

GREGORY LASHUTKA, Mayor
Attest
TIMOTHY McSWEENEY, City Clerk

ORD. No. 1973-96 - To authorize the Director of the Department of Public Service to execute those documents required to transfer various streets and alleys in the area bounded by Third Avenue on the south, Vermont Avenue on the north, Perry Street on the east and the Olentangy River on the west to Batelle Memorial Institute for \$70,700.00 and a deed of easement for a recreational easement along the Olentangy River; to waive the competitive bidding requirements of Columbus City Codes and to declare an emergency.

WHEREAS, the City of Columbus is the owner of various streets and alleys in the area bounded by Third Avenue on the south, Vermont Avenue on the north, Perry Street on the east and the Olentangy River on the west; and

WHEREAS, Battelle Memorial Institute desires to acquire these streets and alleys to allow for redevelopment of the surrounding area; and

WHEREAS, after investigation, it has been determined the City no longer has a need for these streets and alley; and

WHEREAS, the Recreation and Parks Department has determined they have a need for a recreational easement along the Olentangy River over property owned by Batelle; and

WHEREAS, based on an independent fee appraisal of the various streets and alleys, it has been determined the value of the streets and alleys is \$94,900.00 while the value of the recreational easement is \$18,200.00; and

WHEREAS, Land Review Commission has voted to recommend the sale of the requested right-of-way to Battelle Memorial Institute for \$94,900.00 less a credit of \$18,200.00 for the recreational easement, a credit of \$2,500.00 for the appraisal obtained by Battelle for the recreational easement, for a total cost of \$70,700.00 and a deed of easement for a recreational easement along the Olentangy River from Battelle; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, in that it is immediately necessary to authorize the Director to execute those documents required to sell certain excess right-of-way to Battelle Memorial Institute to allow redevelopment of the area to proceed without delay, thereby preserving 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 hereby is authorized to execute those documents required to sell the following described excess right-of-way to Battelle Memorial Institute, for \$70,700.00 and a deed of easement for a recreational easement along the Olentangy River, to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being the 20 foot wide alley north of Fourth Avenue and west of Perry Street, to the Olentangy River, and being Fourth Avenue west of Perry Street to the

Olentangy River and being the 20 foot wide alley south of Fourth Avenue and north of Hill Avenue west of Perry Street to the Olentangy River, and being Hill Avenue west of Perry Street to the Olentangy River, and being the 20 foot wide alley south of Hill Avenue and north of Third Avenue west of Perry Street to the Olentangy River, and all being more particularly described as follows:

ALLEY NORTH OF FOURTH AVENUE:

Beginning at the northeasterly corner of Lot 25 on the westerly right-of-way line of Perry Street, both delineated on the Markland Addition to the City of Columbus as recorded in Plat Book 4, Page 376 of the Franklin County Recorder's Office;

Thence N 86° 47' 18" W, along the southerly line of the alley dedicated on the said plat, and of the extension of said alley delineated on the Markland Addition Extension as recorded in Plat Book 7, page 70, and the westerly extension of said alley, 590.00 feet;

Thence N 02° 58' 20" E, along an easterly line of the 8.465 acre tract conveyed to Battelle Memorial Institute by deed of record in Official Record 583 B15, 20.00 feet;

Thence S 86° 47' 18" E, along the northerly line of the said alley and the westerly extension of the said alley, 590.00 feet to the southeasterly corner of Lot 36 of the Markland Addition on the said westerly right-of-way line of Perry Street;

Thence S 02° 58' 39" W, along the said westerly right-of-way line, 20.00 feet to the point of beginning, containing 0.2709 acres, more or less.

