

328.03 (the Land Review Commission requirements) and Section 329.25 (the competitive bidding requirements) of Columbus City Codes (1959) Revised, to the extent they might be applicable to this sale due to the fact this sale is to another governmental agency with the power of eminent domain and that the State has an immediate need for this property, and hereby does so waive said sections of code.

Section 4. 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 March 7, 1994

JOHN P. KENNEDY, President of Council

Approved March 9, 1994

GREGORY LASHUTKA, Mayor

Attest

TIMOTHY McSWEENEY, City Clerk

ORD. No. 411-94 - To authorize the Director of the Department of Public Service to execute those documents necessary to sell 3 alleys east of Fletcher Street, south of Dublin Avenue, to New Venture Investments and C & W Properties for \$20,000.00, to waive the competitive bidding provisions of Columbus City Codes (1959) Revised and to declare an emergency.

WHEREAS, the City of Columbus is the owner of various alleys in the vicinity of Fletcher Street, Spring Street and Dublin Avenue more fully described in Section 1 and Section 3 of this ordinance; and

WHEREAS, New Venture Investments and C & W Properties desire to acquire these alleys; and

WHEREAS, after investigation, it has been determined these are excess right-of-way which the City will sell; and

WHEREAS, the Department of Law, Real Estate Division, has established a value of \$20,000.00 for these alleys; and

WHEREAS, Land Review Commission has voted to recommend the sale of said alleys to New Venture Investments and C & W Properties for the Real Estate Division's suggested value; 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 of the Department of Public Service to execute those documents necessary to sell said alleys for the preservation of 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, prepared by the Department of Law, Real Estate Division, necessary to sell the following described excess rights-of-way to New Venture Investments, to-wit:

A DESCRIPTION OF A 20' ALLEY EAST OF FLETCHER STREET AND SOUTH OF DUBLIN STREET TO BE CONVEYED TO NEW VENTURE INVESTMENTS

Being situated in the State of Ohio, County of Franklin, City of Columbus and being a 20' alley as shown on the recorded subdivision plat of William A. Neil's Scioto Addition

(P.B. 5, Pg. 95), said 20' alley being further described as follows:

Beginning at a point in the east line of Fletcher Street (50' wide) at the S.W. corner of Lot 52 of said subdivisions;

Thence easterly, with the south line of the said Lot 52 and the north line of a 20' alley, a distance of 128.00' to a point in the west line of another 20' alley;

Thence northerly, with the west line of said 20' alley, a distance of 278.00' to the north line of Lot 44 of said subdivision.

Thence easterly, crossing said 20' alley, a distance of 20.00' to a point in the east line of said alley;

Thence southerly, with the east line of said 20' alley, a distance of 298.00' to a point in the north line of Lot 30 of said subdivision and the south line of a 20' alley;

Thence westerly, with the south line of said 20' alley, a distance of 148.00' to a point in the east line of Fletcher Street;

Thence northerly, with the east line of Fletcher Street, a distance of 20.00' to the point of beginning and containing 8520 square feet.

Subject to all road records and easements of record.

Roger J. Madison, P. S. 5090.

Section 2. That a general utility easement in, on, over, across, under and through the above described area be and hereby is reserved unto the City of Columbus.

Section 3. That the Director of the Department of Public Service be and hereby is authorized to execute those documents, prepared by the Department of Law, Real Estate Division, necessary to sell the following described excess right-of-way to C & W Properties, to-wit:

A DESCRIPTION OF PART OF A 20' ALLEY SOUTH OF DUBLIN AVENUE AND EAST OF FLETCHER STREET

Being situated in the State of Ohio, County of Franklin, City of Columbus and being all of a 20' alley as shown on the recorded subdivision plat of William A. Neil's Scioto Addition (P.B. 5, Pg. 95), said 20' alley beginning at the east line of Fletcher Street (50' wide) and terminating at the east line of a 20' alley east of Fletcher Street and containing 2960 square feet.

