



Legislation Text

File #: 0671-2012, **Version:** 1

1. Background:

The City of Columbus, Department of Public Service, received a request from Strait Real Estate LLC 2, Ltd. asking that the City transfer the right-of-way identified as a 30 (thirty) foot wide unnamed alley south of East Fifth Avenue and west of Cleveland Avenue. Transfer of this right-of-way will allow for the resolution of a number of issues regarding property title. Strait Real Estate LLC 2, Ltd. is the owner of property adjacent to the above noted 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 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 Department of Law, Real Estate Division, asking that they establish a value for these rights-of-way. A value of \$31,200.00 was established. After review of the request, it has been determined that this parcel is landlocked. Due to this finding and in consideration of the dedication of certain parcels of right-of-way required for an ongoing CIP project in the area [Fifth Avenue Streetscape Improvements Project (2369 Dr. E)], at no cost to the City of Columbus by Strait Real Estate LLC 2, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Strait Real Estate LLC 2, Ltd. at no cost.

2. FISCAL IMPACT:

N/A

To authorize the Director of the Department of Public Service to execute those documents required to transfer the 30 (thirty) foot wide unnamed alley south of East Fifth Avenue and west of Cleveland Avenue to Strait Real Estate LLC2, Ltd.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Strait Real Estate LLC 2, Ltd. asking that the City transfer the 30 (thirty) foot wide unnamed alley south of East Fifth Avenue and west of Cleveland Avenue to them; and

WHEREAS, acquisition of these rights-of-way will allow Strait Real Estate LLC 2, Ltd. to resolve issues regarding property title; and

WHEREAS, per current practice, comments were solicited from interested parties, including City agencies, private utilities and applicable area commissions, before it was determined that the City will not be adversely affected by the transfer of this right-of-way to Strait Real Estate LLC 2, Ltd.; and

WHEREAS, the Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for these rights-of-way; and

WHEREAS, a value of \$31,200.00 was established for these rights-of-way; and

WHEREAS, after review by the Department of Public Service, it has been determined that this parcel is landlocked; and

WHEREAS, in consideration for the transfer of above noted right-of-way, petitioner has agreed to dedicate certain

parcels of right-of-way necessary for the purpose of constructing roadway improvements as part of the Fifth Avenue Streetscape Improvements Project (2369 Dr. E) at no cost to The City of Columbus; and

WHEREAS, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to Strait Real Estate LLC 2, Ltd. at no cost; and 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 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 Strait Real Estate LLC 2, Ltd.; to-wit:

0.439 ACRE

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 4, Township 5, Range 22, Refugee Lands, being the remainder of those tracts conveyed to The Capital City Brick Company by deed of record in Deed Book 349, Page 353, more particularly defined as a 30 foot wide strip of land "dedicated to public use as a street or road" (no evidence of acceptance by public authority), and a portion of a 60 foot wide strip of land "dedicated to public use as a street or road" (no evidence of acceptance by public authority) as vacated by City of Columbus Ordinance Number 29382 with an uneven partition, as depicted in "Agreement Between Property Owners for Fixing Boundaries" of record in Plat Book 13, Page 37 (both strips of land initially defined in Deed Book 392, Page 426), (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at a 5/8 inch rebar capped "EP FERRIS" found at the intersection of the southerly right-of-way line of Fifth Avenue (60 feet wide) with the westerly right-of-way line of Cleveland Avenue (60 feet wide), being in the northerly line of that 30.899 acre tract conveyed to 1047 Cleveland LLC by deed of record in Instrument Number 201107140087803;

Thence North 86° 28' 11" West, with the southerly right-of-way line of said Fifth Avenue, a northerly line of said 30.899 acre tract, a distance of 725.86 feet to a magnetic nail found at the common corner of that 0.139 acre tract conveyed to 1047 Cleveland LLC by deed of record in Instrument Number 201107140087803 and that 0.191 acre tract conveyed as Parcel I to Strait Real Estate LLC 2, Ltd. by deed of record in Official Record 33276B08;

Thence South 03° 44' 03" West, with the westerly line of said 0.139 acre tract, the easterly line of said 0.191 acre tract and that 2.348 acre tract conveyed as Parcel II to Strait Real Estate LLC 2, Ltd. by deed of record in Official Record 33276B08, a distance of 171.67 feet to a magnetic nail set at the northeasterly corner of said The Capital City Brick Company tract, being the TRUE POINT OF BEGINNING;

