



## Legislation Text

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**File #: 0133-2008, Version: 1**

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The City of Columbus, Public Service Department, Transportation Division, received a request from Terrence L. Gallagher, Esq., on behalf of Frazier Development, Inc., asking that the City transfer to them that portion of the unimproved right-of-way of Exchange Drive north of Commerce Square. Frazier Development, Inc., would like to acquire this right-of-way to facilitate future commercial development of their adjacent property. Per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, 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 to Frazier Development, Inc. At the request of the Transportation Division, the Department of Law, Real Estate Division, established a value of \$2,016.00 for this right-of-way. The Land Review Commission then voted to recommend that this right-of-way be transferred to Frazier Development, Inc., for the \$2,016.00 value established by the Real Estate Division.

To authorize the Director of the Public Service Department to execute those documents required to transfer that portion of the unimproved right-of-way of Exchange Drive north of Commerce Square to Frazier Development, Inc., for \$2,016.00 and to waive the competitive bidding provisions of Columbus City Codes.

**WHEREAS**, the City of Columbus, Public Service Department, Transportation Division, received a request from Frazier Development, Inc., asking that the City transfer to them that portion of the unimproved right-of-way of Exchange Drive north of Commerce Square; and

**WHEREAS**, Frazier Development, Inc., would like to acquire this unimproved right-of-way to facilitate commercial development of their adjacent properties; and

**WHEREAS**, per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, 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 to Frazier Development, Inc; and

**WHEREAS**, at the request of the Transportation Division, the Department of Law, Real Estate Division, established a value of \$2,016.00 for this right-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that this right-of-way be transferred to Frazier Development, Inc., for the \$2,016.00 value established by the City Attorney's Real Estate Division; now, therefore

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

**Section 1.** That the Director of the Public Service Department be and is hereby authorized to execute quit claim deeds and other incidental instruments prepared by the Department of Law, Real Estate Division, necessary to transfer the following described right-of-way to Frazier Development, Inc; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus and being part of Exchange Drive, 60 feet wide right-of-way as dedicated and delineated on the recorded plat of WESTVIEW INDUSTRIAL PARK of record in Plat Book 37, Page 116 in the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at an iron pin set at the northwesterly corner of Exchange Drive, being a common corner to Lot 12 and Reserve "A" as shown on said Plat Book 37, Page 116;

Thence North 85°11'00" East 60.00 feet, along the northerly terminus of Exchange Drive and a line of Reserve "A", to an iron pin set at the northeasterly corner of Exchange Drive;

Thence South 04°49'00" East 60.69 feet, along the easterly right-of-way line of Exchange Drive and westerly lines of Reserve "A" and Lot 13 as shown in said Plat Book 37, Page 116, to an iron pin set;

Thence South 85°11'00" West 68.79 feet, crossing Exchange Drive with a new division line, to an iron pin set on the curved right-of-way line for the northerly side of Commerce Square (60 feet wide, Plat Book 37, Page 116);

Thence northeasterly along said curved right-of-way line and a line of Lot 12, having a radius of 30.00 feet, a central angle of 45°00'00", the chord bearing North 17°41'00" East 22.96 feet, an arc length of 23.56 feet, to an iron pin set;

Thence North 04°49'00" West 39.48 feet, along the westerly right-of-way line of Exchange Drive and an easterly line of Lot 12, to the POINT OF BEGINNING, containing 0.085 acres of land, more or less.

NOTE: Bearings are used for the determination of angles only. For the purpose of this survey a bearing of South 04°49'00" East was used on the easterly right-of-way line of Exchange Drive as shown on the recorded plat of Westview Industrial Park of record in Plat Book 37, Page 116, Recorder's Office, Franklin County, Ohio.

Iron pins set are 5/8" rebars, 30" long with yellow plastic caps stamped "SITE ENG INC."

The above description was prepared from an actual field survey during December, 2007 by Site Engineering, Inc.

SITE ENGINEERING, INC.

Mark A. Hazel

Professional Surveyor No. 7039

**Section 2.** That the above 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 above described right-of-way shall be and hereby is retained unto the City of Columbus for those utilities currently 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 Public Service Department 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 this Council has determined it is in the best interest of the City of Columbus to allow this right-of-way to be transferred without requiring competitive bidding and hereby waives the competitive bidding provision of Columbus City Codes (1959) Revised, Section 329.29 with regards to the transfer of this right-of-way.

**Section 6.** That the \$2,016.00 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 748, Project 537650.

**Section 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.