

D. Comprehensive Venereal Disease Services for Worthington Residents.

NO CHARGE

E. Mosquito Fogging Services for Worthington residents (fogging season: May through September). These services will include trapping, larviciding, spraying, and all insecticides and equipment used in these operations.

TOTAL \$2,897
F. TOTAL CONTRACT \$38,109

In no event shall the cost per major category of service (i.e. Nursing Environmental Health, and Employee Physicals) for any year exceed that set forth above, unless specific authorization is given in writing to Columbus by Worthington.

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

Passed January 30, 1984.

JERRY HAMMOND, President of Council.

Approved January 30, 1984.

DANA G. RINEHART, Mayor.

Attest: FRANCINE C. RYAN, City Clerk.

ORD. No. 59-84—To vacate a 10 ft. walkway in Foxboro Village Section 3 lying between lots 95 and 96, without reservation of easement rights.

Whereas, Day Brothers Development Co, has requested the vacation of a 10 ft. walkway as shown on recorded plat of Foxboro Village Section 3, lying between lots 95 and 96; and

Whereas, after investigation, it has been determined that this vacation will have no detrimental effects on surrounding properties and should be granted; and

Whereas, after investigation, it has been determined that no utilities need easement rights in said walkway; now, therefore,

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

Section 1. That said 10 ft. walkway as shown on recorded plat of Foxboro Village Section 3, lying between Lots 95 and 96, beginning at the west line of Silver Fox Drive to a point 120 ft. westerly therefrom, be and the same is hereby vacated to the owner of Lot 95.

Section 2. That no easement rights are reserved in said walkway hereby vacated.

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

Passed January 30, 1984.

JERRY HAMMOND, President of Council.

Approved January 30, 1984.

DANA G. RINEHART, Mayor.

Attest: FRANCINE C. RYAN, City Clerk.

ORD. No. 60-84—To permit Warner Amex Cable Comm., Inc. to occupy a portion of right-of-way in Godown Road, to set a pole.

Whereas, Warner Amex Cable Comm., Inc. has submitted a request for permission to occupy a portion of right-of-way in Godown Road, located east of the center line of Godown Road just south of Le Anne Marie Circle, to set a pole; and

Whereas, the proposed pole does not interfere with the use of that right-of-way for street purposes, therefore permission should be granted; now, therefore,

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

Section 1. That Warner Amex Cable Comm., Inc., its successors and assigns, be and is hereby granted the right and privilege to occupy a portion of the right-of-way of Godown Road, located east of the center line of Godown Road just south of Le Anne Marie Circle, to set a pole. Said pole will occupy a portion of the right-of-way as per plan on file in the office of the City Engineer, Division of Engineering and Construction; subject to the following conditions:

(a) That the owner of the pole, Warner Amex Cable Comm., Inc., its successors and assigns, shall save the City harmless from any and all damages which may arise from

or grow out of occupancy of a portion of right-of-way of Godown Road, located east of the center line of Godown Road just south of Le Anne Marie Circle; and said Warner Amex Cable Comm., Inc., its successors and assigns, shall defend, at its own cost, every suit in which the City of Columbus, Ohio, shall be made a party, brought and prosecuted for the recovery of any such damages;

(b) That the occupancy of the right-of-way herein permitted is merely as an accommodation to the said grantee, and that no right, title or interest of the public is waived or abridged in any way thereby; such permission to use and occupy said portion of the right-of-way of Godown Road, located east of the center line of Godown Road, just south of Le Anne Marie Circle, upon which this pole will be set is being granted until such time as said pole may be razed or removed.

Section 2. That in the event that changes in utility facilities become necessary because of the occupancy of the right-of-way herein permitted, said Warner Amex Cable Comm., Inc., its successors and assigns, shall pay the entire cost of any necessary changes, relocations and rearrangements thereof.

Section 3. That this ordinance is conditioned upon the filing by said grantee, Warner Amex Cable Comm., Inc., 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 grantee shall fail to accept the terms and conditions within thirty days after passage thereof, the same shall then be void and of no force and effect.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed January 30, 1984.

JERRY HAMMOND, President of Council.

Approved January 30, 1984.

DANA G. RINEHART, Mayor.

Attest: FRANCINE C. RYAN, City Clerk.

