

014750

1990 JUL 26 PM 4:34

DEPARTMENTAL AUTHORIZATION

OMB Approval Stamp
OMB Staff Contact:
Phone

OMB COMPLIANCE
With Affirmative Action Code

Office of Contract Compliance

CONFORMANCE

This is to certify that the attached ordinance is in conformance with the adopted Capital Improvements Budget as amended, of the City of Columbus, Ohio.

Department of OMB Date

CITY ATTORNEY: This ordinance to enter a contract has been reviewed by the City Attorney's Office as to its form and legality only.

RONALD J. O'BRIEN
CITY ATTORNEY

By

REFERENCE NUMBER AND TIME

ORIGINAL
COLUMBUS CITY COUNCIL
c/o Legislative Research Office
2197-90

Ordinance No.

Resolution No.

30 Day Emergency

FLOOR ACTION

(Clerks Office Only)

JUL 30 1990 P-1-0

COMMITTEE

SERVICE & UTILITIES

INTRODUCED BY

ARLENE SHOEMAKER

DATE OF FIRST READING

JUL 30 1990

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 herein, to pay the within ordinance.

Date: No:

Fund No: Dept. No: Approp Code:

Entered By: Amount:

City Auditor or Deputy Auditor

Explanation of Legislation

July 19, 1990

Columbus City Council
City Hall
Columbus, Ohio 43215

Honorable Members of Council:

The Department of Public Service, Division of Engineering and Construction, has received a request from University City, a California Limited Partnership, asking that the City deed to them property originally given to the City, via plat, by University City, Inc. for use as a service road parallel to the west right-of-way line of Olentangy River Road. The City has determined this service road is no longer necessary for the preservation of the safety of the City pursuant to Ordinance 1598-89. The Department of Law, Real Estate Division has established a value of \$179,150.00 for this property. The Development Department and the Office of Management and Budget have identified the platted donation of the land and the construction of the service road by University City, Inc. as mitigating circumstances and have recommended the sale of the property to University City, a California Limited Partnership, at no charge. The Land Review Commission has voted to recommend the sale of said property to University City, a California Limited Partnership, at no charge.

John Klein (7712)
Contact: For Questions - Phone
on this Legislation

Robert Smith
7/26/90 Approved (Division Head)

Approved (Department Head)

Title (Brief Description)

To authorize the Director of the Department of Public Service to execute those documents necessary to sell that service road declared to be excess right-of-way on the west side of Olentangy River Road, from the south line of Stinchcomb Drive south to the north line of the service road shown in Plat Book 33, page 52, excluding a 60' wide right-of-way for Harley Drive to University City, a California Limited Partnership, at no charge, to waive the competitive bidding provisions of Columbus City Codes and to declare an emergency.

MAYOR'S ACTION

SIGNED DATE
RETURNED UNSIGNED DATE
VETO DATE

COUNCIL ACTION

JUL 30 1990
PASSED DATE
ADOPTED DATE

PRESIDENT OF COUNCIL

CITY CLERK DATE

WHEREAS, by virtue of a platted donation, the City owns the service road parallel to the west right-of-way line of Olentangy River Road from the south line of Stinchcomb Drive to the north line of the service road shown in Plat Book 33, page 52, excluding a 60' wide right-of-way for Harley Drive; and

WHEREAS, University City, Inc., who platted and constructed the service road, desires to re-acquire said property; and

WHEREAS, the City does not maintain this service road at the present time and does not intend to maintain it in the future; and

WHEREAS, the service road has been declared to be excess right-of-way by the Department of Public Service, Division of Engineering and Construction; and

WHEREAS, a general utility easement over the entire property must be retained for the benefit of those utilities currently located within the service road; and

WHEREAS, a permanent ingress and egress easement must be granted to Banc Ohio by University City to allow for continued access to the teller windows and parking adjacent to the south side of the Banc Ohio facility in the University City Shopping Center; and

WHEREAS, pursuant to Resolution 113X-86, the Department of Law, Real Estate Division, has established a value of \$179,150.00 for this service road; and

WHEREAS, the Development Department and the Office of Management and Budget have identified the platting and construction of the service road, by University City, Inc., as mitigating circumstances and have recommended the sale of this road to University City, a California Limited Partnership, at no charge; and

WHEREAS, Land Review Commission has voted to recommend the sale of this service road to University City, a California Limited Partnership, at no charge; and

WHEREAS, an emergency exists in that it is immediately necessary to authorize the Director of the Department of Public Service to execute those documents necessary to sell this service road to University City, a California Limited Partnership, at no charge, for the 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 hereby is authorized to execute those documents necessary to transfer to University City, a California Limited Partnership, the following described real property:

DESCRIPTION FOR VACATION OF RIGHT-OF-WAY
COLUMBUS, OHIO
PARCEL II

Situated in the State of Ohio, County of Franklin, City of Columbus and being a portion of land as described by the recorded plat of Olentangy River Road, Stinchcomb Drive, Stadium Drive, Harley Drive, Ackerman Road, and utility easements, said plat recorded in Plat Book 33, Page 52, Franklin County, Ohio, Recorder's Office and having been accepted and approved by the Council of the City of Columbus on the 21st day of March 1960 in ordinance numbered 370-60 and being more particularly described as follows:

Beginning for reference at the centerline intersection of the existing centerline of Olentangy River Road, as delineated upon the aforesaid recorded plat for Dedication of Olentangy River Road, Stinchcomb Drive, Stadium Drive, Harley Drive, Ackerman Road and utility easements and Harley Drive centerline;

Thence, South $69^{\circ} 38' 30''$ West, with the centerline of Harley Drive, a distance of 118.48 feet to a point of curvature on said centerline;

Thence continuing with the centerline of said Harley Drive, with an arc of a curve to the right whose radius is 292.30 feet, a central angle of $1^{\circ} 11' 14''$, the chord which bears North $70^{\circ} 14' 07''$ West, a chord distance of 6.06 feet to a point on said centerline of Harley Drive;

Thence North $19^{\circ} 10' 16''$ West, radial to the centerline arc of Harley Drive, a distance of 30.00 feet to a true point of beginning, in the existing northerly right-of-way of said Harley Drive;

Thence with the arc of a curve to the left, whose radius is 20.00 feet, a central angle of $91^{\circ} 11' 14''$, the chord bearing North $25^{\circ} 14' 07''$ East, a chord distance of 28.58 feet to a point in the existing westerly right-of-way of Olentangy River Road;

Thence, with the said existing westerly right-of-way of Olentangy River Road, North $20^{\circ} 21' 30''$ West, a distance of 366.26 feet to a point of curvature;

Thence continuing with the aforementioned existing westerly right-of-way of Olentangy River Road, a curve to the right having a radius of 7,742.99 feet, a central angle of $1^{\circ} 36' 33''$, a chord bearing North $19^{\circ} 33' 13''$ West, a chord distance of 217.46 feet to a point of reverse curvature;

Thence with the arc of a curve to the left, whose radius is 20.00 feet, the central angle being $85^{\circ} 57' 06''$, the chord bearing North $61^{\circ} 43' 30''$ West, a chord distance of 27.27 feet to a point in the existing southerly right-of-way of Stinchcomb Drive;

Thence with the arc of a curve to the left, being along the proposed southerly right-of-way of said Stinchcomb Drive, said arc having a radius of 590 feet and being 30.00 feet measured radially from the existing centerline of said Stinchcomb Drive, the central angle of said arc being $2^{\circ} 37' 27''$, the chord bearing North $73^{\circ} 59' 13''$ East, a chord distance of 27.02 feet to a point;

Thence, with said proposed southerly right-of-way of Stinchcomb Drive $72^{\circ} 40' 30''$ East, a distance of 22.10 feet to a point of curvature;

Thence with the arc of a curve to the right having a radius of 20.00 feet, a central angle of $88^{\circ} 33' 42.8''$, whose chord bears South $63^{\circ} 02' 39''$ East, a chord distance of 27.93 feet to a point in the proposed right-of-way of Olentangy River Road;

Thence from said point in the proposed westerly right-of-way of Olentangy River Road, and continuing with the proposed westerly right-of-way of said Olentangy River Road, following the arc of a curve to the left, the radius of said arc being 7,692.99 feet, the central angle being $1^{\circ} 35' 42.8''$, the chord bearing South $19^{\circ} 33' 39''$ East, a chord distance of 214.18 feet to a point in the aforesaid proposed right-of-way;

Thence South $20^{\circ} 21' 30''$ East, continuing with the proposed westerly right-of-way of said Olentangy River Road, a distance of 366.31 feet to a point of curvature;

Thence with the arc of a curve to the right, having a radius of 20.00 feet, a central angle of $90^{\circ} 00'$, a chord which bears South $24^{\circ} 38' 30''$ West, a chord distance of 28.28 feet to a point in the proposed northerly right-of-way of Harley Drive;

Thence South $69^{\circ} 39' 30''$ West, with the proposed northerly right-of-way of Harley Drive, a distance of 44.98 feet to a point of curvature;

Thence with the arc of a curve, of the proposed northerly right-of-way of Harley Drive the radius of said arc being 262.30 feet, the central angle being $1^{\circ} 11' 14''$, a chord which bears South $7^{\circ} 14' 07''$ West, and chord distance being 5.44 feet to the true point of beginning in the existing northerly right-of-way of Harley Drive; continuing 0.713 acres of land and subject to all easements, covenants and restrictions of prior record.

The above described land is more particularly described upon a drawing of same, attached hereto and made a part herewith.

DESCRIPTION FOR VACATION OF RIGHT-OF-WAY
COLUMBUS, OHIO
PARCEL III

Situated in the State of Ohio, County of Franklin, City of Columbus and being a portion of land as described by the recorded plat of Olentangy River Road, Stinchcomb Drive, Stadium Drive, Harley Drive, Ackerman Road, and utility easements, said plat recorded in Plat Book 33, Page 52, Franklin County, Ohio, Recorder's Office and having been accepted and approved by the Council of the City of Columbus on the 21st day of March 1960 in ordinance numbered 370-60 and being more particularly described as follows:

Beginning for reference at the centerline intersection of the existing centerline of Olentangy River Road, as delineated upon the aforesaid recorded plat for Dedication of Olentangy River Road, Stinchcomb Drive, Stadium Drive, Harley Drive, Ackerman Road and Utility Easements, and Harley Drive centerline;

Thence South $69^{\circ} 38' 30''$ West, 118.48 feet with the centerline of Harley Drive to a point of curvature;

Thence with the arc of a curve to the right, whose radius is 292.30 feet, the central angle being $0^{\circ} 50' 25''$, whose chord bears South $70^{\circ} 03' 42''$ West, and a chord distance of 4.29 feet to a point on the aforesaid centerline of Harley Drive;

Thence radial to the centerline arc of Harley Drive, South $19^{\circ} 31' 05''$ East, a distance of 30.00 feet to a point;

Thence with the southerly right-of-way of Harley Drive, an arc of a curve to the left, whose radius is 322.30 feet, a central angle of $0^{\circ} 50' 25''$, the chord of which bears North $70^{\circ} 03' 42.5''$ East, and whose chord distance of 4.73 feet to a point in the existing right-of-way of Harley Drive;

Thence with the proposed right-of-way of said Harley Drive, a bearing of North $69^{\circ} 38' 30''$ East, a distance of 44.98 feet to a point of curvature;

Thence with the arc of a curve to the right, whose radius is 20 feet, a central angle of 90° , the chord which bears South $65^{\circ} 21' 30''$ East, and whose chord is 28.28 feet in length to a point on the proposed westerly right-of-way of Olentangy River Road;

Thence with the proposed westerly right-of-way of Olentangy River Road South $20^{\circ} 21' 30''$ East, a distance of 189.10 feet to the true point of beginning;

Thence South $20^{\circ} 21' 30''$ West with the proposed right-of-way of said Olentangy River Road, a distance of 488.21 feet to a point of curvature;

Thence with the arc of a curve to the right, whose radius is 30.00 feet, a central angle of $81^{\circ} 12' 07''$, the chord which bears South $20^{\circ} 14' 33.5''$ West, a chord distance of 39.05 feet to a point of reverse curve, on the proposed right-of-way of Slow Drive, not labeled on the aforesaid plat of dedication;

Thence, from said point of reverse curve, with the proposed right-of-way, of the aforesaid Slow Drive, a curve to the left having a radius of 166.14 feet, a central angle of $25^{\circ} 30' 29''$, a chord which bears South $48^{\circ} 05' 22.5''$ West, and a chord which bears South $48^{\circ} 05' 22.5''$ West and a chord distance of 73.36 feet to a point in the existing northerly right-of-way of Slow Drive, said point being a point of reverse curvature;

Thence, from said point of reverse curvature, with the arc of a curve to the left, whose radius is 100.00 feet, a central angle of $55^{\circ} 41' 38''$, a chord whose bearing is North $7^{\circ} 29' 19''$ East, a chord distance of 93.42 feet to a point on the existing westerly right-of-way of Olentangy River Road, as delineated upon aforesaid recorded plat of Dedication;

Thence, North $20^{\circ} 21' 30''$ West, with the aforesaid existing westerly right-of-way of Olentangy River Road, a distance of 471.05 feet to a point;

Thence from said point, North $79^{\circ} 40' 45''$ East, a distance of 50.79 feet to the true point of beginning, containing 0.6262 acres of land, being more particularly described upon a drawing marked Exhibit A, attached hereto and made a part hereof;

Said 0.6262 acres of land being subject to all easements, restrictions, covenants of prior record.

