

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 December 14, 1998**

MICHAEL B. COLEMAN,  
President of Council

**Approved December 15, 1998**

GREGORY LASHUTKA, Mayor

Attest

TIMOTHY McSWEENEY, City Clerk

**ORD. No. 3353-98** - To authorize the Director of the Department of Public Service to execute those documents required to sell that right-of-way identified as the first east/west alley north of Frebis Avenue between Nelson Road and Frebis Lane to Schottenstein Stores Corporation; 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 that right-of-way identified as the first east/west alley north of Frebis Avenue between Nelson Road and Frebis Lane; and

WHEREAS, Schottenstein Stores Corporation, desires to acquire this right-of-way to allow for redevelopment of their adjoining properties; and

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

WHEREAS, a general utility easement in, on, over, across, under and through said right-of-way must be and shall be retained unto the City of Columbus; and

WHEREAS, the Department of Law, Real Estate Division, has determined a value of \$2,000.00 for this right-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 right-of-way so that proposed redevelopment 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 Department of Public Service 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 Schottenstein Stores Corporation, to-wit:

Situate in the State of Ohio, County of Franklin, City of Columbus and being a portion of a 20 foot alley as shown on the recorded plat of Southmoor of record in Plat Book 19, Page 64, records of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at an iron pin found at the northwesterly corner of Lot Number 23 of Southmoor as conveyed to Schottenstein Stores Corporation by deed of record in O.R. 13421 H08 lying in the easterly right-of-way line of Nelson Road;

Thence N 00°16'17" E, a distance of 20.00 feet, to an iron pin set in the northerly line of said 20 foot alley to be sold at the southwesterly corner of Lot Number 39 of said Southmoor as

conveyed to F. & R. Investment Company of record in O.R. 05251 H11;

Thence N. 89°54'12" E, a distance of 200.00 feet, along the northerly line of said 20 foot alley to be sold and the southerly line of Lots 39 through 35 of Southmoor as conveyed to F. & R. Investment Company to an iron pin set at the southeasterly corner of said Lot Number 35 being the northwesterly corner of a 20 foot alley vacated by Ordinance Number 701-61 dated July 15, 1961;

Thence S 00°16'10" W, a distance of 20.00 feet along the westerly line of said vacated 20 foot alley to an iron pin set in the southerly line of said 20 foot alley to be sold being the northwesterly corner of Lot Number 28 of said Southmoor as conveyed to said F. & R. Investment by deed of record in O.R. 05251 H11;

Thence S89°54'12" W, a distance of 200.00 feet, along the southerly line of said 20 foot alley to be sold and the northerly line of Lot Numbers 27 through 23 of said Southmoor as conveyed to Schottenstein Stores Corporation to the Point of Beginning containing 0.092 acres, more or less.

The bearings in the above description were based on the bearing of WEST, for the original right-of-way line of Frebis Avenue, as shown of record in Deed Book 3223, Page 162, records of the Recorder's Office, Franklin County, Ohio,

R.D. Zande & Associates, Inc.,  
Larry W. Pennington, Registered Surveyor  
No. 6096

**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 deeds to the grantees thereof.

**Section 3.** That the \$2,000.00 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 4.** That a general utility easement in, on, over, across, under and through the above referenced real property be and hereby is retained unto the City of Columbus.

**Section 5.** 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 6.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is 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 December 14, 1998**

LES WRIGHT,  
President Pro Tem of Council

**Approved December 15, 1998**

GREGORY LASHUTKA, Mayor

Attest

TIMOTHY McSWEENEY, City Clerk