



## Legislation Text

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**File #:** 1520-2014, **Version:** 1

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Ms. Sandra T. Garrett, on behalf of the Max and Sylvia Tennebaum Trust (hereafter known as "The Trust"), asking that the City sell a 0.047 acre portion of the unimproved alley west of Joyce Avenue between Windsor and 12<sup>th</sup> Avenues, adjacent to property owned by The Trust, located at 1394 Joyce Avenue. Transfer of this right-of-way will facilitate development of the adjacent property owned by The Trust.

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 Department of Law, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$2,369.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to The Trust for \$2,369.00.

### **2. FISCAL IMPACT:**

The City will receive a total of \$2,369.00 that will be deposited in Fund 748, Project 537650, 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 required to transfer a 0.047 acre portion of the unimproved alley west of Joyce Avenue between Windsor and 12th Avenues, adjacent to property owned by The Trust, located at 1394 Joyce Avenue.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Ms. Sandra T. Garrett, on behalf of the Max and Sylvia Tennebaum Trust (hereafter known as "The Trust"), asking that the City transfer a 0.047 acre portion of the unimproved alley west of Joyce Avenue between Windsor and 12th Avenues, adjacent to property owned by The Trust, located at 1394 Joyce Avenue, to The Trust; and

**WHEREAS**, acquisition of the right-of-way will facilitate development of the adjacent property owned by The Trust; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Planning and Operations, by this transfer, 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 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 The Trust; 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 this right-of-way; and

**WHEREAS**, a value of \$2,369.00 was established for this right-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to The Trust for the amount of \$2,369.00; 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 The Trust; to-wit:

**Description of a 0.047 Acre Parcel**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of a twenty (20) foot wide alley abutting Lots 5 and 6 of Lea Crest, as same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, Page 38, Records Office, Franklin County, Ohio, and being more particularly described as follows;

Beginning at an iron pipe set at the intersection of the north right-of-way line of East Twelfth Avenue (50 feet wide) with the west right-of-way line of said 20 feet alley, being the southeast corner of said Lot 6, and bearing North 89° 08' 00" East, 129.95 from the southwest corner of said Lot 6 (being the intersection of said north line of East Twelfth Avenue with the east right-of-way line of Joyce Avenue (60 feet wide);

Thence, along the east line of said Lots 6 and 5, and west line of said 20 foot alley, NORTH, 103.00 feet to a found 1" iron pipe at the northeast corner of said Lot 5 (southeast corner of Lot 4 of said Lea Crest);

Thence, across said 20 foot alley, with the north line of said Lot 5 produced easterly, North 89° 08' 00" East, 20.00 feet to an iron pipe set in the east line of said 20 foot alley and west line of Lot 17 of said Lea Crest;

Thence, along part of the west line of said Lot 17 and east line of said 20 foot alley, SOUTH, 103.00 feet to an iron pipe set at the southwest corner of said Lot 17 (being the intersection of the east line of said alley with the north line of said East Twelfth Avenue);

Thence, across said alley, South 89° 08' 00" West, 20.00 feet to the place of beginning, CONTAINING 0.047 ACRES (2,060 square feet), subject however, to all legal highways, easements, leases and restrictions of record.

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in April 2014. Iron pipes set are 30" X 1" (O.D.) with an orange plastic cap inscribed "MYERS P.S. 6579". Bearings are based on the east right-of-way line of Joyce Avenue held as NORTH.

**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 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.** That the \$2,369.00 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 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.