



Legislation Details (With Text)

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On agenda: 9/24/2012 **Final action:** 9/26/2012

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.27 acre portion of the Chesapeake Avenue right-of-way west of Northwest Boulevard to The Kroger Company.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/26/2012	1	CITY CLERK	Attest	
9/25/2012	1	MAYOR	Signed	
9/24/2012	1	COUNCIL PRESIDENT	Signed	
9/24/2012	1	Columbus City Council	Approved	Pass
9/10/2012	1	Columbus City Council	Read for the First Time	

1. Background:

The City of Columbus, Department of Public Service, received a request from The Kroger Company asking that the City sell a 0.27 acre portion of the Chesapeake Avenue right-of-way west of Northwest Boulevard. Transfer of this right-of-way will facilitate the expansion of an existing store located on property adjacent to the above noted 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. Then 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 \$34,705.00 was established for this right-of-way. A request for mitigation was submitted by The Kroger Company and after review of the request and based upon meeting a number of mitigating circumstances, the Land Review Commission voted to recommend a reduction in the established value, and the above referenced right-of-way be transferred to The Kroger Company for \$18,271.00.

2. FISCAL IMPACT:

The City will receive a total of \$18,271.00 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 0.27 acre portion of the Chesapeake Avenue right-of-way west of Northwest Boulevard to The Kroger Company.

WHEREAS, the City of Columbus, Department of Public Service, received a request from The Kroger Company, asking that the City transfer a 0.266 acre portion of the Chesapeake Avenue right-of-way west of Northwest Boulevard, to them; and

WHEREAS, acquisition of this right-of-way will allow The Kroger Company to expand a existing store on property adjacent to the above noted right-of-way that is currently owned by The Kroger Company; and

WHEREAS, the City of Columbus, Department of Public Service, Division of Planning and Operations, 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 The Kroger Company; 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 \$34,705.00 established for this right-of-way; and

WHEREAS, a request for mitigation was submitted by The Kroger Company; and

WHEREAS, after review, the Land Review Commission has determined that a number of mitigating circumstances have been met; and

WHEREAS, the Land Review Commission voted to recommend a reduction in the established value and that the above referenced right-of-way be transferred to The Kroger Company for the amount of \$18,271.00; 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 The Kroger Company; to-wit:

August 13, 2012

DESCRIPTION OF A 0.266 ACRE PORTION OF CHESAPEAKE AVENUE TO BE VACATED SOUTH OF 1735
CHESAPEAKE AVENUE,
CITY OF COLUMBUS, FRANKLIN CO., OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1 North, Range 18 West, United States Military Lands, and being a 0.266 acre portion of Chesapeake Avenue west of Northwest Boulevard, said portion of Chesapeake Avenue, being shown of record on the plat entitled John M. Pugh's Subdivision, of record in Plat Book 4, Page 324, and being more particularly described as follows:

Beginning at a 3/4" I.D. iron pipe found at the southwest corner of Lot No. 25, at the southeast corner of Lot No. 28, in the north line of Chesapeake Avenue (50 feet in width), all shown upon said plat of John M. Pugh's Subdivision, at the northeast corner of that portion of Chesapeake Avenue having been vacated by Road Record 18, Page 153 and at the southwest corner of a 1.757 acre tract of land conveyed to The Kroger Co., by deed of record in Instrument 200603100046078;

thence S 86° 10' 33" E along the south line of said Lot 25, along a portion of the north line of Chesapeake Avenue, along a portion of the south line of said 1.757 acre tract and along a portion of the south line of Lot No. 22, as shown upon said plat of John M. Pugh's Subdivision a distance of 231.85 feet to a 3/4" I.D. iron pipe set;

thence S 03° 55' 29" W crossing Chesapeake Avenue a distance of 50.00 feet to a 3/4" I.D. iron pipe found in the south line of Chesapeake Avenue, in the north line of Lot No. 21, as shown upon said plat of John M. Pugh's Subdivision, at the northwest corner of a tract of land conveyed, as Parcel 2, to Chesapeake Properties, LLC, by deed of record in Instrument 200404260092416 and at the northeast corner of a 1.068 acre tract of land conveyed to The Kroger Co., by deeds of

record in Official Record 30487, Page G IO & G 15;

thence N 86° 10' 33" W along a portion of the south line of Chesapeake Avenue, along a portion of the north line of said Lot 21, along the north line of said 1.068 acre tract and along the north line of Lot No. 26, as shown upon said plat of John M. Pugh's Subdivision a distance of 231.85 feet to a 3/4" I.D. iron pipe set at the northwest corner of said Lot 26, at the northwest corner of said 1.068 acre tract, at the northeast corner of Lot No. 27, as shown upon said plat of John M. Pugh's Subdivision, and at the southeast corner of said portion of Chesapeake Avenue vacated by Road Record 18, Page 153;

thence N 03° 55' 29" E along the west line of said Lot 26 and the east line of Lot 27, extended northerly, and along the east end of said portion of Chesapeake Avenue vacated by Road Record 18, Page 153 a distance of 50.00 feet to the place of beginning;

containing 11,592 square feet (= 0.266 acre) of land more or less, and being subject to all easements and restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey of said 1.757 acre tract, performed under his supervision in December, 2005. Basis of bearings is the north line of Chesapeake Avenue, also being the south line of said 1.757 acre tract, being S 86° 10' 33" E, as transferred from a GPS survey of Franklin County monuments FCGS 5028 and FCGS 1159 performed by the Franklin County Engineers Office in 1991, and is, based on the NAD83 Ohio State Plane Coordinate System, South Zone.

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 \$18,271.00 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 for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance shall take effect and be in force from and after the earliest period allowed by law.