



## Legislation Text

---

**File #:** 2140-2017, **Version:** 1

---

### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Riverside Mill Development, LLC asking that the City sell a 0.220 acre parcel of the Martha Avenue right-of-way north of Sullivant Avenue between Ryan Avenue and Interstate 70. Transfer of this right-of-way will facilitate the re-development of property currently owned by Riverside Mill Development, LLC adjacent to the above noted right-of-way, located at 299-321 Martha Avenue. 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 these rights-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 \$4,792.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to Riverside Mill Development, LLC. for the amount of \$4,792.00.

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

The City will receive a total of \$4,792.00 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 0.220 acre parcel of the Martha Avenue right-of-way, north of Sullivant Avenue between Ryan Avenue and Interstate 70, to Riverside Mill Development, LLC.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Riverside Mill Development, LLC asking that the City transfer an 0.220 acre parcel of the Martha Avenue right-of-way north of Sullivant Avenue between Ryan Avenue and Interstate 70, which is adjacent to property owned by Riverside Mill Development, LLC to them; and

**WHEREAS**, acquisition of these rights-of-way will facilitate the re-development of property currently owned by Riverside Mill Development, LLC adjacent to the above noted right-of-way; 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 Riverside Mill Development, LLC; 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 \$4,792.00 was established for this right-of-way; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to Riverside Mill Development, LLC. for the amount of \$4,792.00; 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 Riverside Mill Development, LLC; to-wit:

**DESCRIPTION OF A  
0.220 ACRE TRACT  
LYING NORTH  
OF SULLIVANT AVENUE AND  
WEST OF INTERSTATE 70**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Martha Avenue (50 feet wide) as shown and dedicated on the plat of Munson M. Potter's Subdivision of record in Plat Book 17, Page 123, Recorder's Office, Franklin County, Ohio, and being bounded and more particularly described as follows:

**Beginning**, at a 1/2 inch iron pin found, at the westerly common corner of Lot 21 of said Munson M. Potter's Subdivision and Lot 35 of Sullivant-Heights as shown and delineated in Plat Book 10, Page 156, a tract of land conveyed to the State of Ohio (Parcel 16WL), by deed of record in Deed Book 3092, Page 679 and a tract of land conveyed to the State of Ohio (Parcel 15WL) by deed of record in Deed Book 3149, Page 666, and on the easterly right-of-way line of said Martha Avenue (50 feet wide), said point being North 08°58'29" West, a distance of 319.93 feet from a 5/8 inch rebar found at the northeasterly intersection of said Martha Avenue and Sullivant Avenue (60 feet wide);

Thence South 81°00'31" West, a distance of 50.00 feet, across said Martha Avenue, to a rebar set at the easterly common corner of Lot 25 of said Sullivant-Heights being conveyed to David and Jane Smith by deed of record in Official Record 14567d15 and Lot 8 of said Munson M. Potter's Subdivision and a tract of land conveyed to Riverside Mill Development, LLC, by deed of record in Instrument Number 201607180092372, on the westerly right-of-way line of said Martha Avenue;

Thence North 08°58'29" West, a distance of 223.38 feet, along the line common to said Martha Avenue, said Lot 8, Lots 9, 10, 11, 12, 13, and 14 of said Munson M. Potter's Subdivision to a rebar set at the northeasterly corner of said Lot 14 and on the southerly line of an original 10 acre tract conveyed to Trustees of Ohio State A.F.I., by deed of record in Deed Book 126, Page 227 and the northerly terminus of said Martha Avenue;

Thence North 81°59'20" East, a distance of 18.32 feet, along the northerly terminus of said Martha Avenue to rebar set at the southwesterly corner of a tract of land conveyed to the State of Ohio (Parcel 11WL), by deed of record in Deed Book 3160, Page 668, and on the westerly limited access right-of-way of Interstate 70 (right-of-way varies);

Thence South 26°43'46" East, a distance 103.89 feet, along the common line to the westerly limited access right-of-way of said Interstate 70 and the easterly right-of-way line of said Martha Avenue, to a rebar set on the line common to said Martha Avenue, Lot 18 of said Sullivant-Heights and said Parcel 15WL;

Thence South 08°58'29" East, a distance of 124.11 feet, along the line common to said Martha Avenue and said Parcel 15WL, to the **POINT OF BEGINNING**, containing 0.220 acres, more or less and being subject to all easements, restrictions and right-of way of record.

The bearings in the above description are based on the bearing of South 08°58'29" East, for the easterly right-of-way of Martha Avenue, based on the Ohio State Plane Coordination System, South Zone, NAD 83 Datum (2011), taken from GPS observation.

All rebar set are 5/8 inch DIA. 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description is based on record information and an actual field survey performed in January of 2017.

**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 rights-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said rights-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 \$4,792.00 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.