

Ordinances Passed

ORD. No. 1393-81—To rezone 0.75± acres on the east side of Worthington-Galena Rd., south of Park Road (7764 Worthington-Galena Road). From: R-1, Residential, To: R-2F, Residential, as recommended by the Development Commission.

Be it ordained by the Council of the City of Columbus:

Section 1. That the Zoning Map attached to Ordinance No. 1620-77, passed September 19, 1977, and as subsequently amended be, and the same is hereby revised by changing the zoning of the property as follows:

Being 0.75± acres on the east side of Worthington-Galena Road, south of Park Road (7764 Worthington-Galena Road), and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and Township of Sharon:

Being part of original Lot No. Seven (7), Section No. One (1), Township No. Two (2), Range Eighteen (18), United States Military Lands, and being part of Lot No. Six (6) as the same is numbered and delineated on the plat thereof, in the partition of the estate of Susan McRill, deceased, in the Court of Common Pleas of Franklin County, Ohio, recorded in Complete Record 103, pages 545, etc., of said court, and more particularly described as follows:

Beginning at the northwest corner of the School House lot in the center of the Worthington and Galena Road, thence North 39° degrees East with the center of said road Nine (9) rods to a stake in the center of said road, thence South or in a southerly direction Fifteen (15) rods to the North East corner of said School House Lot, thence West with the north line of the said School House lot Eight (8) rods and Nine (9) feet to the place of beginning, containing three fourths of an acre of land, more or less.

To Rezone From: R-1, Residential District, To: R-2F, Residential District.

Section 2. The Development Planning Administrator of the Division of Planning be, and he is hereby authorized and directed to make the said change on the said original zoning map in the office of the Division of Building Regulations and the office of the Division of Planning.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 13, 1981.

M. D. PORTMAN,

President of Council.

Approved July 13, 1981.

TOM MOODY, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 1394-81—To rezone 0.9± acres located on the north side of W. N. Broadway between Milton and Hennepin Avenues (104-122 W. N. Broadway). From: R-3, Residential, To: PUD-8, Planned Unit Development District.

Be it ordained by the Council of the City of Columbus:

Section 1. That the Zoning Map attached to Ordinance No. 1620-77, passed September 19, 1977, and as subsequently amended be, and the same is hereby revised by changing the zoning of the property as follows:

Situated in the State of Ohio, in the County of Franklin, and in the City of Columbus, and bounded and described as follows:

Being Lots Number 20, 21, 22, 23, and 24 in John R. Dunlap's NORTH BROADWAY EXTENSION SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, pages 222 and 223, Recorder's Office, Franklin County, Ohio and containing 0.9± acre, more or less.

To Rezone From: R-3, Residential District, To: PUD-8, Planned Unit Development District.

Section 2. The Planning Administrator of the Division of Planning be, and he is hereby authorized and directed to make the said change on the said original zoning map in

the office of the Division of Building Regulations and the office of the Division of Planning and shall register a copy of the approved Planned Unit Development District and Application among the records of the Department of Development as required by Section 3311.09 of the Columbus City Codes; said plan being titled "104-122 W. North Broadway, Single Family Attached Housing, Broadway Developers, Columbus, Ohio," amended 6-16-81 and signed by Robert A. Daniels, dated 6-26-81.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 13, 1981.

M. D. PORTMAN,

President of Council.

Approved July 13, 1981.

TOM MOODY, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 1395-81—To grant a variance from the provisions of Section 3345.03 (PUD-8, Planned Unit Development District) to the Broadway Developers to permit the development of nine (9) zero lot line townhouse units with the density of 9.51 units per acre at 104-122 West North Broadway.

Whereas, the Broadway Developers is requesting a Council Variance to permit the development of nine (9) zero lot line townhouses with a density of 9.51 units per acre at 104-122 West North Broadway, and

Whereas, Section 3345.03 (PUD-8, Planned Unit Development) prohibits the development of townhouses with a density of 9.51 units per acre at said location, and

Whereas, said variance will not adversely affect the surrounding property or surrounding neighborhood, and

Whereas, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets or increase the danger of fires or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus, and

Whereas, the granting of said variance will alleviate the difficulty encountered by the Broadway Developers in using said property as it desires; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That Broadway Developers be, and is, hereby granted a variance from the provisions of Section 3345.03 (PUD-8, Planned Unit Development District) of the Columbus City Codes, insofar as said section prohibits the development of townhouses with a density of 9.51 units per acre at 104-122 West North Broadway, said property being more particularly described as follows:

Situated in the State of Ohio, in the County of Franklin, and in the City of Columbus, and bounded and described as follows:

Being Lots Number 20, 21, 22, 23 and 24 in John R. Dunlap's NORTH BROADWAY EXTENSION SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Pages 222 and 223, Recorder's Office, Franklin County, Ohio.

