

the city free and harmless from any and all claims for damages and shall defend any and all suits which may be brought against the city of Columbus by reason of such improvement, and shall deposit with the city treasurer, through the office of the city engineer, the sums of \$200.00 to pay the cost of street inspection, \$40 to pay the cost of storm drain inspection, \$100 to pay the cost of fire hydrant installation and \$720.00 to pay the cost of 2 1/4 inch water services.

Sec. 2. That the grade of said street shall be established as of record in profile book 12, page 63, on file in the office of the chief engineer.

Sec. 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law, provided, however, that E. I. Poling shall agree to the terms and conditions hereof, in writing, deposit the sums of money herein stipulated and pay the cost of publication hereof, otherwise this ordinance shall be without force and effect.

Passed July 21, 1947.

JOSEPH R. JONES,
President of Council.

Approved July 21, 1947.

JAMES A. RHODES, Mayor.

Attest:
AGNES BROWN CAIN, City Clerk.

AN ORDINANCE No. 387-47—To accept the plat of Kingsgate.

Be it ordained by the council of the city of Columbus:

Section 1. That the plat of Kingsgate, extending southwardly from Livingston avenue at the intersection of James road and being a subdivision of 27.42 acres in the northeast quarter of section 19, township 12, range 21, Refugee lands, and being all of the 13.42 acre tract and part of the 20 acre tract deeded to William H. Griggs, Robert F. Coppel and Paul Coppel by Frank A. Stallman and Kate O. Stallman, as the same is shown of record in deed book 616, page 249, recorder's office, Franklin county, Ohio, be and the same is hereby approved and accepted.

All streets, avenues, roads, alleys and easements are hereby accepted and such streets, avenues, roads and alleys are hereby dedicated to public use for street and alley purposes.

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

Passed July 21, 1947.

JOSEPH R. JONES,
President of Council.

Approved July 22, 1947.

JAMES A. RHODES, Mayor.

Attest:
AGNES BROWN CAIN, City Clerk.

AN ORDINANCE No. 388-47—To vacate the alley north of Olentangy street, from the east line of High street to the west line of the alley west of East avenue.

Whereas, a petition signed by the owners of all lots and lands abutting upon the alley north of Olentangy street, from the east line of High street to the west line of the alley west of East avenue, was duly presented to this council, praying and consenting that said alley, between the limits named, be vacated, and

Whereas, council, upon hearing, is satisfied that there is good cause for such vacation as prayed for in said petition, that it will not be detrimental to the general interests and ought to be made; now, therefore,

Be it ordained by the council of the city of Columbus:

Section 1. That the alley north of Olentangy street, from the east line of High street to the west line of the alley west of East avenue, be and the same is hereby vacated.

Sec. 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 said city, and that the right is reserved to the owners thereof to operate and maintain any and all other public utilities, if any, now existing on or in said alley to be vacated, and the owners thereof shall have the right to enter thereon at any time for the

purpose of operating, replacing and maintaining the same.

Sec. 3. That the owners of the abutting property shall secure and pay for a driveway permit for the use of the existing paved intersection of the alley north of Olentangy street and High street, as a depressed driveway, and shall maintain in good condition said paved intersection at their own cost and expense; provided further, that the owners of the abutting property shall save the city of Columbus free and harmless from any and all damages or claims for damages which may arise or grow out of the existence, use or maintenance of said depressed driveway; and provided further, that the owners of the abutting property shall construct, at their own cost and expense, a 15-inch storm drain approximately 180 feet in length, from High street to the alley west of East avenue, including manholes in High street and in the alley west of East avenue, according to plan AA-M 353 and city sewer specifications on file in the office of the city engineer, and shall restore to their original condition where removed or disturbed in the construction of said storm drain and manholes.

Sec. 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law, upon the filing with the clerk of this council by the owners of abutting property their acceptance, in writing, of each and all of the terms, conditions and provisions of this ordinance; depositing with the city treasurer, through the office of the chief engineer, the sum of \$50 to cover the cost of inspection of the construction of said storm drain and manholes, and the payment of the cost of publication hereof.

Passed July 21, 1947.

JOSEPH R. JONES,
President of Council.

Approved July 22, 1947.

JAMES A. RHODES, Mayor

Attest:
AGNES BROWN CAIN, City Clerk.

AN ORDINANCE No. 389-47—Granting to the Commissioners of Franklin County, Ohio, the right to construct and maintain a branch sewer in Riverside Park as herein provided.

Be it ordained by the council of the city of Columbus, Ohio:

Section 1. That the commissioners of Franklin County be and they are hereby granted the right to construct and maintain a sanitary sewer in Riverside Park from East Cleft Drive, west, to an existing intercepting sewer traversing about 100 ft. in Riverside Park in the above described course.

This grant is made on the following expressed conditions:

That the park grounds, including all trees, shrubbery and grass be restored to equally as good condition as before the work of constructing the sewer was started and to the satisfaction of the Director of Public Service. That the construction of said sewer shall be without cost or expense to the city and that no assessment whatsoever shall be levied against the city in connection therewith. That the said County Commissioners shall at all times save and keep the city of Columbus free and harmless from any loss or damage which may accrue to it by reason of any provision herein granted, and shall save said city harmless from any and all judgments and claims which may be rendered in favor of or may be made by any person whomsoever against said city on account of the construction, maintenance or operation of said sewer.

Sec. 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law and upon the filing by the Commissioners of Franklin County with the clerk of this council their acceptance, in writing, of each and all of the terms, provisions and requirements of this ordinance.

Passed July 21, 1947.

JOSEPH R. JONES,
President of Council.

Approved July 21, 1947.

JAMES A. RHODES, Mayor.

Attest:
AGNES BROWN CAIN, City Clerk.

AN ORDINANCE No. 390-47—To grant the Pennsylvania Railroad company the right and privilege to remove the old traction line crossing in Spring street just west of Dennison avenue, and to construct a new spur track at a point west thereof.

Whereas, the Pennsylvania Railroad company has requested permission to remove the old traction line crossing in Spring street west of Dennison avenue, said crossing being a part of said railroad's Stone track located in Track street, and to construct a new spur track across Spring street at a point west of Dennison avenue and extending approximately 140 feet northwardly from the south line of Spring street; now, therefore,

Be it ordained by the council of the city of Columbus:

Section 1. That the Pennsylvania Railroad company be and it is hereby granted the right and privilege to remove the old traction line crossing in Spring street west of Dennison avenue, and to cause the construction of a new spur track across Spring street and extending from the south line thereof approximately 140 feet north thereof in Track street. The elevation of said spur track shall conform to the paving grade of said street and the Pennsylvania Railroad company, its successors, assigns and heirs, shall have the right and privilege to operate and maintain said track subject to the following conditions:

1. Said company shall cause the repaving of the track area in Spring street upon the removal of the old traction line and shall cause the paving of Spring street in the area to be occupied by the new spur track with bituminous material satisfactory to the chief engineer of the city of Columbus. The laying of the tracks and the street paving shall be maintained at all times at the expense of said company, its heirs, successors and assigns, to the satisfaction of the chief engineer. During the period of construction of the new spur track, one-half of Spring street shall be kept open for traffic at all times.

2. Said company, its heirs, successors and assigns, shall at all times save the city of Columbus free and harmless from all loss or damage which may accrue to it by reason of any privilege herein granted, and shall save said city free and harmless from any and all judgment or claims which may be rendered in favor of or made by any person whomsoever against said city on account of the construction, maintenance and operation of said track and the operation of locomotives and cars thereon.

3. No car or locomotive shall move on said track at a rate of speed exceeding four miles per hour and no car or locomotive shall at any time be permitted to remain standing upon said Spring street.

Sec. 2. Provided, however, that the rights herein granted to construct, operate and maintain said spur railway track shall be upon the express condition that if the city council, or other duly authorized official of said city, shall at any time determine that the interest of the city requires the removal thereof, such removal shall be completed within a period of two months after due notice and the entire expense thereof shall be borne by the grantee.

Sec. 3. That the rights and privileges hereby granted shall inure to the benefit of said company, its heirs, successors and assigns, and they shall not take effect until said company, within thirty days, has filed with the clerk of the council of the city of Columbus, its written consent and agreement to conform with and to abide by each and all of the stipulations and conditions herein contained, and shall have paid to the city of Columbus the cost of the publication of this ordinance. Further, should said company, its heirs, successors and assigns, violate any of the conditions or stipulations herein provided, then in that event the rights and privileges herein granted shall terminate.