

**ORD. No. 1853-79**—To rezone a 13 acre tract located on the northwest corner of Kimberly Parkway North and Kimberly Parkway East. From: AR-1, Apartment Residential, AR-LD, Apartment Residential-Low Density, and RRR, Restricted Rural Residential. To: C-2, Commercial, as recommended by the Development Commission, and to declare an emergency.

Whereas, an emergency exists in the City of Columbus in that it is immediately necessary to accomplish the subject rezoning for the preservation of the public peace, health, safety and welfare; now, therefore,

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 a 13 acre tract located on the northwest corner of Kimberly Parkway North and Kimberly Parkway East and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 28, Township 12, Range 21, Refugee Lands, containing 13,000 acres of land, more or less, being 5.821 acres out of Parcel 10, and 7.179 acres out of Parcel 19, as described in a deed to Primeland Properties, a partnership, of record in Deed Book 3396, Page 796, (all references to Plat Books and Deed Books in this description are of record in Recorder's Office, Franklin County, Ohio), and said 13,000 acre tract being more particularly described as follows:

Beginning at the intersection of the westerly right-of-way of Kimberly Parkway East (60') of record in Plat Book 52, Page 82 and the northerly line of Parcel 19, extended;

Thence S 1° 30' 00" W, with said westerly right-of-way, a distance of 703.88 feet to the return curve of Kimberly Parkway North (60') of record in Plat Book 52, Page 35;

Thence with an arc of a curve to the right, a radius of 25,000, a central angle of 90°, the chord of which bears S 46° 30' 00" W, a chord distance of 35.36 feet, to a point in the northerly right-of-way of said Kimberly Parkway North;

Thence N 88° 30' 00" W, with said northerly right-of-way, a distance of 588.83 feet to a point of curvature of said right-of-way;

Thence with the arc of a curve to the left, a radius of 1030.00 feet, a central angle of 9° 02' 00", the chord of which bears S 86° 59' 00" W, a chord distance of 162.22 feet to a point;

Thence N 1° 30' 00" E, through Parcel 19, a distance of 742.78 feet to a point in the northerly line of said Parcel 19;

Thence S 88° 25' 00" E, with said northerly line, a distance of 775.55 to the place of beginning, and containing 13,000 acres of land, more or less.

To rezone From: AR-1, Apartment Residential District, AR-LD, Apartment Residential-Low, Density District, RRR, Restricted Rural Residential District, To: C-2, Commercial District.

**Section 2.** That a Height District of Thirty-five (35) feet is hereby established on the C-2, Commercial District on this property, and no building or structure shall be erected to a height in excess of Thirty-five (35) feet.

**Section 3.** 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 5.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Passed as amended September 24, 1979.  
M. D. PORTMAN,  
President of Council.  
Approved as amended September 24, 1979.  
TOM MOODY, Mayor.

Attest:  
VINCENT C. TUMEO, Acting City Clerk.

**ORD. No. 1961-79**—To establish the grades of streets in Edmonton Commons, McKittrick Estates #5, The Wynds #2, Cherrybottom Woods, Cherrybottom Village #5, Americana Parkway, Cherrybottom Village #4, Walden Estates, Currency Drive East, Northbridge #4, Riverside Green South #3, Broadview Farms #2 Phase #1, Roger Berlin Subdivision, Pinewood Colony, Napoleon Avenue, Cunard Village, Berwick Centre Sections 2 & 3, and Ravine Bluff, in connection with private improvement of same.

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

**Section 1.** That the grades of the streets in the following subdivisions, as on file in the Office of the City Engineer, and assigned Agreement Numbers, be and the same are hereby established:

| Subdivision Name            | File No.    | Agree. No. |
|-----------------------------|-------------|------------|
| Edmonton Commons            | 2978, Dr. D | 123        |
| McKittrick Estates #5       | 2970, Dr. D | 124        |
| The Wynds #2                | 3012, Dr. D | 125        |
| Cherrybottom Woods          | 2892, Dr. D | 126        |
| Cherrybottom Village #5     | 2894, Dr. D | 127        |
| Americana Parkway           | 3004, Dr. D | 128        |
| Cherrybottom Village #4     | 2935, Dr. D | 129        |
| Walden Estates              | 2983, Dr. D | 130        |
| Currency Drive East         | 3001, Dr. D | 131        |
| Northbridge #4              | 2984, Dr. D | 132        |
| Riverside Green South #3    | 3015, Dr. D | 133        |
| Broadview Farms #2, Ph. #1  | 3011, Dr. D | 134        |
| Roger Berlin #1, Ph. #1     | 2933, Dr. D | 135        |
| Pinewood Colony             | 2874, Dr. D | 136        |
| Napoleon Avenue             | 3000, Dr. D | 137        |
| Cunard Village              | 2997, Dr. D | 138        |
| Berwick Centre Section II   | 2953, Dr. D | 139        |
| Berwick Centre, Section III | 2998, Dr. D | 140        |
| Ravine Bluff                | 3064, Dr. D | 141        |

