



## Legislation Text

**File #:** 1364-2018, **Version:** 1

### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Easton Gateway, LLC asking that the City transfer a 0.060 acre portion (2,614 square feet) of the Worth Avenue right-of-way, south of Easton Gateway between Stelzer Road and Seward Street. Transfer of this right-of-way will facilitate a number of improvements and enhancements to the intersection adjacent to the above noted right-of-way. The Department of Public Service has agreed to transfer the right-of-way as described in the attached exhibit and extinguish the underlying fee. 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 \$32,675.00 was established for this right-of-way. This request went before the Land Review Commission on April 18, 2018, and the applicant has agreed to dedicate additional right-of-way to the City. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Easton Gateway, LLC at no cost.

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

There is no impact. The City is not expending or receiving funds for this transaction.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.060 acre portion of the Worth Avenue right-of-way to Easton Gateway, LLC. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Easton Gateway, LLC asking that the City transfer to them a 0.060 acre portion (2,614 square feet) of the Worth Avenue right-of-way, south of Easton Gateway between Stelzer Road and Seward Street, adjacent to property owned by Easton Gateway, LLC; and

**WHEREAS**, acquisition of the right-of-way will facilitate a number of improvements and enhancements to the intersection 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 Easton Gateway, 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 the right-of-way; and

**WHEREAS**, a value of \$32,675.00 was established for the right-of-way; and

**WHEREAS**, Easton Gateway, LLC has agreed to dedicate additional right-of-way to the City in consideration for extinguishing the underlying fee; and

**WHEREAS**, this request went before the Land Review Commission on January 18, 2018, and after review, the Land

Review Commission voted to recommend the above referenced right-of-way be transferred to Easton Gateway, LLC at no cost; 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 required to transfer a 0.060 acre portion of the Worth Avenue right-of-way to Easton Gateway, LLC; **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 Easton Gateway, LLC; to-wit:

Description of 0.060 Acre Parcel (Worth Avenue)

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, Unites States Military Lands, being part of that 0.078 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 201310290181871 (including part of Lots 27 and 28 of "Eastman's Addition", a subdivision of record in Plat Book 22, Page 86, as vacated by Franklin County Court of Common Pleas Case No. 06 CVH-17080, of record in Instrument Number 200704230070602), (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning for reference at a permanent marker set at the centerline intersection of Worth Avenue (80') with the centerline of Stelzer Road (Relocated) (width varies), of record in Plat Book 99, Page 55:

Thence, North 87° 02' 21" East, across said Stelzer Road (Relocated) and across that 1.092 acre tract conveyed to City of Columbus, Ohio by deed of record in Official Record 28520B08, a distance of 82.45 feet to a point in the line common to said 1.092 and 0.78 acre tracts, being the TRU POINT OF BEGINNING;

Thence, North 27° 30' 37" West, partly with said common line and partly across said 0.078 acre tract, a distance of 99.04 feet to a point in a southerly line of that 37.350 acre tract conveyed to Easton Gateway, LLC by deed of record in Instrument Number 201403070028378;

Thence, South 89° 22' 16" East, with the common line to said 0.078 and 37.350 acre tracts, a distance of 32.61 feet to an iron pin set;

Thence, South 27° 30' 33" East, continuing with said common line, a distance of 83.67 feet to an iron pin set;

Thence, South 62° 29' 27" West, partly with said common line, and partly across said 0.078 acre tract, a distance of 28.75 feet to the TRUE POINT OF BEGINNING, containing 0.060 acre, more or less.

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

The above description is based on a field survey completed by EMH&T in September 2002.

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.

Bearings are based on a field travers organization from and tying to Franklin County Survey Control Monuments, including Frank 64 and Frank 164, and are based on the Ohio State Plane Coordinate System, South Zone as per NAD 83 (1986 Adjustment), with a bearing of North 04° 43' 23" East on the original centerline of Stelzer Road.

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