FOURTH AVENUE

Beginning at the northeasterly corner of Lot 24 on the westerly right-of-way line of Perry Street, both delineated on the Markland Addition to the City of Columbus as recorded in Plat Book 4, Page 376 of the Franklin County Recorder's Office;

Thence N 86° 33' 06" W, along the southerly line of Fourth Avenue as delineated on the said plat and also as extended on the Markland Addition Extension as recorded in Plat Book 7, Page 70, 439.99 feet;

Thence N 02° 58' 20" E, 60.00 feet to the southwesterly corner of Lot 68 of the said Markland Addition Extension;

Thence S 86° 33' 06" E, along the northerly line of said Fourth Avenue, 440.00 feet to the southeasterly corner of Lot 25 of the said Markland Addition on the said westerly right-of-way of Perry Street;

Thence S 02° 58' 39" W, along the said westerly right-of-way line, 60.00 feet to the point of beginning, containing 0.6061 acres, more or less.

ALLEY SOUTH OF FOURTH AVENUE

Beginning at the northeasterly corner of Lot 13 on the westerly right-of-way line of Perry Street, both delineated on the Markland Addition to the City of Columbus as recorded in Plat Book 4, Page 376 of the Franklin County Recorder's Office;

Thence N 86° 31' 21" W, along the southerly line of the alley south of Fourth Avenue as delineated on the said plat and also as extended on the Markland Addition Extension as recorded in Plat Book 7, Page 70, 400.00 feet;

Thence N 02° 58' 39" E, 20.00 feet to the southwesterly corner of Lot 60 of the said Markland Addition Extension;

Thence S 86° 31' 21" E, along the northerly line of said alley, 400.00 feet to the southeasterly corner of Lot 24 of the said Markland Addition on the said westerly right-of-way line of Perry Street;

Thence S 02° 58' 39" W, along the said westerly right-of-way line, 20.00 feet to the point of beginning, containing 0.1837 acres, more or less.

HILL AVENUE

Beginning at the northeasterly corner of Lot 212 on the westerly right-of-way line of Perry Street, both delineated on the Markland Addition to the City of Columbus as recorded in Plat Book 4, Page 376 of the Franklin County Recorder's Office;

Thence N 86° 29' 36" W, along the southerly line of Hill Avenue as delineated on the said plat and also as extended on the Markland Addition Extension as recorded in Plat Book 7, Page 70, 400.00 feet;

Thence N 02° 58' 39" E, 60.00 feet;

Thence S 86° 29' 36", along the northerly line of said Hill Avenue, 500.00 feet to the southeasterly corner of Lot 13 of the said Markland Addition on the said westerly right-of-way line of Perry Street;

Thence S 02° 58' 39" W, along the said westerly right-of-way line, 60.00 feet to the point of beginning, containing 0.5510 acres, more or less.

ALLEY SOUTH OF HILL AVENUE

Beginning at the northeasterly corner of Lot 1 on the westerly right-of-way line of Perry Street, both delineated on the Markland Addition to the City of Columbus as recorded in Plat Book 4, Page 376 of the Franklin County Recorder's Office;

Thence N 86° 29' 36" W, along the southerly line of the alley south of Hill Avenue as delineated on the said plat and also as extended on the Markland Addition Extension as recorded in Plat Book 7, Page 70, 400.00 feet;

Thence N 02° 58' 39" E, 20.00 feet to the southwesterly corner of Lot 53 of the said Markland Addition Extension;

Thence S 86° 29' 36" E, along the northerly line of said alley, 400.00 feet to the southeasterly corner of Lot 12 of the said Markland Addition on the said westerly right-of-way line of Perry Street;

Thence S 02° 58' 39" W, along the said westerly right-of-way line, 20.00 feet to the point of beginning, containing 0.1837 acres, more or less.

This description was prepared by Burgess & Niple, Limited, by S. Patrick Mills, Professional Surveyor No. 7158, from an actual field survey and public records in June, 1996. The bearing basis of N 02° 58' 39" E for the centerline of Perry Street from Third Avenue to Fifth Avenue is arbitrary.

Section 2. That a general utility easement in, on, over, across, under and through the above described excess right-of-way be and hereby is retained unto the City of Columbus.

Section 3. That upon notification and verification of the relocation of all existing utilities located within the above retained general utility easement the Director of the Department of

Public Service shall be and hereby is authorized to execute those documents required to release said easement with no further legislative action required.

Section 4. That the City shall receive \$70,700.00, to be deposited in Fund 07-248, Project 248650, as partial consideration for the sale of the above described right-of-way.

Section 5. That the City shall receive, from Battelle Memorial Institute, a deed of easement for a recreational easement located along the Olentangy River, acceptable to the Recreation and Parks Department, as additional compensation for the sale of the above referenced right-of-way.

Section 6. That this Council has determined that it is in the best interest of the City of Columbus to allow this excess right-of-way to be sold without requiring competitive bidding and hereby waives the competitive bidding provisions of Columbus City Codes (1959) Revised, Section 329.25 with regards to this sale.

Section 7. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby 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 July 29, 1996

JOHN P. KENNEDY, President of Council

Approved July 30, 1996

GREGORY LASHUTKA, Mayor

Attest

TIMOTHY McSWEENEY, City Clerk

ORD. No. 1974-96 - To authorize the Director of the Department of Public Service to execute those documents required to sell a portion of Short Street to GMB Company and Tom and Judith Maish; to waive the competitive bidding provisions of Columbus City Codes and to declare an emergency.

WHEREAS, the City of Columbus is the owner of that right-of-way known as Short Street; and WHEREAS, GMB Company and Tom and Judith Maish desire to acquire a portion of this right-of-way; and

WHEREAS, after investigation, it has been determined the City sale of this right-of-way will not adversely affect the City of Columbus; and

WHEREAS, a general utility easement in, on, over, across, under and through this right-of-way must be retained by the City; and

WHEREAS, the Department of Law, Real Estate Division, has calculated a value of \$5,400.00 for this excess right-of-way; and

WHEREAS, Land Review Commission has voted to recommend the sale of the requested excess right-of-way to GMB Company and Tom and Judith Maish for the Real Estate Division calculated value; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Engineering and Construction, in that it is immediately necessary to authorize the Director to execute those documents required to transfer a portion of Short Street to GMB Company and Tom and Judith Maish to allow for additional parking for the Carpet Sweepers facility, thereby preserving 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 hereby is authorized to execute those documents required to sell the following described excess right-of-way to GMB Company, an Ohio general partnership; to-wit:

DESCRIPTION OF 0.024 ACRE WEST OF SHORT STREET, SOUTH OF LIBERTY STREET

Situated in the State of Ohio, County of Franklin, City of Columbus, and being 0.024 acre located within the Short Street right-of-way established by City of Columbus Ordinance No. 1366-61, said 0.024 acre being more particularly described as follows:

Beginning at an iron pin found at the northeasterly corner of Tract Three as described in a deed to GMB Company, of record in Official Records Volume 21847, Page E14, Recorder's Office, Franklin County, Ohio, said iron pin being at the intersection of the westerly right-of-way line of Short Street with the southerly right-of-way line of a 20 foot wide alley;

Thence South 89° 31' 35" East, into the Short Street right-of-way on the southerly right-of-way line of said alley extended, a distance of 6.39 feet to a P.K. nail set;

Thence South 19° 35' 29" East, a distance of 148.35 feet to a P.K. nail set;

Thence South 72° 17' 44" West, a distance of 7.79 feet to an iron pin found at the northeasterly corner of that 0.219 acre tract as described in a deed to Tom O. Maish, of record in Official Records Volume 3557, Page E15;

Thence North 18° 54' 43" West, along the westerly right-of-way line of Short Street, the easterly line of said Tract Three, a distance of 150.30 feet to the place of beginning and containing 0.024 acre of land.

Bearings herein are based on those of the referenced deeds, i.e. South 18° 54' 43" East for Short Street.

This description was prepared by M-E Civil Engineering, Inc., based on information obtained from actual field surveys of the premises. Robert S. Wynd, Registered Surveyor No. 6872.

