



## Legislation Text

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**File #: 2118-2023, Version: 1**

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### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from Molly C. Mount asking that the City transfer a 2,396 square foot (0.055 acre) portion of the un-named alley that is adjacent to her property at 1954 Kenton Avenue to her. The right-of-way area is an unnamed alley running east / west directionally. It is the first alley north of Kenton Avenue and the first alley south of Payne Avenue. Parcel 010-122577 is on the north side of the requested portion; Parcel 010-122532 is on the south side of the requested portion.

Transfer of this right-of-way is to support her building supply business by connecting her current parcels to allow for better flow of vehicles loading and unloading supplies and material. The Department of Public Service has agreed to transfer the right-of-way as described and shown within attached legal description and exhibit, and extinguishes its need for this public 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.

The Department of Public Service submitted a request to the City Attorney's Office, asking that they establish a value for this right-of-way, and a value of \$23,950.00 was established.

This request went before the Land Review Commission on March 16, 2023. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Molly C. Mount at the cost of \$23,950.00 to her.

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

The City will receive a total of \$23,950.00 and the funds are to be deposited in Fund 7748, Project P537650, 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 necessary for the transfer of a 0.055 acre portion of the un-named alley that is adjacent to 1954 Kenton Avenue to Molly C. Mount. (\$23,950.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Molly C. Mount asking that the City transfer a 2,396 square foot (0.055 acre) portion of the un-named alley that is adjacent to her property at 1954 Kenton Avenue to her. The right-of-way area is an unnamed alley running east / west directionally. It is the first alley north of Kenton Avenue and the first alley south of Payne Avenue. Parcel 010-122577 is on the north side of the requested portion; Parcel 010-122532 is on the south side of the requested portion; and

**WHEREAS**, transfer of this right-of-way is to support her building supply business by connecting her current parcels to allow for better flow of vehicles loading and unloading supplies and material; and

**WHEREAS**, the Department of Public Service has agreed to transfer the right-of-way as described and shown within 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 this right-of-way, the City will not be adversely affected by the transfer of this right-of-way; and

**WHEREAS**, the Department of Public Service submitted a request to the City Attorney's Office, asking that they establish a value for this right-of-way; and

**WHEREAS**, a value of \$23,950.00 was established; and

**WHEREAS**, this request went before the Land Review Commission on March 16, 2023; and

**WHEREAS**, after review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Molly C. Mount at the cost of \$23,950.00; **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 a quit claim deed and other incidental instruments prepared by the City Attorney's Office, necessary to transfer the legal description as described below and attached exhibit of right-of-way to Molly C. Mount.

**Section 2.** That the attached 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 quitclaim deed to the grantee thereof.

**Section 3.** That a general utility easement in, on, over, across and through the attached legal description and exhibit describing the 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 City will receive a total of \$23,950.00, to be deposited in Fund 7748, Project P537650.

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