



## Legislation Text

**File #:** 2421-2022, **Version:** 1

### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from David Ruma of DC Building Company, requester and agent for Prospect Wango, LLC, to sell a 0.148 acre portion (6,446 sq. ft.) of the Old Ackerman Road right-of-way. This portion of right-of-way is running east / west directionally, and is adjacent at the south of the property, 2855-2945 Olentangy River Rd. A.k.a. 010-103163. The portion is approximately 300 feet east to west and 35 feet north to south.

Sale of this right-of-way is for a dog park that will serve the residents in the new adjacent building. There is a possibility that a small portion will be used for parking, also to serve the neighboring residents in the adjacent 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 \$3,223.00 was established. This request went before the Land Review Commission on April 21, 2022. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Prospect Wango, LLC at the cost of \$3,223.00.

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

The City will receive a total of \$3,223.00 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 for the transfer of a 0.148 acre portion of the Old Ackerman Road right-of-way to Prospect Wango, LLC. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from David Ruma of DC Building Company, requester and agent for Prospect Wango, LLC, to sell a 0.148 acre portion (6,446 sq. ft.) of the Old Ackerman Rd right-of-way. This portion of right-of-way is running east / west directionally, and is adjacent at the south of the property, 2855-2945 Olentangy River Rd. A.k.a. 010-103163. The portion is approximately 300 feet east to west and 35 feet north to south; and

**WHEREAS**, the purpose of the transfer will accommodate a dog park that will serve the residents in the new adjacent building. There is a possibility that a small portion will be used for parking, also to serve the neighboring residents in the adjacent 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 \$3,223.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on April 21, 2022; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Prospect Wango, LLC at the cost of \$3,226.00; 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 Prospect Wango, LLC.; to-wit:

**Parcel Exhibit Description**  
**0.148 Acres**  
**North of Ackerman Road**  
**West of Olentangy River Road**  
**-1-**

Situated in the State of Ohio, County of Franklin, City of Columbus, Range 18, Township 1, Quarter Township 3, of the United States Military District, being a 0.148 acre tract of land, said 0.148 acre tract being part of the right-of-way of J. Edward Weaver Memorial Drive originally dedicated as Ackerman Road as shown on the plat "Dedication of Olentangy River Road, Stinchcomb Drive, Stadium Drive, Harley Drive, Ackerman Road and Utility Easements" of record in Plat Book 33, Page 52, and being more particularly described as follows:

**Beginning, for Reference**, at a pk nail set at the centerline of construction for Olentangy River Road Sec. "B" (1941) (R/W Varies) and the original centerline of Ackerman Road (R/W-Varies), upon said plat;

Thence **N 86° 25' 05" W**, along the centerline of said Ackerman Road, **393.06 feet** to an iron pin set, the **True Point of Beginning**;

Thence **N 86° 25' 05" W**, continuing along the centerline of said Ackerman Road, **161.00 feet** to an iron pin set;

Thence **N 03° 34' 55" E**, across the right-of-way of said Ackerman Road, **40.00 feet** to an iron pin set in the northerly line of said right-of-way and being in the southerly line of a 12.446 acre tract of land conveyed to Prospect Wango, LLC of record in Instrument Number 200005030087445 and Instrument Number 200601090005284,

Thence **S 86° 25' 05" E**, along said common line, **161.00 feet** to an iron pin set;

Thence **S 03° 34' 55" W**, across the right-of-way of said Ackerman Road, **40.00 feet** to the **True Point of Beginning**. Containing **0.148 acres**, more or less.

The above description was prepared by Advanced Civil Design, Inc. on May 26, 2022 and is created from information obtained from the Franklin County Auditor's Office and the Franklin County Recorder's Office and information obtained from an actual field survey conducted in February of 2017.

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

The Basis of Bearings used in this description are based upon the NAD83 Ohio State Plane Coordinate System, South Zone (NSRS 2007) which determines the bearing for the westerly right-of-way line for Olentangy River Road to be S16°

43'11"E.

**Advanced Civil Design, Inc.**

Douglas R. Hock, P.S. 7661

Date:

**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 \$3,223.00 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.