



Legislation Details (With Text)

File #: 1697-2007 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 10/16/2007 **In control:** Public Service & Transportation Committee
On agenda: 11/19/2007 **Final action:** 11/21/2007

Title: To authorize the Director of the Public Service Department to execute those documents required to transfer the first alley west of St. Clair Avenue, from McClelland Avenue to the alley north thereof, to Eliezer Church of Christ for \$3,792.41; and to waive the competitive bidding provisions of Columbus City Codes.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 1697-2007 Eliezer Church.pdf

Date	Ver.	Action By	Action	Result
11/21/2007	1	CITY CLERK	Attest	
11/20/2007	1	MAYOR	Signed	
11/19/2007	1	Columbus City Council	Approved	Pass
11/19/2007	1	COUNCIL PRESIDENT PRO-TEM	Signed	
11/5/2007	1	Columbus City Council	Read for the First Time	
10/26/2007	1	CITY ATTORNEY	Reviewed and Approved	
10/26/2007	1	Service Reviewer	Sent to Clerk's Office for Council	
10/25/2007	1	Service Reviewer	Sent for Approval	
10/25/2007	1	Auditor Reviewer	Reviewed and Approved	
10/25/2007	1	CITY AUDITOR	Reviewed and Approved	
10/25/2007	1	Service Reviewer	Sent for Approval	
10/24/2007	1	Finance Reviewer	Reviewed and Approved	
10/24/2007	1	FINANCE DIRECTOR	Reviewed and Approved	
10/23/2007	1	Finance Reviewer	Reviewed and Approved	
10/22/2007	1	SERVICE DIRECTOR	Reviewed and Approved	
10/17/2007	1	Service Reviewer	Reviewed and Approved	
10/16/2007	1	Service Drafter	Sent for Approval	

The City of Columbus, Public Service Department, Transportation Division, received a request from Phillip A. Smedley, Pastor of the Eliezer Church of Christ asking that the City transfer the first alley west of St. Clair Avenue from McClelland Avenue to the alley north thereof to the Church. The Church would like to acquire this alley to increase the amount of their existing parking and to provide additional security for their members. Per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, before it was determined that there would be no adverse impact to the City upon the transfer of this right-of-way to the Church, subject to the retention of a general utility easement for those utilities currently located within the alley. At the request of the Transportation Division, the Department of Law, Real Estate

Division, established a value of \$3,792.41 for this right-of-way. The Land Review Commission then voted to recommend that this right-of-way be transferred to Eliezer Church of Christ for the \$3,792.41 value established by the Real Estate Division.

To authorize the Director of the Public Service Department to execute those documents required to transfer the first alley west of St. Clair Avenue, from McClelland Avenue to the alley north thereof, to Eliezer Church of Christ for \$3,792.41; and to waive the competitive bidding provisions of Columbus City Codes.

WHEREAS, the City of Columbus, Public Service Department, Transportation Division, received a request from Phillip A. Smedley, Pastor of the Eliezer Church of Christ asking that the City transfer the first alley west of St. Clair Avenue from McClelland Avenue to the alley north thereof to the Church; and

WHEREAS, the Church would like to acquire this alley to increase the amount of their existing parking and to provide additional security for their members; and

WHEREAS, per current Transportation Division practice, comments were solicited from interested parties, including City departments, private utilities and applicable area commissions, before it was determined that there would be no adverse impact to the City upon transfer of these rights-of-way, subject to the retention of a general utility easement for those utilities currently located within the alley; and

WHEREAS, the Department of Law, Real Estate Division, established a total value of \$3,792.41 for this right-of-way; and

WHEREAS, the Land Review Commission voted to recommend that this right-of-way be transferred to the Church for the \$3,792.41 value established by the City Attorney's Real Estate Division; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Public Service Department 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 Eliezer Church of Christ; to-wit:

0.076 ACRE TRACT

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 1, Township 1, Range 18, United States Military Lands, being all of a 16.00 feet-wide alley, lying adjacent to Lot 43 as designated and delineated on the plat of MILLER'S CLEVELAND TERRACE, of record in Plat Book 13, Page 19, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Begin, for reference, at the intersection of the northerly line of McClelland Avenue (40.00 feet in width) and the westerly line of St. Clair Avenue (50.00 feet in width), also being the southeasterly corner of a 3600 Sq. Ft. tract conveyed to Eliezer Church of Christ Apostolic Faith of record in Deed Book 3684, Page 613;

