



## Legislation Text

File #: 0290-2019, Version: 1

### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Gregory and Sincear Fountain asking that the City transfer to them a 0.005 acre portion (205 square feet) of the unnamed North/South Right-of-Way East of Hamilton Avenue and North of Grove Street. The purpose of the transfer is to facilitate the enhancements of property adjacent to the noted Right-of-Way, owned by Gregory and Sincear Fountain. The Department of Public Service has agreed to sell the right-of-way as described and shown within the attached legal description and exhibit, and extinguishes its need for this public right-of-way. 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, and a value of \$308.00 was established. This request went before the Land Review Commission. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Gregory and Sincear Fountain for the amount of \$308.00.

### 2. FISCAL IMPACT

There is no City expenditure for this transaction. The City will receive a total of \$308.00 to 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 necessary to transfer a 0.005 acre portion of the unnamed North/South Right-of-Way East of Hamilton Avenue and North of Grove Street to Gregory and Sincear Fountain. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Gregory and Sincear Fountain asking that the City transfer to them a 0.005 acre portion (205 square feet) of the unnamed North/South Right-of-Way East of Hamilton Avenue and North of Grove Street; and

**WHEREAS**, the purpose of the transfer is to facilitate the enhancements of property adjacent to the noted Right-of-Way, owned by Gregory and Sincear Fountain; and

**WHEREAS**, the Department of Public Service has agreed to sell the right-of-way as described and shown within the attached legal description and exhibit, and 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 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; and

**WHEREAS**, 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; and

**WHEREAS**, a value of \$308.00 was established; and

**WHEREAS**, this request went before the Land Review Commission; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-

of-way be transferred to Gregory and Sincear Fountain for the amount of \$308.00 that will be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way; **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 a quit claim deed and other incidental instruments prepared by the Department of Law, Real Estate Division, necessary to transfer the attached described legal description and exhibit of right-of-way to Gregory and Sincear Fountain; to-wit:

**0.005 ACRES  
(205 Square Feet)**

Situate in the State of Ohio, County of Franklin, City of Columbus, being part of a 10 foot wide alley as delineated on Magrew & Blose Subdivision, as is numbered and delineated on the recorded plat thereof, of record in Plat Book 5, Page 246, Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning at the southeast corner of Lot 1 of said Magrew & Blose Subdivision, also being the intersection of the west line of said alley with the north line of Grove Street, 60 feet wide, said point being referenced by a Mag nail set, SOUTH, 15.60 feet;

Thence, along the east line of said Lot 1 and part of the west line of said alley, NORTH, 21.96 feet to a set iron pipe at the northeast corner of said Lot 1 and the southeast corner of Lot 2 of said Magrew & Blose Subdivision;

Thence, across said alley, South 89 degrees 53 minutes 00 seconds East, 10.00 feet to the east line of said alley and the west line of Lot 4 of said Magrew and Blose Subdivision, passing a set iron pipe at 8.00 feet;

Thence, along part of the east line of said alley and part of the west line of said Lot 4, SOUTH, 19.09 feet to a Mag nail set in a concrete wall, at the southwest corner of said Lot 4, in the south line of said alley and in the north line of Grove Street;

Thence, along the south line of said alley and along part of the north line of Grove Street, South 74 degrees 04 minutes 30 seconds West, 10.40 feet to the **POINT OF BEGINNING, CONTAINING 0.005 ACRES, (205 Square Feet)**. Subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

Iron pipe set are 30" x 1" O.D. with an orange plastic cap inscribed "MYERS PS 6579".

Basis of bearings is assumed to be NORTH on the west line of the 10 foot wide alley. This description is based on a field survey by Myers Surveying Company, Inc., in October, 2018.

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Albert J. Myers, Professional Surveyor 6579  
PTD  
1308272018HamiltonAve

**SECTION 2.** That the attached 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 attached legal description and exhibit describing the 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 \$308.00 to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

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