ORD. No. 61-84—To permit Accurate Satellite & Video Systems to occupy a portion of right-of-way in West Third Avenue with a satellite antenna.

Whereas, Accurate Satellite & Video Systems has submitted a request for permission to occupy a portion of right-of-way in West Third Avenue with a satellite antenna; and Whereas, the proposed encroachment does not interfere with the use of that right-of-way for street purposes, therefore permission should be granted; now, therefore,

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

Section 1. That Accurate Satellite & Video Systems, its successors and assigns, be and is hereby granted the right and privilege to occupy a portion of the right-of-way of West Third Avenue with a satellite antenna. Said antenna being located as follows:

Description of Proposed Easement Area Containing Micro-Wave Reception Disk at 1005 W. Third Avenue; Columbus, Ohio:

Situated in the State of Ohio, County of Franklin, City of Columbus and being a part of the dedicated portion of West Third Avenue as said dedicated portion is shown on Northwest Boulevard Plat No. 5, of record in Plat Book 14, Page 30-A, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing, for reference, at the northeasterly corner of Lot 79 of said subdivision, said point being also the intersection of the westerly line of Norton Avenue (50 feet wide) with the southerly line of West Third Avenue (60 feet wide) as said intersection is shown on said plat;

Thence along the southerly line of said West Third Avenue (Northerly line of said Lot 79), North 89 degrees 45 minutes West, 10.50 feet to a point and THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

Thence, continuing along the southerly line of said West Third Avenue, North 89 degrees 45 minutes West, 12.50 feet to a point;

Thence across said portion of West Third Avenue, North 0 degrees 15 minutes East, 8.00 feet to a point;

Thence continuing across said portion of West Third Avenue, South 89 degrees 45 minutes East, 12.50 feet to a point;

Thence continuing across said portion of West Third Avenue, South 0 degrees 15 minutes West, 8.00 feet to the place of beginning, containing 100 square feet, subject to all legal easements and restrictions of record and of records in the respective utility offices;

subject to the following conditions:

(a) That the owner of the satellite antenna, Accurate Satellite & Video Systems, its successors, and assigns, shall save the City harmless from any and all damages which may arise or grow out of the occupancy of a portion of right-of-way of West Third Avenue; and said Accurate Satellite & Video Systems, its successors and assigns, shall defend, at its own cost, every suit in which the City of Columbus, Ohio, shall be made a party, brought and prosecuted for the recovery of any such damages;

(b) That the occupancy of the right-of-way herein permitted is merely as an accommodation to the said grantee, and that no right, title or interest of the public is waived or abridged in any way thereby; such permission to use and occupy said portion of West Third Avenue, upon which this antenna will encroach is being granted until such time as said antenna is razed or removed.

Section 2. That in the event that changes in utility facilities become necessary because of the occupancy of the right-of-way herein permitted, said Accurate Satellite & Video Systems, its successors and assigns, shall pay the entire cost of any necessary changes, relocations and rearrangements thereof.

Section 3. That this ordinance is conditioned upon the filing by said grantee, Accurate Satellite & Video Systems, 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 grantee shall fail to accept the terms and conditions within thirty days after passage thereof, the same shall then be void and of no force and effect.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed January 30, 1984.

JERRY HAMMOND, President of Council.

Approved January 30, 1984.

DANA G. RINEHART, Mayor.

Attest: FRANCINE C. RYAN, City Clerk.

ORD. No. 62-84—To accept the plat of vacation of Oralie Place, Counter Court and easements; the amended plat of the resubdivision of Lot #914, Sharon Woods #8; the plat of Olentangy Highbluffs #5; the plat of Westworth Village Section 3, Part 2, the vacation plat of streets and easements in Cherrybottom Village #6; and the resubdivision plat of Cherrybottom Village #6.

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

Section 1. That the following plats, on file in the office of the City Engineer, Division of Engineering and Construction, be and the same are hereby accepted;

Vacation of Oralie Place, Counter Court and easements, lying west of Sharon Woods Blvd. and south of Schrock Road; and

Amended plat of the resubdivision of Lot #914, Sharon Woods #8, lying west of Sharon Woods Blvd. and south of Schrock Road, containing 8.118 acres of land more or less; and

Plat of Olentangy Highbluffs #5, lying west of North High Street and north of I-270, containing 7.073 acres of land more or less; and

Plat of Westworth Village Section 3, Part 2, lying west of Worthington-Galena Road and south of Park Road, containing 9.400 acres of land more or less; and

Vacation plat of streets and easements in Cherrybottom Village #6, lying north of Morse Road and east of Cherrybottom Rd.; and

Plat of the resubdivision of Cherrybottom Village #6, lying north of Morse Road and east of Cherrybottom Rd., containing 5.607 acres of land more or less.

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

Passed January 30, 1984.

JERRY HAMMOND,

President of Council.

Approved January 30, 1984.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 63-84—To establish the grades of streets in Cherry Creek Section 5 Phase 1, in connection with private improvement of same.

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

Section 1. That the grades of streets in Cherry Creek Section 5 Phase 1, as on file in the office of the City Engineer, and assigned Agreement No. 345, be and the same are hereby established:

Subdivision Name File Agree No. Cherry Creek Section 5

Phase I 2934, Dr. D 345

Boston Ivy Place—from a pt. 120' ± S. of Golden Fern Lane to a pt. 334' ± E. of Silverberry Court

Silverberry Court—from a pt. 275' ± W. of Boston Ivy Place to Boston Ivy Place

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

Passed January 30, 1984.

JERRY HAMMOND,

President of Council.

Approved January 30, 1984.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 64-84—To accept a deed from Weybridge Company for real estate to be used for storm water drainage easement.

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

Section 1. That the deed for a temporary easement from Weybridge Company dated December 6, 1983, recorded in Official Records Volume 03665A13 and 03665A14, as described in the attachment deed, be and the same is hereby accepted and the premises so deeded be and the same are hereby granted for the purpose of construction, using and maintaining a storm water drainage ditch, appurtenant works and tributary connections in any part of said strip, including the right to clean, repair and care for said ditch together with the right of access to said strip for said purpose.

Section 2. That this easement is granted for the purpose of construction, operation and maintenance of a storm drainage ditch and shall remain operative only until the completion of the installation and/or construction of storm drainage facilities in connection with the development of the land described in the attached deed.

Grantor, its successors and assigns, hereby released the City of Columbus from any further claims for compensation or claims for damages resulting from this grant or the construction of said project, except that this City of Columbus and contractors for the City of Columbus shall not be released from liability for damages caused by their negligence.

The City of Columbus, as soon as practicable after construction of said storm drainage ditch and all subsequent alterations and repairs thereto, shall cause all affected property of Grantor to be restored to its original condition as nearly as it is reasonably possible. This covenant to run with the land.

In the event the herein described easement strip overlaps parts of existing easements, such existing easement shall not be limited in use by such easement in any manner.

This instrument shall be binding on, and shall inure to the benefit of, the successors and assigns of the parties hereto.

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

Passed January 30, 1984.

JERRY HAMMOND,

President of Council.

Approved January 30, 1984.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 65-84—To amend Section 2 of Ordinance No. 2168-83, passed November 21, 1983, which accepted three deeds to be used for road right-of-way purposes and named premises Morse Road, and to repeal existing Section 2 or Ordinance No. 2168-83.

Whereas, Ordinance No. 2168-83, accepted three deeds for real estate to be used for road right-of-way purposes and named all of the premises so deeded and dedicated Morse Road; and

Whereas, it is necessary to amend the previous ordinance in order to name a portion of such real estate Ulry Road and the remainder Morse Road; now, therefore,

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

Section 1. That Section 2 of Ordinance No. 2168-83 be and is hereby amended to read as follows:

"Section 2. That the premises so deeded and dedicated in the Quit Claim Deed from C. G. Equity Ventures, Inc., dated August 1, 1983, being more fully described in Section 1 of Ordinance No. 2168-83, be and the same are hereby named Ulry Road; and that the premises so deeded and dedicated in the Quit Claim Deed from Jolly Pirate Enterprises, Inc., dated September 15, 1983, and the General Warranty Deed from Nick Soulas and Stella Soulas, dated September 15, 1983, being more fully described in Section 1 of Ordinance No. 2168-83, be and the same are hereby named Morse Road."

Section 2. That existing Section 2 of Ordinance No. 2168-83 be and the same is hereby repealed.

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

Passed January 30, 1984.

JERRY HAMMOND,

President of Council.

Approved January 30, 1984.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 66-84—To grant two encroachments into the right-of-way of Sheridan Avenue and the 25 ft. alley south of Livingston Avenue, subject to the conditions herein stated.

Whereas, Nick Siculan, Attorney at Law, has submitted a request for two encroachments by existing structure(s) into the right-of-way of Sheridan Avenue and the 25 ft. alley south of Livingston Avenue; and

Whereas, the proposed encroachment do not interfere with the use of those rights-of-way for street purposes, therefore, the encroachments should be permitted; now, therefore,

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

Section 1. That the owner of the existing structure(s) encroaching into the right-of-way of Sheridan Avenue and the 25 ft. alley south of Livingston Avenue, their successors and assigns, be and is hereby granted the right and privilege to occupy a portion of the right-of-way of Sheridan Avenue and the 25 ft. alley south of Livingston Avenue and bounded and described as follows:

Encroachment #1:

Beginning for reference at an axle at the intersection of the south line of Livingston Avenue and the west line of Sheridan;

Thence South 32° 23' East, with the west line of Sheridan Avenue, 57.53' to the beginning point of said encroachment;

Thence with the following three courses, North 89° 26' East, 2.71'; South 0° 34' East, 4.36'; North 32° 23' West, 5.13' to the point of beginning and containing 5.9 square feet.

Encroachment #2:

Beginning for reference at an iron pipe at the intersection of the west line of Sheridan Avenue and the north line of said 25' alley;

Thence North 89° 59' 49" West, with the north line of said 25 ft. alley, 81.8' to the point of beginning of said encroachment;

Thence South 01° 02' East, 6.0' to a point;

Thence North 89° 59' 49" West, 143.0' to a point;

Thence North 01° 02' West, 6.0' to a point; Thence South 89° 59' 49" 143.0' to a point; and containing 858 square feet.

Subject, however, to the following conditions:

(1) That the owner of the structure(s), its successors and assigns, shall save the City harmless from any and all damages which may arise from or grow out of the encroachment of this portion of the right-of-way Sheridan Avenue and the 25 ft. alley south of Livingston Avenue; and said owner, its successors, and assigns, shall defend, at its own cost, every suit in which the City of Columbus, Ohio, shall be made a party, brought and prosecuted for the recovery of any such damages;

(2) That the occupancy of the right-of-way herein permitted is merely as an accommodation to the said grantee, and that no right, title or interest of the public is waived or abridged in any way thereby; such permission to use and occupy said portion of Sheridan Avenue and the 25 ft. alley south of Livingston Avenue, upon which this structure(s) encroaches, is being granted until such time as said structure(s) may be razed or removed therefrom.

Section 2. That in the event that changes in utility facilities become necessary because of the encroachment of this structure(s), said owner, its successors and assigns, shall pay the entire cost of any necessary changes, relocations and rearrangement thereof.

Section 3. That this ordinance is conditioned upon the filing by said owner with the Clerk of this Council, his 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 grantee shall fail to accept the terms and conditions within thirty days after passage thereof, the same then be void and of no force or effect.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed January 30, 1984.

JERRY HAMMOND,

President of Council.

Approved January 30, 1984.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 67-84—To authorize an appropriation of \$12,000,000 from the unappropriated balance of the Treasury Investment Earnings Fund, Subfund No. 02-473, to the City Auditor's Office, Division No. 22-01, Character 10, to provide for allocation of interest income to various City Funds, and to declare an emergency. (\$12,000,000)

Whereas, the matter herein provided for constitutes an emergency in that it is immediately necessary to appropriate funds from the Treasury Investment Earnings Fund for the twelve months beginning January 1, 1984, and ending December 31, 1984 for the immediate preservation of the public health, peace, property, safety and welfare; now, therefore,

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

Section 1. That from the unappropriated monies in the Treasury Investment Earnings Fund, Subfund No. 02-473 and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 1984, the sum of \$12,000,000 is appropriated to the City Auditor's Office, Division No. 22-01, Character 10.

Section 2. That the monies in the foregoing Section 1 shall be paid upon order of the City Auditor for which the appropriation is made and that the City Auditor be and is hereby authorized and directed to transfer \$12,000,000 from the Treasury Investment Earnings Fund, Subfund No. 02-473, to the following Funds and up to the amounts specified as monies become available in the Treasury Investment Earnings Fund: