

COMMITTEE  
1995 DEC - 8 AM 11: 02  
SERVICE

COLUMBUS CITY COUNCIL

I Certify Compliance With Title 39

INTRODUCED BY

LISA GRIFFIN

DATE OF FIRST READING

DEC 18 1995

ORIGINAL

Ordinance No. 2906-95

30 Day \_\_\_\_\_ Emergency

As Of (Date) \_\_\_\_\_

Authorized Signature \_\_\_\_\_

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

By: \_\_\_\_\_ Date: \_\_\_\_\_

FLOOR ACTION  
(Clerks Office Only)

DEC 18 1995 P 7.0

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 hereon, to pay the within ordinance.

Date: \_\_\_\_\_ No.: \_\_\_\_\_

Fd No.: \_\_\_\_\_ Div. No.: \_\_\_\_\_ Ch. \_\_\_\_\_

By: \_\_\_\_\_ Amt: \_\_\_\_\_

City Auditor or Deputy Auditor

12-8-95

EXPLANATION OF LEGISLATION

001964

BACKGROUND:

The City of Columbus as the owner of the first alley north of West Fifth Avenue, east of Gerrard Street, has been asked by Edward J. Potter, II, to sell said alley. After investigation, it has been determined that the sale of this right-of-way will not adversely affect the City, providing an access easement for the Division of Public Safety and a general utility easement are retained. The Department of Law, Real Estate Division, has calculated a value of \$4,000.00 for this excess right of way and Land Review Commission has voted to recommend the sale of this alley for the Real Estate Division calculated value.

FISCAL IMPACT:

The City will receive \$4,000.00, to be deposited in Fund 07-248, Project 248650, as consideration for the sale of this alley.

EMERGENCY JUSTIFICATION:

Emergency action is requested to allow the planned expansion of the Potter Mercedes facility and the construction of the necessary storm drainage system to proceed without delay.

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

*Robert Smith, PE*  
12/07/95 Approved (Division Head)

*Edward J. Potter, II*  
Approved (Department Head)  
12/8

TITLE (BRIEF DESCRIPTION)

To authorize the director of the Department of Public Service to execute those documents required to sell the unvacated portion of the first alley north of West Fifth Avenue, east of Gerrard Street, to Edward Potter, II; to waive the competitive bidding requirements of the Columbus City codes and to declare an emergency.

MAYOR'S ACTION

*[Signature]* DEC 19 1995  
DATE

COUNCIL ACTION

DEC 18 1995  
DATE PASSED/ADOPTED

*[Signature]*  
PRESIDENT OF COUNCIL

DATE

*[Signature]*  
CITY CLERK

WHEREAS, the City of Columbus is the owner of the first alley north of West Fifth Avenue, east of Gerrard Street; and

WHEREAS, Edward Potter, II, desires to acquire the unvacated portion of said alley to allow for installation of a storm drainage system so that the Ed Potter Mercedes Dealership may be expanded; and

WHEREAS, after investigation, it has been determined that the sale of this alley will not adversely affect the City providing an ingress and egress easement and a general utility easement are retained at the time of the sale; and

WHEREAS, the Department of Law, Real Estate Division, has calculated the value of the unvacated portion of the alley encumbered with the reserved easements is \$4,000.00; and

WHEREAS, Land review Commission has voted to recommend the sale of the requested portion of the alley to Edward Potter, II, for the Real Estate Division calculated price; 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 the property, 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 portion of the first alley north of West Fifth Avenue, east of Gerrard Street, to Edward Potter, II, for \$4,000.00, to-wit:

DESCRIPTION OF A PART OF A 15' ALLEY NORTH OF WEST FIFTH AVENUE FOR POTTER MERCEDES

Being situated in the State of Ohio, County of Franklin, City of Columbus and being all of that 15' alley north of West Fifth Avenue as shown on the recorded plat of Marvin R. Elliot's Subdivision (PB. 5, Pg. 393), said 15' alley beginning at the east line of Gerrard Street (50' wide) and terminating at a point 212.70' easterly therefrom, said point being the west line of that part of said 15' alley as vacated by Columbus City Council by Ordinance 1631-68, dated January 13, 1969, and containing 3190.5 square feet (0.073 acres)

Roger J. Madison, PS 5090

Section 2. That the \$4,000.00, to be received by the City as consideration for the sale of this alley shall be deposited in Fund 07-248, Project 248650.

Section 3. That a general utility easement in, over, across, under and through the above described alley be and hereby is reserved unto the City of Columbus.

Section 4. That an ingress and egress easement in and through the above described alley be and hereby is reserved by the City of Columbus for the Department of Public Safety and for the abutting property owners.

Section 5. That this Council has determined that it is the best interest of the City of Columbus to allow this transfer to proceed without requiring competitive bidding and hereby waives the competitive bidding provisions of Columbus City Codes (1959) Revised, Section 329.25 with regards to this transfer.

Section 6. 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 its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.