



Legislation Text

File #: 2578-2019, Version: 1

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Kevin Flaherty, on behalf of Franklin International, asking that the City sell to them an approximate 9,583 square-foot (0.220 acre) portion of two sections of right-of-way just south of Hosack Street between S. Washington Avenue and S. 9th Street. This right-of-way is south of and runs parallel with Hosack Street.

Sale of this right-of-way will allow for further expansion of the Franklin International facility along Hosack Street, allow for expansion of a parking area, and provide enhanced security for the facilities at this site. 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 \$9,583.00 was established. Kevin Flaherty, on behalf of Franklin International, requested mitigation. 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 Franklin International at the value established for the land.

2. FISCAL IMPACT

The City will receive a total of \$9,583.00 as consideration for the transfer of the requested right-of-way. These funds are to be deposited in Fund 7748, Project P537650.

To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of right-of-way located just south of Hosack Street between S. Washington Avenue and S. 9th Street to Franklin International. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Kevin Flaherty, on behalf of Franklin International, asking that the City sell to them an approximate 9,583 square-foot portion of two sections of right-of-way just south of Hosack Street between S. Washington Avenue and S. 9th Street; and

WHEREAS, sale of this right-of-way will allow for further expansion of the Franklin International facility along Hosack Street, allow for expansion of a parking area, and provide enhanced security for the facilities at this site; 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 \$9,583.00 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 Franklin International at the cost of \$9,583; **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 Franklin International; to-wit:

0.220 ACRE PROPERTY DESCRIPTION

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Washington Avenue (40 feet wide) accepted and dedicated by City Ordinance Number 28682 on May 10, 1915, part of a fifteen foot alley dedicated on James A. Vonschultz Subdivision upon the recorded plat thereof, of record in Plat Book 5, Page 485, Recorder's Office, Franklin County, Ohio, and all of a fifteen foot alley accepted and dedicated by City Ordinance number 30384 on September 17, 1917, (all references to recorded documents are on file in said Recorder's Office, unless otherwise noted) and being more particularly described as follows:

Beginning at a set iron pipe at the intersection of the west line of said Washington Avenue and the south line of Hosack Street (50 feet wide, Dedicated by Plat Book 5, Page 496), also being the northeast corner of the Franklin International, Inc. 0.05 Acre tract (Tract 2, Parcel 3, Instrument No. 2017100500139414);

Thence, along the south line of said Hosack Street and the north line of said Washington Avenue, South 85° 25' 59" East, 40.00 feet to a found 1 inch iron pipe at the northwest corner of the Franklin International, Inc. 0.972 Acre tract (Parcel IV Official Record Volume 25837 G-19);

Thence, along the east line of said Washington Avenue and part of the west line of said 0.972 Acre tract, South 04° 24' 50" West, 128.69 feet to a northeast corner of the Franklin International, Inc. 0.867 Acre tract (Instrument Number 199901220017498), referenced by a set iron pipe that bears North 85° 28' 51" West, 2.00 feet;

Thence, along the south line of said 15 foot alley, a north line of the said 0.867 Acre tract, the north line of the Franklin International, Inc. 0.08 Acre tract (Parcel I Official Record Volume 25837 Page G-19), the north line of the Franklin International, Inc. 0.08 Acre tract (Parcel II, Instrument No. 201808170119591), and the north line of Lots 17 thru 22 of said James A. Vonschultz Subdivision, North 85° 28' 51" West, 335.50 feet to a set iron pipe in the east line of Ninth Street, 50 feet wide (Dedicated Plat Book 5, Page 485), and a northeast corner of said 0.867 Acre tract, passing a set iron pipe at 2.00 feet;

Thence, along the west line of said 15 foot alley and the east line of said Ninth Street, North 04° 25' 59" East, 15.00 feet to a found 1 inch iron pipe at the southwest corner of Lot 6 of said James A. Vonschultz Subdivision;

Thence, along the north line of said 15 foot alley, the south line of said lot 6, the south line of Lots 1 thru 5 of said James A. Vonschultz Subdivision, the south line of the Franklin International, Inc. 0.18 Acre tract (Instrument Number 201710050139414), and the south line of said 0.05 Acre tract, South 85° 28' 51" East, 295.50 feet to a found 1 inch iron pipe

Thence, along the west line of said Washington Avenue and the East line of said 0.05 Acre tract, North 04° 24' 50" East, 113.72 feet to the place of beginning **CONTAINING 0.220 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 PS #6579", unless otherwise noted. Basis of bearings is the east line of Washington Avenue held as South 04° 24' 50" West per Instrument Number 199901220017498. **Myers Surveying Company, Inc. Albert J. Myers, PS #6579**

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 \$9,583.00 as consideration for the transfer of the requested right-of-way, and these funds are 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.