Section 2. That this ordinance is conditioned upon and shall remain in effect only for so long as said property is developed as nine (9) zero lot line townhouse units with a density of 9.51 units per acre in accordance with the site plan titled "104-122 West North Broadway, Single Family Attached Housing, Broadway Developers, Columbus, Ohio," by Akins Design and Construction, dated June 16, 1981, or those uses permitted in PUD-8, Planned Unit Development District.

Section 3. That the variance granted by this ordinance shall become void one (1) year after this ordinance becomes effective by law unless prior thereto an affirmative act of

the applicant has commenced which makes use of said Council Variance.

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

Passed July 13, 1981.

M. D. PORTMAN,

President of Council.

Approved July 13, 1981.

TOM MOODY, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 1396-81—To vacate the second alley south of Agler Road, between specified limits, subject to retention of easements for various utilities.

Whereas, petition, properly signed by abutting owners, has been presented to the office of the City Engineer, requesting the vacation of the second alley south of Agler Road; and

Whereas, upon investigation, it has been determined that this vacation will have no detrimental effects on surrounding properties and should be granted with easement rights; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 2. That the second alley south of Agler Road, from the east line of Joyce Avenue to the west line of the alley east of Joyce Avenue, be and the same is hereby vacated.

Section 2. That the City of Columbus reserves the right to operate and maintain any and all sewers, water lines, and any other public utilities owned by the City; and that the right is reserved to operate and maintain any other public utilities now existing on or in said alley hereby vacated; and it shall have the right to enter thereon at any time for the purpose of constructing, installing, replacing, operating and maintaining the same.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 13, 1981.

M. D. PORTMAN,

President of Council.

Approved July 13, 1981.

TOM MOODY, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 1397-81—To accept two deeds from Battelle Memorial Institute for Storm Sewer Easements.

Be it ordained by the Council of the City of Columbus:

Section 1. That two Deeds of Easement from Battelle Memorial Institute, dated June 5, 1981, recorded in Official Records Volume 00957D06 thru D13, as described in Exhibit "A" of the attached deeds, be and the same are hereby accepted and the premises so deeded be and the same are hereby granted for the purposes of constructing, using, maintaining and keeping in repair a single line of storm sewers, together with the necessary manholes and underdrains, and to be constructed and maintained upon strips of land 5' and 10' in width.

Section 2. That the Grantee, its agents or employees, have the right to store earth and materials during the period of construction of said sewers in and upon the premises of the Grantor on additional strips of land 5' wide on the Grantor's side of the described 5' and 10' strips of land and adjoining same to be used for construction purposes only; provided also for the permanent right of ingress to and egress from said 5' and 10' strips of land for the purposes of making inspection and repairs upon said sewers at any time.

Section 3. That said Grantor, for itself and its successors and assigns, hereby covenants with said Grantee, its successors and assigns, that it is the true and lawful owner of said premises, and is lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, and that the same are free and clear from all liens and

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encumbrances whatsoever, and that it will warrant and defend the same against all claims of all persons whomsoever.

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

Passed July 13, 1981.

M. D. PORTMAN,
President of Council.
Approved July 13, 1981.
TOM MOODY, Mayor.

Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 1398-81—To grant consent and propose to cooperate with the Ohio Department of Transportation in the rebuilding of the Gibbard Avenue railroad grade crossing.

Whereas, the public interest demands the improvement of the Gibbard Avenue railroad grade crossing; and

Whereas, the City is intending to cooperate in the improvement of the grade crossing; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That the public interest demands the improvement of the at-grade crossing of Gibbard Avenue and the tracks of the Norfolk and Western Railway Company and Consolidated Rail Corporation by the reconstruction of the at-grade crossing pavement and any approach work necessary, and being hereinafter referred to as the Project.

Section 2. That the City does hereby give its consent to the Project and its administration by the Director of the Ohio Department of Transportation.

Section 3. That the City further agrees to cooperate with the Director of Transportation by providing for approach signing and striping and the maintenance of highway traffic during the construction of the improvement by either closing the road with no signed detour, or by designating a temporary detour with all necessary incidentals, and assuming and bearing the cost of erecting, maintaining and removing signs and barricades required to close the crossing and detour traffic.

Section 4. That the Director of Public Service of the City is hereby authorized and directed on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this project.

Section 5. That the City agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in Sections 1 through 4 hereinabove. Likewise, the state agrees to accept responsibility for any and all damages of claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections 1 through 4.

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

Passed July 13, 1981.

M. D. PORTMAN,
President of Council.
Approved July 13, 1981.
TOM MOODY, Mayor.

Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 1399-81—To amend Section 3 of Ordinance No. 564-81 by removing Traffic maintenance work from railroad force account during grade crossing reconstruction; and to repeal Section 4 of said Ordinance.

