



Legislation Text

File #: 0934-2018, **Version:** 1

BACKGROUND:

The City of Columbus, Department of Public Service, received a request from James S. Albers, on behalf of Seraph LTD, asking that the City transfer two parcels of right-of-way located at the intersection of the unnamed alley south of Third Avenue and Edgehill Road. Parcel 1 (0.004 acre) and Parcel 2 (0.004 acres) are owned by the City of Columbus and will be transferred to Seraph LTD. In exchange for these parcels, Seraph LTD will transfer Parcel 3 (0.008 acres) to the City of Columbus for right-of-way purposes. This exchange will facilitate planned development of the Third Avenue Improvements at Edgehill Road, in accordance with project #3320E. After investigation by Division of Infrastructure Management staff, it was determined that transferring the two 0.004 acre parcels to Seraph LTD in exchange for the 0.008 acre parcel will benefit both Seraph LTD and the City of Columbus. It was also determined that, subject to a general utility easement for facilities located within parcels 1 and 2, the City will not be adversely affected by the transfer of these parcels.

To authorize the Director of the Department of Public Service to execute those documents required to transfer two 0.004 acre parcels of Edgehill Road right-of-way to Seraph LTD and to accept the transfer of a 0.008 acre parcel from Seraph LTD to the City to be used as right-of-way; and to waive the Land Review Commission requirements of Columbus City Codes. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from James S. Albers, on behalf of Seraph LTD asking that the City transfer two 0.004 acre portions of the Edgehill Road right-of-way to them; and

WHEREAS, as a part of the planned development of the Third Avenue Improvements at Edgehill Road, in accordance with project #3320E, the City of Columbus, Department of Public Service will receive a 0.008 acre parcel, owned by Seraph LTD in exchange for above mentioned parcels; 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 parcels 1 and 2, the City will not be adversely affected by the transfer of portions of this right-of-way to Seraph LTD; and

WHEREAS, the City of Columbus, Department of Public Service, requests that the Land Review Commission requirements of the Columbus City Code be waived; 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, the Division of Infrastructure Management, Public Service Department agreed to recommend that the above referenced parcels be exchanged; 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 two 0.004 acre parcels of right-of-way; to-wit:

Parcel 1

0.004 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 6, Township 5, Range 22, Refugee Lands, and being part of Edgehill Road (50 feet wide) as shown on Plat Book 14, Page 30-A, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set at the northeasterly corner of Lot 132 of that subdivision entitled "Northwest Boulevard Plat No. 5" of record in Plat Book 14, Page 30-A, being the intersection of the westerly right-of-way line of said Edgehill Road with the southerly right-of-way line of an unnamed Alley (16 feet wide) as shown on said Plat Book 14, Page 30-A;

Thence crossing said Edgehill Road, the following courses and distances:

South 86° 23' 11" East, being 8.00 feet southerly from the centerline of said alley, a distance of 13.02 feet to a magnetic nail set;

South 03° 42' 14" West, a distance of 10.82 feet to a magnetic nail set; and

North 86° 25' 59" West, a distance of 18.41 feet to a magnetic nail set on a curve in said westerly right-of-way line and the easterly line of said Lot 132;

Thence with said easterly lot line and said westerly right-of-way line, being 25.00 feet from the centerline thereof with the arc of a curve to the left, having a central angle of 05° 43' 54", a radius of 121.11 feet, an arc length of 12.12 feet, a chord bearing of North 30° 08' 11" East and chord distance of 12.11 feet to the POINT OF BEGINNING, containing 0.004 acre, more or less.

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

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

The bearings herein are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 adjustment). Control for the bearings was from coordinates of monuments 5-83 and 4-83, having a bearing of North 00° 22' 10" West, for a portion of the west limited access right-of-way of Olentangy River Road, established by the Franklin County Engineering Department using Global Positioning System procedures and equipment, and noted on Plat Book 118, Page 47.

