

Ordinances Passed

ORD. No. 481-83—To vacate 520 square feet of Frankfort Avenue west of Third Street.

Whereas, Max and Ermas Ltd. of 730 South Third is the owner of the property at the southwest corner of South Third Street and Frankfort Avenue and is desirous of vacating and occupying eight (8) feet of the eighteen (18) foot sidewalk on Frankfort Avenue adjacent to said property, and

Whereas, said portion of said Frankfort Avenue if vacated will be adjacent to the existing Max and Erma's restaurant and will allow for the construction of an addition to such restaurant in conformance with plans on file with the Division of Planning and Economic Development, and

Whereas, the German Village Commission has recommended that said occupancy be approved, and

Whereas, said occupancy and vacation will not adversely affect the surrounding property of surrounding neighborhood, and

Whereas, the granting of said vacation will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets or increase the danger of fires or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus, and

Whereas, said property to be vacated has been appraised as having a value of \$5,200.00 and the cost of said appraisal was \$450.00 and Max & Ermas, Ltd., has paid to the City of Columbus the sum of \$5,650.00; and

Whereas, the granting of said permit will alleviate the difficulty encountered by Max & Ermas, Ltd. in using its property as desired now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That the following portion of Frankfort Avenue be and the same is hereby vacated:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus, and bounded and described as follows:

Beginning at the northeast corner of Lot 21 of C. F. Jaeger's Second Addition, as the same is shown of record in Deed Book 38, page 403, Recorder's Office, Franklin County, Ohio, being the true point of beginning;

Thence North parallel with the centerline of South Third Street eight (8) feet to a point;

Thence West parallel with the north property line of said Lot 21 sixty five (65) feet to a point;

Thence South parallel with the north property line of said Lot 21 sixty five (65) feet to a point;

Thence South parallel with the centerline of South Third Street eight (8) feet to a point in the north line of said Lot 21;

Thence East with the said north property line of said Lot 21 sixty five (65) feet to the true point of beginning and containing 520 square feet.

Section 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 the City; and that the right is reserved to operate and maintain any other public utilities now existing on or in said alleys hereby vacated; and it shall have the right to enter thereon at any time for the purpose of reasonably constructing, installing, replacing, operating and maintaining the same.

Section 3. That this ordinance is adopted relying upon the following representations made by and on behalf of Max and Erma's Ltd. its successors and assigns.

A. That the occupancy of the above described area shall be used for an addition to the Max and Erma's restaurant, which addition shall be constructed in conformance with the architectural rendering prepared by The Architectural Alliance, titled Max and Erma's German Village and dated 5/18/82. Such rendering is on file with the Division of Planning and Economic Development.

B. Such construction shall be in conformance with all applicable building codes.

C. Max and Erma's, Ltd., its successors and assigns, shall save the City harmless from any and all damages which may arise from or grow out of the construction, use and maintenance of this area, and Max and Erma's Ltd. shall defend, at its own cost, every suit in which the City of Columbus, Ohio, shall be made party, brought and prosecuted for the recovery of any such damages.

D. Max and Ermas, Ltd. shall pay the entire cost of any charges, relocations or rearrangement of utilities resulting from the construction of the addition.

Section 4. That this ordinance shall become effective only upon the filing by said Max and Erma's, Ltd., with the Clerk of this Council, its acceptance in writing, of each and all the terms, provisions and requirements of this ordinance, and the payment of the cost of publication thereof; provided, however, that if said Max and Erma's, Ltd. shall fail to accept the terms and conditions within thirty days after passage thereof, this same shall then be void and of no force and effect.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed as amended March 21, 1983.

M. D. PORTMAN,

President of Council.

Approved as amended March 21, 1983.

TOM MOODY, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 500-83—To rezone 1.9± acres located on the south side of Mountshannon Road between Dexter Falls Road and Dublin Road (5037-5046 Urlinford Court), From: SR, Suburban Residential, To: R-2, Residential as recommended by the Development Commission.

