Legislation Details (With Text)

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File created:	10/25/2019	**In control:**	Public Service & Transportation Committee
On agenda:	11/25/2019	**Final action:**	11/27/2019
Title:	To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of a 0.013 acre portion of the unimproved east/west right-of-way south of Bryden Road between Allen and Monroe Avenues to AC Kerr Properties. ($0.00)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Exhibit - 2017-017		

Date	Ver.	Action By	Action	Result
11/27/2019	1	CITY CLERK	Attest	
11/26/2019	1	MAYOR	Signed	
11/25/2019	1	COUNCIL PRESIDENT	Signed	
11/25/2019	1	Columbus City Council	Approved	Pass
11/18/2019	1	Columbus City Council	Read for the First Time	

1. BACKGROUND:
The City of Columbus, Department of Public Service, received a request from Andrew W. Kerr, Agent and owner of AC Kerr Properties, abutting property owner, asking that the City sell an approximate 572 square foot (0.013 acres) portion of the unimproved east/west right-of-way south of Bryden Road between Allen and Monroe Avenues.

Sale of this right-of-way will resolve an encroachment issue and provide enhanced parking for the property adjacent to the above noted right-of-way. The Department of Public Service has agreed to sell the right-of-way as described and shown within the 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 $858.00 was established. This request went before the Land Review Commission in October of 2018. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Andrew W. Kerr, Agent and owner of AC Kerr Properties, at the cost of $858.00.

2. FISCAL IMPACT:
The City will receive a total of $858.00 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 a 0.013 acre portion of the unimproved east/west right-of-way south of Bryden Road between Allen and Monroe Avenues to AC Kerr Properties. ($0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Andrew W. Kerr, Agent and

owner of AC Kerr Properties, abutting property owner, asking that the City sell an approximate 572 square foot (0.013 acres) portion of the unimproved east/west right-of-way south of Bryden Road, between Allen and Monroe Avenues; and

WHEREAS, the purpose of the transfer will resolve an encroachment issue and provide enhanced parking for the property adjacent to the above noted right-of-way; and

WHEREAS, the Department of Public Service has agreed to sell the right-of-way as described and shown within the 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 $858.00 was established; and

WHEREAS, this request went before the Land Review Commission in October of 2018; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Andrew W. Kerr, Agent and owner of AC Kerr Properties, at the cost of $858.00; **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 on the attached exhibit of right-of-way to Andrew W. Kerr, Agent and owner of AC Kerr Properties; to-wit:

0.013 ACRES (572 SQUARE FEET)

Situate in the State of Ohio, County of Franklin, City of Columbus, being part of a 13 foot wide alley as delineated on William Phelan's Eastern Addition to the City of Columbus, as recorded in Plat Book 1, Page 37, Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

COMMENCING at a set iron pipe at the northwest corner of Lot 22 of said William Phelan's Eastern Addition, being the intersection of the south line of said 13 foot wide alley and the east line of Allen Avenue, 50 feet wide as occupied, the easterly 18 feet dedicated to public use in Plat Book 1, Page 37, dedication of the westerly 32 feet is unknown to the undersigned, also being the northwest corner of a parcel conveyed to Markus E. Harrigan and Heidi C. Liou in Instrument Number 201712070172409;

Thence, along part of the west line of said 13 foot wide alley and part of the east line of Allen Avenue, North 04 degrees 07 minutes 51 seconds East, 8.67 feet to a set iron pipe at the **TRUE POINT OF BEGINNING** of the parcel herein intended to be described;

Thence, continuing along part of the west line of said 13 foot wide alley and part of the east line of Allen Avenue, North 04 degrees 07 minutes 51 seconds East, 4.34 feet to a found 1" iron pipe at the northwest corner of said 13 foot wide alley and the southwest corner of Lot 22 of Buckeye Place Addition as numbered and delineated on the recorded plat thereof, of record in Plat Book 3, Page 395, as conveyed to AC Kerr Properties, LLC in Instrument Number 201701310015269;

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Thence, along the north line of said 13 foot wide alley and along the south lines of said Lot 22 of Buckeye Place Addition and said AC Kerr Properties, LLC parcel, South 88 degrees 15 minutes 18 seconds East, 131.80 feet to a found 1" iron pipe capped "PS 6579" at the northeast corner of said 13 foot wide alley, at the southeast corners of said Lot 22 of Buckeye Place Addition and of said AC Kerr Properties, LLC parcel and in the west line of South Monroe Avenue, 60 feet wide;

Thence, along part of the east line of said 13 foot wide alley and along part of the west line of South Monroe Avenue, South 04 degrees 07 minutes 51 seconds West, 4.34 feet to a set iron pipe;

Thence, across said 13 foot wide alley, North 88 degrees 15 minutes 18 seconds West, 131.80 feet to the TRUE POINT OF BEGINNING, CONTAINING, 0.013 ACRES (572 SQUARE FEET). Subject, however to all legal highways, easements, leases and restrictions of record and of records in the respective utility offices.

Iron pipes set are 1" O.D. by 30" long with an orange plastic cap inscribed MYERS P.S. 6579. Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone, referenced to NAD83(1986) with ties to Franklin County Engineer's Monument "Frank 143" and City of Columbus Monument "5-83" having a relative bearing of North 77 degrees 09 minutes 24 seconds West. This description is based on a field survey by Myers Surveying Company in March, 2019.

Myers Surveying Company, Inc.; Joseph P. Myers, P.S. 7361

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 $858.00 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.