



## Legislation Text

**File #:** 2420-2022, **Version:** 1

### **1. BACKGROUND:**

The City of Columbus, Department of Public Service, received a request from James Miller of the City of Columbus, Recreation and Parks Department, asking that the City transfer to them an approximate 0.1378 acre portion of the right-of-way adjacent to Douglas Street and described as the following; Right-of-way area runs north / south directionally and is within PID 010-033923. North to south it measures approximately 300 feet+/- and east to west it measures approximately 20 feet. E. Capital Street abuts at the north and Agate Alley abuts at the south.

Transfer of this right-of-way is to incorporate this portion into the surrounding parcel, which is already owned by the City Recreation and Parks Department and is a part of a planned project. 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. This request went before the Land Review Commission on April 21, 2022. 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.

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

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

To authorize the Director of the Department of Public Service to execute those documents necessary for the transfer of 0.1378 acre portion of right-of-way adjacent to Douglas Street to the City of Columbus, Recreation and Parks Department. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from James Miller of the City of Columbus, Recreation and Parks Department, asking that the City transfer to them an approximate 0.1378 acre portion of the right-of-way adjacent to Douglas Street and described as the following; Right-of-way area runs north / south directionally and is within PID 010-033923. North to south it measures approximately 300 feet+/- and east to west it measures approximately 20 feet. E. Capital Street abuts at the north and Agate Alley abuts at the south; and

**WHEREAS**, The purpose of the transfer is to incorporate this portion into the surrounding parcel, which is already owned by the City Recreation and Parks Department and is a part of a planned project; 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**, this request went before the Land Review Commission on April 21, 2022; and

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

**WHEREAS**, in the usual daily operation of the Department of Public Service it is necessary to authorize the Director to execute those documents necessary for the transfer of 0.1378 acre portion of right-of-way adjacent to Douglas Street to the City of Columbus, Recreation and Parks Department, all for the immediate preservation of the public health, peace, property, safety and welfare; **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 and attached exhibit of right-of-way to City of Columbus, Recreation and Parks Department; to-wit:

DESCRIPTION OF AN UN-NAMED ALLEY  
WEST OF 18<sup>TH</sup> STREET  
BETWEEN CAPITAL STREET & AGATE ALLEY  
CITY OF COLUMBUS, OHIO

Being a portion of the first 20-foot wide alley west of 18<sup>th</sup> Street dedicated in Samuel Bartlet's Amended Addition, as delineated in Plat Book 2, Page 170 (destroyed by fire), Recorder's Office, Franklin County, Ohio, with the northerly terminus being the southerly right-of-way line of Capital Street, 30 feet in width, and with the southerly terminus being the northerly right-of-way line of Agate Alley, 20 feet in width.

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