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

Passed September 24, 1979.  
M. D. PORTMAN,  
President of Council.  
Approved September 24, 1979.  
TOM MOODY, Mayor.

Attest:  
HELEN M. VAN HEYDE, City Clerk.

**ORD. No. 1962-79**—To establish the grades of streets in Brookside Village, Phase II, in connection with private improvement of same.

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

**Section 1.** That the grades of the streets in the following subdivision be and the same are hereby established, as on file in the Office of the City Engineer, with assigned Agreement Number, be and the same are hereby established

| Name of Subdivision          | File No.   | Agree. No. |
|------------------------------|------------|------------|
| Brookside Village, Phase III | 2900 Dr. D | 142        |

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

Passed September 24, 1979.  
M. D. PORTMAN,  
President of Council.  
Approved September 24, 1979.  
TOM MOODY, Mayor.

Attest:  
HELEN M. VAN HEYDE, City Clerk.

**ORD. No. 1963-79**—To accept a Deed of Easement from Ken Fowler, Inc. for two strips of land to be used for constructing a Storm Drainage Ditch.

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

**Section 1.** That the Deed of Easement from Ken Fowler, Inc., dated August 28, 1979, recorded in Deed Book 3748, Pages 101 and 102, for two strips of land, as described in the attached deed, be and the same are hereby accepted and the premises so deeded be and the same are hereby granted for the purpose of constructing, using and maintaining a Storm Drainage Ditch and appurtenant

works in any part of said strips, including the right to clean, repair and care for said Storm Drainage Ditch, together with the right of access to said strips for said purposes.

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

Passed September 24, 1979.  
M. D. PORTMAN,  
President of Council.  
Approved September 24, 1979.  
TOM MOODY, Mayor.

Attest:  
HELEN M. VAN HEYDE, City Clerk.

**ORD. No. 1964-79**—To accept the Plat of October Ridge, Section 1.

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

**Section 1.** That the plat listed below, on file in the Office of the City Engineer, Division of Engineering and Construction, be and the same is hereby accepted.

**OCTOBER RIDGE, SECTION 1**  
A subdivision containing 18,508 acres, more or less, located east of Harrisburg Pike and north of Frank Road.

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

Passed September 24, 1979.  
M. D. PORTMAN,  
President of Council.  
Approved September 24, 1979.  
TOM MOODY, Mayor.

Attest:  
HELEN M. VAN HEYDE, City Clerk.

**ORD. No. 1965-79**—To authorize and direct the Director of Public Service, or his designated representative to execute an easement for sewer purposes near the Roberts Road Outpost, to the Ohio Department of Transportation.

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

**Section 1.** That the Director of Public Service, or his designated representative, be and is hereby authorized and directed to execute in full a sewer easement near the Roberts Road Outpost, described as:

**Parcel No. 1S**  
Commencing at the southerly termini of an existing easement for sanitary sewer, of record in Deed Book 3462, Page 301, Franklin County Recorder's Office, thence running S 02° 52' 07" W, 230 feet more or less to the intersection of the northerly existing right of way line for Currency Drive and there terminate.

**Section 2.** That upon execution, said easement shall become the full and complete property of the Ohio Department of Transportation.

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

Passed September 24, 1979.  
M. D. PORTMAN,  
President of Council.  
Approved September 24, 1979.  
TOM MOODY, Mayor.

Attest:  
HELEN M. VAN HEYDE, City Clerk.

**ORD. No. 1966-79**—To agree to the adjustment of corporate boundaries between the City of Columbus, Ohio and the City of Gahanna, Ohio by consenting to the transfer from the City of Columbus, Ohio to the City of Gahanna, Ohio of 1.01 acres of land located on the east side of Hines Road, 196.7 feet north of Thistle Avenue.

