



## Legislation Text

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**File #: 0957-2008, Version: 1**

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The City of Columbus, Public Service Department, Transportation Division, received a request from Giuseppe Gioffre, Anthony Gioffre, Carl Gioffre, John Gioffre and Victoria Delfino (the "Gioffre family") asking that the City transfer that portion of the first alley north of Morse Road from Fairview Avenue to the alley east of Fairview Avenue to them. Sale of this alley to the Gioffre family will allow them to combine their adjacent properties. The Transportation Division solicited comments from interested parties, including City departments and private utilities. 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 this transfer. In keeping with current Transportation Division practice, the Northland Community Council was contacted for their comments and concerns regarding the proposed transfer of this alley to the Gioffre family, and they voted to support the Gioffre family request. At the request of the Transportation Division, the Department of Law, Real Estate Division, established a value of \$5,600.00 for this right-of-way and the Land Review Commission voted to recommend that this right-of-way be transferred to the Gioffre family for the \$5,600.00 value established by the Real Estate Division.

**Emergency Justification:** The Gioffre family has notified the City they are in contract to sell their adjacent properties contingent upon their acquisition of this excess right-of-way. Their proposed closing date is June 13, 2008 and they have asked that we expedite the sale of this excess right-of-way to them.

To authorize the Director of the Public Service Department to execute those documents required to transfer that portion of the first alley north of Morse Road from Fairview Avenue to the alley east of Fairview Avenue to Giuseppe Gioffre, Anthony Gioffre, Carl Gioffre, John Gioffre and Victoria Delfino for \$5,600.00 and to waive the competitive bidding provisions of Columbus City Codes and to declare an emergency.

**WHEREAS**, the City of Columbus, Public Service Department, Transportation Division, received a request from Giuseppe Gioffre, Anthony Gioffre, Carl Gioffre, John Gioffre and Victoria Delfino (the "Gioffre family") asking that the City transfer that portion of the first alley north of Morse Road from Fairview Avenue to the alley east of Fairview Avenue to them; and

**WHEREAS**, sale of this alley to the Gioffre family will allow them to combine their adjacent properties; and

**WHEREAS**, the Transportation Division solicited comments from interested parties, including City departments and private utilities; and

**WHEREAS**, 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 this transfer; and

**WHEREAS**, in keeping with current Transportation Division practice, the Northland Community Council was contacted for their comments and concerns regarding the proposed transfer of this alley, and they voted to support the Gioffre family request; and

**WHEREAS**, at the request of the Transportation Division, the Department of Law, Real Estate Division, established a value of \$5,600.00 for this right-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that this right-of-way be transferred to the Gioffre family for the \$5,600.00 value established by the Real Estate Division; and

**WHEREAS**, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary to authorize the Director to execute those documents necessary to transfer the first alley north of Morse Road, from Fairview Avenue to the alley east of Fairview Avenue to Giuseppe Gioffre, Anthony Gioffre, Carl Gioffre, John Gioffre and Victoria Delfino so that a proposed sale of their adjacent property can proceed as currently scheduled thereby preserving the public

health, peace, property, safety and welfare; 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 Giuseppe Gioffre, Anthony Gioffre, Carl Gioffre, John Gioffre and Victoria Delfino; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 2, Range 18, United States Military Lands, being part of a 16 foot wide alley, the first alley north of Morse Road, between Fairview Avenue (50 foot wide) and a 20 foot wide alley as shown on that plat entitled "The Suburban Homesite Co's Allotment" of record in Plat Book 17, Pages 8 and 9, and described as follows:

*Beginning* at an iron pin set at the southeasterly corner of Lot 28 of said "The Suburban Homesite Co's Allotment", and at the intersection of the northerly right-of-way line of said 16 foot alley with the westerly right-of-way line of said 20 foot alley;

Thence South 04°00'06" West, with the westerly right-of-way line of said 20 foot alley, a distance of 16.00 feet to an iron pin set at the northeasterly corner of Lot 29 of said "The Suburban Homesite Co's Allotment" and at the intersection of the southerly right-of-way line of said 16 foot alley with the westerly right-of-way line of said 20 foot alley;

Thence North 86°26'28" West, with the northerly line of Lots 29, 30 and 31 of said "The Suburban Homesite Co's Allotment" and the southerly right-of-way line of said 16 foot alley, a distance of 140.00 feet to an iron pin set at the northwesterly corner of said Lot 31 and at the intersection of the southerly right-of-way line of said 16 foot alley with the easterly right-of-way line of Fairview Avenue (50');;

Thence North 04°00'06" East, with the easterly right-of-way line of said Fairview Avenue, a distance of 16.00 feet to an iron pin set at the southwest corner of Lot 28 of said "The Suburban Homesite Co's Allotment" and at the intersection of the northerly right-of-way line of said 16 foot alley and the easterly right-of-way line of said Fairview Avenue;

Thence South 86°26'28" East, with the southerly line of Lot 28 of said "The Suburban Homesite Co's Allotment" and the northerly right-of-way line of said 16 foot alley, a distance of 140.00 feet to the *Point of Beginning*, containing 0.051 acre, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio, unless otherwise noted.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug place in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the same meridian as shown on the Right-of-Way plans for C.R. 17 Morse Road dated 1963 and on file at the Franklin County Engineer's Office, giving a bearing of South 86° 26'28" East for a portion of the centerline of Morse Road.

EVANS MECHWART HAMBLETON & TILTON, INC.

Edward J. Miller

Registered Surveyor No. 8250

**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 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 5.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.