2018;

Thence along the westerly line of said Lot 3 and along the easterly line of said 15 foot vacated alley, North 03° 48' 05" East, 8.00 feet to a point, being referenced by a 5/8" rebar capped "Cottrill 6858" at 0.17 feet south, said point being the northwesterly corner of said southerly 8 feet of Lot 3, also being the southwest corner of the northerly remainder of Lot 3;

Thence along the northerly line of said southerly 8 feet of Lot 3, and the southerly line of said northerly remainder of Lot 3, South $86^{\circ} 24' 57''$ East, 110.00 feet to an iron pin set, said pin being the **POINT OF TRUE BEGINNING**, containing 0.020 acres (880 S.F.), more or less.

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" rebar, 30" in length with a yellow plastic cap with "EP FERRIS SURVEYOR 8342" inscribed on top. All monuments found are in good condition unless otherwise noted.

The portion of the centerline of right-of-way of Cleveland Avenue, having a bearing of South $03^{\circ} 48' 05''$ West, as shown hereon, is designated the "basis of bearing" for this survey.

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342 and is based on field surveys conducted by E. P. Ferris & Associates, Inc. on November 21, 2017 and March 6, 2018 under the direct supervision of Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342.

SECTION 2. That a value of \$500.00 for releasing the easement was established, to be received by the City and to be deposited in Fund 7748, Project P537650.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.