Whereas, an agreement has been reached between the City of Columbus, Ohio and the City of Gahanna, Ohio to have 1.01 acres located on the east side of Hines Road, 196.7 feet north of Thistle Avenue, and a strip of Hines Road to be transferred from the City of Columbus, Ohio to the City of Gahanna, Ohio in order to facilitate the economic and efficient delivery of Police and Fire service to this tract of land surrounded by the City of Gahanna on three sides.

Whereas, in accordance with Section 709.37 of the Ohio Revised Code, the 1.01 acres of land to be transferred is not inha-

bited by more than five (5) voters; now, therefore:

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

**Section 1.** In accordance with the provisions of Section 709.37 of the Ohio Revised Code, the City of Columbus, Ohio agrees to transfer to the City of Gahanna, Ohio 1.01 acres of land, said land being described as follows:

Being situated in the State of Ohio, County of Franklin, in the City of Columbus and being more particularly described as follows:

Beginning at the northwest corner of Piper's Glen Subdivision and the center line of Hines Road, said tract being the southwest corner of the herein described Jamison tract;

Thence north 3°31'0" east, with the center line of Hines Road, a distance of 200 feet to a point;

Thence south 84° 59' 20" east, a distance of 220 feet to a point at the northerly corner of Piper's Glen;

Thence south 3° 31' 0" west, with the westerly line of Piper's Glen, a distance of 200 feet to a point;

Thence north 84° 59' 20" west, a distance of 220 feet to the point of beginning and containing 1.10 acres more or less. Subject to all rights of way, easements and restrictions of any of previous record.

**Section 2.** That this ordinance be certified to the County Commissioners of Franklin County, Ohio for further proceedings in accordance with law.

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

Passed September 24, 1979.

M. D. PORTMAN,

President of Council.

Approved September 24, 1979.

TOM MOODY, Mayor.

Attest:

HELEN M. VAN HEYDE, City Clerk.

**ORD. No. 1967-79**—To amend the Redevelopment Contract between the City of Columbus and Charleston, Inc. in the Dennison Avenue Conservation Area to delete one parcel and extend the redevelopment time for the other parcels.

Whereas, on September 6, 1978, the City of Columbus and Charleston, Inc. executed a contract for the purchase and redevelopment of Disposal Parcels 11, 26, 27, 60 and Parcel 2 of Disposal Parcel 40 by Charleston, Inc.; and

Whereas, Charleston, Inc. desires to delete Parcel 2 of Disposal Parcel 40 from such contract; and

Whereas, Charleston, Inc. has also determined that it needs additional time to continue developing the remaining parcels under such contract; and

Whereas, Charleston, Inc. has therefore requested that the time by which they must complete the purchase of the remaining parcels be extended from eighteen months to thirty months after the date of the original contract; and

Whereas, the staff of the Department of Development concurs in the desirability of effecting such amendments; now, therefore,

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

**Section 1.** That the contract for sale of land for redevelopment of Disposal Parcels 11, 26, 27, 60 and Parcel 2 of Disposal Parcel 40 in the Dennison Avenue Conservation Area, Ohio R-10, executed September 6, 1978, by and between the City of Columbus and Charleston, Inc., be, and it is, hereby amended to reflect the provisions set forth in the preamble hereto and in the form in which such amendment is contained within the files of the Division of Community Development.

**Section 2.** That the Mayor of the City of Columbus is hereby authorized and directed to execute such amendment.

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

Passed September 24, 1979.

M. D. PORTMAN,

President of Council.

Approved September 24, 1979.

TOM MOODY, Mayor.

Attest:

HELEN M. VAN HEYDE, City Clerk.

**ORD. No. 2020-79**—To grant variances from the provisions of Sections 3341.05 (AR-O, Apartment-Office District), 3341.24 (General Parking Requirements), and 3341.25 (Minimum Parking Space Requirements) to Donal Bell to permit the establishment of a restaurant in an existing building at 1267 West Broad Street with a parking lot which does not have an opaque light barrier and with ten off-street parking spaces and to declare an emergency.

