

Ballenger in using said property as desired; now, therefore,
Be it ordained by the Council of the City of Columbus:

Section 1. That Jim Ballenger be, and is, hereby granted a variance for the provision of Sections 3337.02 (R-4, Residential District) and 3337.21 (Minimum parking spaces requirements) of the Columbus City Codes, insofar as said sections prohibit the continued operation of the Linden Bait Store with no off-street parking at 2983 Cleveland Avenue, said property being more particularly described as follows:

Situated in the County of Franklin, State of Ohio and being a part of Lot No. Two (2) of an Amicable Partition made by the heirs of John and Anna E. Agler, as the same appears of record in Plat Book No. 13, p. 32, Recorder's Office, Franklin County, Ohio, and being more fully described as follows:

Beginning at a stake in the west line of Cleveland Avenue, 331.46 feet south of an iron pin at the southwest corner of Mecca Avenue and Cleveland Avenue; thence westerly and parallel to said Mecca Avenue, 140 feet to a point; thence southerly and parallel to Cleveland Avenue, 46 feet to a point; thence easterly and parallel to Mecca Avenue, 140 feet to a stake; thence northerly with west line of Cleveland Avenue, 46 feet to the place of beginning, and containing 148/1000 acres; said above description Parcel No. 22 of an unrecorded plat of Nicholas Cua's 9.00 acre tract and making the west line of Cleveland Avenue 30 feet west from the centerline thereof.

Section 2. That this ordinance is conditioned upon and shall remain in effect only for so long as said property in its use as a bait store is limited to the existing detached garage and storage building, or the property is used for any of those uses permitted under R-4, Residential 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 December 5, 1983.

M. D. PORTMAN,
President of Council.
Approved December 5, 1983.
TOM MOODY, Mayor.
Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 2229-83—To vacate the alleys parallel to Lehman Street and South Lane, subject to retention of easement rights for various utilities.

Whereas, a request has been received by the office of the City Engineer for the vacation of the alleys parallel to Lehman Street and South Lane; and

Whereas, after investigation, it has been determined that this will cause no adverse effects on surrounding properties, and therefore it should be granted; and

Whereas, reservations for utilities are required because Columbus and Southern Ohio Electric Company and the Division of Sewerage and Drainage indicate the presence of their facilities within the area and have requested access to same, now, therefore,

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

Section 1. That the first alley north of South Lane from the east line of Lehman Street to the west line of the alley east of Lehman Street, and the alley east of Lehman Street from the north line of South Lane to the north line of the first alley north of South Lane, be and the same are hereby vacated.

Section 2. That the City of Columbus reserves the right to operate and maintain any and all sewers 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 alleys 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 December 5, 1983.

M. D. PORTMAN,
President of Council.
Approved December 5, 1983.
TOM MOODY, Mayor.
Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 2230-83—To vacate a 10 ft. walkway between Lots #314 and 315 in Cherry Creek Section #5, subject to retention of easements for various utilities.

Whereas, a request has been received by the office of the City Engineer for the vacation of a 10 ft. walkway between Lots #314 and 315 in Cherry Creek Section #5, said walkway to be retained as a 10 ft. easement; and

Whereas, after investigation, it has been determined that this will cause no adverse effects on surrounding properties, and therefore it shall be granted; now, therefore,

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

Section 1. That a 10 ft. walkway between Lots 314 and 315 in Cherry Creek Section #5, be and the same is hereby vacated.

Section 2. That it is the intent of this ordinance to vacate half of the walkway to each abutting lot.

Section 3. That said walkway shall be retained as a 10 ft. easement.

Section 4. 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 walkway 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 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
Passed December 5, 1983.

M. D. PORTMAN,
President of Council.
Approved December 5, 1983.
TOM MOODY, Mayor.
Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 2231-83—To accept a deed from George Wimpey of Ohio, Inc. for real estate to be used for storm water drainage easement.

