



## Legislation Text

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File #: 0669-2018, Version: 1

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### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from James G. Lisk, on behalf of Main-Miller Company, LLC., asking that the City sell a 0.029 acre portion of the unnamed east/west right-of-way north of Oak Street between Linwood and Latta Avenues to Main-Miller Company, LLC. Transfer of this right-of-way will facilitate the development of a number of parcels adjacent to the above noted right-of-way, owned by Main-Miller Company, LLC. 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, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$1,895.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Main-Miller Company, LLC, for \$1,895.00.

### 2. FISCAL IMPACT

The City will receive a total of \$1,895.00 that will 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 required to transfer a 0.029 acre portion of the unnamed east/west right-of-way north of Oak Street between Linwood and Latta Avenues to Main-Miller Company, LLC. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from James G. Lisk, on behalf of Main-Miller Company, LLC, asking that the City transfer a 0.029 acre portion of the unnamed east/west right-of-way north of Oak Street between Linwood and Latta Avenues, adjacent to property owned by Main-Miller Company, LLC., to them; and

**WHEREAS**, acquisition of the right-of-way will facilitate the development of a number of parcels of property currently owned by Main-Miller Company, LLC, adjacent to the above noted right-of-way; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Infrastructure Management, by this transfer, 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 applicable area commissions, 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 to Main-Miller Company, LLC; and

**WHEREAS**, the Department of Public Service submitted a request to the City Attorney's Office, Real Estate Division, asking that they establish a value for the right-of-way; and

**WHEREAS**, a value of \$1,895.00 was established for the right-of-way; and

**WHEREAS**, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to Main-Miller Company, LLC, for the amount of \$1,895.00; and **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 quit claim deeds and other incidental instruments prepared by the City Attorney's Office, Real Estate Division, necessary to transfer the following described right-of-way to Main-Miller Company, LLC to-wit:

Legal Description  
**0.029 Acre**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of the ten (10) foot wide alley of Jas. Fullerton's Subdivision, as shown and delineated upon the recorded plat thereof, of record on Plat Book 4, Page 421, Franklin County Recorder's Office and being more particularly described as follows:

Beginning at an iron pipe set at the northwest corner of Lot 5 of said Jas. Fullerton's Subdivision, also being the intersection of the south line of said ten (10) foot wide alley with the east line of Linwood Avenue (19.50 feet wide);

Thence, across said ten (10) foot wide alley, along part of the east line of said Linwood Avenue, North 00° 06' 00" East, 10.00 feet to an iron pipe set at the southwest corner of Lot 9 of said Jas. Fullerton's Subdivision, the intersection of the north line of said ten (10) foot alley with said east line of Linwood Avenue;

Thence, along part of the north line of said ten (10) foot alley, along the south line of said Lot 9 and along the south line of a twenty (20) foot alley, vacated by City of Columbus Ordinance No. 109-65, passed on 2/1/1965, North 88° 54' 00" East, 126.26 feet to an iron pipe set at the northeast corner of said ten (10) foot alley, the northwest corner of the 1038 square feet (0.024 Acre) parcel conveyed to Kyle E. Hofmeister (IN 201506260086103), the southwest corner of Lot 5 of James Fullerton's Sub (P.B. 5, P. 68);

Thence, along the east line of said ten (10) foot alley, the west line of said Hofmeister tract, South 00° 09' 13" West, 10.00 feet to a point at the southeast corner of said ten (10) foot alley, the southwest corner of said Hofmeister tract, the northeast corner of Lot 8 of said Jas. Fullerton's Subdivision, the northwest corner of Lot 1 of said James Fullertons Sub. (P.B. 5, P.68), passing a set iron pipe for reference at 9.00 feet;

Thence, along part of the south line of said ten (10) foot alley, along the north lines of Lot 8, 7, 6 and 5 of said Jas. Fullerton's Sub., South 88° 54' 00" West, 126.25 feet to the place of beginning **CONTAINING 0.029 ACRE**. The basis of bearing is the south line of Fair Avenue assumed EAST. Iron pipes set are 30" x 1" O.D. with an orange plastic plug inscribed "MYERS P.S. 6579", unless otherwise noted. The foregoing description was prepared from a boundary survey by Myers Surveying in August 2017 and February 2018.

**SECTION 2.** That the above 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 above described 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 \$1,895.00 to be received by the City as consideration for the sale of this right-of-way shall 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.