Whereas, Donal Bell is requesting Council Variances to permit the establishment of a restaurant at 1267 West Broad Street, and

Whereas, Section 3341.05 (AR-O, Apartment-Office District) prohibits the establishment of said business at said location, and

Whereas, Sections 3341.24 (General Parking Requirements) and 3341.25 (Minimum Parking Space Requirements), require an opaque light barrier along the perimeter of the parking lot and the provision of thirteen off-street parking spaces for said use at said location, and

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

Whereas, the granting of said variances 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 the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus, and

Whereas, the granting of said variances will alleviate the difficulty encountered by Donal Bell in using said property as he desires; and

Whereas, an emergency exists in the usual daily operation of the City in that it is immediately necessary to approve said variance, thereby preserving the public peace, health, safety and welfare; now, therefore,

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

**Section 1.** That Donal Bell be, and is, hereby granted variances from the provisions of Sections 3341.05 (AR-O, Apartment-Office District), 3341.24 (General Parking Requirements) and 3341.25, (Minimum Parking Space Requirements) of the Columbus City Codes, insofar as said sections prohibit the establishment of a restaurant in an existing building at 1267 West Broad Street with ten off-street parking spaces and no opaque light barrier along the perimeter of the parking lot, said property being more particularly described as follows:

Situated in the County of Franklin, State of Ohio and being Lot Number 769 of the West Park Addition to the City of Columbus as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 4, Page 264, 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:

A. Used by Donal Bell for a restaurant or those uses permitted in an AR-O, Apartment-Office District.

B. Provided with ten off-street parking spaces with cars parked head-in to the east property line.

**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 for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Passed September 24, 1979.

M. D. PORTMAN,

President of Council.

Approved September 24, 1979.

TOM MOODY, Mayor.

Attest:

HELEN M. VAN HEYDE, City Clerk.

**ORD. No. 2021-79**—To rezone a 45.8± acre tract located between Dublin Road and the Scioto River just north of Thoburn Road, From: PUD-8, Planned Unit Development, To: RR, Rural Residential as recommended by the Development Commission, and to declare an emergency.

Whereas, Council is cognizant of the fact that Rezoning Notices have not been sent to abutting property owners by the City Clerk's office relative to this rezoning legislation; and

Whereas, an emergency exists in the daily operation of the Government of the City of Columbus in that it is deemed to be in the best interests of the City to immediately pass the rezoning legislation described herein in order that said rezoning may be included in the "Parade of Homes" to be held in the near future; thereby preserving the public peace, health, safety and welfare; now, therefore,

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 a 45.8± acre tract located between Dublin Road and the Scioto River just north of Thoburn Road and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Norwich, being located in Virginia Military Survey No. 547, and being part of the 70.35 acre tract conveyed to Anna Roessler of record in Deed Book 1938, Page 351, all references being to records of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at a point at the northwesterly corner of the Roessler 70.35 acre tract, said point being located in the centerline of Dublin Road and also being in the southerly line of "WOODLAND ESTATES ON THE SCIOTO," as the same is shown of record in Plat Book 26, Page 9;

thence along the southerly line of said "WOODLAND ESTATES ON THE SCIOTO," and the northerly line of the 70.35 acre tract, North 79° 24' 29" East, a distance of 120.78 feet to an iron pin;

thence North 79° 14' 52" East, 602.15 feet to an iron pin;

thence North 80° 31' 11" East, 331.86 feet to an iron pin;

thence North 79° 49' 40" East, 516.31 feet to an iron pin;

thence North 81° 03' 40" East, 511.70 feet to a point in the center of a stone wall, said point being also the northeasterly corner of said Roessler 70.35 acre tract, and the southeasterly corner of said "WOODLAND ESTATES ON THE SCIOTO," tract, also being the westerly line of Park Drive;

thence along the westerly line of said Park Drive, South 1° 02' 22" West, 982.27 feet to a point in the centerline of a stone wall, and being the southeasterly corner of said 70.35 acre tract;

thence along the southerly line of said 70.35 acre tract, South 79° 18' 28" West, 1018.13 feet to an iron pin at the northeasterly corner of Lot No. 6 of "DOLPH-HIL ACRES ADDITION," as the same is shown of record in Plat Book 24, Page 83;

thence continuing along said southerly line of the 70.35 acre tract, being also the northerly line of said "DOLPH-HIL ACRES ADDITION," South 79° 28' 43" West, 898.39 feet to an iron pin;

thence South 79° 38' 59" West, 40.0 feet to the centerline of said Dublin Road;

thence along the centerline of said Dublin Road, North 10° 33' 40" West, 67.52 feet to a point of curvature at Station 24+10.02;

thence with the arc of a curve to the right (Radius = 5729.58 feet), a chord bearing and distance of North 8° 04' 10" West, 498.18 feet to a point of tangency of said curve at Station 30+80.35;

thence with a line tangent to said curve, North 5° 34' 40" West, 35.79 feet to a point of