



Legislation Details (With Text)

File #: 2333-2014 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 10/7/2014 **In control:** Public Service & Transportation Committee

On agenda: 11/3/2014 **Final action:** 11/5/2014

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.0054 acre portion of the right-of-way adjacent to East Broad Street, west of Ashburton Road, adjacent to property owned by Speedway, LLC located at 3304 East Broad Street.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/5/2014	1	CITY CLERK	Attest	
11/4/2014	1	MAYOR	Signed	
11/3/2014	1	COUNCIL PRESIDENT	Signed	
11/3/2014	1	Columbus City Council	Approved	Pass
10/20/2014	1	Columbus City Council	Read for the First Time	

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from Speedway, LLC., asking that the City sell a 0.0054 acre portion of the right-of-way adjacent to East Broad Street, west of Ashburton Road. Transfer of this right-of-way will facilitate the construction of a new retail facility on property owned by Speedway, LLC located at 3304 East Broad Street.

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 \$317.00 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 Speedway, LLC for \$317.00.

2. FISCAL IMPACT:

The City will receive a total of \$317.00 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 0.0054 acre portion of the right-of-way adjacent to East Broad Street, west of Ashburton Road, adjacent to property owned by Speedway, LLC located at 3304 East Broad Street.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Speedway, LLC asking that the City transfer a 0.0054 acre portion of the right-of-way adjacent to East Broad Street, west of Ashburton Road, adjacent to property owned by Speedway, LLC, located at 3304 East Broad Street, to them; and

WHEREAS, acquisition of the right-of-way will facilitate the construction of a new retail facility on property owned by Speedway, LLC located at 3304 East Broad Street; and

WHEREAS, the City of Columbus, Department of Public Service, 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 Speedway, LLC; 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 \$317.00 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 Speedway, LLC for the amount of \$317.00; 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 Speedway, LLC.; to-wit:

**LEGAL DESCRIPTION
RIGHT-OF-WAY VACATION
CITY OF COLUMBUS, OH
CONTAINING - 0.0054 ACRES**

Situate in the City of Columbus, The County of Franklin and the State of Ohio and being a part of Lot 21 of Broadland Place Subdivision, as shown in Plat Book 19, Page 39 and part of the northerly right-of-way line of East Broad Street, in the name of the City of Columbus and as recorded in I.N. 199905130121734 of the Franklin County Recorder's Office, Columbus, OH and being more particularly described as follows:

Beginning at a found PK nail on the northerly right-of-way line of East Broad Street and the common corner of Lots 20 and 21 of the aforementioned Broadland Place Subdivision, conveyed to Speedway LLC as recorded in I.N. 201404250050769 and the southeasterly corner of the 0.0 16 acre tract as conveyed to the City of Columbus and recorded in I.N. 199905130121734;

Thence along said 0.0 16 acre tract of the City of Columbus and the right-of-way line of East Broad Street and the westerly line of Lot 20, North 03'30'45" East, a distance of 10.20 feet to a set iron pin and cap on the revised northerly right-of-way line of East Broad Street and the True Point of Beginning.

Thence along a line through the lands of the City of Columbus, OH and the revised northerly right-of-way line of East Broad Street, South 82°9'51" West, a distance of 46.80 feet to a set iron pin and cap on the easterly line of the lands of Speedway LLC and being the "Reserve" lot of the Bexley Haven Subdivision as recorded in Plat Book 17, Page 91, as recorded in I.N. 201404250050768,

Thence along said easterly line of the "Reserve" lot of Speedway LLC, North 03°30'45" East, a distance of 5.10 feet to a set mag nail on the southwesterly corner of the residue of Lot Number 21 of the aforementioned Broadland Place Subdivision as conveyed to Speedway LLC as recorded in I.N. 201404250050769,

Thence along said southerly line of the residue of Lot 21, Speedway LLC and on the northerly line of said 0.0 16 acre tract as conveyed to the City of Columbus, North 82°09'51" East, a distance of 46.80 feet to a set mag nail on the westerly line of the aforementioned Lot 20 of Broadland Place of Speedway LLC,

Thence along said westerly line of Lot 20, Speedway LLC South 03°30'45" West, a distance of 5.10 feet to the True Point of Beginning.

Containing 0.0054 Acre of land, more or less and subject to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land. North and Bearing system based upon Ohio State Plane Coordinate System, South Zone, NAD83 (CORS 2011) with the resolved centerline of right-of-way of Broad Street (North 82°09'51" East) and further based upon and unrecorded survey completed by M.E. Companies, September 2012, (Job File # 12-142) and performed under the supervision of J. Bryant Abt, OH P.S. #8593. All iron pins called to be set are 5/8" x 30" and topped with a yellow cap stamped "CESO"

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 \$317.00 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.