Thence North 87°56'35" West, a distance of 120.00 feet, along the northerly line of said McClelland Avenue and the southerly line of said Eliezer tract, to an iron pin set at the southeasterly corner of said alley and the southwesterly corner of said Eliezer tract, said point being the **Point of True Beginning** for the herein described tract;

Thence North 87°56'35" West, a distance of 16.00 feet, along the northerly line of said McClelland Avenue and the southerly line of said alley, to an iron pin set at the southerly common corner of said alley and said Lot 43;

Thence the following two (2) courses and distances along the lines common to said alley and Lot 43;

1) North 02°59'53" East, a distance of 161.14 feet, to an iron pin set;

2) North 52°43'00" West, a distance of 37.88 feet, to an iron pin set at the intersection of said alley and a 16.00 feet-wide alley, extending southwesterly and northeasterly;

Thence North 39°54'41" East, a distance of 16.02 feet, along the southeasterly line of said 16.00 feet-wide alley (extending southwesterly), to a point in the southwesterly line of a tract of land conveyed to Eliezer Church of Christ Apostolic Faith of record in Official Record 01616H11, said point being located South 52°43'00" East, a distance of 8.00 feet from a ¼" iron pin found at the westerly corner of said Eliezer Church of Christ tract;

Thence South 52°43'00" East, a distance of 45.60 feet, along the line common to said Eliezer tract and said alley, to an iron pin set at an angle point in said alley and a northwesterly corner of a tract of land conveyed to Eliezer Church of Christ Apostolic Faith, of record in Deed Book 2226, Page 85;

Thence South 02°59'53" West, a distance of 169.33 feet, along the line common to said alley and Eliezer

Church of Christ Apostolic Faith tracts, to the **Point of True Beginning**, containing 0.076 acres (3311.6 Sq. Ft.), more or less.

The bearings in the above description are based on the bearing of South 52°43'00" East for the southerly line of the tract conveyed to Eliezer Church of Christ Apostolic Faith of record in Official Record 01616H11.

All iron pins set are ¾" I.D. iron pipes 30" long with red plastic cap stamped "Landmark Survey".

The above description is based on an actual field survey in May of 2007.

LANDMARK SURVEY GROUP, INC.

Scott D. Grundei, P.S.

Professional Surveyor No. 8047

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 alley shall be and hereby is retained unto the City of Columbus for those utilities currently 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 the Director of the Public Service Department 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 this Council has determined it is in the best interest of the City of Columbus to allow this right-of-way to be transferred without requiring competitive bidding and hereby waives the competitive bidding provision of Columbus City Codes (1959) Revised, Section 329.25 with regards to the transfer of this right-of-way.

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



City of Columbus
Mayor Michael B. Coleman

Public Service Department

Henry Guzmán, Director

REQUEST FOR CONVEYANCE OF CITY OWNED LAND By Division of Transportation

Name of Petitioner: **Eliezer Church of Christ**

File No.06-09

REQUEST IS TO:

- | | |
|--|--|
| <input type="checkbox"/> Sell excess right-of-way | <input type="checkbox"/> Transfer excess right-of-way at no charge |
| <input checked="" type="checkbox"/> Vacate excess right-of-way | <input type="checkbox"/> Grant a lease |
| <input type="checkbox"/> Grant an easement | <input type="checkbox"/> Release an easement |

BRIEF DESCRIPTION OF AREA UNDER CONSIDERATION:

the alley west of St. Clair Avenue from McClelland Avenue to the alley north

PROPOSED USE OF AREA:

parking and security

ACTION BY DIVISION INITIATING REQUEST:

(Please CHECK the Correct Answer)

- | | | |
|---|---|-----------------------------|
| All Departments and Divisions contacted for comments/approval of request: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| All Utilities contacted for comments/approval of request: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Area Commission/Civic Association contacted for comments: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| All abutting property owners notified of request: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Petitioner notified of need for survey and metes & bounds description: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

- Division Recommendation: SELL VACATE TRANSFER AT NO CHARGE
 GRANT EASEMENT GRANT LEASE RELEASE AN EASEMENT

Signature:
Transportation Division Administrator

Date: 5/12/06

Estimated Value from County Tax Records: **\$3,792.41** (3360+/-sf@\$1.11)
(per City Attorneys Office Real Estate Division)

- | | | |
|--------------------------------------|---|---|
| Easements to be retained: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO *Non - city |
| Petitioner contacted for comments: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| Petitioner agreed to purchase price: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

PAC/JCL

cc: File No. 06-09

K:\Right of Way Information\Right-of-Way Sales etc\06 VACATE\06-09\REQUEST FOR CONVEYANCE.DOC

614-645-8290 Director's Office
614-645-7602 Facilities Management Division
614-645-8281 Fleet Management Division
614-645-7620 Refuse Collection Division
614-645-8376 Transportation Division

City Hall/90 West Broad Street, 3rd Floor/Columbus, Ohio 43215-9009
City Hall/90 West Broad Street, Rm. B-16/Columbus, Ohio 43215-9001
423 Short Street/Columbus, Ohio 43215-5614
2100 Alum Creek Drive, Columbus, Ohio 43207-1714
109 North Front Street, 3rd Floor/Columbus, Ohio 43215-9023

FAX: 645-7805
FAX: 645-7180
FAX: 645-7347
FAX: 645-3053
FAX: 645-6938

DEPARTMENT OF DEVELOPMENT ACTION:

(Please CHECK the correct answer)

Mitigating Circumstances Identified: YES NO

Recommended Action: DISAPPROVED TRANSFER AT NO CHARGE SELL

VACATE GRANT EASEMENT RELEASE AN EASEMENT

Signature: Mark Barbash Date: 8/10/06
per Dora Hunter

**IDENTIFICATION OF MITIGATING CIRCUMSTANCES
AND BRIEF EXPLANATION OF EACH**

_____ The value of improvements undertaken by purchaser(s) upon property of the City which further the interest and welfare of the public.

_____ The value of land donations or other services being made to the City by the petitioner(s)

_____ The willingness of the purchaser(s) to absorb the cost of utility relocation from the property being purchased if not discounted in the fair market value of the property.

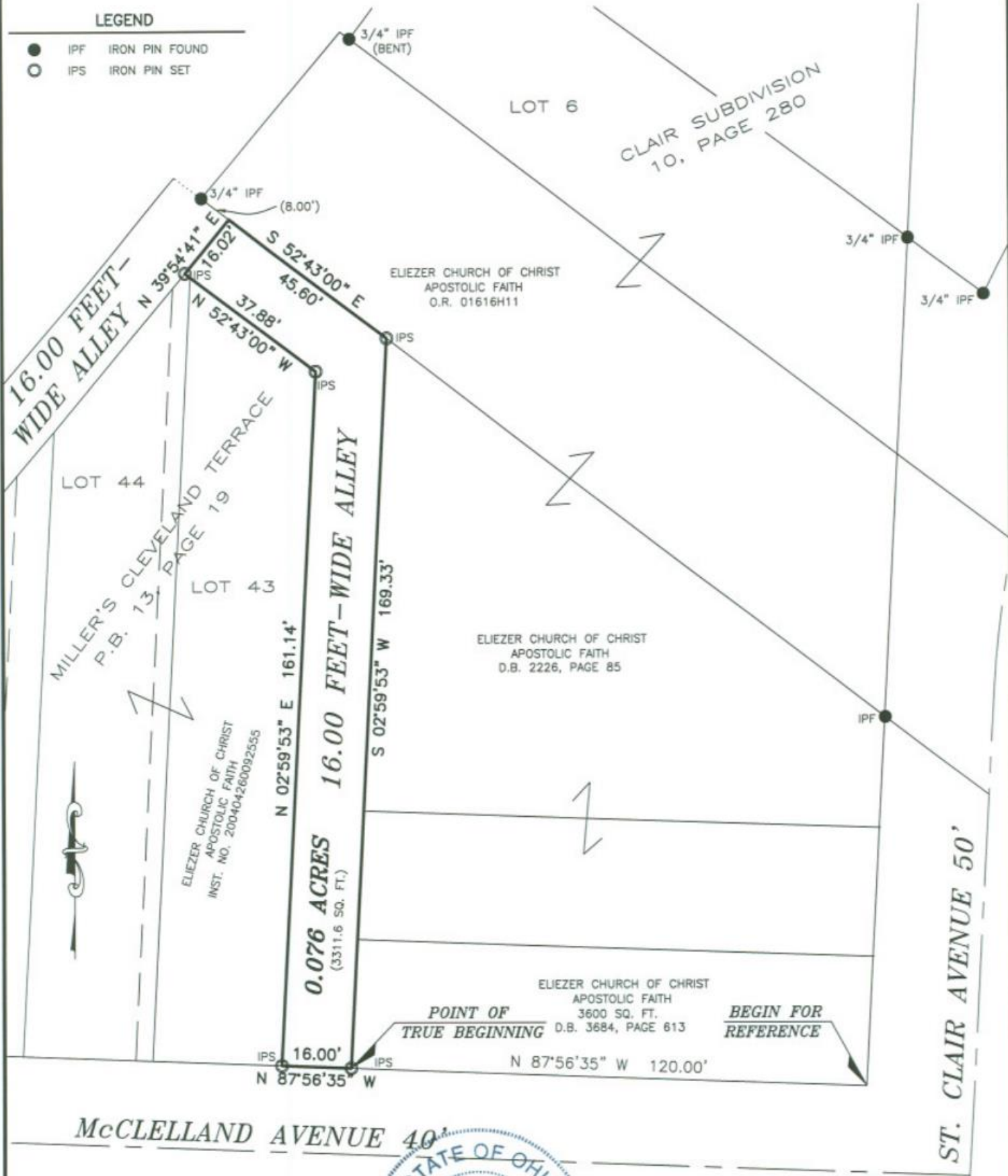
_____ The substantial increase in tax revenue, including but not limited to real property and income taxes, generated by the development of the property to be purchased.

_____ The identification of improvements that further the general welfare of the City through significant improvements to the physical environment.

Name of Petitioners: Eliezer Church of Christ by Phillip A. Smedley, Pastor
File No. 06-09

LEGEND

- IPF IRON PIN FOUND
- IPS IRON PIN SET



McCLELLAND AVENUE 40'

ST. CLAIR AVENUE 50'



SURVEY OF
16.00 FEET-WIDE ALLEY
 LYING IN
 MILLER'S CLEVELAND TERRACE
 PLAT BOOK 13, PAGE 19
 QUARTER TOWNSHIP 1, TOWNSHIP 1, RANGE 18
 UNITED STATES MILITARY LANDS
 CITY OF COLUMBUS, COUNTY OF FRANKLIN
 STATE OF OHIO

BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING OF S 52°43'00" E FOR THE SOUTHERLY LINE OF TRACT BELONGING TO ELIEZER CHURCH OF CHRIST, OF RECORD IN O.R. 01616H11, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

NOTE:

THIS SURVEY DOES NOT REPRESENT ANY EASEMENTS THAT MAY AFFECT THIS TRACT AND DOES NOT REPRESENT ANY UNDERGROUND UTILITIES THAT MAY AFFECT THIS TRACT. ALL IRON PINS SET ARE 3/4" I.D. IRON PIPES 30" LONG, W/ RED PLASTIC CAP STAMPED "LANDMARK SURVEY"

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED FROM AN ON THE GROUND SURVEY IN JUNE OF 2007 MADE UNDER MY SUPERVISION AND THAT IT AND THE INFORMATION, COURSES AND DISTANCES AS SHOWN ARE CORRECT TO THE BEST OF MY KNOWLEDGE.



SCALE IN FEET
 SCALE: 1"=30'

Scott D. Grundeil 6/27/07

SCOTT D. GRUNDEIL, P.S.
 REGISTERED SURVEYOR NO. 8047

DATE

LS LANDMARK SURVEY
GI GROUP, INCORPORATED

2099 WEST FIFTH AVENUE, COLUMBUS, OHIO 43212
 PHONE: (614) 485-9000 FAX: (614) 485-9003
 DATE: 6/26/07 FILE NO. 96991

DRAWN BY: BKG