



Legislation Text

File #: 1255-2019, **Version:** 1

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Daniel Weston, asking that the City sell a 0.015 acre portion of the unnamed north/south right-of-way west of Linwood Avenue between East Mound and East Engler Streets.

Sale of this right-of-way will facilitate the enhancements to landscaping, current resident off street parking, and security to property adjacent to the above noted rights-of-way located at 483 Linwood Avenue. The Department of Public Service has agreed to sell the right-of-way as described within the legal description below and attached exhibit, and extinguishes its need for 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 \$1,306.00 was established. This request went before the Land Review Commission on April 19, 2018 and it was voted to recommend the above referenced right-of-way be transferred to Daniel Weston at the cost of \$1,306.00.

2. FISCAL IMPACT:

The City will receive a total of \$1,306.00 and funds are 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 for the transfer of 0.015 acre portion of the unnamed north/south right-of-way west of Linwood Avenue between East Mound and East Engler Streets to Daniel Weston. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Daniel Weston, asking that the City sell him a 0.015 acre portion of the unnamed north/south right-of-way west of Linwood Avenue between East Mound and East Engler Streets; and

WHEREAS, the purpose of the transfer is to make a number of enhancements to the property adjacent to the above noted right-of-way, controlled by Mr. Weston located at 483 Linwood Avenue; and

WHEREAS, the Department of Public Service has agreed to sell the right-of-way as described within the legal description below and attached 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 \$1,306.00 was established; and

WHEREAS, this request went before the Land Review Commission on April 19, 2018; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Daniel Weston at the cost of \$1,306.00; **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 a quit-claim deed and other incidental instruments prepared by the City Attorney's Office necessary to transfer the legal description as described below and attached exhibit of right-of-way to Daniel Weston to-wit:

0.015 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of a Thirteen foot Alley of Oakwoods Addition East, as the same is dedicated upon the recorded plat thereof, of record in Plat Book 5, Page 152, Recorder's Office, Franklin County, Ohio (all references to recorded documents are on file in said Recorder's Office unless otherwise noted) and being more particularly described as follows:

Commencing at a found 1½ inch solid iron pin at the intersection of the west line of Linwood Avenue (50 feet wide) and the south line of E. Mound Street (60 feet wide), and the northeast corner of Lot 279 of said Oakwoods Addition East;

Thence, along the west line of said Linwood Avenue the east line of said Lot 279, and the east line of Lot 280 of said Oakwoods Addition East, SOUTH, 62.00 feet to a point at the northeast corner of Lot 281 of said Oakwoods Addition East and the northeast corner of the Daniel J. II and Jurga N. Weston property (Instrument No. 201703090032263);

Thence, along the south line of said Lot 280, the north line of said Lot 281, and the north line of said Weston property, South 87° 58' 55" West, 60.45 feet to a set iron pipe in the east line of said 13 foot alley and **THE TRUE POINT OF BEGINNING** of this description;

Thence, along part of the east line of said 13 foot alley, the west line of said Lot 281, part of the west line of Lot 282 of said Oakwoods Addition East, and the west line of said Weston property, South 00° 09' 10" East, 51.67 feet to the northeast corner of the Kathleen D. Bailey property (Official Record Volume 33669 D-20), passing a set iron pipe for reference at 49.67 feet;

Thence, across said 13 foot alley, and along the north line of said Bailey property, South 87° 58' 39" West, 13.00 feet to a point in the east line of the Ojonimi S. Bako property (Instrument No. 201705230068849), said point being 1.00 feet east of the west line of Lot 27 of the William Neil's Amended Addition (Plat Book 4, Page 133), said point is referenced by a set iron pipe that bears North 00° 09' 10" West, 2.00 feet;

Thence, along part of the west line of said 13 foot alley, being 1.00 feet easterly of and parallel with the west line of said Lot 27, and part of the east line of said Bako property, North 00° 09' 10" West, 51.67 feet to a set iron pipe, passing a set iron pipe at 2.00 feet;

Thence, across said 13.00 foot alley, North 87° 58' 55" East, 13.00 feet to the place of beginning CONTAINING 0.015 ACRES, subject however to all legal highways, easements, leases, agreements, restrictions of record and of records in the respective utility offices.

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in November 2018. Iron pipes set are 30" x 1" O.D. with an orange plastic cap inscribed "MYERS P.S. 6579", unless otherwise noted. Basis of bearings is the west line of Linwood Avenue as assumed **NORTH**.

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 \$1,306.00 and funds are 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.