



Legislation Details (With Text)

File #: 0744-2010 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 5/10/2010 **In control:** Public Service & Transportation Committee
On agenda: 6/14/2010 **Final action:** 6/16/2010
Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer a ten (10) foot strip of right-of-way adjacent to 1643 Aberdeen Avenue.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/16/2010	1	CITY CLERK	Attest	
6/15/2010	1	MAYOR	Signed	
6/14/2010	1	Columbus City Council	Approved	Pass
6/14/2010	1	COUNCIL PRESIDENT	Signed	
6/7/2010	1	Columbus City Council	Read for the First Time	
5/20/2010	1	SERVICE DIRECTOR	Reviewed and Approved	
5/20/2010	1	Service Drafter	Sent for Approval	
5/20/2010	1	CITY ATTORNEY	Reviewed and Approved	
5/20/2010	1	Service Drafter	Sent to Clerk's Office for Council	
5/19/2010	1	Service Reviewer	Reviewed and Approved	
5/19/2010	1	Service Drafter	Sent for Approval	
5/10/2010	1	Service Drafter	Sent for Approval	

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Grace New Covenant Apostolic Church asking that the City sell a portion of the right-of-way identified as a ten (10) foot strip of right-of-way adjacent to 1643 Aberdeen Avenue. Transfer of this right-of-way will resolve an encroachment issue between Grace New Covenant Apostolic Church and The City of Columbus. 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 Department of Law, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$640.00 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 Grace New Covenant Apostolic Church for \$640.00.

2. FISCAL IMPACT:

The City will receive a total of \$640.00 that will be deposited in Fund 748, Project 537650, 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 ten (10) foot strip of right-of-way adjacent to 1643 Aberdeen Avenue.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Grace New Covenant Apostolic Church, asking that the City transfer a ten (10) foot strip of right-of-way adjacent to 1643 Aberdeen Avenue, to them; and

WHEREAS, acquisition of the right-of-way will resolve an encroachment issue between Grace New Covenant Apostolic Church and the City of Columbus.

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 Grace New Covenant Apostolic Church; and

WHEREAS, the Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for this right-of-way; and

WHEREAS, a value of \$640.00 was established for this right-of-way; and

WHEREAS, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to Grace New Covenant Apostolic Church for the amount of \$640.00; 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 Department of Law, Real Estate Division, necessary to transfer the following described right-of-way to Grace New Covenant Apostolic Church; to-wit:

Situated in the State of Ohio, County of Franklin and City of Columbus;

Commencing at an Iron Pin Found at the Northwest Corner of lot 489 of the Simons, Neil & Simons Linden Subdivision as recorded in Plat Book 5 Page 354-357 at the Franklin County Recorder's Office. Said pin also being The True Point of Beginning;

Thence **N.00°00'00"E. a distance of 10.00-feet** into the Road Right-of-Way of Aberdeen Ave. to a point;

Thence **S.90°00'00"E. a distance of 80.00-feet**, paralleling and being 10-feet adjacent to the South Right-of-Way Line of Aberdeen Ave. to a point;

Thence **S.00°00'00"W. a distance of 10.00-feet** to a point in the North Line of Lot 491 of said Plat and the South Right-of-Way Line of Aberdeen Ave.;

Thence **N.90°00'00"W. a distance of 80.00-feet** along said North Line of Lots 491, 490 and 489 of said Plat and the South Right-of-Way line of Aberdeen Ave. to the Point of Beginning, **Containing 0.018 Acres**, more or less.

Subject to all easements, restrictions and right-of-way of record.

The preceding description includes Tax Parcel Number: 010-067125

All Iron Pins Set are 5/8" X 30" solid rebar with a yellow plastic cap reading Ackison Surveying.

Deed references are documents as recorded in the Franklin County Recorder's Office, Columbus, Ohio.

The above description was prepared by Ackison Surveying, LLC (8519 Old Field Birch Drive, Blacklick, Ohio 43004 (614)-866-4600) from the best available County records. The information displayed was derived from an actual field survey performed in April 2010.

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 \$640.00 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 748, Project 537650.

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