



## Legislation Text

File #: 0902-2021, Version: 1

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Dave Perry, requester and agent for Sliver, LTD asking the City sell an approximate 3,315 square foot portion of right-of-way a.k.a. E. 10<sup>th</sup> Ave Alley. The right-of-way area is an unnamed alley adjacent to, and running parallel with, E 10th Ave. The area starts out running south off of E 10th Ave and is north/south directionally for approximately 25+/- feet and then makes a 90 degree turn to the east and runs east/west directionally for 255 +/- feet. It is the first alley south of E 10th Ave. This portion of right-of-way is adjacent to four parcels that are between the requested area and E 10th Ave to the north: PID = 010-269255, 010-297804, 010-297803, 010-297802; and parcels adjacent to the requested area to the south: PID = 010-269254, 010-012937, 010-001082, 010-046095, 010-028751, 010-018713, 010-025569, and 010-018238, totaling approximately 3,315 square feet or 0.076 acres.

Sale of this right-of-way will facilitate the combining of parcels and allow redevelopment of the site with an apartment building. 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 \$66,300.00 was established. Dave Perry requested mitigation. This request went before the Land Review Commission on February 18, 2021. After review of the request, the Land Review Commission voted to deny mitigation and recommended the above referenced right-of-way be transferred to Sliver, LTD at the cost of \$66,300.00 to them.

### 2. FISCAL IMPACT:

The City will receive a total of \$66,300.00 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 a 3,315 square feet (0.076 acres) portion of the right-of-way, as described in the attachment hereto, to Sliver, LTD.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Dave Perry, requester and agent for Sliver, Ltd, asking that the City sell an approximate 3,315 square foot portion of right-of-way a.k.a. E. 10th Ave Alley. Right-of-way area is an unnamed alley, adjacent to, and running parallel with, E 10th Ave. The area starts out running south off of E 10th Ave and is north / south directionally for approximately 25+/- feet and then makes a 90 degree turn to the east and runs east/west directionally for 255 +/- feet. It is the first alley south of E 10th Ave. This portion of right-of-way is adjacent to four parcels that are between the requested area and E 10th Ave to the north: PID = 010-269255, 010-297804, 010-297803, 010-297802; and parcels adjacent to the requested area to the south: PID = 010-269254, 010-012937, 010-001082, 010-046095, 010-028751, 010-018713, 010-025569, and 010-018238, totaling approximately 3,315 square feet or 0.076 acres; and

**WHEREAS**, the purpose of the transfer is to facilitate the combining of parcels and allow redevelopment of the site with an apartment building; 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 \$66,300.00 was established to be deposited in Fund 7748, Project P537650, as consideration transfer of the requested right-of-way; and

**WHEREAS**, this request went before the Land Review Commission on February 18, 2021; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Sliver, LTD at the cost of \$66,300.00 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 of the property as described below and attached exhibit of right-of-way to Sliver, LTD; to-wit:

**0.076 ACRE PROPERTY DESCRIPTION**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Quarter Township 3, Township 1, Range 18, United States Military Lands, being part of the 20-foot north-south alley as dedicated in South Campus Gateway, of record in Plat Book 103, Page 58, also being part of the 11-foot east-west alley as dedicated in Fisher's North High St. Addition, of record in Plat Book 2, Page 194 (destroyed by fire), all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

**COMMENCING** at a mag nail found, being the intersection of the easterly right-of-way of said 20-foot alley and the southerly right-of-way of East Tenth Avenue, as delineated in Plat Book 3, Page 50, also being the northwesterly corner of a 0.026 acre tract as conveyed to Sliver, LTD. in Instrument Number 201710110142001, also being the northwesterly corner of Lot 5 of said South Campus Gateway, said mag nail found being the TRUE POINT OF BEGINNING of the parcel herein described:

**Thence** along the westerly line of said 0.026 acre tract and said Lot 5 and along the easterly right-of-way line of said 20-foot alley, South 03°51'35" West, 26.61 feet to an iron pin set, being the southwesterly corner of said 0.026 acre tract and said Lot 5 and being the intersection of the easterly right-of-way line of said 20-foot alley and the northerly right-of-way line of said 11-foot alley;

