



Legislation Text

File #: 1843-2019, **Version:** 1

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Dan Heckman of Alpha Architectural Services on behalf of Al Rahma Mosque asking that the City sell them an approximate 7,500+/- square foot (0.17 acre) portion of the unimproved unnamed north/south right-of-way east of Westerville Road between Albert Avenue and Mecca Road.

Sale of this Right-of-Way will facilitate the development of property adjacent to the above noted right-of-way, provide additional parking, and allow connectivity between all of the surrounding parcels owned by The Al Rahma Mosque. 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 \$4,438.00 was established. Mitigation was not requested. This request went before the Land Review Commission on September 20, 2018. After review of the request, the Land Review Commission voted to recommend the above referenced Right-of-Way be transferred to Al Rahma Mosque at the cost of \$4,438.00.

2. FISCAL IMPACT:

The City will not expend funds to transfer the right-of-way. The City will receive a total of \$4,438.00 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 an approximate 7,500 square foot portion of the unnamed north/south right-of-way east of Westerville Road between Albert Avenue and Mecca Road to Al Rahma Mosque. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Dan Heckman of Alpha Architectural Services on behalf of Al Rahma Mosque asking that the City sell them an approximate 7,500+/- square foot portion of the unimproved unnamed north/south Right-of-Way east of Westerville Road between Albert Avenue and Mecca Road; and

WHEREAS, the purpose of the transfer is to facilitate the development of property adjacent to the above noted Right-of-Way, provide additional parking, and allow connectivity between all of the surrounding parcels owned by the Al Rahma Mosque; 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 \$4,438.00 was established; and

WHEREAS, this request went before the Land Review Commission on September 20, 2018; and

WHEREAS, after review of the request the Land Review Commission voted to recommend the above referenced Right-of-Way be transferred to Al Rahma Mosque at the cost of \$4,438.00, 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 Al Rahma Mosque; to-wit:

Legal Description 0.170 acres

Situated in the City of Columbus, County of Franklin, State of Ohio:

Being in Township 1, Quarter Township 2, Range 17, United States Military Land, and being a part of Parkwood Avenue (30 feet in width per Plat Book 18, Page 45), as dedicated on the plat for Northern-Way, of record in Plat Book 18, Page 45 of the Franklin County Recorder's Office, Franklin County, Ohio, being part of Lot 46 on the plat for Bur Lea, of record in Plat Book 19, Page 55 as described as a 2,129.6 square feet tract of land designated as Parcel No. 8 to the City of Columbus in Deed Book 299, Page 8, and a portion of the first alley north of Mecca Road (16 feet in width per Plat Book 19, Page 55);

Commencing at a found monument box, being Franklin County Geodetic Survey Monument Number 5322, at the centerline of the intersection of Oakland Park Avenue with the centerline of Westerville Road (U.S. Route 3);

Thence leaving the said intersection, South 29 degrees 24 minutes 11 seconds West (S 29°24'11" W), along the centerline of Westerville Road, a distance of 903.43 feet (903.43') to a point at the intersection of the centerline of said Westerville Road with the centerline of Mecca Road (50 feet wide per PB 18, Page 45) as shown on the plat for said northern-Way;

Thence leaving centerline of said Westerville Road, South 86 degrees 26 minutes 33 seconds East (S 86°26'33" E), along the centerline of said Mecca Road, a distance of 729.86 feet (729.89 ') to a point at the intersection of the easterly right of way line of Parkwood Avenue (30 feet wide per PB 18, Page 45) with the centerline of said Mecca Road;

Thence leaving the centerline of Mecca Road, North 03 degrees 33 minutes 27 seconds East (N 03°33'27" E), along the easterly right-of-way line of said Parkwood Avenue, a distance of 25.00 feet (25.00') to a pin set on the northerly right-of-way line extended of said Mecca Road, being the **Point of Beginning** of the tract herein described;

Thence leaving the easterly right-of-way line of said Parkwood Avenue, North 86 degrees 26 minutes 33 seconds West, along the northerly right-of-way line extended of said Mecca Road, a distance of 30.00 feet (30.00') to a pin set at the southeasterly corner of Lot 31 of said Northern-Way, being the southeasterly corner of a tract of land described to Al Rahma Mosque in Instrument Number 200810140152423, also being on the westerly right-of-way line of said Parkwood Avenue;