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

Section 1. That the deed for a temporary easement from George Wimpey of Ohio, Inc., dated October 28, 1983, recorded in Official Records Volume 03512C15, 03512C16 and 03512C17, as described in the attached deed, be and the same is hereby accepted and the premises so deeded be and the same are hereby granted for the purpose of construction, using and maintaining a storm water drainage ditch, appurtenant works and tributary connections in any part of said strip, including the right to clean, repair and care for said ditch together with right of access to said strip for said purpose.

Section 2. That this easement is granted for the purpose of construction, operation and maintenance of a storm drainage ditch and shall remain operative only until the completion of the installation and/or construction of storm drainage facilities in connection with the development of the land described in the attached deed.

Grantor, its successors and assigns, hereby releases the City of Columbus from any further claims for compensation or claims for damages resulting from this grant or the construction of said project, except that the City of Columbus and contractors for the City of Columbus shall not be released from liability for damages caused by their negligence.

The City of Columbus, as soon as practicable after construction of said storm drainage ditch and all subsequent alterations and repairs thereto, shall cause all

affected property of Grantor to be restored to its original condition as nearly as it is reasonably possible. This covenant to run with the land.

In the event the herein described easement strip overlaps parts of existing easements, such existing easements shall not be limited in use by such easement in any manner.

This instrument shall be binding on, and shall inure to the benefit of, the successors and assigns of the parties hereto.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.
Passed December 5, 1983.

M. D. PORTMAN,
President of Council.
Approved December 5, 1983.
TOM MOODY, Mayor.
Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 2232-83—To establish the grades of streets in Squirrel Hill Section 3 Phase 2, Independence Village East Section 5 Phase 3, Riverside Green South Section 11, and Olentangy Highbluffs Section 2 Part 2, 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	Agree. No.
Squirrel Hill		
Sec. 3 Ph. 2	3178, Dr. D	333
Nimitz Drive—	from a pt. 379' ± S. of Darrow Dr. to Darrow Dr.	
Darrow Drive—	from a pt. 90' ± E. of Linkton Dr. to Nimitz Dr.	
Independence Village East		
Sec. 5 Ph. 3	3202, Dr. D	334
Candlish Drive—	from a pt. 95' ± E. of Britwell Ln. to a pt. 118' ± E. of Britwell Ln.	
Britwell Lane—	from a pt. 120' ± S. of Candlish Dr. to Candlish Drive	
Riverside Green		
South Sec. 11	3213, Dr. D	335
Thatcher Drive—	from a pt. 179' ± N. of Rensbury Ct. to a pt. 20' ± N. of Heatherside Drive	
Appleworth Drive—	from Thatcher Drive to a pt. 120' ± E. of Thatcher Drive	
Heatherside Drive—	from Thatcher Drive to a pt. 70' ± E. of Thatcher Drive	
Aldaridge Court—	from Thatcher Drive to a pt. 404' ± E. of Thatcher Drive	
Hawksbury Court—	from a pt. 401' ± W. of Thatcher Dr. to Thatcher Drive	
Rosabury Court—	from a pt. 264' ± W. of Thatcher Dr. to Thatcher Drive	
Ivaswood Court—	from a pt. 261' ± W. of Thatcher Drive to Thatcher Drive	
Olentangy Highbluffs		
Sec. 2. Pt. 2	3166, Dr. D	336
Cliffthorne Way—	from a pt. 560' ± N. of Highbluffs Blvd. to a pt. 18' ± N. of Cliffthorne Way	
Cliffthorne Place—	from Cliffthorne Way to a pt. 158' ± E. of Cliffthorne Way	

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.
Passed December 5, 1983.

M. D. PORTMAN,
President of Council.
Approved December 5, 1983.
TOM MOODY, Mayor.
Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 2233-83—To establish the grades of streets in Ballymead at Dublin Section 2, and The Township Section 1 Phase 1, 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: