



## Legislation Text

---

**File #:** 1460-2023, **Version:** 1

---

### **1. BACKGROUND:**

The Department of Public Service received a request from the Recreation and Parks Department asking that the City extinguish the right-of-way and transfer of a 0.087 acre portion of right-of-way from to be combined with existing Franklin County tax parcel number 590-248631. The right-of-way area is west-east directionally. Bannister Drive abuts at the east of the portion, Emberwood is west of the portion, and 6365 Bannister Drive is adjacent at both the north and south of the portion.

Extinguishing the right-of-way and transferring the asset will facilitate improvements and enhancements to city-owned property. This right-of-way is within Park boundaries and should not exist as City right-of-way but should be under the control of the Recreation and Parks Department.

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 the right-of-way, the City will not be adversely affected by extinguishing this right-of-way and transferring the asset among City Departments. The Department of Public Service has agreed to transfer the asset as described and shown within the attached legal description and exhibit, and extinguishes its need for this public right-of-way.

This request went before the Land Review Commission on January 16, 2020. After review of the request, the Land Review Commission voted that same day to recommend the above referenced right-of-way be transferred to The City of Columbus, Recreation and Parks Department at no cost to them.

### **2. FISCAL IMPACT:**

There is no fiscal impact to the city to transfer the right-of-way.

To extinguish a 0.087 acre portion of right-of-way and transfer the property and control thereof to the Recreation and Parks Department. (\$0.00)

**WHEREAS**, the Department of Public Service received a request from the Recreation and Parks Department asking that the City extinguish the right-of-way and transfer of a 0.087 acre portion of right-of-way from to be combined with existing Franklin County tax parcel number 590-248631. The right-of-way area is west-east directionally. Bannister Drive abuts at the east of the portion, Emberwood is west of the portion, and 6365 Bannister Drive is adjacent at both the north and south of the portion; and

**WHEREAS**, extinguishing the right-of-way and transferring the asset will facilitate improvements and enhancements to city-owned property. This right-of-way is within Park boundaries and should not exist as City right-of-way but should be under the control of the Recreation and Parks Department; and

**WHEREAS**, the Department of Public Service has agreed to transfer the asset as described and shown within the 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 that, subject to the retention of a general utility easement for those utilities currently located within the right-of-way, the City will not be adversely affected by

extinguishing this right-of-way and transferring the asset among City Departments; and

**WHEREAS**, this request went before the Land Review Commission on January 16, 2020; and

**WHEREAS**, After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to The City of Columbus, Recreation and Parks Department at no cost to them; **now, therefore**

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

**SECTION 1.** That the 0.087 acre portion of right-of-way described and depicted in Exhibit A, which is attached hereto and made a part hereof, is no longer needed by the City of Columbus and can be extinguished.

**SECTION 2.** That control of this property shall be transferred from the Public Service Department to the Recreation and Parks Department.

**SECTION 3.** That a general utility easement in, on, over, across and through this excess right-of-way shall be, and hereby is, retained for those utilities currently located within said excess right-of-way.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.