Thence leaving the northerly right-of-way line of said Mecca Road, North 03 degrees 33 minutes 27 seconds East (N 03° 33'27" E), along the easterly lot lines of Lots 31, 30, 29, and 28 of said Northern-Way, being the easterly lines of four (4) tracts of land described to Al Rahma Mosque in Instrument Number 20081014015242 and Instrument Number 200805020067813, a distance of 165.60 feet (165.60') to a pin set at the northeasterly corner of Lot 28 of said Northern-Way in the south line of Lot 7 of the Plat of land of Minerva M. and Everal G. Burwell, of record in Plat Book 15, Page 4, being on the southerly line of a 0.444 acre tract of land described to Al Rahma Mosque in Instrument Number

200506230121917;

Thence in the south line of said lot 7, leaving the westerly right-of-way of said Parkwood Avenue and the easterly line of said Lot 28, South 86 degrees 26 minutes 33 seconds East (S 86°26'33" E), along the southerly line of said 0.444 acre tract, a distance of 30.00 feet (30.00') to a pin set in the easterly right-of-way line of said Parkwood Avenue, being at the southeasterly corner of said Lot 7 and said 0.444 acre tract;

Thence leaving the said southeasterly property corner, North 03 degrees 33 minutes 27 seconds East (N 03°33'27" E), along the easterly line of the said Lot 7 and said 0.444 acre tract, a distance of 8.72 feet (8.72') to a pin set at the southwest corner of Lot 67 of said Bur Lea Subdivision and at a westerly property corner of a 3.977 acre tract of land described to Voans Capital Park Limited Partnership in Instrument Number 200103220058507, also being on the northerly right-of-way line of the first alley north of Mecca Road (16 feet wide per Plat Book 19, Page 55);

Thence leaving the easterly line of the said 0.444-acre tract and along the easterly lines of the said 3.977-acre tract the following two (2) courses and distances:

1. South 86 degrees 26 minutes 33 seconds East (S 86°26'33" E), along the northerly right-of-way line of said 16 feet wide alley, a distance of 20.00 feet (20.00') to a pin set;
2. South 03 degrees 26 minutes 33 seconds West (S 03°33'26" W), along crossing the said 16 feet wide alley as vacated by the City of Columbus in Ordinance Number 1058-69, passing through said Lot 46, and along the easterly line of a 2,129.6 square feet tract of land described as parcel No. 8 to the City of Columbus in Deed Book 2999, Page 8, a distance of 149.10 feet (149.10') to a pin set at the southeasterly corner of the said 2,129.6 square feet tract, being a southwesterly corner of the said 3.977 acre tract in the southerly line of said Lot 46, also being on the northerly right-of-way line of said Mecca Road (100 feet wide per Plat Book 19, Page 55);

Thence leaving the said southwesterly corner, North 86 degrees 26 minutes 33 seconds West (N 86°26'33" W), along the said northerly right-of-way line and the southerly line of said Lot 46, a distance of 20.00 feet (20.00') to a pin set at the southwesterly corner of said Lot 46, being on the easterly right of way line of said Parkwood Avenue;

Thence leaving the northerly right-of-way line of said Mecca Road, South 03 degrees 33 minutes 27 seconds West (S 03°33'27" W), along the easterly right-of-way line extended of said Parkwood Avenue, a distance of 25.00 feet (25.00') to the **Point of Beginning, consisting of 0.170 acres (7,937 square feet), more or less.**

Survey Notes:

- All references herein are to records in the Franklin County Recorder's Office, Franklin County, Ohio.
- All pins set are 5/8-inch diameter steel rebar, 30 inches in length, with an orange cap inscribed "GHG LLC".
- Bearings in this description are based on the centerline of Mecca Road as having a bearing of South 86 degrees 26 minutes 33 seconds East (S 86°26'33" E) as established by a Global Positioning Survey performed by the Gandee Heydinger Group, LLC in August 2018, and all angles calculated from this bearing.
- The survey was completed in compliance with the current "Minimum Standards for Boundary Surveys in the State of Ohio", as defined in Chapter 4733-37 of the Ohio Administrative Code.
- This survey was prepared without the benefit of a title commitment. Subject to all easements, right of ways, exceptions and / or restrictions recorded and unrecorded which may affect the subject property. Recording information referred herein was obtained from the Franklin County Recorder's Office, Franklin County, Ohio.

Christopher M. Cook, Ohio Professional Land Surveyor No. 8424

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. The City will receive a total of \$4,438.00 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.