



## Legislation Details (With Text)

**File #:** 2317-2012      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/17/2012      **In control:** Public Service & Transportation Committee

**On agenda:** 10/29/2012      **Final action:** 10/31/2012

**Title:** To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.008 acre portion of the unnamed alley between Sunset Drive and Neil Avenue, adjacent to property owned by Mr. Douglas O. Metz located on Sunset Drive.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

| Date       | Ver. | Action By             | Action   | Result |
|------------|------|-----------------------|----------|--------|
| 10/31/2012 | 1    | CITY CLERK            | Attest   |        |
| 10/30/2012 | 1    | MAYOR                 | Signed   |        |
| 10/29/2012 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 10/29/2012 | 1    | Columbus City Council | Approved | Pass   |

**1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Mr. Douglas O. Metz, asking that the City sell a 0.008 acre portion of the unnamed alley between Sunset Drive and Neil Avenue, adjacent to property owned by Mr. Metz on Sunset Drive.

Transfer of this right-of-way will facilitate the resolution of drainage issues related to the adjacent property owned by Mr. Metz. 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 \$1,350.00 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 Mr. Douglas O. Metz for \$1,350.00.

**2. FISCAL IMPACT:**

The City will receive a total of \$1,350.00 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 0.008 acre portion of the unnamed alley between Sunset Drive and Neil Avenue, adjacent to property owned by Mr. Douglas O. Metz located on Sunset Drive.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Mr. Douglas O. Metz asking that the City transfer a 0.008 acre portion of the unnamed alley between Sunset Drive and Neil Avenue, adjacent to property owned by Mr. Douglas O. Metz located on Sunset Drive, to him; and

**WHEREAS**, acquisition of the right-of-way will facilitate the resolution of drainage issues related to the adjacent property owned by Mr. Douglas O. Metz located on Sunset Drive; 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 Mr. Douglas O. Metz; 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 \$1,350.00 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 Mr. Douglas O. Metz for the amount of \$1,350.00; 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 Mr. Douglas O. Metz; to-wit:

0.008 Acres (327 Square Feet)

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of an alley dedicated by Manhattan Park, recorded in Plat Book 16, Page 13, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at a found 1 inch iron pipe with an orange cap inscribed "P .S. 6579" at the northeast corner of Lot 33 of said Manhattan Park and being the southeast corner of said alley;

Thence, along the north line of said Lot 33, and part of the south line of said alley, South 78° 00' 00" West, 25.00 feet to a point of curvature at the northeast corner of Lot 34 of said Manhattan Park;

Thence, along part of the north line of said Lot 34, and part of the south line of said alley along the arc of a curve to the right having a radius of 25.00 feet, a central angle of 35° 16' 33" seconds, a chord bearing and distance of North 85° 58' 02" West, 15.15 feet to a set mag nail at the True Point of Beginning of the description;

Thence, continuing along part of the north line of said Lot 34, along an east line of Lot 35 of said Manhattan Park, and part of the west line of said alley along the arc of a curve to the right having a radius of 25.00 feet, a central angle of 84° 43' 19" seconds a chord bearing and distance of North 25° 58' 02" West, 33.69 feet to a set iron pipe 10 inches long;

Thence, across part of said alley North 78° 51' 56" East, 9.16 feet to a set iron pipe;

Thence, continuing across part of said alley South 13° 15' 49" East, 30.82 feet to a set Iron pipe;

Thence, continuing across part of said alley South 32° 23' 12" West, 2.44 feet to the place of beginning,

CONTAINING 0.008 ACRES (327 SQUARE FEET).

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in August 2012. Basis of bearings is the north line of Lot 33 held as South 78° 00' 00" West per Instrument No. 201012200172645.

**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 \$1,350.00 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.