Subject to all road records and easements of record.

Roger J. Madison, P.S. 5090.

Section 4. That the \$20,000.00 to be received by the City as consideration for these sales be deposited in Fund 07-248, Project 248650, Index Code 642678.

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

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 passage if the Mayor neither approves nor vetoes the same.

Passed March 7, 1994

JOHN P. KENNEDY, President of Council

Approved March 9, 1994

GREGORY LASHUTKA, Mayor

Attest

TIMOTHY McSWEENEY, City Clerk

ORD. No. 412-94 - To amend Section 1 and Section 2 of Ordinance 2343-93, passed November 8, 1993, to correct mistakes in the legal descriptions, to repeal the existing Section 1 and Section 2 of said ordinance and to declare an emergency.

WHEREAS, Ordinance 2343-93 passed the 8th of November, 1993, authorized the sale of a 15' alley west of Hess Street, from the south line of King Avenue to the terminus of said alley to the adjoining land owners; and

WHEREAS, the property descriptions in Section 1 and Section 2 of said ordinance contain errors; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to amend Ordinance 2343-93 for the preservation of public health, peace, property, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That Section 1 and Section 2 of Ordinance 2343-93 be and hereby are amended to read as follows:

"Section 1. That the Director of the Department of Public Service be and hereby is authorized to execute those documents prepared by the Department of Law, Real Estate Division, necessary to transfer the following described excess right-of-way to Carole Baker Douglass and Constance Baker Lacaillade, co-trustees under the Baker Family Irrevocable Trust Agreement dated December 16, 1987, for \$935.00, to-wit:

A DESCRIPTION OF A PART OF A 15' ALLEY TO BE CONVEYED TO CAROLE B.

DOUGLASS AND CONSTANCE B. LACAILLADE, CO-TRUSTEES

Being situated in the State of Ohio, County of Franklin, City of Columbus and being a part of a 15' alley, as shown on the recorded subdivision plat of Gerrard Estate (Deed Volume 289, Page 2), said 15' beginning at a point on the north line of a part of the 15' alley as conveyed by the City of Columbus by Ordinance 1114-90, dated 4-23-90, and terminating at a point 26.50' northerly therefrom and containing 397.5 square feet. Subject to all road records and easements of record.

Roger J. Madison, P.S. 5090

Section 2. That the Director of the Department of Public Service be and hereby is authorized to execute those documents, prepared by the Department of Law, Real Estate Division, necessary to transfer the following described excess right-of-way to the Cott Index Company for \$9,200.00, to-wit:

A DESCRIPTION OF A PART OF A 15' ALLEY TO BE CONVEYED TO COTT INDEX COMPANY

Being situated in the State of Ohio, County of Franklin, City of Columbus, and being all of a 15' alley, as shown on the recorded subdivision plat of Gerrard Estate (Deed Volume 289, Page 2), beginning at the south line of King Avenue (60' wide) and terminat-

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Roger J. Madison, P.S. 5090"

Section 2. That the existing Section 1 and Section 2 of Ordinance 2343-93, passed November 8, 1993, be and hereby are repealed.

Section 3. 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 March 7, 1994

JOHN P. KENNEDY, President of Council

Approved March 9, 1994

GREGORY LASHUTKA, Mayor

Attest

TIMOTHY McSWEENEY, City Clerk

ORD. No. 413-94 - To authorize the Director of the Department of Public Service to enter into a lease agreement with McDonald's Corporation, for a portion of public right-of-way adjacent to 152 East Broad Street for the purpose of operating a sidewalk cafe and to declare an emergency.

WHEREAS, the City of Columbus is the owner of public right-of-way adjacent to 152 East Broad Street; and

WHEREAS, McDonald's Corporation desires to lease a portion of said public right-of-way for the purpose of operating a sidewalk cafe; and

WHEREAS, after investigation, there are no objections to the City entering into such a lease with McDonald's Corporation for said public right-of-way; 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 of the Department of Public Service to execute a lease agreement for the preservation of 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 a lease agreement, written and approved by the Department of Law, Real Estate Division, authorizing McDonald's Corporation to use a portion of public right-of-way adjacent to 152 East Broad Street as a sidewalk cafe.

