



Legislation Text

File #: 1841-2019, **Version:** 1

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from David Perry on behalf of his client, Shiloh Baptist Church of Columbus, to sell an approximate 2,309+/- square foot (0.053 Acre) portion of the unimproved Right-of-Way. This portion of Right-of-Way runs east/west directionally and is bounded by Brier Alley to the West, Hamilton Avenue to the East, Mt. Vernon Avenue to the North, and East Spring Street to the South.

Sale of this Right-of-Way will allow incorporation of the parcels to the north of the right-of-way with the parcel to the south of the right-of-way for the development of new housing. The Department of Public Service has agreed to sell the Right-of-Way as described and shown within 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 \$8,081.50 was established. Mitigation was not requested. This request went before the Land Review Commission on June 20, 2019. After review of the request, the Land Review Commission voted to recommend the above referenced Right-of-Way be transferred to Shiloh Baptist Church of Columbus at the cost of \$8,081.50.

2. FISCAL IMPACT:

There is no expenditure of City funds for this transfer. The City will receive a total of \$8,081.50 and the 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 a 0.053 acre portion of the Right-of-Way that is bounded by Brier Alley to the West, Hamilton Avenue to the East, Mt. Vernon Avenue to the North, and East Spring Street to the South, to Shiloh Baptist Church of Columbus. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from David Perry on behalf of his client, Shiloh Baptist Church of Columbus, to sell an approximate 2,309+/- square foot (0.053 Acre) portion of the unimproved Right-of-Way. This portion of Right-of-Way runs east/west directionally and is bounded by Brier Alley to the West; Hamilton Avenue to the East; Mt. Vernon Avenue to the North; and East Spring Street; and

WHEREAS, the purpose of the transfer will allow incorporation of the parcels to the North of the right-of-way with the parcel to the South of the right-of-way for the development of new housing; and

WHEREAS, the Department of Public Service has agreed to sell the Right-of-Way as described and shown within 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 \$8,081.50 was established; and

WHEREAS, this request went before the Land Review Commission on June 20, 2019; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend the above referenced Right-of-Way be transferred to Shiloh Baptist Church of Columbus at the cost of \$8,081.50; **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 Shiloh Baptist Church of Columbus; to-wit:

0.053 Acre Alley PROPERTY DESCRIPTION

Situate in the City of Columbus, Franklin County, Ohio and being part of a 17' wide alley commonly known as Sisco Alley as dedicated with East Park Place Addition, as recorded in Plat Book volume 2, page 61 (all references to recorded documents refer to the records of the Franklin County Recorder's Office located in Columbus, Ohio) and being more particularly described as follows:

BEGINNING at a set Mag nail on the southeasterly corner of a parcel conveyed to Shiloh Baptist Church of Columbus, Ohio, as recorded in Official record volume 28639, page H19, also being the southeast corner of Lot 302 of the aforementioned East Park Place Addition, and at the intersection of the northerly right-of-way line of the said 17' wide alley and the westerly right-of-way line of Hamilton Avenue, as recorded in the said Plat Book volume 2, page 61, the said Mag nail being the TRUE POINT OF BEGINNING of the parcel herein described.

Thence across the said 17' wide alley, South 08 degrees 07 minutes 21 seconds East for a distance of 17.00 feet to a Mag nail set and at the intersection of the southerly right-of-way line of the said 17' wide alley and the said westerly right-of-way line of Hamilton Avenue, also being at the northeasterly corner of a parcel conveyed to Shiloh Family Institute, Inc., as recorded in Instrument Number 200606010106099 and the northeast corner of Lot 273 of the aforementioned East Park Place Addition;

Thence along the southerly line of the said 17' wide alley and along the northerly line of the said Shiloh Family Institute, Inc. parcel, South 81 degrees 55 minutes 40 seconds West for a distance of 136.93 feet to a Mag set;

Thence across the said 17' wide alley, North 04 degrees 37 minutes 37 seconds West for a distance of 17.03 feet to a point on the northerly line of the said 17' wide alley and on the southerly line of a parcel conveyed to The City of Columbus, Ohio, as recorded in Deed Book volume 2329, page 373, and Deed Book volume 2324, page 551, also being on the southerly line of Lot 299 of the aforementioned East Park Place Addition the said point being referenced by a found 5/8" rebar bearing North 11 degrees 01 minutes 24 seconds West at a distance of 0.71 feet;

Thence along the northerly line of the said 17' wide alley and the southerly lines of Lots 299, 300, 301, and 302 of the aforementioned East Park Place Addition, and partially along the southerly line of the said City of Columbus parcel, and along the southerly line of the said Shiloh Baptist Church parcel, North 81 degrees 55 minutes 40 seconds East for a distance of 135.89 feet to the TRUE POINT OF BEGINNING, passing a 5/8" rebar on line at 28.49 feet and a 1" rebar offset 0.95 feet northwesterly to the line at 58.42 feet, containing 0.053 acres, more or less.

Subject to all easements, encumbrances, covenants, restrictions and matters of record affecting the subject parcel.

Bearings are based upon the Ohio State Plane South Coordinate System NAD 83(2011) and further based upon GPS observations performed by CESO INC. in June of 2019 using the ODOT VRS Network, holding a bearing of South 08 degrees 07 minutes 21 seconds East for the centerline of the adjacent portion of Hamilton Avenue.

This description was prepared as the result of an actual field survey, conducted by CESO INC in June of 2019 under the direct supervision of **Russell Koenig, Ohio Professional Surveyor #8358**.

All monumentation called for as found are in good, stable condition unless noted otherwise.

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 \$8,081.50 and the 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.