Whereas, the City agreed to cooperate with the Ohio Department of Transportation in rebuilding four (4) railroad crossings by Ordinance No. 564-81, passed March 23, 1981; and,

Whereas, the City Engineer's Office has been informed that certain traffic maintenance functions to be performed by the railroads are eligible for Federal reimbursement, but not under existing State policy; and,

Whereas, traffic maintenance during reconstruction of the crossings will be the re-

sponsibility of the City rather than the railroads; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That Section 3 of Ordinance No. 564-81 be and is hereby amended to read as follows:

"Section 3. That the City further agrees to cooperate with the Director of Transportation by providing for approach signing and striping and the maintenance of highway traffic during the construction of the improvement by either closing the road with no signed detour, or by designating a temporary detour with all necessary incidentals, and assuming and bearing the cost of erecting, maintaining and removing signs and barricades required to close the crossing and detour traffic."

Section 2. That existing Sections 3 and 4 of Ordinance No. 564-81 be and the same are hereby repealed.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 13, 1981.

M. D. PORTMAN,
President of Council.
Approved July 13, 1981.
TOM MOODY, Mayor.

Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 1400-81—To accept a deed from Chem-Lawn Corporation to be used for various easements.

Be it ordained by the Council of the City of Columbus:

Section 1. That the Deed of Easement from Chem-Lawn Corporation for various strips of land, as described in Exhibits "A," "B," "C," "D," and "E," of the attached deed, recorded in Official Records Volume 00937J10, and dated June 4, 1981, be and the same is hereby accepted and the premises so deeded be and the same are hereby granted for the purposes of constructing, using and maintaining all public and private utilities above and beneath the surface of the ground and appurtenant works in any part of said strips, including the right to clean, repair and care for said utilities, together with the right of access to said strips for said purposes.

Section 2. That the City will be responsible for the repair and maintenance of the waterline within the easement area of the real estate described in Exhibit "B" only. Backfilling of any excavation caused by the maintenance, repair or replacement of said waterline will be restored to its original level, not to its original condition.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 13, 1981.

M. D. PORTMAN,
President of Council.
Approved July 13, 1981.
TOM MOODY, Mayor.

Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 1401-81—To approve certain sewer service charges submitted by the Director of Public Service and authorize the City Auditor to certify the same to the Auditor of Franklin County, Ohio, for collection.

Whereas, in order to collect delinquent sewer service charges, Section 1147.16 of the Columbus City Codes authorizes the certification of delinquent sewer bills to the County tax duplicate; and,

Whereas, the certification process provides an efficient and cost effective means for the collection of bad debts; and,

Whereas, those individuals and businesses receiving services from the Division of Sewerage and Drainage should rightfully pay for such services; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That certain sewer service charges not paid on or before April 30, 1981, and certified to this Council by the Director of Public Service, be and are hereby approved for certification to the County tax duplicate for collection. The City Auditor is hereby authorized and directed to certify

these charges to the Auditor of Franklin County, Ohio, for collection in accordance with the provisions of Section 729.49, Ohio Revised Code, and Section 1147.16, Columbus City Codes, 1959.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 13, 1981.

M. D. PORTMAN,
President of Council.
Approved July 13, 1981.
TOM MOODY, Mayor.

Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 1402-81—To authorize and direct the Director of Public Service to enter into contract for the fabrication and installation of a sculpture to be placed in the atrium at Port Columbus International Airport in connection with Project 076035, and to authorize the expenditure of \$200,000.00 or so much thereof as may be needed for such purpose. (\$200,000.00)

Whereas, pursuant to Ordinance No. 2120-80 passed September 22, 1980, the City of Columbus entered into a contract with the Greater Columbus Arts Council to provide services in connection with the selection of the final artist who will fabricate and install said sculpture; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That the Director of Public Service be, and he is hereby authorized and directed to enter into contract for the fabrication and installation of a sculpture to be placed in the atrium at Port Columbus International Airport.

Section 2. That the expenditure of \$200,000.00 or so much thereof as may be necessary, from Port Columbus International Airport Terminal Improvements Fund No. 07-076, Minor Object Code 690, Index Code 640342, Project 076035, Port Columbus International Airport, for the aforesaid purpose is hereby authorized.

Section 3. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project, that the project has been completed and the monies are no longer required for said project except that no transfer shall be so made from a project account funded by monies from more than one source.

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

Passed July 13, 1981.

M. D. PORTMAN,
President of Council.
Approved July 13, 1981.
TOM MOODY, Mayor.

Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 1408-81—To adopt the 1982 tax budget and to authorize and direct the City Auditor to submit said budget to the County Budget Commission and to declare an emergency.

Whereas, under Section 5705.28 R.C. of Ohio, it is necessary to approve this budget on or before July 15, 1981, in order that the same may be certified to the Auditor of Franklin County, Ohio, immediately, and

Whereas, an emergency exists in the usual daily operation for the City of Columbus in that it is necessary to provide for the filing of this budget in order to preserve the public peace, property, health, safety and welfare; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That the annual tax budget on file in the City Clerk's office with the Ordinance and marked for Exhibit "A", is the annual tax budget for the City of Columbus setting forth in itemized form, the estimated amount of money needed for the year 1982 and the same is hereby adopted.

Section 2. That the City Auditor be and he is hereby authorized to certify a copy of this tax budget to the Auditor of Franklin County, Ohio.