Section 2. That the lease agreement shall contain terms and conditions generally providing the following:

(a) The lease shall be for the spring, summer and fall 1994 season.

(b) The amount of the rent shall be \$1,620.00 payable in advance.

(c) The lease shall contain provisions satisfactory to the Director of the Department of Public Service sufficient to insure the use of the leased premises shall not interfere with the public use of the unleased portion of sidewalk right-of-way or unduly endanger the public.

(d) The Lessee shall hold the City harmless for all damages and claims, including attorney fees, brought by adjacent property owners as a result of the granting of this right to use such sidewalk right-of-way.

(e) Lessee shall comply with all applicable building and zoning regulations.

Section 3. 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 March 7, 1994

JOHN P. KENNEDY, President of Council

Approved March 9, 1994

GREGORY LASHUTKA, Mayor

Attest

TIMOTHY McSWEENEY, City Clerk

ORD. No. 414-94 - To grant consent and propose cooperation with the State of Ohio for pedestrian, bikeway, and environmental enhancements to the I-670 Cap Project, for the Engineering and Construction Division; and to declare an emergency.

WHEREAS, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) contains funding for the Surface Transportation Program which requires the State to set aside 20% of these funds (10% for safety and 10% for scenic enhancement) for Transportation Enhancements; and,

WHEREAS, the City is proposing to cooperate with the State of Ohio on pedestrian, bikeway and environmental enhancements to the I-670 Cap Project; 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 to cooperate with the State of Ohio for the immediate preservation of the public health, peace, property and safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the City hereby requests the cooperation of the Director of Transportation of the State of Ohio in the cost of pedestrian, bikeway and environmental enhancements to the I-670 Cap Project as follows:

The City agrees to assume and bear one hundred percent (100%) of the total cost of the preliminary engineering.

The City agrees to assume and bear one hundred percent (100%) of the total cost of right-of-way acquisition, less the amount of federal funds set aside by the Director of Transportation.

The City agrees to assume and bear one hundred percent (100%) of the total construction, less the amount of Federal Aid Funds set aside by the Director of Transportation and the City further agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

This is Consent legislation only. No financial participation is required by the City at this time.

Section 2. That it is declared to be in the public interest that consent of the City be and such consent is hereby given to the Director of Transportation of the State of Ohio to construct the above-described improvement, in accordance with plans, specifications and estimates as approved by the Director.

Section 3. That the Director of Public Service of the City of Columbus is hereby authorized and directed on behalf of the City to enter into agreements with the Director of Transportation of the State of Ohio necessary to complete the planning and construction of this improvement.

Section 4. That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

Section 5. That upon completion of the said improvement, the City will thereafter keep the said highway open to traffic at all times, and

(a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance; and

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

(c) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.

(d) Regulate parking in the following manner:

Prohibit parking in accordance with section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

Section 6. That the following provisions with regard to right-of-way, utility rearrangement and saving the State of Ohio harmless of damages shall apply herein:

(a) That all existing street and public right-of-way within the City, which is necessary for the aforesaid improvement, shall be made available therefor.

(b) That the State will acquire any additional right-of-way required for the construction of the aforesaid improvement.

(c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the improvement, and the companies have agreed to make any and all necessary plant removals or rearrangements in such a manner as to be clear of any construction called for by the plans of the improvement and the companies have agreed to make such necessary rearrangements immediately after notification by the City or the Department of Transportation.

(d) That it is hereby agreed that the City shall, at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other municipally owned utilities and/or any appurtenances thereto, which do not comply with the provisions of Directive H-P-508 inside or outside the corporate limits as may be necessary to conform to the improvement and the rearrangements shall be done at such time as requested by the Department of Transportation Engineer.

(e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in Subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing