

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 17, 1979.

M. D. PORTMAN,

President of Council.

Approved December 17, 1979.

TOM MOODY, Mayor.

Attest:

HELEN M. VAN HEYDE, City Clerk.

ORD. No. 2772-79—To vacate the first alley east of Fifth Street, between specified limits, subject to retention of easements for various utilities.

Whereas, a petition has been presented to the City Engineer, duly signed by abutting owners, requesting the vacation of this alley; and

Whereas, after investigation, it has been determined that this request will have no detrimental effects on the general public and ought to be made; now, therefore,

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

Section 1. That the first alley east of Fifth Street, from the north line of Oak Street to the south line of Capital Street, be and the same is hereby vacated.

Section 2. 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 alley 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 17, 1979.

M. D. PORTMAN,

President of Council.

Approved December 17, 1979.

TOM MOODY, Mayor.

Attest:

HELEN M. VAN HEYDE, City Clerk.

ORD. No. 2773-79—To accept the plats of Donahue Subdivision and Smythe Farms #3.

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

Section 1. That the plat of Donahue Subdivision, lying south of Snouffer Road and east of Smoky Row Road, containing 3.546 acres of land, more or less, and the plat of Smythe Farms #3, lying east of McNaughten Road and south of East Broad Street, containing 18.617 acres, be and the same are hereby accepted.

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

Passed December 17, 1979.

M. D. PORTMAN,

President of Council.

Approved December 17, 1979.

TOM MOODY, Mayor.

Attest:

HELEN M. VAN HEYDE, City Clerk.

ORD. No. 2774-79—To establish the grades of the streets in Newtown Commons and Olenhurst, 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.
Newtown Commons	3033, Dr. D	157
Olenhurst	3020, Dr. D	158

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

Passed December 17, 1979.

M. D. PORTMAN,

President of Council.

Approved December 17, 1979.

TOM MOODY, Mayor.

Attest:

HELEN M. VAN HEYDE, City Clerk.

ORD. No. 2775-79—To accept a deed from Grace Brethren Church, and to name premises so deeded and dedicated Lazelle Road; and to accept a deed from Columbus Technical Institute for a right-of-way for the Spring and Mt. Vernon Connector.

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

Section 1. That the deed from Grace Brethren Church, dated November 13, 1979, recorded in Deed Book 3764, Pages 804 thru 806, as described in the attached deed, for future improvement of the Lazelle Road right-of-way (40' from the centerline), be and the same is hereby accepted and the premises so deeded be and the same are hereby dedicated to public use for such purpose.

Section 2. That the premises so deeded and dedicated be and the same are hereby named Lazelle Road.

Section 3. That the Deed of Easement for both and 0.808 acre tract and an 0.255 acre tract of land from the Columbus Technical Institute, dated November 9, 1979, recorded in Deed Book 3764, Pages 807 thru 813, as described in Exhibits A and B attached hereto, for a right-of-way for the Spring and Mt. Vernon Connector, be and the same is hereby accepted and the premises so deeded be and the same are hereby granted for said purpose.

Section 4. That the unrestricted right to ingress and egress over said easement area to all or any part of the tract upon which said easement is situated be reserved to the Grantor.

Section 5. That the right to receive services from all utilities installed within said easement area, which right shall extend to tracts owned in whole or in part by the Grantors, which are adjacent to the tract over which the above easement is situated, be reserved to the Grantor.

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

Passed December 17, 1979.

M. D. PORTMAN,

President of Council.

Approved December 17, 1979.

TOM MOODY, Mayor.

Attest:

HELEN M. VAN HEYDE, City Clerk.

ORD. No. 2776-79—To permit the occupancy of a portion of the public right-of-way over S. Front St. between Town and Rich, with an overhead pedestrian bridge for F & R Lazarus Company, subject to the conditions herein stated.

Whereas, the F & R Lazarus Company, through Mr. Gerry N. Bird, Kellam and Smith, 4789 Rings Road, Dublin, Oh 43017, has submitted a site plan for a second proposed bridge which will connect two existing parking garages on South Front Street; and

Whereas, said aerial encroachment upon South Front Street will not interfere with the use of that right-of-way for street purposes, and should be permitted; now, therefore,

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

Section 1. That the owner, F & R Lazarus Company, be and is hereby granted the right the privilege to aerially encroach upon the public right-of-way of S. Front Street with an overhead pedestrian bridge, connecting existing parking garages No. 2 and 3; said bridge will span South Front Street with a clearance of 20'0", the proposed bridge being shown as per plan on file in the office of the City Engineer, Division of Engineering and Construction, as fully described below:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being an 0.047 acre, more or less, tract of land described as follows:

Beginning, for reference, at the north-westerly corner of inlot number 206, said lot

being designated and delineated upon a plat of record of the City of Columbus, recorded, as will all recorded plats and deeds mentioned herein, at the Franklin County, Ohio Recorder's Office, Plat Book F, page 332;

Thence from said point of reference southerly with the easterly right-of-way of South Front Street, as said South Front Street is designated and delineated upon the aforesaid plat to the City of Columbus, and with the westerly lines of inlots 206, 207, 208 similarly shown on the aforesaid plat and described in a memorandum of lease, to Federated Department Stores, shown in Deed Volume 184, page 491, a distance of 200.50 feet to the TRUE POINT OF BEGINNING;

Thence from the true point of beginning with the easterly right-of-way line, extended southerly, of South Front Street, a distance of 25.00 feet to a point;

Thence westerly at right angles to the easterly right-of-way line of South Front Street, a distance of 82.50 feet to a point in the westerly right-of-way line of South Front Street;

Thence northerly, with the westerly right-of-way line of the aforesaid South Front Street, said Street being 82.50 feet in width, a distance of 25.00 feet to a point;

Thence, easterly at right angles to the westerly right-of-way of South Front Street, crossing said South Front Street a distance of 82.50 feet, to the TRUE POINT OF BEGINNING, containing 0.047 acres of land, more or less;

subject to the following conditions:

Such construction shall be approved by the Chief Inspector of the Division of Building Regulations of the City of Columbus; that the owner of the bridge, F & R Lazarus Company, its successors and assigns, shall save the City harmless from any and all damages which may arise from or grow out of the installation, use and maintenance of this bridge; and said grantee, its successors and assigns, shall defend, at its own cost, every suit in which the City of Columbus, Ohio, shall be made a party, brought and prosecuted for the recovery of any such damages;

That the occupancy of the right-of-way herein permitted is merely as an accommodation to the said grantee, and that no right, title or interest of the public is waived or abridged in any way thereby; such permission to use and occupy said portion of South Front Street, upon which the construction of the overhead bridge will encroach, is being granted until such time as said buildings may be razed or removed therefrom.

Section 2. That said overhead bridge shall be so constructed as not to interfere with or damage any utility facilities, and in the event that changes become necessary to install and accommodate said bridge, the grantee, its successors and assigns, shall pay the entire cost of any necessary changes, relocations and rearrangement thereof.

Section 3. That this ordinance is conditioned upon the filing by said grantee, with the Clerk of this Council, his acceptance, in writing, of each and all the terms, provisions and requirements of this ordinance, and the payment of the cost of publication thereof; provided, however, that if said grantee shall fail to accept the terms and conditions within thirty days after passage thereof, the same shall then be void and of no force and effect.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed December 17, 1979.

M. D. PORTMAN,

President of Council.

Approved December 17, 1979.

TOM MOODY, Mayor.

Attest:

HELEN M. VAN HEYDE, City Clerk.

ORD. No. 2825-79—To provide for the issuance and renewal of Waterworks System Note No. 3-76 Notes, Series 3, 5, 7 and 9 in the aggregate principal amount of \$32,375,000 and to declare an emergency. (\$32,375,000)

Whereas, the qualified electors of the City of Columbus, Ohio, did on November 4, 1975, by the requisite majority vote, authorize the issuance of bonds outside of the limitation of Article XII, Section 2, of the