



## Legislation Text

**File #:** 1040-2018, **Version:** 1

### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Arlington Properties Inc., asking that the City transfer a 0.584 acre portion of the Candlelite Lane right-of-way, east of Old State Road and north of Polaris Parkway. Transfer of this right-of-way will facilitate the development of property currently owned by Arlington Properties Inc., adjacent to the above noted right-of-way. The applicant wishes to acquire the right-of-way in order to combine a number of parcels to facilitate the residential development of those parcels. The Department of Public Service has agreed to transfer the right-of-way as described in the attached exhibit. 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 \$101,756.00 was established for this right-of-way. After review, the request was submitted to the Land Review Commission on February 15, 2018. The Land Review Commission voted to recommend the above referenced right-of-way be transferred to Arlington Properties Inc., for the amount of \$101,756.00.

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

The City will receive a total of \$101,756.00 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 0.584 acre portion of the Candlelite Lane right-of-way to Arlington Properties Inc. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Arlington Properties Inc., asking that the City transfer a 0.584 acre portion of the Candlelite Lane right-of-way, east of Old State Road and north of Polaris Parkway, adjacent to property owned by Arlington Properties Inc. to them; and

**WHEREAS**, acquisition of the right-of-way will facilitate the development of property currently owned by Arlington Properties Inc., adjacent to the above noted right-of-way; and

**WHEREAS**, a value of \$101,756.00 was established for this 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 Arlington Properties Inc.; 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 the right-of-way; and

**WHEREAS**, a value of \$101,756.00 was established for the right-of-way and will be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way; and

**WHEREAS**, Arlington Properties Inc., has requested mitigation of the cost of the above mentioned right-of-way and submitted justification for the request for mitigation; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to Arlington Properties Inc. for the amount of \$101,756.00; **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 rights-of-way to Arlington Properties Inc.; to-wit:

**0.584 ACRE PARCEL**

Situated in the State of Ohio, County of Delaware, City of Columbus, in Farm Lot 3, Quarter Township 3, Township 3, Range 18, United States Military Lands, being part of Candlelite Lane as dedicated on the subdivision plat entitled "Shuster Subdivision, of record in Plat Book 7, Page 49 (all references are to the records of the Recorder's Office, Delaware County, Ohio) and more particularly bounded and described as follows:

BEGINNING at an iron pin set at the southeasterly corner of Lot 190 of said subdivision, the northeasterly terminus of said Candlelite Lane, the northwesterly corner of Reserve "B" of the subdivision entitled "Prestwick Commons Section 4", of record in Plat Cabinet 2, Slide 322;

Thence South 02° 57' 01" West, with the westerly line of said "Prestwick Commons Section 4", a distance of 50.00 feet to a 5/8 inch iron rebar found at the northeasterly corner of Lot 197 of said "Shuster Subdivision";

Thence North 86° 45' 46" West, with the northerly line of Lots 195 through 197 of said "Shuster Subdivision", a distance of 508.50 feet to an iron pin set at the northwesterly corner of said Lot 195;

Thence North 02° 57' 01" East, crossing said Candlelite Lane, a distance of 50.00 feet to an iron pin set in the southerly line of Lot 186 of said "Shuster Subdivision";

Thence South 86° 45' 46" East, with the southerly line of Lots 186 through 190 of said "Shuster Subdivision", a distance of 508.50 feet to the POINT OF BEGINNING, containing 0.584 acre of land, 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). Said bearings originated from a field traverse which was tied (referenced) to said coordinated system by GPS observations of Franklin County Engineering Department monuments WEST17 and FRANK85. A bearing of South 86° 47' 30" East, was held for the north line of the subdivision entitled "Shuster Subdivision" of record in Plat Book 7, Page 49, Recorder's Office, Delaware County, Ohio.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

**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 City will receive a total of \$101,756.00 for the right-of-way, to be deposited into 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.