Thence South 03° 44' 03" West, with the easterly line of said The Capital City Brick Company tract, the westerly line of said 0.139 acre tract, a distance of 30.00 feet to a 3/4 inch iron pipe found in a northerly line of said 30.889 acre tract;

Thence North 86° 14' 53" West, with the southerly line of said The Capital City Brick Company tract and said vacated roadway tract, a northerly line of said 30.889 acre tract, a distance of 636.10 feet to a 3/4 inch iron pinch top pipe found at the northeast corner of that tract conveyed to Pennsylvania Lines LLC by deed of record in Instrument 200212180325195, now known as Norfolk Southern Railway Company successor by merger of record in Instrument Number 200710260186473 (as originally conveyed to The Toledo, Columbus and Ohio River Railroad Company by deed of record in Deed Book 595, Page 575), the southeasterly corner of that portion of said vacated roadway tract conveyed to Pennsylvania Lines LLC by deed of record in Instrument 200212180325195, now known as Norfolk Southern Railway Company successor by merger of record in Instrument Number 200710260186473 (as originally conveyed to The Columbus Terminal);

Thence North 03° 09' 05" West, with the partition line of said vacated roadway, being the westerly line of the portion of said vacated roadway conveyed to The Capital City Brick Company and the easterly line of the portion of said vacated roadway conveyed to Pennsylvania Lines, a distance of 30.22 feet to a magnetic nail set at the southwesterly corner of said 2.348 acre tract;

Thence South 86° 14' 53" East, with the northerly line of said portion of vacated roadway and said The Capital City Brick Company tract, the southerly line of said 2.348 acre tract, a distance of 639.72 feet to the TRUE POINT OF BEGINNING, containing 0.439 acre, more or less, of which 0.412 acre is within said The Capital City Brick Company tract (reserved by deed for roadway purposes) and 0.027 acre is within the portion said 60 feet wide strip vacated by City of Columbus Ordinance Number 29382.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey performed by EMH&T in January 2012.

Bearings are based the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations of selected CORS base stations in the National Spatial Reference System. The portion of the south right-of-way of Fifth Avenue, having a bearing of North 86° 28' 11" East, is designated as the "basis of bearing" for this plat.

SECTION 2. That the above referenced real properties 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 in consideration for the transfer of the above noted right-of-way, the following described parcels be transferred, at no cost, to The City of Columbus; to-wit:

**PARCEL 5-WD
FIFTH AVENUE STREETScape IMPROVEMENTS
IN THE NAME AND FOR THE USE OF THE CITY OF COLUMBUS**

Situated in the State of Ohio, County of Franklin, City of Columbus located in Section 4, Township 5, Range 22, Scofield's Survey of the Refugee Lands, being part of Partition of Robert E. Neil's Estate Plat "A" as shown of record in (Common Pleas Court Rec. 153, Pg. 440) and being also part of a 2.500 acre tract of land conveyed to Strait Real Estate LLC 2 by deed of record in OR 33276-B08 of the Records office, Franklin County, Ohio and being more particularly described as follows:

Commencing at the centerline intersection of Penny Street and E Fifth Avenue, said point being at station 86+50.63;

Thence N 86°28'07" W along the centerline of Fifth Avenue a distance of 123.76 feet to a point, said point being located at station 85+26.87;

Thence S 3°31'53" W a distance of 30.07 feet to an iron pin set in the southerly right-of way line of E Fifth Avenue, at the grantor's northwest corner and in the easterly line of a tract of land deeded to Pennsylvania Lines LLC by deed of record in Inst. # 200212180325195, said iron pin being 30.07 feet right of station 85+26.87, said iron pin being also the **TRUE POINT OF BEGINNING**;

Thence S 86°40'19" E along the southerly right-of-way line of E. Fifth Avenue as dedicated to the City of Columbus in DB 585, Pg. 253 a distance of 510.14 feet to an iron pin set, said point being 28.26 feet right of station 90+37.00;

Thence S 3°31'53" W a distance of 4.74 feet to an iron pin set, said iron pin being 33.00 feet right of station 90+37.00;

