



Legislation Text

File #: 0813-2020, Version: 1

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Craig Moncrief on behalf of Savko Brothers Properties II, LLC, asking that the City sell them an approximate 18,775 square foot portion (0.431 acres) of the unimproved right-of-way of Jasonway Avenue located in the vicinity of the intersection of Jasonway Avenue and Shuster Lane.

Transfer of this right-of-way is primarily for landscaping improvements. The Department of Public Service has agreed to sell the right-of-way as described below 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 \$46,937.50 was established. 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 Savko Brothers Properties II, LLC, at the cost of \$46,937.50.

2. FISCAL IMPACT

The City will receive a total of \$46,937.50 as consideration for the transfer of the requested unimproved right-of-way of Jasonway Avenue. 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 a 0.431 acre portion of the unimproved right-of-way of Jasonway Avenue located in the vicinity of the intersection of Jasonway Avenue and Shuster Lane to Savko Brothers Properties II, LLC. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Craig Moncrief on behalf of Savko Brothers Properties II, LLC, asking that the City sell them an approximate 18,775 square foot portion (0.431 acres) of the unimproved right-of-way of Jasonway Avenue located in the vicinity of the intersection of Jasonway Avenue and Shuster Lane; and

WHEREAS, the purpose of the transfer is primarily for landscape improvements; 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 \$46,937.50 was established to be deposited in Fund 7748, Project P537650; 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 Savko Brothers Properties II, LLC at the cost of \$46,937.50; **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 per the attached exhibit of right-of-way to Savko Brothers Properties II, LLC; to-wit:

0.431 ACRE PROPERTY DESCRIPTION

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township-2, Township 1, Range-18, United States Military Lands, also being a part of Lot 20 of Rathbone Section as recorded in Deed Book 15 at page 256 ½ and being a part of a tract of land transferred to City of Columbus as recorded in 11147 E 13 and a part of a tract transferred to the City of Columbus as recorded in 10766 I 18, and being a part of Lot J of the Olentangy Commercial Center as recorded in Plat Book 49 at page 5, all reference to records in Recorder's Office, Franklin County, Ohio and more particularly described as follows;

Beginning at an existing 1 ½" iron pipe being the southwest corner of said Lot J of the Olentangy Commercial Center said iron pipe being the principal point of beginning for the tract herein described;

Thence along the north line of a tract transferred to SAVKO BROS. PROPERTIES II, LLC as recorded in instrument number 199911120283190 and the grantor's south line South 87° 48' 18" West a distance of 106.33 feet to a 5/8" iron pin set being the intersection of said property line and a point 32.00 feet southerly and parallel from the centerline of Shuster Lane,

Thence leaving said property line and through the lands of grantor, along said line 32.00 feet southerly and parallel with the centerline of Shuster Lane along a curve to the left having a radius of 382.00 feet, the delta being 37° 43' 32", an arc length of 251.52 feet and the chord being North 66° 47' 41" East a distance of 247.00 feet to a 5/8" iron pin set;

Thence continuing along said parallel line North 47° 55' 50" East, a distance of 27.46 feet to a 5/8" iron pin set being the intersection of said parallel line and a point being 30.00 feet parallel to the centerline of Jasonway Avenue, said iron pin along being a point on the westerly boundary of a tract transferred to the City of Columbus as recorded in Deed Book 3768 at page 414;

Thence leaving said line parallel to Shuster Lane and continuing along said line 30.00 feet parallel and westerly from said Jasonway Avenue centerline and along said westerly boundary of a tract transferred to the City of Columbus as recorded in Deed Book 3768 at page 414 the following two courses;

1. Along a curve to the left having a radius of 380.00 feet, the delta being 10° 03' 27", an arc length of 66.70 feet and the chord being South 52° 39' 25" East a distance of 66.62 feet to a 5/8" iron pin set;
2. Continuing along said parallel line along a curve to the right, having a radius of 320.00 feet, the delta being 22° 11' 11", an arc length of 123.91 feet and the chord being South 46° 35' 34" East a distance of 123.14 to an existing 1 ½" iron pipe being the intersection of said 30.00 parallel line, the westerly boundary of said City of Columbus tract and the north line of said SAVKO BROS. PROPERTIES;

Thence leaving said westerly boundary and said Jasonway Avenue and along the grantor's south line and the north line of said SAVKO BROS. PROPERTIES as recorded as instrument number 199911120283190, North 87° 17' 58" West, a distance of 283.89 feet to the principal point of beginning containing 0.018 acres of said tract recorded in 11147 E 13 and

0.413 acres of said tract recorded in 10766 I 18 for a total of 0.431 acres, more or less subject to all legal easements and rights of way.

Bearings were derived from the west line of Clinton Township as running North 02° 24' 30" West.

All iron pins set are 5/8" X 30" rebar with a 1 1/4" plastic I.D. cap stamped "Pomeroy & Assoc."

The above description was prepared from an actual survey made by Pomeroy and Associates under my direct supervision on the 23rd day of September, 2019, by **C. Thomas Smith, Ohio Professional Surveyor, No. 6844**

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 \$46,937.50 to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested unimproved right-of-way of Jasonway Avenue.

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