



## Legislation Details (With Text)

**File #:** 1591-2019      **Version:** 1

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

**File created:** 6/5/2019      **In control:** Public Service & Transportation Committee

**On agenda:** 7/1/2019      **Final action:** 7/3/2019

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of a 0.064 acre portion of the unimproved east/west alley right-of-way south of East Broad Street between South Broadleigh Road and South Chesterfield Road to Legacy Village Condominiums LLC. (\$0.00)

### Sponsors:

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### Code sections:

**Attachments:** 1. SIGNED-EXH\_BroadleighAlley\_ROW-Vacate-COMBO.pdf

Date	Ver.	Action By	Action	Result
7/3/2019	1	CITY CLERK	Attest	
7/2/2019	1	ACTING MAYOR	Signed	
7/1/2019	1	COUNCIL PRESIDENT	Signed	
7/1/2019	1	Columbus City Council	Approved	Pass
6/24/2019	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Jackson Reynolds on behalf of his client, Legacy Village Condominiums LLC, to sell an approximate 2,803 square foot or 0.064 acre portion of the unimproved east/west alley right-of-way south of E. Broad St. between S. Broadleigh Road and S. Chesterfield Road.

Sale of this right-of-way will be incorporated into the multi-family development of the property adjacent to the above noted Right of Way owned by Legacy Village Condominiums LLC. The Department of Public Service has agreed to sell the right-of-way as described within the legal description below and attached exhibit, and extinguishes its need for public 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 City Attorney's Office asking that they establish a value for this right-of-way, and a value of \$9,905.00 was established. This request went before the Land Review Commission on February 21, 2019, and it was voted to recommend the above referenced right-of-way be transferred to Legacy Village Condominiums LLC, at the cost of \$9,905.00.

### 2. FISCAL IMPACT

The City will receive a total of \$9,905.00 and funds are to 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 necessary for the transfer of a 0.064 acre portion of the unimproved east/west alley right-of-way south of East Broad Street between South Broadleigh Road and South Chesterfield Road to Legacy Village Condominiums LLC. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Jackson Reynolds on behalf of his client, Legacy Village Condominiums LLC, to sell an approximate 2,803 square foot or 0.064 acre portion of the unimproved east/west alley right-of-way south of E. Broad St. between S. Broadleigh Rd and S. Chesterfield Rd; and

**WHEREAS**, the purpose of the transfer is to be incorporated into the multi-family development of the property adjacent to the above noted Right-of-Way owned by Legacy Village Condominiums LLC; and

**WHEREAS**, the Department of Public Service has agreed to sell the right-of-way as described within the legal description below and attached exhibit, and 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 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; and

**WHEREAS**, the Department of Public Service submitted a request to the City Attorney's Office asking that they establish a value for this right-of-way; and

**WHEREAS**, a value of \$9,905.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on February 21, 2019; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Legacy Village Condominiums LLC, at the cost of \$9,905.00; **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 a quit-claim deed and other incidental instruments prepared by the City Attorney's Office necessary to transfer the legal descriptions as described below and attached exhibit of right-of-way to Legacy Village Condominiums LLC to-wit:

**0.064 ACRE TRACT**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Broadleigh, of record in Plat Book 14, Page 16, and being part of an Alley (16') as shown therein, being the first alley south of Broad Street and east of Broadleigh Road, all references being those of record in the Franklin County, Ohio, Recorder's Office and being more particularly described as follows:

**BEGINNING** at an iron pin set at the common corner of said Alley and Lot 1 of said Broadleigh, being in the west line of Chesterfield Drive (50'), of record in Plat Book 14, Page 16 and Plat Book 16, Page 21;

Thence across said Alley, South 04° 05 '06" West, 16.35 feet to an iron pin set at the common corner of said Alley and Lot 114 of said Broadleigh;

Thence with the common line of said Alley and said Lot 114 and Lot 62 of said Broadleigh, South 82°16'24" West, passing a  $\frac{3}{4}$ " hollow iron pin capped "6579" at 145.13 feet, a total distance of 175.18 feet to an iron pin set;

Thence across said Alley, North 04° 05 '06" East, 16.35 feet, to an iron pin set in the northerly line of said Alley and in the southerly line of Lot 4 of said Broadleigh;

Thence with the northerly line of said Alley, with part of the southerly line of said Lot 4, and with the southerly lines of Lot 3 and Lot 2 of said Broadleigh and said Lot 1, North 82° 16' 24" East, 175.18 feet to an iron pin set, said pin being the **TRUE POINT OF BEGINNING**, containing 0.064 acres (2,803 s.f.), more or less.

Subject, however, to all legal easements, restrictions and rights of way, if any, of previous record.

All monuments found are in good condition unless otherwise noted.

All Iron Pins set are 5/8" rebar, with a yellow plastic cap with "EP FERRIS SURVEYOR 8342" inscribed on top.

The bearings for this description are based on a portion of the westerly right of way line of Chesterfield Road as being South 04° 05' 06" West, as determined by GPS observations utilizing Ohio Department of Transportation's VRS network, Ohio South Zone (NAD83, 2011).

**SECTION 2.** That the attached 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 attached legal description and exhibit describing the 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 City will receive a total of \$9,905.00 as consideration for the transfer of the requested right-of-way and funds are to 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.