



## Legislation Text

File #: 0308-2015, Version: 1

### BACKGROUND:

The City of Columbus, Department of Public Service, received a request from The City of Columbus, Division of Recreation and Parks asking that the City transfer the control and maintenance responsibilities for the rights-of-way identified as an approximate 0.890 acre portion of the Maryland Avenue right-of-way south of Leonard Avenue between Graham Street and Maumee Alley, and an approximate 0.333 acre portion of the Fairfield Avenue right-of-way east of Champion Avenue between Maryland Avenue and Norfolk Alley. Transfer of these rights-of-way will facilitate improvements and enhancements to Maryland Park, currently owned by The Division of Parks and Recreation. 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 these rights-of-way.

To transfer the control and maintenance responsibilities of the rights-of-way identified as an approximate 0.890 acre portion of the Maryland Avenue right-of-way south of Leonard Avenue between Graham Street and Maumee Alley, and an approximate 0.333 acre portion of the Fairfield Avenue right-of-way east of Champion Avenue between Maryland Avenue and Norfolk Alley from the Department of Public Service, Division of Infrastructure Management, to the Division of Recreation and Parks to facilitate the improvements and enhancements to Maryland Park.

**WHEREAS**, the approximate 0.890 acre portion of the Maryland Avenue right-of-way south of Leonard Avenue between Graham Street and Maumee Alley, and the approximate 0.333 acre portion of the Fairfield Avenue right-of-way east of Champion Avenue between Maryland Avenue and Norfolk Alley, are publicly dedicated rights-of-way currently controlled by the Department of Public Service, and

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from the Division of Recreation and Parks, asking that the City transfer the maintenance responsibilities of these public rights-of-way to the Division of Recreation and Parks to facilitate the proposed improvements and enhancements to Maryland Park; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Infrastructure Management, no longer needs these areas for roadway purpose but will retain ownership and transfer this maintenance responsibility to the Department of Recreation and Parks; 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 these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way to the Division of Parks and recreation; now, therefore

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

**Section 1.** That the approximate 0.890 acre portion of the Maryland Avenue right-of-way south of Leonard Avenue between Graham Street and Maumee Alley, and the approximate 0.333 acre portion of the Fairfield Avenue right-of-way east of Champion Avenue between Maryland Avenue and Norfolk Alley are no longer needed by The City of Columbus

for roadway purposes.

**Section 2.** That the control of these assets shall be transferred from the Department of Public Service to the Division of Recreation and Parks.

**Section 3.** That a general utility easement in, on, over, across and through the above described rights-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said rights-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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.