



Legislation Text

File #: 2564-2018, Version: 1

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Grace Apostolic Church asking that the City transfer a 0.087 acre portion (3,790 square feet) of the unnamed east/west right-of-way, south of Lakeview Avenue between Greenwich Street and the first alley west of Cleveland Avenue. Transfer of this right-of-way will facilitate security enhancements for the existing day-care center located on property currently owned by Grace Apostolic Church, 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 City Attorney's Office asking that they establish a value for this right-of-way. A value of \$2,464.00 was established for this right-of-way. This request went before the Land Review Commission on April 19, 2018. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Grace Apostolic Church for the amount of \$2,464.00.

2. FISCAL IMPACT:

The City will receive a total of \$2,464.00 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 0.087 acre portion of the unnamed east/west right-of-way south of Lakeview Avenue between Greenwich Street and the first alley west of Cleveland Avenue to Grace Apostolic Church. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Northstar Realty asking that the City transfer a 0.087 acre portion (3,790 square feet) of the unnamed east/west right-of-way south of Lakeview Avenue between Greenwich Street and the first alley west of Cleveland Avenue, adjacent to property owned by Grace Apostolic Church to them; and

WHEREAS, acquisition of the right-of-way will facilitate the re-development of property currently owned by Northstar Realty 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 Grace Apostolic Church; and

WHEREAS, the Department of Public Service submitted a request to the City Attorney's Office asking that they establish a value for the right-of-way; and

WHEREAS, a value of \$2,464.00 to be deposited in Fund 7748, Project P537650, was established for the right-of-way; and

WHEREAS, this request went before the Land Review Commission on April 19, 2018 and after review, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Grace Apostolic Church at the established price; **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 City Attorney's Office necessary to transfer the following described right-of-way to Grace Apostolic Church; to-wit:

**DESCRIPTION OF A 0.087 ACRE TRACT
LYING WEST OF CLEVELAND AVENUE
AND SOUTH OF LAKEVIEW AVENUE**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of a 10 feet wide alley of Henry C. Fickell's Subdivision, as shown and delineated in Plat Book 15, Page 19 and part of an 8 feet wide alley of Kenmore Park, as shown and delineated in Plat Book 18, Page 36, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning, at a rebar set, at the northwesterly intersection of said 10 feet wide alley and a 20 feet wide alley (P.B. 15, Pg. 19) at the southeasterly corner of Lot 43 of said Henry C. Fickell's Subdivision;

Thence South 03°39'24" West, a distance of 18.00 feet, across said 10 feet wide alley and said 8 feet wide alley, to a rebar set, at the southwesterly intersection of said 8 feet wide alley and a 20 feet wide alley (P.B. 18, Pg. 36) at the northeasterly corner of Lot 11 of said Kenmore Park;

Thence North 85°58'12" West, a distance of 210.00 feet, along the northerly line of said Lot 11 and Lots 10, 9, 8 and 7 of said Kenmore Park and the southerly line of said 8 feet wide alley, to a rebar set, at the northerly common corner of Lots 6 and 7 of said Kenmore Park;

Thence North 03°39'24" East, a distance of 18.00 feet, across said 8 feet wide alley and said 10 feet wide alley, to a rebar set, on the southerly line of Lot 39 of said Henry C. Fickell's Subdivision;

Thence South 85°58'12" East, a distance of 210.00 feet, along the southerly line of said Lot 39 and Lots 40, 41, 42 and 43 of said Henry C. Fickell's Subdivision and the northerly line of said 10 feet wide alley, to the **Point of Beginning**, containing 0.087 acres, more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the bearing of South 85°58'12" East for the southerly line of Henry C. Fickell's Subdivision, based on the Ohio State Plane Coordinate 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 an actual field survey performed in September 2017 to January of 2018.

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 a value of \$2,464.00 to be deposited in Fund 7748, Project P537650, was established for the right-of-way.

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