**Thence** along the northerly right-of-way line of said 11-foot alley and along the southerly lines of said 0.026 acre tract, a 0.051 acre tract as conveyed to Sliver, LTD. in Instrument Number 201710110142001, a 0.028 acre tract as conveyed to Sliver, LTD. in Instrument Number 201906200073746, and a 0.039 acre tract as conveyed to Sliver LTD. in Instrument Number 201906200073747, and along the southerly line of said Lot 5, South 86°09'38" East, 232.94 feet to an iron pin set;

**Thence** across said 11-foot alley right-of-way, South 03°13'07" West, 11.00 feet to an iron pin set, being on the northerly line of Lot 43 of said Fisher's North High St. Addition, as conveyed to Community Housing Network, Inc. in Official

Record Volume 15880, Page G05, and being on the southerly right-of-way line of said 11-foot alley;

**Thence** along the southerly right-of-way line of said 11-foot alley, along the northerly line of said Lot 43, along the northerly lines of Lot 42 and Lot 38 of said Fisher's North High St. Addition, and along Lots 1 through 3, inclusive, of Josephine Walsh Administratrix Subdivision of Lots 34, 35, 36, 37, 39, 40, and 41, and 10 feet off from the West Side of Lot 38 of said Fishers North High Street Addition, of record in Volume 52 of the Complete Record of Probate Court of Franklin County, Ohio, at Page 487, in Case No. 14793, Josephine Walsh, Administratrix vs. Francis B. Hord, et al., as conveyed to Michael Hassey, Trustee of the Hassey Family Preservation Trust Dated May 31, 2016 in Instrument Number 201607180091694 (Lot 42, Lot 1, Lot 2, and East ½ Lot 3), as conveyed to 84 E Ninth, LLC in Instrument Number 200803050033696 (West ½ Lot 3), and as conveyed to Sliver, LTD. in Instrument Number 201905280062083 (Lot 38), also along a northerly line of Lot 4 of said South Campus Gateway, as conveyed to Board of Trustees of the Ohio State University in Instrument Number 200312300405732, North 86°09'38" West, passing a ¾" hollow iron pin found at 215.51 feet, a total distance of 253.06 feet to an iron pin set, being the intersection of the southerly right-of-way line of said 11-foot alley and the westerly right-of-way line of said 20-foot alley;

**Thence** along the westerly right-of-way line of said 20-foot alley and along an easterly line of said Lot 4, North 03° 51'35" East, 37.61 feet to an iron pin set;

**Thence** across said 20-foot alley right-of-way South 86°09'38" East, 20.00 feet to a mag nail found, being the intersection of the easterly right-of-way of said 20-foot alley and the southerly right-of-way of East Tenth Avenue, also being the northwesterly corner of said Lot 5 and said 0.026 acre tract, said mag nail being the POINT OF BEGINNING, containing 0.076 acres (3,315 S.F.), more or less.

The total acreage of the combined boundary described herein contains a net acreage of 0.076 acres (3,315 Sq. Ft.), being entirely right-of-way.

Subject however to all legal easements, restrictions, and rights of way of record and of records in the respective utility offices.

All monuments found are in good condition unless otherwise noted.

Iron pins set are 5/8" rebar, 30" long, with a yellow plastic cap inscribed "EP Ferris Surveyor 8342".

The Bearings referenced herein are based on the southerly of right-of-way of East Tenth Avenue as being South 86° 09'38" East as determined by GPS observations utilizing Ohio Department of Transportation's Virtual Reference Station, based on Ohio State Plane South Zone (NAD 83, 2011 adjustment).

This description is based on a field survey conducted by E.P. Ferris and Associates from October 7, 2020 through December 2, 2020.

This description was prepared by **Matthew Lee Sloat, Registered Surveyor No. 8342**, of E.P. Ferris and Associates, Inc. on February 24, 2021.

**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 the City will receive a total of \$66,300.00 for the sale of this right-of-way and the funds are to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

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