Be it ordained by the Council of the City of Columbus:

Section 1. That the Zoning Map attached to Ordinance No. 1620-77, passed September 19, 1977, and as subsequently amended be, and the same is hereby revised by changing the zoning of the property as follows:

Being 1.9± acres located on the south side of Mountshannon Road between Dexter Falls Road and Dublin Road (5037-5046 Urlinford Court), and being more particularly described as follows:

Situate in the State of Ohio, County of Franklin, City of Columbus being in Virginia Military Survey No. 4854 and being part of Lot Numbers 43, 44, 45, 46, 48, 49, 60 and a part of Urlinford Court as shown and delineated on the record plat of The Villages of Hayden Run Section No. 1 of record in Plat Book 58, Pages 71 and 73, and being a part of the original 309.115 acre tract of record in O.R. 473, Page 106 records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning for reference at a point on a curve in the easterly line of Dexter Falls Road (60 feet in width) at the southwesterly corner of said Lot Number 48;

Thence along the easterly line of said Dexter Falls Road with a curve to the left having a radius of 1630.00 a central angle of 3° 56' 44" the chord to which bears N 25° 50' 48" W, a chord distance of 112.23 feet, to a point in an existing PUD-8 and S.R. zoning line, said point being the point of true beginning for the herein described tract;

Thence continuing along the easterly line of said Dexter Falls Road with a curve to the left having a radius of 1630.00 a central angle of 7° 00' 16" the chord to which bears N 31° 19' 18" W, a chord distance of 199.14 feet, to a point;

Thence the following three (3) courses and distances across Lot Numbers 49, 50, 43, Urlinford Court and said original 309.115 acre tract:

(1) Thence N 59° 15' 00" E, a distance of 324.00 feet;

(2) Thence N 70° 30' 00" E, a distance of 60.00 feet;

(3) Thence N 75° 00' 50" E, a distance of 121.39 feet, to a point in the said existing zoning line;

Thence the following four (4) courses and distances along the said existing zoning line and across the said original 309.115 acre tract, Lot Numbers 45, 46, 47, 48 and Urlinford Court;

(1) Thence N 9° 22' 00" E, a distance of 155.92 feet;

(2) Thence S 60° 27' 00" W, a distance of 335.00 feet;

(3) Thence S 32° 44' 00" E, a distance of 17.00 feet;

(4) Thence S 59° 38' 00" W, a distance of 106.50 feet to the point of true beginning and containing 1.983 acres, more or less.

To Rezone From: SR, Suburban Residential District, To: R-2, Residential District.

Section 2. That the Planning Administrator of the Division of Planning and Economic Development be, and he is hereby authorized and directed to make the said change on the said original zoning map in the office of the Division of Building Regulations and the office of the Division of Planning and Economic Development.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed March 21, 1983.

M. D. PORTMAN,

President of Council.

Approved March 21, 1983.

TOM MOODY, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 501-83—To rezone 2.2± acres located on the south side of Bethel Road between Dierker Road and Reed Road (1945 Bethel Road), From: C-2, Commercial, To: AR-12, Apartment Residential as recommended by the Development Commission, and to declare an emergency.

Whereas, an emergency exists in the usual daily operation of the City in that it is immediately necessary to begin work after passage of this Ordinance, for the immediate preservation of the public peace, health, safety and welfare; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That the Zoning Map attached to Ordinance No. 1620-77, passed September 19, 1977, and as subsequently amended be, and the same is hereby revised by changing the zoning of the property as follows:

Being 2.2± acres located on the south side of Bethel Road between Dierker Road and Reed Road (1945 Bethel Road), and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 1, Township 1, Range 19, United States Military Lands, containing 2.244 acres of land, more or less, said 2.244 acres being part of Lot No. 2 as the said lot is shown in the case of Martha S. Henderson, et al -vs- Joseph R. Henderson, et al, in Complete Record #131, Page 343, et seq., Court of Common Pleas, Franklin County, Ohio, said 2.244 acres also being part of that 8.678 acre tract of land described in the deed to Summer & Co., of record in Deed Book 3743, Page 703, Recorder's Office, Franklin County, Ohio, said 2.244 acres being more particularly described as follows:

Beginning, for reference, at a p.k. nail in the centerline of Bethel Road at the northwesterly corner of said Lot No. 2, the same being at the northwesterly corner of that 0.274 acre tract of land described in a deed to the City of Columbus, of record in Deed Book 3693, Page 817, said reference point of beginning also being the northeasterly corner of that 8.642 acre tract of land described in a deed to Dierker Investments, of record