

**COMMITTEE**  
**PUBLIC SERVICE & TRANSPORTATION**  
 INTRODUCED BY  
**MARYELLEN O'SHAUGHNESSY**  
 DATE OF FIRST READING  
**NOV 05 2001**

**COLUMBUS CITY COUNCIL**  
**ORIGINAL**  
 Ordinance No. 1806-01  
 Resolution No. \_\_\_\_\_  
 30 Day  Emergency \_\_\_\_\_

I Certify Compliance With Title 39  
 As Of (Date) \_\_\_\_\_  
 \_\_\_\_\_  
 Authorized Signature  
 CITY ATTORNEY: This ordinance has been reviewed by the City Attorney's Office as to its form and legality only.  
 By: mtw Date: 10-26-01

**FLOOR ACTION**  
 (Clerks Office Only)  
**NOV 12 2001** P 6-0  
**SENSENBRENNER ABSENT**


**AUDITOR'S CERTIFICATE**  
 I hereby certify that there is in the treasury, or anticipated to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within ordinance.  
 Date: \_\_\_\_\_ No: \_\_\_\_\_  
 Fd No.: \_\_\_\_\_ Div. No. \_\_\_\_\_ Ch. \_\_\_\_\_  
 By: \_\_\_\_\_ Amt: \_\_\_\_\_  
 \_\_\_\_\_  
 City Auditor or Deputy Auditor


**10-23-01 EXPLANATION OF LEGISLATION #4248**

**Background:** The City of Columbus is the owner of excess right-of-way located at the southwest corner of the intersection of Chittenden Avenue and St. Clair Avenue. The Public Service Department, Engineering and Construction Division, received a request from Urban Concern, Inc., a 503 (C) (3) Organization, asking for the opportunity to purchase a 0.098-acre portion of this right-of-way to allow future development of the adjacent Urban Concern site. The Department of Law, Real Estate Division, estimated a total value of \$800.00 for the requested portion of this right-of-way. The Land Review Commission voted to recommend that this right-of-way be sold to Urban Concern, Inc. for \$800.00.

**Fiscal Impact:**  
 The City will receive a total of \$800.00, to be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested right-of-way.


Mary Lu English (5-5471)  
 Contact: For Questions - Phone  
 on this Legislation

  
 Approved (Division Head)

  
 Approved (Department Head)

**TITLE (BRIEF DESCRIPTION)**

To authorize the Director of the Public Service Department to execute those documents required to sell a portion of the excess right-of-way at the southwest corner of Chittenden Avenue and St. Clair Avenue to Urban Concerns, Inc.; and to waive the competitive bidding provisions of Columbus City Codes.

  
**MAYOR'S ACTION**  
 \_\_\_\_\_  
 VETO DATE

**COUNCIL ACTION**  
**NOV 12 2001**  
 DATE PASSED/ADOPTED

  
 PRESIDENT OF COUNCIL  
  
 CITY CLERK

**WHEREAS**, the City of Columbus, Public Service Department, Engineering and Construction Division, is the owner of excess right-of-way located at the southwest corner of the intersection of Chittenden Avenue and St. Clair Avenue; and

**WHEREAS**, Urban Concern, Inc., a 503 (C) (3) Organization has requested the opportunity to purchase a 0.098 acre portion of this right-of-way to allow future development of the adjacent Urban Concern site; and

**WHEREAS**, an estimated value of \$800.00 was determined for this right-of-way by the Department of Law, Real Estate Division; and

**WHEREAS**, after investigation, it has been determined that the transfer of the requested right-of-way will not adversely affect the City; and

**WHEREAS**, the Land Review Commission voted to recommend that the requested right-of-way be sold to Urban Concern, Inc., a 503 (C) (3) Organization, for \$800.00; now, therefore

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

**Section 1.** That the Director of the Public Service Department be and is hereby authorized to execute quit claim deeds and other incidental instruments prepared by the Real Estate Division, Department of Law, necessary to transfer the following described right-of-way to Urban Concern, Inc., a 503 (C) (3) Organization for \$800.00; to-wit:

Being a part of Quarter Township 4, Township 1, Range 18, of the U.S.M.L., also known as part of the currently dedicated right-of-ways of Chittenden Avenue and St. Clair Avenue as recorded in Plat Book 10, Page 281, Plat Book 33, Page 18, and Plat Book 84, Page 59 of Franklin County Records.

Beginning at an iron pipe found at the northeast corner of Lot 4 of Clare Subdivision as recorded in Plat book 10, Page 280, thence with the south right-of-way of Chittenden Avenue extended S 52°22'31" E a distance of 69.37' to a drill hole set at the point of curvature of the right-of-way of Chittenden Avenue as recorded in Plat Book 84, Page 59, Rosewind – Replat of Windsor Terrace Dedication and Vacation of Right-of-Way and Easement. Thence with said right-of-way along a curve to the right with a radius of 6.00' and a delta of 88°55'10" an arc length of 9.24' to a drill hole set at the point of tangency. Thence along the new right-of-way of St. Clair Avenue S 35°52'36" W a distance of 48.27' to an iron pipe set at the point of curvature in the right-of-way. Thence with said right-of-way along a curve to the left with a radius of 238.00' and a delta of 8°55'10" an arc distance of 37.05' to an iron pin set at the intersection of the south line of Lot 5 of Clare Subdivision extended to the new right-of-way of St. Clair Avenue. Thence N 51°49'40" W a distance of 21.69' to an iron pipe found at the southeast corner of said Lot 5. Thence with the old right-of-way of St. Clair Avenue along the east lines of Lots 4 and 5 N 04°30'00" E a distance of 108.25' to the place of beginning. Containing 0.098 acres of land. Surveyed September 21, 2001 by Arthur L. Burford, P.S., # 7634.

**Section 2.** That the above referenced real property shall be considered excess road right-of-way and the public right therein shall terminate upon the Director's execution and delivery of said quit claim deeds to the grantees thereof.

**Section 3.** That the \$800.00 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 748, Project 537650.

**Section 4.** That a general utility easement in, on, over, across, under and through the above referenced property shall be and hereby is reserved unto the City of Columbus.

**Section 5.** That this Council has determined it is in the best interest of the City of Columbus to allow this property to be sold without requiring competitive bidding and hereby waives the competitive bidding provision of Columbus City Codes (1959) Revised, Section 329.25 with regards to the transfer of this property.

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