



## Legislation Text

**File #: 2597-2019, Version: 1**

### **1. BACKGROUND**

The City of Columbus, Department of Public Service, received a request from David Hodge, Underhill & Hodge LLC, on behalf of his client, Caldwell Real Estate, LLC, to sell an approximate 25,500 square-foot portion of the Heaton Place right-of-way. This portion of right-of-way is adjacent to property at 1888 Morse Road that is owned by his client, Caldwell Real Estate, LLC. It runs north/south directionally, is between S. Hulmac Street and Heaton Road, and totals 0.575 acres.

Sale of this right-of-way will accommodate the continued growth and expansion of Caldwell Real Estate, LLC. Caldwell will use this additional space in conjunction with its existing auto sales business. 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 \$25,047.00 was established. This request went before the Land Review Commission on August 15, 2019. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Caldwell Real Estate, LLC, at the cost of \$25,047.00.

### **2. FISCAL IMPACT**

The City will receive a total of \$25,047.00 as consideration for the transfer of the requested right-of-way. The 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 adjacent to 1888 Morse Road to Caldwell Real Estate. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from David Hodge, Underhill & Hodge, LLC, on behalf of his client, Caldwell Real Estate, LLC, to sell an approximate 25,500 square-foot portion of the Heaton Place right-of-way; and

**WHEREAS**, the purpose of the transfer will accommodate the continued growth and expansion of Caldwell Real Estate, LLC; 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 \$25,047.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on August 15, 2019; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Caldwell Real Estate, LLC, at the cost of 25,047.00; **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 Caldwell Real Estate, LLC; to-wit:

#### **0.575 ACRE PROPERTY DESCRIPTION**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 4, Township 2, Range 18, United States Military Lands and being part of Heaton Road (60') as dedicated upon the record plat for Northland Village East of record in Plat Book 38, Page 80 and being 0.575 acres of land, more or less, said 0.575 acres more particularly described as follows:

**Beginning**, at an iron pin found stamped "Woolpert" at a point of curvature in the westerly right-of-way line of said Heaton Road (80'), said point also being in the easterly line of that 4.707 acre tract of land described as Parcel 1 in the deed to Caldwell Real Estate, LLC of record in Instrument No. 201512300182074, Instrument No. 201512300182075 and Instrument No. 201512300182076, said Parcel 1 also being part of Reserve "B" of said Northland Village East;

**Thence** with westerly lines of said Heaton Road (60'), easterly lines of said 4.707 acre tract and with the easterly line of that 0.614 acre tract of land described as Parcel 1 in the deed to Caldwell Real Estate, LLC of record in Instrument No. 201902110016473, the following four (4) courses and distances:

with a curve to the left having a central angle of **60° 00' 00"** and a radius of **75.00 feet**, an arc length of **78.54 feet** and a chord bearing and distance of **N 26° 05' 44" W, 75.00 feet** to an iron pin found stamped "Woolpert" at a point of reverse curvature;

with a curve to the right having a central angle of **60° 00' 00"** and a radius of **105.00 feet**, an arc length of **109.96 feet** and a chord bearing and distance of **N 26° 05' 44" W, 105.00 feet** to an iron pin found stamped "Woolpert" at a point of tangency;

**N 03° 54' 16" E, 225.00 feet** to an iron pin set at a point of curvature;

with a curve to the right having a central angle of **52° 28' 31"** and a radius of **105.00 feet**, an arc length of **96.17 feet** and a chord bearing and distance of **N 30° 08' 31" E, 92.84 feet** (passing a 3/4" iron pipe found at 25.57 feet) to a point at an easterly corner of said 0.614 acre tract, said corner also being a southerly corner of that 3.170 acre tract of land described as Parcel III and as conveyed to 1900 Sunny Court LLC of record in Instrument No., 200909250139675 (witness a 3/4" iron pipe found 0.25' east and 0.21' north);

**Thence S 33° 29' 58" E**, across the right-of-way of said Heaton Road (60'), **60.00 feet** to an iron pin set in a northeasterly line of that tract of land described as Parcel 2 in the deed to Caldwell Real Estate, LLC of record in Instrument No. 201902110016473, said Parcel 2 also being Reserve "C" of said record plat;

**Thence** with the easterly right-of-way line of said Heaton Road (60'), the westerly line of said Parcel 2 and the westerly line of said Reserve "C", the following three (3) courses and distances:

with a curve to the left having a central angle of **52° 18' 49"** and a radius of **45.00 feet**, an arc length of **41.09 feet** and a chord bearing and distance of **S 30° 03' 40" W, 39.67 feet** to a 3/4" iron pipe found at a point of

tangency;

**S 03° 54' 16" W, 225.00 feet** to a point of curvature (witness a 3/4" iron pipe found 0.25' west;

with a curve to the left having a central angle of **90° 00' 00"** and a radius of **45.00 feet**, an arc length of **70.69 feet** and a chord bearing and distance of **S 41° 05' 44" E, 63.64 feet** to an iron pin set;

**Thence S 11° 36' 30" W**, across said Heaton Road (60' and 80'), **111.89 feet** to the **True Point of Beginning**, and containing **0.575 acres** of land, more or less

Subject, however, to all legal highways, easements, and restrictions.

This exhibit was prepared from information obtained from the Franklin County Auditor's Office, the Franklin County Recorder's Office and information obtained from an actual field survey conducted by Advanced Civil Design, Inc. in April of 2019.

All iron pins set are 5/8" diameter rebar, 30" long with a plastic cap inscribed "Advanced 7661".

Bearings are based on the bearing of N 03° 54' 16" E for a portion of the westerly right-of-way line of Heaton Place and as established by using a G.P.S. Survey (Ohio State Plane Coordinate System, South Zone, NAD83, NSRS 2007).  
**ADVANCED CIVIL DESIGN, INC. Douglas R. Hock, P.S. 7661**

**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 \$25,047.00 as consideration for the transfer of the requested right-of-way, with the funds 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.