DESCRIPTION FOR VACATION OF RIGHT-OF-WAY
COLUMBUS, OHIO
PARCEL V

Situated in the State of Ohio, County of Franklin, City of Columbus and being a portion of land as described by the recorded plat of Olentangy River Road, Stinchcomb Drive, Stadium Drive, Harley Drive, Ackerman Road, and Utility Easements, said plat recorded in Plat Book 33, Page 52, Franklin County, Ohio, Recorder's Office and having been accepted and approved by the Council of the City of Columbus on the 21st day of March 1960 in ordinance numbered 370-60 and being more particularly described as follows:

Beginning for reference at the centerline intersection of the existing centerline of Olentangy River Road, as delineated upon the aforesaid recorded plat for Dedication of Olentangy River Road, Stinchcomb Drive, Stadium Drive, Harley Drive, Ackerman Road and Utility Easements, and Harley Drive centerline;

Thence South $69^{\circ} 38' 30''$ West, 118.48 feet with the centerline of Harley Drive to a point of curvature;

Thence with the arc of a curve to the right, whose radius is 292.30 feet, the central angle being $0^{\circ} 50' 25''$, whose chord bears South $70^{\circ} 03' 42''$ West, a chord distance of 4.29 feet to a point on the aforesaid centerline of Harley Drive;

Thence radial to the centerline arc of Harley Drive, South $19^{\circ} 31' 05''$ East, a distance of 30.00 feet to the true point of beginning;

Thence from said true point of beginning, with the southerly right-of-way of Harley Drive, an arc of a curve to the left, whose radius is 322.30 feet, a central angle of $0^{\circ} 50' 25''$, the chord of which bears North $70^{\circ} 03' 42.5''$ East and whose chord distance is 4.73 feet to a point in the existing right-of-way of Harley Drive;

Thence with the proposed right-of-way of said Harley Drive, a bearing of North $69^{\circ} 38' 30''$ East, a distance of 44.98 feet to a point of curvature;

Thence with the arc of a curve to the right whose radius is 20 feet, a central angle of 90° , the chord which bears South $65^{\circ} 21' 30''$ East, and whose chord is 28.28 feet in length to a point on the proposed westerly right-of-way of Olentangy River Road;

Thence with the proposed westerly right-of-way line of Olentangy River Road South $20^{\circ} 21' 30''$ East, a distance of 189.10 feet to a point in said proposed westerly right-of-way line of Olentangy River Road;

Thence South $79^{\circ} 40' 45''$ West, with the extended southerly property line of Ohio National Bank of Columbus, 0.623 acres of land, as recorded in Deed Book Volume 2289, Page 421, Franklin County, Ohio, Recorder's Office, a distance of 50.79 feet to a point in the existing right-of-way of Olentangy River Road, said point being the southeasterly corner of the aforesaid 0.623 acres of land;

Thence North $20^{\circ} 21' 30''$ West, with the existing westerly right-of-way of Olentangy River Road and the easterly property line of said Ohio National Bank of Columbus, 0.623 acre tract of land, a distance of 180.29 feet to a point of curvature;

Thence, continuing with the said existing westerly right-of-way of Olentangy River Road and the easterly property line of said Ohio National Bank of Columbus, 0.623 acre tract of land, with the arc of a curve to the left having a radius of 20 feet, a central angle of $89^{\circ} 09' 35''$, the chord of which bears North $64^{\circ} 56' 17.5''$ West, a chord distance of 28.06 feet to the true point of beginning, containing 0.2349 acres of land and being more particularly described upon a drawing marked Exhibit A, attached hereto and made a part herewith, subject to all easements, covenants and restrictions of prior record.

Section 2. That a general utility easement in, on, over, across, under and through the above described real property be and hereby is retained for the benefit of those utilities currently located within said boundaries.

Section 3. That this Council has determined it is in the best interest of the City to sell this property to University City, a California Limited Partnership, without requiring competitive bids and does hereby waive the competitive bidding provisions of Columbus City Codes (1959) Revised, Section 329.

Section 4. That for the 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 passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.