Thence N 86°28'07" W a distance of 197.00 feet to an iron pin set, said iron pin being 33.00 feet right of station 88+40.00;

Thence S 3°31'53" W a distance of 2.00 feet to an iron pin set, said iron pin being 35.00 feet right of station 88+40.00;

Thence N 86°28'07" W a distance of 312.60 feet to an iron pin set in the grantors westerly line and in the easterly line of said Pennsylvania Lines LLC tract, said iron pin being 35.00 feet right of station 85+27.40;

Thence N 02°38'44" W a distance of 4.96 feet to the **TRUE POINT OF BEGINNING**;

The above described area is contained within the Franklin County Auditor's Parcel Number 010-056873. Within said boundary is 0.059 acres, more or less,

This description and survey was prepared and reviewed on June 18, 2010, by Robert A. Bosworth, Registered Surveyor #7750.

The centerline described in this document refers to the centerline of construction as shown on the City of Columbus roadway plan "Fifth Avenue Streetscape Improvements (2369 Dr. E)".

The basis of bearings in this description area based on the State Plane Coordinate System, Ohio South Zone, NAD83 (1986 adjustment), which were determined by GPS observations conducted by the Franklin County Engineer's Office occupying Franklin County Geodetic Survey Monuments Designation Frank 62 and Frank 162, and holding the Fifth Avenue centerline of construction bearing from Grant Avenue to Corrugated Way as S 86°28'07"E.

PARCEL 5-WD1
FIFTH AVENUE STREETSCAPE IMPROVEMENTS
IN THE NAME AND FOR THE USE OF THE CITY OF COLUMBUS

Situated in the State of Ohio, County of Franklin, City of Columbus located in Section 4, Township 5, Range 22, Scofield's Survey of the Refugee Lands, being part of Partition of Robert E. Neil's Estate Plat "A" as shown of record in (Common Pleas Court Rec. 153, Pg. 440) and being also part of a 2.500 acre tract of land conveyed to Strait Real Estate LLC 2 by deed of record in OR 33276-B08 of the Records office, Franklin County, Ohio and being more particularly described as follows:

Commencing at the centerline intersection of Fields Avenue and E. Fifth Avenue, said point being at station 91+20.83;

Thence N 86°28'07" W along the centerline of E. Fifth Avenue a distance of 75.83 feet to a point, said point being located at station 90+45.00;

Thence S 3°31'53" W a distance of 28.23 feet to an iron pin set in the southerly right-of way line of E. Fifth Avenue, in the grantor's southerly line, said iron pin being 28.23 feet right of station 90+45.00, said iron pin being also the **TRUE POINT OF BEGINNING**;

Thence S 86°40'19" E along the southerly right-of-way line of E. Fifth Avenue as dedicated to the City of Columbus in DB 585, Pg. 253 a distance of 140.66 feet to an iron pin set in the grantor's east line and in the west line of Yates Avenue vacated (COC ORD. No. 1214-2007), said iron pin being 27.73 feet right of station 91+85.66;

Thence S 3°58'18" W along the grantor's east line and the west line of said vacated Yates Avenue a distance of 2.27 feet to an iron pin set, said iron pin being 30.00 feet right of station 91+85.64;

Thence N 86°28'07" W a distance of 140.64 feet to an iron pin, said iron pin being 30.00 feet right of station 90+45.00;

Thence N 03°31'33" E a distance of 1.77 feet to the **TRUE POINT OF BEGINNING**;

The above described area is contained within the Franklin County Auditor's Parcel Numbers 010-069532 (0.005 acres) and 010-056873 (0.002 acres). Within said boundary is 0.007 acres, more or less,

This description and survey was prepared and reviewed on December 21, 2010, by Robert A. Hock, Registered Surveyor #5674.

The centerline described in this document refers to the centerline of construction as shown on the City of Columbus roadway plan "Fifth Avenue Streetscape Improvements (2369 Dr. E)".

The basis of bearings in this description area based on the State Plane Coordinate System, Ohio South Zone, NAD83 (1986 adjustment), which were determined by GPS observations conducted by the Franklin County Engineer's Office occupying Franklin County Geodetic Survey Monuments Designation Frank 62 and Frank 162, and holding the Fifth Avenue centerline of construction bearing from Grant Avenue to Corrugated Way as S 86°28'07"E.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.