



Legislation Text

File #: 2252-2019, **Version:** 1

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Lester and Tina Ferrell to sell an approximate 0.104 acre portion of the Right-of-Way that is at the southeast corner of the Minnesota Ave and Joyce Ave intersection. Sale of this excess Right-of-Way is adjacent to the property owned by Mr. and Mrs. Ferrell and is to incorporate it into their current lot, making their parking area larger. 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 \$1,800.00 was established. Mr. and Mrs. Ferrell did not request mitigation. This request went before the Land Review Commission on March 21, 2019. After review of the request, the Land Review Commission voted to recommend the above referenced Right-of-Way be transferred to Mr. and Mrs. Ferrell at \$1,800.00 and the City will retain an easement.

2. FISCAL IMPACT

The City will receive a total of \$1,800.00 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 to transfer a 0.104 acre portion of Right-of-Way located at the southeast corner of the Minnesota Ave and Joyce Ave intersection to Lester and Tina Ferrell. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Lester and Tina Ferrell to sell an approximate 0.104 acre portion of the right-of-way that is at the southeast corner of the Minnesota Ave and Joyce Ave intersection; and

WHEREAS, the purpose of the transfer is to incorporate it into their current lot, making their parking area larger; 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 \$1,800.00 was established; and

WHEREAS, this request went before the Land Review Commission on March 21, 2019; and

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

of-Way be transferred to Mr. and Mrs. Ferrell for \$1,800.00 with the City retaining an easement; **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 Lester and Tina Ferrell; to-wit:

0.104 ACRE PROPERTY DESCRIPTION

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Joyce Avenue (F.K.A. Burnwell Street, right-of-way varies) as shown and delineated in Plat Book 8, Page 7B, Recorder's Office, Franklin County, Ohio, and part of Minnesota Avenue (60 feet wide, now 50 feet wide, P.B. 7, Pg. 418 and P.B. 8, Pg. 7B, vacated by the Village of East Linden in Ordinance Number 3, on April 10, 1917), Columbus, Ohio, and being bounded and more particularly described as follows:

Beginning, at a rebar set, at the southwesterly corner of Lot 34 of Wolfe & Cary Addition, as shown and delineated in Plat Book 8, Page 7B, being the northeasterly intersection of said Joyce Avenue and a 15 feet wide alley (P.B. 8, Pg. 7B), and being the southwesterly corner of a tract of land conveyed to Lester U. and Tina M. Ferrell, by deed of record in Official Record 34383J06;

Thence with the following four (4) courses and distances across said Joyce Avenue:

- 1) North 86°08'43" West, a distance of 48.50 feet, to a rebar set;
- 2) North 13°37'19" East, a distance of 106.01 feet, to a rebar set;
- 3) North 40°39'23" East, a distance of 19.39 feet, to a rebar set;
- 4) South 86°08'43" East, a distance of 19.07 feet, to a rebar set, at the southeasterly intersection of said Joyce Avenue and said Minnesota Avenue, and being the northwesterly corner of said Ferrell tract;

Thence South 03°56'12" West, a distance of 120.00 feet, along the line common to said Joyce Avenue, said Ferrell tract and said Lot 34, to the **Point of Beginning**, containing 0.104 acres (4521.462 square feet), more or less and being subject to all easements, restrictions and rights-of-way of record.

The bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS). Said bearings originated from a field traverse which was referenced to said Coordinate System by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network. The portion of the southerly line of Minnesota Avenue, having a bearing of South 86°08'43" East and monumented as shown hereon, is designated the "basis of bearing" for this description.

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 April of 2019 by LANDMARK SURVEY GROUP, INC **Scott D. Grundei, Professional Surveyor No. 8047**

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 shall receive a total of \$1,800.00 for this transfer, to be deposited in Fund 7748, Project P537650.

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