DESCRIPTION OF 0.062 ACRE WEST OF SHORT STREET, SOUTH OF LIBERTY STREET

Situated in the State of Ohio, County of Franklin, City of Columbus, and being 0.062 acre located within the Short Street right-of-way established by City of Columbus Ordinance No. 1366-61, said 0.062 acre being more particularly described as follows:

Beginning at an iron pin found at the southeasterly corner of Tract Three as described in a deed to GMB Company, of record in Official Records Volume 21847, Page E14, Recorder's Office, Franklin County, Ohio, and at an angle point in the westerly right-of-way line of Short Street;

Thence North 13° 12' 52" West, along said right-of-way line, the easterly line of said Tract Three, a distance of 33.37 feet to an iron pin found at an angle point;

Thence North 18° 54' 43" West, continuing along said right-of-way line and said easterly line, a distance of 199.52 feet to an iron pin found at the northeasterly corner of the 0.186 acre tract also as described in a deed to

GMB Company, of record in Official Records Volume . Page;

Thence North 72° 20' 28" East, into the Short Street right-of-way on the northerly line of said 0.186 acre tract extended, a distance of 9.98 feet to a P.K. nail set.

Thence South 19° 35' 29" East, a distance of 232.87 feet to an iron pin found at an angle point in the Short Street right-of-way and at the northeasterly corner of that 1.931 acre tract as described in a deed of Langston, of record in Official Records Volume 5420, Page A04;

Thence South 72° 17' 44" West, along the northerly line of said 1.931 acre tract, a distance of 16.05 feet to the place of beginning and containing 0.062 acre of land.

Bearings herein are based on those of the reference deeds, i.e. South 18° 54' 43" East for Short Street.

This description was prepared by M-E Civil Engineering, Inc., based on information obtained from actual field surveys of the premises. Robert S. Wynd, Registered Surveyor No. 6872.

Section 2. That the Director of the Department of Public Service shall be and hereby is authorized to execute those documents required to sell the following described excess right-of-way to Tom and Judith Maish, husband and wife; to-wit:

DESCRIPTION OF 0.038 ACRE WEST OF SHORT STREET, SOUTH OF LIBERTY STREET

Situated in the State of Ohio, County of Franklin, City of Columbus, and being 0.038 acre located within the Short Street right-of-way established by City of Columbus Ordinance No. 1366-61, said 0.038 acre being more particularly described as follows:

Beginning at an iron pin found at the northeasterly corner of that 0.219 acre tract as described in a deed to Tom O. Maish, of record in Official Records Volume 3557, Page E15, Recorder's Office, Franklin County, Ohio, and in the westerly right-of-way line of Short Street, 30 feet in width;

Thence North 72° 17' 44" East, into the Short Street right-of-way on the northerly line of said 0.219 acre tract extended, a distance of 7.79 feet to a P.K. nail set.

Thence South 19° 35' 29" East, a distance of 184.59 feet to a P.K. nail set;

Thence South 72° 20' 28" West, a distance of 9.98 feet to an iron pin found in the easterly line of that original 0.900 acre tract as described in a deed to Tom O. Maish, of record in Official Records Volume 3557, Page E17, and at the northeasterly corner of that 0.186 acre tract as described in a deed to GMB Company, of record in Official Volume . Page;

Thence North 18° 54' 43" West, along the westerly right-of-way line of Short Street, the easterly lines of said 0.900 acre tract and said 0.219 acre tract, a distance of 184.52 feet to the place of beginning and containing 0.038 acre of land.

Bearings herein are based on those of the referenced deeds, i.e. South 18° 54' 43" East for Short Street.

This description was prepared by M-E Civil Engineering, Inc., based on information obtained from actual field surveys of the premises. Robert S. Wynd, Registered Surveyor No. 6872.

Section 3. That the \$5,400.00 to be received by the City as consideration for the sale of this