



## Legislation Text

**File #:** 1846-2020, **Version:** 1

### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Kumiko Matsuura and James King asking that the City sell them an approximate 0.052 acre portion of the right-of-way which is an unimproved alley running east/west directionally and is just to the north of and adjacent to 654 Miner Avenue.

The purpose of the transfer of this right-of-way is for yard expansion to allow cleaning and maintenance of the property in an attempt to eliminate illegal littering and dumping. 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 \$906.00 was established. Mitigation was not requested. 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 Kumiko Matsuura and James B King at the cost of \$906.00 to them.

### **2. FISCAL IMPACT:**

The City will receive a total of \$906.00 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 to transfer to Kumiko Matsuura and James King a 0.052 acre portion of right-of-way which is an unimproved alley running east/west directionally and is just to the north of and adjacent to 654 Miner Avenue. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Kumiko Matsuura and James King asking that the City sell them an approximate 0.052 acre portion of right-of-way which is an unimproved alley running east/west directionally and is just to the north of and adjacent to 654 Miner Avenue; and

**WHEREAS**, the purpose of the transfer for this right-of-way is for yard expansion to allow cleaning and maintenance of the property in an attempt eliminate illegal littering and dumping; 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 \$906.00, to be deposited in Fund 7748, Project P537650, was established; and

**WHEREAS**, this request went before the Land Review Commission on August 19, 2019; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Kumiko Matsuura and James B. King at the cost of \$906 to them; **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 on the attached exhibit of right-of-way to Kumiko Matsuura and James King; to-wit:

**0.052 ACRE PROPERTY DESCRIPTION**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of that 20 foot wide alley (unimproved) immediately north of Lots 76 through 78 of Wharton Place Addition, a subdivision of record in Plat Book 5, Page 42, all records referenced herein being to those located in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

**Beginning** at a 3/4 inch inside diameter pinch-top iron pipe found 5 inches deep at the northwest corner of said Lot 76, in the southerly line of said 20 foot wide alley, and being the **TRUE PLACE OF BEGINNING** of the herein described 0.052 acre tract;

**Thence** North 14°19'28" West, through said 20 foot wide alley with the westerly line of said Lot 76 extended, a distance of 20.06 feet to an iron pin set in the northerly line of said 20 foot wide alley, in the southerly line of that 5.155 acre tract of land as described in a deed to Saley Holdings LLC, of record in Instrument Number 201908060098216;

**Thence** North 80°15'00" East, along the northerly line of said 20 foot wide alley and the southerly line of said 5.155 acre tract, a distance of 113.91 feet to an iron pin set;

**Thence** South 14°22'49" East, through said 20 foot wide alley, along the easterly line of said Lot 78 extended, a distance of 20.07 feet to a 5/8 inch outside diameter rebar found exposed 2 inches at the northeast corner of said Lot 78;

**Thence** South 80°15'00" West, along the southerly line of said 20 foot wide alley and the northerly lines of said Lots 78, 77 and 76, a distance of 113.93 feet to the **TRUE PLACE OF BEGINNING**, containing 0.052 acre of land.

Bearings herein are based on North 80°15'00" East for the northerly line of above described 20 foot wide alley per a VRS GPS survey, State Plane Grid, Ohio South Zone, NAD 83, 2011 adjustment.

Iron pins set consist of a 5/8 inch outside diameter rebar, 30 inches long with a plastic I.D. cap stamped "Lomano 7711".

This description was prepared by Westerville Land Surveying, LLC, based on the results of an actual field survey in June, 2020. **Michael P. Lomano Professional Surveyor No. 7711**

**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 quitclaim 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 a value of \$906.00, to be paid to the City and to be deposited in Fund 7748, Project P537650, was established for this right-of-way transfer.

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