



## Legislation Text

File #: 2373-2016, Version: 1

### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Phil Fulton, on behalf of 89 Fish and Grill, asking that the City sell a portion of the East Nationwide Boulevard right-of-way and a portion of the Locust Street right-of-way, totaling 0.043 acres. Transfer of this right-of-way will resolve an encroachment issue regarding property owned by Mr. Fulton located at 89 East Nationwide Boulevard. 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 \$22,780.00 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 Phil Fulton for the amount of \$22,780.00.

### 2. FISCAL IMPACT

The City will receive a total of \$22,780.00 that will 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 required to transfer a portion of the East Nationwide Boulevard right-of-way and a portion of the Locust Street right-of-way, totaling 0.043 acres, adjacent to property owned by Phil Fulton, located at 89 East Nationwide Boulevard.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Phil Fulton, on behalf of 89 Fish and Grill, asking that the City transfer a portion of the East Nationwide Boulevard right-of-way and a portion of the Locust Street right-of-way, totaling 0.043 acres, adjacent to property owned by Phil Fulton, located at 89 East Nationwide Boulevard, to them; and

**WHEREAS**, acquisition of the right-of-way will resolve an encroachment issue regarding property owned by Phil Fulton, located at 89 East Nationwide Boulevard; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Infrastructure Management, 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 Phil Fulton; 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 \$22,780.00 was established for this right-of-way; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend that the above referenced

right-of-way be transferred to Phil Fulton for the amount of \$22,780.00; and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director to execute those documents necessary to transfer a portion of right-of-way to Phil Fulton for the public health, safety and welfare; **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 Phil Fulton; to-wit:

**0.043 ACRES**

Situated in the State of Ohio, County of Franklin. City of Columbus, being a part of Third Street, 82.5 feet wide, and a part of Naghten Street, 49.5 feet wide now known as Nationwide Boulevard, as delineated on the Town Plat of Columbus as recorded in Deed Book "F", Page 332, destroyed by fire and re-recorded in Plat Book 3, Page 247 and Plat Book 14, Page 27, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a set Mag nail at the northeast corner of Lot 514 of said Town Plat of Columbus, also being the intersection of the south line of Nationwide Boulevard and the west line of Third Street;

Thence along part of the north line of said Lot 514 and the south line of said Nationwide Boulevard, North 86 degrees 54 minutes 25 seconds West, 26.91 feet to a set Mag nail;

Thence across part of said Nationwide Boulevard, North 01 degree 43 minutes 47 seconds East, 11.90 feet to a set Mag nail;

Thence continuing across part of said Nationwide Boulevard, South 86 degrees 54 minutes 25 seconds East, 29.71 feet to a set Mag nail at a point of curvature:

Thence across part of said Third Street, along a curve to the right having a radius of 15.00 feet, a central angle of 78 degrees 43 minutes 24 seconds, an arc length of 20.61 feet, South 47 degrees 32 minutes 43 seconds East, 1903 feet to a set Mag nail at a point of tangency;

Thence continuing across part of said Third Street, South 08 degrees 11 minutes 01 second East, 79.06 feet to a set Mag nail;

Thence continuing across part of said Third Street, South 73 degrees 47 minutes 41 seconds West, 17.02 feet to the east line of said Lot 514 and west line of said Third Street, passing a set Mag nail at 15.02 feet;

Thence along part of the east line of said Lot 514 and the west line of Third Street, North 08 degrees 11 minutes 01 second West, 84.97 feet to the **POINT OF BEGINNING, CONTAINING 0.043 ACRES**. Subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

Basis of bearings is assumed to be North 86 degrees 54 minutes 25 seconds West on the south line of Nationwide Boulevard. This description is based on a field survey by E.P. Ferris and Associates in January 2007, August 2014 and July 2016.

Paul T. Dinan P.S. 7312

Date 08-01-16

**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 \$22,780.00 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 7748, Project P537650.

**Section 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.