This description was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in May 2015.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Parcel 2
0.004 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 6, Township 5, Range 22, Refugee Lands, and being part of Edgehill Road (50 feet wide) as established in Plat Book 14, Page 30-A, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set at the southeasterly corner of Lot 122 of that subdivision entitled "Northwest Boulevard Plat No. 5" of record in Plat Book 14, Page 30-A, being the intersection of the westerly right-of-way line of

said Edgehill Road with the northerly right-of-way line of an unnamed Alley (16 feet wide) as shown on said Plat Book 14, Page 30-A;

Thence with an east line of said lot and said westerly right-of-way line, being 25.00 feet from the centerline thereof, with the arc of a curve to the left, having a central angle of 09° 41' 00", a radius of 121.11 feet, an arc length of 20.47 feet, a chord bearing of North 14° 51' 05" East and chord distance of 20.44 feet to a magnetic nail set;

Thence continuing with an east line of said lot and said westerly right-of-way line, being 25.00 feet from the centerline thereof, with the arc of a curve to the left, having a central angle of 01° 39' 55", a radius of 1181.00 feet, an arc length of 34.32 feet, a chord bearing of North 09° 10' 36" East and chord distance of 34.32 feet to a magnetic nail set;

Thence South 03° 30' 36" West, crossing said Edgehill Road, a distance of 54.21 feet to a magnetic nail set;

Thence North 86° 23' 11" West, continuing across said Edgehill Road, being 8.00 feet northerly from the centerline of said alley, a distance of 7.41 feet to the POINT OF BEGINNING, containing 0.004 acre, more or less.

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

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

The bearings herein are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 adjustment). Control for the bearings was from coordinates of monuments 5-83 and 4-83, having a bearing of North 00° 22' 10" West, for a portion of the west limited access right-of-way of Olentangy River Road, established by the Franklin County Engineering Department using Global Positioning System procedures and equipment, and noted on Plat Book 118, Page 47.

This description was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in May 2015.

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Section 2. That this Council has determined it is in the best interest of the City of Columbus to allow these parcels to be transferred without requiring a recommendation from Land Review Commission and hereby waives the Land Review Commission provision of Columbus City Codes (1959) Revised, Section 328.01 with regards to the transfer of these parcels.

Section 3. 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 deeds to the grantees thereof.

Section 4. That in exchange for the City transferring the two 0.004 acre parcels to Seraph LTD at no cost, Seraph LTD will deed to the City, at no cost and by General Warranty Deed, a 0.008 acre parcel of land at the southwest corner of Third Avenue and Edgehill Road for right-of way; to wit:

**Parcel 3
0.008 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 6, Township 5, Range 22, Refugee Lands, and being part of Lots 118 thru 122, inclusive, of that subdivision entitled "Northwest Boulevard Plat No. 5" of record in Plat Book 14, Page 30-A, said lots conveyed to Seraph Ltd. by deed of record in Instrument Number 200607240144152, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at an iron pin set at the northeasterly corner of said Lot 122, being the intersection of the southerly right-of-way line of Third Avenue (60 feet wide) with the westerly right-of-way line of Edgehill Road (50 feet wide) as shown on said Plat Book 14, Page 30-A;

Thence with said westerly right-of-way line, being 25.00 feet from the centerline thereof, with the arc of a curve to the right, having a central angle of 03° 12' 22", a radius of 1181.00 feet, an arc length of 66.09 feet, a chord bearing of South 06° 44' 28" West and chord distance of 66.08 feet to a magnetic nail set;

Thence crossing said Lots 118 thru 122, the following courses and distances:

North 03° 30' 36" East, a distance of 53.99 feet to an iron pin set;

with the arc of a curve to the left, having a central angle of 89° 55' 07", a radius of 11.00 feet, an arc length of 17.26 feet, a chord bearing of North 41° 26' 58" West and chord distance of 15.55 feet to an iron pin set; and

North 86° 24' 31" West, a distance of 190.04 feet to a magnetic nail set in the easterly line of Lot 117 of said "Northwest Boulevard Plat No. 5" and the westerly line of said Lot 118;

Thence North 03° 11' 29" East, with the line common to said Lots 118 and 117, a distance of 1.00 feet to a magnetic nail set at a common corner thereof, in said southerly right-of-way line;

Thence South 86° 24' 31" East, with said southerly right-of-way line, being 30.00 feet from the centerline thereof, a distance of 204.75 feet to the POINT OF BEGINNING, containing 0.008 acre, more or less.

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

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

The bearings herein are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 adjustment). Control for the bearings was from coordinates of monuments 5-83 and 4-83, having a bearing of North 00° 22' 10" West, for a portion of the west limited access right-of-way of Olentangy River Road, established by the Franklin County Engineering Department using Global Positioning System procedures and equipment, and noted on Plat Book 118, Page 47.

This description was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in May 2015.

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Section 5. That a general utility easement in, on, over, across and through the above described parcels 1 and 2 shall be and hereby is retained unto the City of Columbus for those utilities located within said parcel.

Section 6. 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 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.