



## Legislation Details (With Text)

**File #:** 0136-2020      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 1/8/2020      **In control:** Public Service & Transportation Committee  
**On agenda:** 2/3/2020      **Final action:** 2/5/2020  
**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of an approximate 0.014 acre portion of right-of-way at the southwest corner of East Livingston Avenue and City Park Avenue to Luxe Management, LLC. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. EXH\_ELivingston ROW-Vacate\_signed

| Date      | Ver. | Action By                 | Action                  | Result |
|-----------|------|---------------------------|-------------------------|--------|
| 2/5/2020  | 1    | CITY CLERK                | Attest                  |        |
| 2/4/2020  | 1    | MAYOR                     | Signed                  |        |
| 2/3/2020  | 1    | COUNCIL PRESIDENT PRO-TEM | Signed                  |        |
| 2/3/2020  | 1    | Columbus City Council     | Approved                | Pass   |
| 1/27/2020 | 1    | Columbus City Council     | Read for the First Time |        |

### 1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from David B. Perry on behalf of Luxe Management, LLC, asking that the City sell them an approximate 0.014 acre portion of right-of-way at the southwest corner of E. Livingston Avenue and City Park Avenue.

Sale of this right-of-way will allow it to be incorporated into the commercial development of the adjacent parcel, plans are currently underway for a new hotel to be constructed. 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. Per current practice, comments were solicited from interested parties including City agencies, private utilities, and the applicable area commission before it was determined the City will not be adversely affected by the transfer of this right-of-way. A general utility easement is not being requested. 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 \$22,567.00 was established. This request went before the Land Review Commission on November 21<sup>st</sup>, 2019. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Luxe Management, LLC, at the cost of \$22,567.00.

### 2. FISCAL IMPACT:

The City will receive a total of \$22,567.00 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 an approximate 0.014 acre portion of right-of-way at the southwest corner of East Livingston Avenue and City Park Avenue to Luxe Management, LLC. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from David B. Perry on behalf of

Luxe Management, LLC, asking that the City sell them an approximate 0.014 acre portion of right-of-way located at the southwest corner of E. Livingston Avenue and City Park Avenue; and

**WHEREAS**, the transfer will allow it to be incorporated into the commercial development of new hotel construction of the adjacent parcel; 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 the City will not be adversely affected by the transfer of this right-of-way; and

**WHEREAS**, a general utility easement is not being requested; 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 \$22,567.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on November 21st, 2019; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Luxe Management, LLC, at the cost of \$22,567.00; **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 right-of-way as defined in the legal description below and within the attached exhibit to Luxe Management, LLC.; to-wit:

**0.014 ACRE TRACT**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Block 11 of McGowan's Addition, of record in Deed Book G, Page 70 (Destroyed by fire), also being part of a tract conveyed to the City of Columbus, of record in Deed Book 2424, Page 648, subject to a highway easement designated as Parcel 21, FRA-40-12.82, conveyed to the State of Ohio in Deed Book 2449, Page 649, all references being those of record in the Franklin County, Ohio, Recorder's Office and being more particularly described as follows:

Commencing at an iron pin set (under brick) at the southeast corner of said Block 11, same being the southeast corner of that 0.0467 acre tract conveyed to Zandyman Properties, LLC, of record in Instrument Number 201807100090847, and the northwest intersection of right of way of City Park Avenue (66') and Blenkner Street (33');

Thence with the west line of City Park Avenue and the east line of said Block 11, North 08° 12' 18" West, 260.00 feet to an iron pin set at the northeast corner of the tract conveyed to Luxe Management, LLC (3/4 interest) and Wickford Holdings, LLC (1/4 interest), of record in Instrument Number 201805310072417 and the southeast corner of said City of Columbus tract, being the TRUE POINT OF BEGINNING;

Thence with the southerly line of Livingston Avenue, the southerly line of said City of Columbus tract, and the northerly line of said Luxe Management, LLC and Wickford Holdings, LLC tract, South 81° 47' 42" West, 31.25 feet to a mag nail set in an angle point of said southerly line;

Thence continuing with the southerly line of Livingston Avenue, the westerly line of said City of Columbus tract, and the

northerly line of said Luxe Management, LLC and Wickford Holdings, LLC tract, North 08° 12' 18" West, 20.06 feet to a mag nail set in an angle point of said southerly line, being the southeasterly corner of a tract designated as Parcel 20 conveyed to the City of Columbus, of record in Deed Book 2473, Page 276;

Thence across Livingston Avenue and said City of Columbus tract (D.B. 2424, Pg. 648), North 81° 47' 42" East, 31.25 feet to an iron pin set in the easterly line of said City of Columbus tract (D.B. 2424, Pg. 648);

Thence with the westerly right-of-way line of said City Park Avenue and with the easterly line of said City of Columbus tract (D.B. 2424, Pg. 648), South 08° 12' 18" East, 20.06 feet to an iron pin set, being the TRUE POINT OF BEGINNING, containing 0.014 acres (626.875 s.f.), more or less.

All of the said 0.014 acre resides in the present easement Right-of-Way of Livingston Avenue.

Subject, however, to all legal easements, restrictions and rights of way, if any, of previous record.

All monuments found are in good condition unless otherwise noted.

All Iron Pins set are 5/8" rebar, with a yellow plastic cap and all Mag Nails set are with brass survey marker with "EP FERRIS SURVEYOR 8342" inscribed on top.

The bearings for this description are based on the westerly right of way line of City Park Avenue as being North 08° 12' 18" West, as determined by GPS observations utilizing Ohio Department of Transportation's VRS network, Ohio South Zone (NAD83, 2011). Matthew Lee Sloat, P.E, P.S - Registered Surveyor No. 8342

**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 of Public Service's execution and delivery of said quit claim deed to the grantee thereof.

**SECTION 3.** That a general utility easement will not be retained unto the City of Columbus for there are no utilities located within said right-of-way.

**SECTION 4.** The City will receive a total of \$22,567.00 and the funds are to be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested right-of-way.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.