

Section 2. That the sum of \$19,539.56 or so much thereof as may be needed is hereby authorized to be expended from the Street Construction, Maintenance and Repair Fund 02-265, Dept./Div. 59-03, Index Code 593251, Minor Object 6652.

Section 3. That for reasons stated in the preamble hereto, which is hereby made part hereof, this ordinance is hereby declared to be an emergency to be in effect by the Mayor



ORD. No. 2989-98 - To authorize the Director of the Department of Public Service to execute those documents required to sell those rights-of-way identified as portions of Ninth Street, Washington Avenue, Goethe Alley and Merritt Street; to waive the competitive bidding provisions of Columbus City Codes; and to declare an emergency.

WHEREAS, the City of Columbus, Department of Public Service, Division of Engineering and Construction, is the owner of those rights-of-way identified as Ninth Street, Washington Avenue, Goethe Alley and Merritt Street; and

WHEREAS, the abutting property owner desires to acquire portions of these rights-of-way to allow for expansion of an existing facility; and

WHEREAS, after investigation, it has been determined that there are no objections to the sale of the above referenced rights-of-way; and

WHEREAS, the Department of Law, Real Estate Division, has determined a total value of \$30,650.00 for these rights-of-way; and

WHEREAS, the Land Review Commission has voted to recommend the sale of the requested rights-of-way; 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 for the Director to execute those documents required to transfer said road rights-of-way so that a proposed expansion of an existing facility may proceed as soon as possible, 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 is hereby authorized to execute quit claim deeds and other incidental instruments prepared by the Department of Law, Real Estate Division, necessary to transfer the following described real property to Franklin International, Inc., to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Half Section 43, Township 5, Range 22, Refugee Lands, and being a part of Ninth Street as delineated upon the plat of James A. Vonschritz Subdivision of record in Plat Book 5, Page 485, a part of Merritt Street as delineated upon said Vonschritz Subdivision, that part of Merritt

Street and that part of Washington Avenue as conveyed to the City of Columbus as Parcel 1 and parcel 2 of Dedication Ordinance No. 28682 dated May 10, 1915, and that part of Merritt Street as Shown on the Plat of Dedication by E. Born, et. al. recorded in Plat Book 7, Page 224 and part of Goethe Alley as dedicated by said Plat of Dedication by E. Born, et. al., all records being of the Recorder's Office, Franklin County, Ohio, unless otherwise noted, and being more particularly described as follows:

Commencing at the northeast corner of Lot 7 of said Vonschritz Subdivision, said point also being at the intersection of the south line of Hosack Street, (50 feet wide), with the west line of Ninth Street (50 feet wide);

Thence, along the west line of Ninth Street and the east line of said Lot 7 and across a 15 foot wide alley, South 04 degrees 37 minutes 02 seconds West, 129.00 feet to the northeast corner of Lot 16 of said Vonschritz Subdivision and the intersection of the west line of Ninth Street with the south line of said 15 foot wide alley and the TRUE POINT OF BEGINNING of the parcel herein intended to be described;

Thence, across Ninth Street, South 85 degrees 15 minutes 46 seconds East, 50.00 feet to the northwest corner of Lot 17 of said Vonschritz Subdivision also being the intersection of the east line of Ninth Street and the south line of said 15 foot alley;

Thence, along the east line of Ninth Street, South 04 degrees 37 minutes 02 seconds West, 114.45 feet to the intersection of the east line of Ninth Street and the north line of Merritt Street;

Thence, along the north line of Merritt Street, South 85 degrees 15 minutes 46 seconds East, 295.79 feet to the intersection of the north line of Merritt Street with the west line of Washington Avenue;

Thence, along the west line of Washington Avenue, North 04 degrees 24 minutes 50 seconds East, 115.89 feet to the intersection of the west line of Washington Avenue with the south line of said 15 foot alley;

Thence, across Washington Avenue, South 85 degrees 51 minutes 58 seconds East, 40.0 feet to the east line of Washington Avenue;

Thence, along the east line of Washington Avenue, South 04 degrees 24 minutes 50 seconds West, 116.31 feet to the intersection of the east line of Washington Avenue with the north line of Merritt Street;

Thence, along the north line of Merritt Street, South 85 degrees 15 minutes 46 seconds East, 205.75 feet to the intersection of the north line of Merritt Street with the west line of Goethe Alley;

Thence, along the west line of Goethe Alley, North 04 degrees 16 minutes 15 seconds East, 245.72 feet to the intersection of the west line of Goethe Alley with the south line of Hosack Street;

Thence, along the south line of Hosack Street and across Goethe Alley, South 85 degrees 30 minutes 00 seconds East, 20.00 feet to the intersection of the south line of Hosack Street and the east line of Goethe Alley;

Thence, along the east line of Goethe Alley, South 04 degrees 16 minutes 15 seconds West 295.80 feet to the intersection of the east line of Goethe Alley projected South with the south line of Merritt Street;

Thence, along the southline of Merritt Street, North 85 degrees 15 minutes 46 seconds West, 287.33 feet to the southwest corner of Merritt

Street as dedicated on said Dedication Plat by E. Born et. al.;

Thence, along part of the west terminus of Merritt Street as dedicated on said Dedication Plat by E. Born, et. al., North 04 degrees 44 minutes 14 seconds East, 25.00 feet to the centerline of Merritt Street;

Thence, along the centerline of Merritt Street, North 85 degrees 15 minutes 46 seconds West, 324.55 feet to the intersection of the centerline of Merritt Street with the west line of Ninth Street projected south;

Thence, along the west line of Ninth Street projected south and the west line of Ninth Street, North 04 degrees 37 minutes 02 seconds East, 139.45 feet to the TRUE POINT OF BEGINNING, CONTAINING 0.867 ACRES. Basis of bearings is the South line of Hosack Street as South 85 degrees 30 minutes 00 seconds East as per Official Record Volume 7534 G-12.

Myers Surveying Company, Inc.

Joseph P. Myers, P.E., P.S., Number 7361

Section 2. That the above described real properties shall be considered excess road right-of-way and the public right therein shall terminate upon the Director's execution and delivery of said quit claim deeds to the grantees thereof.

Section 3. That a general utility easement in, on, over, across, under and through the above described real properties shall be and hereby is retained unto the City of Columbus.

Section 4. That upon notification and verification of the removal of all existing utilities the general utility easement retained unto the City of Columbus shall be released with no further legislative action required.

Section 5. That the \$30,650.00 to be received by the City of Columbus as consideration for the transfer of these rights-of-way shall be deposited in Fund 07-248, Project 248650.

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

Section 7. 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 passage if the Mayor neither approves nor vetoes the same.

Passed November 16, 1998

MICHAEL B. COLEMAN,

President of Council

Approved November 18, 1998

GREGORY LASHUTKA, Mayor

Attest

TIMOTHY McSWEENEY, City Clerk

ORD. No. 2990-98 - To authorize the Finance Director to issue a purchase order for the purchase of cationic emulsified asphalt in accordance with the terms and conditions of the applicable citywide universal term contract for the Division of Engineering and Construction; to authorize the expenditure of \$21,600.00 from the Street Construction, Maintenance and Repair Fund; and to declare an emergency. (\$21,600.00)