



## Legislation Details (With Text)

**File #:** 2253-2019      **Version:** 1

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

**File created:** 8/26/2019      **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 0.022 acre portion of the unnamed east/west right-of-way east of 22nd Street between Rich and Cherry Streets to F & W Properties. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1034 East Cherry Street\_Exhibit 7-17-19 8x14

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 Claire Brofford on behalf of F & W Properties asking that the City sell them an approximate 0.022 acre portion of the unnamed east/west right-of-way east of 22nd Street between Rich and Cherry Streets.

Sale of this right-of-way will facilitate the development of property adjacent to and owned by F & W Properties. Plans are to combine parcels to build two apartment buildings; each building will contain three apartments each. There will also be off-street parking for the tenants. The right-of-way being sought will be used to allow the buildings to be set wider apart, providing a larger green space for the residents. 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 \$3,279.50 was established. Mitigation was not requested. This request went before the Land Review Commission on May 16, 2019. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to F & W Properties at the cost of \$3,279.50.

### 2. FISCAL IMPACT

The City will not expend funds for this transaction. The City will receive a total of \$3,279.50 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 0.022 acre portion of the unnamed east/west right-of-way east of 22nd Street between Rich and Cherry Streets to F & W

Properties. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Claire Brofford on behalf of F & W Properties asking that the City sell them an approximate 0.022 acre portion of the unnamed east/west right-of-way east of 22nd Street between Rich and Cherry Streets; and

**WHEREAS**, the purpose of the transfer is to facilitate the development of property adjacent to and owned by F & W Properties. Plans are to combine parcels to build two apartment buildings; each building will contain three apartments each. There will also be off-street parking for the tenants. The right-of-way being sought will be used to allow the buildings to be set wider apart, providing a larger green space for the residents; 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 \$3,279.50 was established; and

**WHEREAS**, this request went before the Land Review Commission on May 16, 2019; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to F & W Properties at the cost of \$3,279.50; **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 on the attached exhibit of right-of-way to F & W Properties; to-wit:

**DESCRIPTION OF 0.022 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of a 10 feet wide alley, lying in Brown and Hoffman's Subdivision, as shown and delineated in Plat Book 5, Page 91, Recorder's Office, Franklin County, Ohio, and being bounded and more particularly described as follows:

**Beginning**, at a rebar set, at the northeasterly intersection of said 10 feet wide alley and South Twenty-Second Street (27 feet wide, 20 feet P.B. 2, Pg. 107 and P.B. 2, Pg. 200, 7 feet P.B. 3, Pg. 296), at the southwesterly corner of Lot 22 of said Brown and Hoffman's Subdivision;

**Thence** South 87°55'07" East, a distance of 93.74 feet, along the northerly line of said 10 feet wide alley, the southerly line of said Lot 22, and the southerly lines of Lots 21 and 20 of said Brown and Hoffman's Subdivision, to a rebar set, at the northeasterly terminus of said 10 feet wide alley, the southeasterly corner of said Lot 20, and on the westerly line of Lot 43 of Hoffman and McGrew's Addition, as shown and delineated in Plat Book 2, Page 107 and Amended by Plat Book 2, Page 200;

**Thence** South 04°31'57" West, a distance of 10.01 feet, along the easterly terminus line of said 10 feet wide alley, and the westerly line of said Lot 43, to a rebar set, at the southeasterly terminus of said 10 feet wide alley, and the

northeasterly corner of Lot 17 of said Brown and Hoffman's Subdivision;

**Thence** North 87°55'07" West, a distance of 93.74 feet, along the southerly line of said 10 feet wide alley, the northerly line of said Lot 17, and the northerly lines of Lots 18 and 19 of said Brown and Hoffman's Subdivision, to a rebar set, at the southeasterly intersection of said 10 feet wide alley and said South Twenty-Second Street, and the northwesterly corner of said Lot 19;

**Thence** North 04°31'33" East, a distance of 10.01 feet, across said 10 feet wide alley, and the easterly line of said South Twenty-Second Street, to the **Point of Beginning**, containing 0.022 acres (937.293 square feet), more or less and being subject to all easements, restrictions and rights-of-way of record.

The bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS). Said bearings originated from a field traverse which was referenced to said Coordinate System by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network. The portion of the easterly line of South Twenty-Second Street, having a bearing of North 04°31'33" East and monumented as shown hereon, is designated the "basis of bearing" for this description.

All rebar set are 5/8 inch DIA. 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description is based on an actual field survey performed in June of 2019, by Landmark Survey Group, Inc. **Scott D. Grundei, Professional Surveyor No. 8047**

**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.** The City will receive a total of \$3,279.50 as consideration for the transfer of the requested right-of-way and the 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.