



## Legislation Details (With Text)

**File #:** 2085-2019      **Version:** 1

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

**File created:** 7/17/2019      **In control:** Public Service & Transportation Committee

**On agenda:** 9/16/2019      **Final action:** 9/19/2019

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of Right-of-Way located west of North 18th Street between Almond Avenue and Gay Street, and Right-of-Way located south of Almond Avenue between 17th and 18th Streets, to 934 East Gay, Ltd. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2018-002 almond exhibit.pdf

Date	Ver.	Action By	Action	Result
9/19/2019	1	CITY CLERK	Attest	
9/18/2019	1	MAYOR	Signed	
9/16/2019	1	COUNCIL PRESIDENT	Signed	
9/16/2019	1	Columbus City Council	Approved	Pass
9/9/2019	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Michael Mayle on behalf of his client, 934 East Gay, Ltd, to sell an approximate 734 square foot portion of the unnamed north/south Right-of-Way west of North 18<sup>th</sup> Street between Almond Avenue and Gay Street, and an approximate 720 square foot portion of the unnamed east/west alley south of Almond Avenue between 17<sup>th</sup> and 18<sup>th</sup> Streets, totaling 1,454 sq. ft. (0.033 acre). Sale of this Right-of-Way allows the site in question to be developed into a single, larger use providing a 25-unit apartment building to serve the area as opposed to 4 single-family lots. The Department of Public Service has agreed to sell the Right-of-Way as described and shown within attached legal description and exhibit, and extinguishes its need for this 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 \$1,454.00 was established. This request went before the Land Review Commission on October 18, 2018. After review of the request, the Land Review Commission voted to recommend the above referenced Right-of-Way be transferred to 934 East Gay, Ltd, at the cost of \$1,454.00.

### 2. FISCAL IMPACT

The City will not make an expenditure for this transaction. The City will receive a total of \$1,454.00 and the 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 Right-of-Way located west of North 18<sup>th</sup> Street between Almond Avenue and Gay Street, and Right-of-Way located south of Almond Avenue between 17<sup>th</sup> and 18<sup>th</sup> Streets, to 934 East Gay, Ltd. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Michael Mayle on behalf of his client, 934 East Gay, Ltd, to sell an approximate 734 square foot portion of the unnamed north/south Right-of-Way west of North 18th Street between Almond Avenue and Gay Street, and an approximate 720 square foot portion of the unnamed east/west alley south of Almond Avenue between 17th and 18th Streets, totaling 1,454 sq. ft. (0.033 acre); and

**WHEREAS**, The purpose of the transfer is to allow the site in question to be developed into a single, larger use area providing a 25-unit apartment building to serve the area as opposed to 4 single-family lots; and

**WHEREAS**, the Department of Public Service has agreed to sell the Right-of-Way as described and shown within attached legal description and 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 \$1,454.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on October 18, 2018; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced Right-of-Way be transferred to 934 East Gay, Ltd, at the cost of \$1,454.00; **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 description as described below and attached exhibit of Right-of-Way to 934 East Gay, Ltd.; to-wit:

**0.033 ACRE PROPERTY DESCRIPTION OF AN ALLEY  
BETWEEN N. 18<sup>TH</sup> STREET & ALMOND AVENUE,  
CITY OF COLUMBUS, FRANKLIN CO., OHIO**

Situate in the State of Ohio, County of Franklin, City of Columbus, being all of that alley residing south and east between Almond Avenue and N. 18<sup>th</sup> Street, as shown upon the plat entitled Shaffer, Blair and Coe's Subdivision, of record in Plat Book 5, Page 23, all record referenced to the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a 3/4" I.D. iron pipe set at the intersection of the south line of said Alley (10 feet in width) with the west right-of-way line of N. 18<sup>th</sup> Street (20 feet in width), as shown upon the plat entitled Hayden, Baker & Brown's Addition, of record in Plat Book 4, Page 209 and at the northeast corner of Lot No. 1, as shown upon said plat entitled Shaffer, Blair and Coe's Subdivision;

thence N 87° 30' 42" W along the south line of said Alley, along the north line of said Lot No. 1 and along the north line of Lot No. 2 and a north line of Lot No. 3, as shown upon said plat entitled Shaffer, Blair and Coe's Subdivision, a distance of 73.40 feet to a 3/4" I.D. iron pipe set at the southwest corner of said Alley, and at a corner of said Lot No. 3;

thence N 02° 29' 18" E along the west line of said Alley, along an east line of said Lot No. 3 and along the east line of Lot No. 6, as shown upon said plat entitled Shaffer, Blair and Coe's Subdivision, a distance of 79.47 feet to a 3/4" I.D. iron pipe set at the northeast corner of said Lot No. 6, at the northwest corner of said Alley and in the south right-of-way line

of Almond Avenue (variable width), as shown upon the plat entitled Estate of J.R. Swan, H.C. Noble and Lorenzo English's Subdivision, of record in Plat Book 4, Page 37;

thence N 84° 05' 29" E along the south right-of-way line of Almond Avenue and along a north line of said Alley a distance of 10.11 feet to a 3/4" I.D. iron pipe set at a northeast corner of said Alley and at the northwest corner of Lot No. 5, as shown upon said plat entitled Shaffer, Blair and Coe's Subdivision, said iron pipe being S 84° 05' 29" W a distance of 64.09 feet from the intersection of south right-of-way line of Almond Avenue with the west right-of-way line of N. 18<sup>th</sup> Street and at the northeast corner of Lot No. 4, as shown upon said plat entitled Shaffer, Blair and Coe's Subdivision;

thence S 02° 29' 18" W along an east line of said Alley and along the west line of said Lot No. 5 a distance of 64.95 feet to a 3/4" I.D. iron pipe set at an angle point in said Alley and at a corner of said Lot No. 5;

thence S 42° 30' 42" E along the northeasterly line of said Alley and along the southwesterly line of said Lot No. 5 a distance of 8.49 feet to a 3/4" I.D. iron pipe set at an angle point in said Alley and at a corner of said Lot No. 5;

thence S 87° 30' 42" E along a north line of said Alley, along the south line of said Lot No. 5 and along the south line of Lot No. 4, as shown upon said plat entitled Shaffer, Blair and Coe's Subdivision a distance of 57.40 feet to a 3/4" I.D. iron pipe set at the intersection of a north line of said Alley with the west right-of-way line of N. 18<sup>th</sup> Street and at the southeast corner of said Lot No. 4;

thence S 02° 29' 18" W along the west right-of-way line of N. 18<sup>th</sup> Street and along an east line of said Alley a distance of 10.00 feet to the place of beginning; containing 1,454 square feet (= 0.033 acre) of land, more or less.

The above descriptions were prepared by Jay R. Miller, Ohio Surveyor No. 8061, of Bird + Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio from an actual field survey, in April, 2019. Basis of bearings is the centerline of E. Gay Street, being S 87° 30' 42" E, derived from VRS observations referencing monument, PID designation of AJ7184 and CORS\_ID of COLB, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian.

**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.** The City will receive a total of \$1,454.00 and the funds are to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested Right-of-Way.

**SECTION 5.** 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 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.