

COMMITTEE  
PUBLIC SERVICE & TRANSPORTATION  
INTRODUCED BY

OF HONORABLE  
DATE OF FIRST READING

DEC 13 1999

COLUMBUS CITY COUNCIL

ORIGINAL

Ordinance No. 3107-99

Resolution NO. \_\_\_\_\_

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

I Certify Compliance With Title 39

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 13 1999

P7-0

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

EXPLANATION OF LEGISLATION

**Background:** The City of Columbus is the owner of that right-of-way identified as Livingston Avenue west of South High Street. The Public Service Department, Engineering and Construction Division, has received a request from 495 South High Street LLC, asking for the opportunity to purchase a twelve foot ± wide portion of the south side of Livingston Avenue from the west side of South High Street to a point 195 feet ± westerly there from to allow for proposed commercial redevelopment of the adjacent property. The Department of Law, Real Estate Division, determined a value of \$41,655.60 for this right-of-way. After much discussion the Land Review Commission voted to recommend this right-of-way be transferred to 495 South High Street LLC for fifty percent of the Real Estate Division estimated value of \$41,655.60. The following legislation authorizes the proposed sale of this right-of-way to 495 South High Street LLC for \$41,655.60.

**Emergency Justification:** Emergency action is requested to allow the proposed redevelopment of this site to proceed without delay.

**Fiscal Impact:** In anticipation of this transfer the City received a check in the amount of \$41,655.60 from 495 South High Street LLC. This amount shall be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested right-of-way.

Mary Lu English (5471)

Contact: For Questions - Phone on this Legislation

Approved (Division Head)

Approved (Department Head)

TITLE (BRIEF DESCRIPTION)

To authorize the Director of the Public Service Department to execute those documents required to sell a twelve foot ± wide portion of the south side of Livingston Avenue from South High Street to a point 195 feet ± westerly there from to 495 South High Street LLC for \$41,655.60; to waive the competitive bidding provisions of Columbus City Codes and to declare an emergency.

DEC 14 1999

MAYOR'S ACTION

DEC 14 1999

COUNCIL ACTION

DEC 13 1999

SIGNED

DATE

DATE PASSED/ADOPTED

VETO

DATE

PRESIDENT OF COUNCIL

CITY CLERK

WHEREAS, the City of Columbus, Public Service Department, Engineering and Construction Division, is the owner of that right-of-way identified as Livingston Avenue west of South High Street; and

WHEREAS, the Public Service Department, Engineering and Construction Division, has received a request from 495 South High Street LLC asking for the opportunity to purchase a twelve foot  $\pm$  wide portion of the south side of Livingston Avenue from South High Street to a point 195 feet  $\pm$  westerly there from to allow for commercial redevelopment of the adjacent property; and

WHEREAS, after investigation there are no objections to the sale of this right-of-way; and

WHEREAS, the Department of Law, Real Estate Division, determined a value of \$41,655.60 for this right-of-way; and

WHEREAS, the Land Review Commission voted to recommend this right-of-way be sold for fifty percent of the Real Estate Division estimated value of \$41,655.60; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department in that it is immediately necessary to authorize the Director to execute those documents required to sell the requested right-of-way to 495 South High Street LLC that redevelopment of the adjacent commercial site may proceed without delay 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 Public Service Department be and is hereby authorized to execute quit claim deeds and other incidental instruments prepared by the Real Estate Division, Department of Law, necessary to transfer the following described right-of-way to 495 South High Street LLC, to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of the Livingston Avenue right-of-way acquired by the City of Columbus by deed of record in Deed Book 2437, Page 365, all references herein being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning FOR REFERENCE at an iron pin found at the intersection of the westerly right-of-way line of South High Street with the southerly right-of-way line of Livingston Avenue, being also at the northeasterly corner of Lot 5 of The Brewery District, a subdivision of record in Plat Book 71, Pages 29 and 30; thence North 74°34'29" West, along the southerly right-of-way line of Livingston Avenue, a distance of 12.47 feet to an iron pin set at the TRUE PLACE OF BEGINNING;

Thence North 74°34'29" West, continuing along said right-of-way line, a distance of 182.04 feet to a P.K. nail set in the easterly line of Reserve "E", the northwesterly corner of Lot 5;

Thence North 0°00'00" East, along said easterly line, a distance of 12.56 feet to a P.K. nail set at the northeasterly corner of Reserve "E";

Thence South 74°34'29" East, through the existing Livingston Avenue right-of-way, parallel to and 12.11 feet north of the northerly line of Lot 5, a distance of 182.04 feet to an iron pin set;

Thence South 0°00'00" West, continuing through said right-of-way, a distance of 12.56 feet to the place of beginning and containing 2.204 square feet of land.

Iron pins set consists of a 1" (O.D.) iron pipe, 30" long with a plastic cap inscribed "M-E ENG/S-6872".

This description was prepared by M-E Civil Engineering, Inc., based on information obtained from an actual field survey of the premises.

M-E Civil Engineering, Inc.  
Robert S. Wynd, P.S. Registered Surveyor No. 6872

**Section 2.** That the above referenced real property 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 deed to the grantee thereof.

**Section 3.** That the \$41,655.60 received by the City in anticipation of the transfer of this right-of-way shall be deposited in Fund 748, Project 537650.

**Section 4.** That a general utility easement in, on, over, across, under and through said right-of-way be and hereby is retained unto the City of Columbus.

**Section 5.** That upon notification and verification of the relocation of all utilities the City shall release the reserved general utility easement with no further legislative action required.

**Section 6.** That this Council has determined 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 its passage if the Mayor neither approves nor vetoes the same.