

AN ORDINANCE No. 756-58—To vacate a strip of land, 20 feet in width, off the east side of Bagshaw road, extending from the south line of the right-of-way line of East Fifth avenue to the north right-of-way line of the Baltimore and Ohio Railroad company.

Whereas, by reason of the construction of the Third street viaduct as a part of the Columbus expressway system (FRA 23-DA-1.14, Federal U-UG-1056 (1), I-599 (9)), it has been found expedient that the Baltimore and Ohio Railroad company establish a new freight yard on its property adjacent to and abutting both sides of Bagshaw road, and extending from the south right-of-way line of East Fifth avenue to the north right-of-way line of said railroad, and

Whereas, the existing improvement on Bagshaw road is off center of the dedicated width of the right-of-way of said road and it is desirable that said center line of the existing improvement be held, and

Whereas, in order to accomplish such purpose, it is necessary that the Baltimore and Ohio Railroad company quit claim to the city a strip of land, 20 feet in width, off the west side of its property abutting the west side of said Bagshaw road, from the south right-of-way line of East Fifth avenue to the north right-of-way line of the Baltimore and Ohio Railroad, and that the city, in turn, vacate a portion of said Bagshaw road, 20 feet in width, off the east side thereof, between the points named, and

Whereas, said railroad company has submitted its quit claim deed of easement for acceptance by the city, and the dedication thereof as a part of Bagshaw road, and

Whereas, it is now necessary that the city vacate said portion of Bagshaw road; now, therefore,

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

Section 1. Pursuant to sections 723.05 and 723.08 of the revised code of Ohio, the hereinafter described portion of Bagshaw road be and it is hereby vacated:

Being a parcel of land situated in the city of Columbus in T.1-R 17, Mifflin Twp., Franklin county, state of Ohio, said parcel being a strip of land 20 feet in width west of the east property line of Bagshaw road and more particularly described as follows:

From the intersection of the center line of East Fifth avenue (100 feet wide) with the center line of the original Bagshaw road (40 feet wide), measure S. 4° 26' W., 50 feet to a point in the south property line of East Fifth avenue; thence along said property line S. 86° 28' E., 40 feet to the point of beginning of this parcel, thence continuing along said property line S. 86° 28' E., 20 feet to the east property line of Bagshaw road, thence along said property line S. 4° 26' W., 685.57 feet to a point in the north property line of the Baltimore and Ohio Railroad company and Philadelphia, Baltimore and Washington Railroad company; thence along said property line S. 84° 57' W., 20.28 feet to a point, said point being N. 4° 26' E., 50.69 feet from the center line of the west bound main track of said railroad companies at valuation station 1423+ 38.48; thence along a line 20 feet distant west of, at right angles and parallel with the east property line of Bagshaw road, N. 4° 26' E., 688.57 feet to the point of beginning, containing an area of 13,741 sq. ft., more or less.

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

Passed May 26, 1958.

W. WESLEY LLEWELYN,

President of Council.

Approved May 26, 1958.

M. E. SENSENBRENNER, Mayor.

Attest: RUSSELL D. DRAKE, City Clerk.

AN ORDINANCE No. 757-58—To accept the quit claim deed of the Baltimore and Ohio Railroad company, dated April 24, 1958, for the premises therein conveyed; to dedicate the same to public

use as part of a street; and to name same.

Whereas, ordinance No. 41-58, passed January 13, 1958, granted the Baltimore and Ohio Railroad company the right and privilege to install a railroad grade crossing consisting of two tracks across Bagshaw road, provided, among other things, the railroad company would deed a strip of land, 20 feet in width, off the west side of its property abutting the west side of said Bagshaw road, from the south right-of-way line of East Fifth avenue to the north right-of-way line of said railroad, and the city, in turn, would vacate a portion of said Bagshaw road, 20 feet, in width, off the east side thereof, between the points named, and

Whereas, the quit claim deed, conveying said premises to the city has been delivered; now, therefore,

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

Section 1. That the quit claim deed of the Baltimore and Ohio Railroad company, dated April 24, 1958, be and the same is hereby accepted and the premises so conveyed be and they are hereby dedicated as a part of a street for public use:

Know all men by these presents: That, whereas, Ordinance No. 41-58 was passed by the Council of the city of Columbus, Ohio, on January 13, 1958, granting The Baltimore and Ohio Railroad Company the right and privilege to install a railroad grade crossing consisting of two (2) tracks across Bagshaw Road, in which ordinance it was provided, among other things, as follows:

"The Baltimore and Ohio railroad company shall quit claim to the city of Columbus, Ohio, an easement for highway purposes over and across a strip of land 20 feet in width (measured perpendicularly) abutting the west side of Bagshaw road and extending from the northerly property line of the Columbus and Newark division of the Baltimore and Ohio and Pennsylvania railroad companies (100 feet in width) to the southerly line of East Fifth avenue (100 feet in width). The deed for said land shall provide that whenever the property shall cease to be used for the purposes granted, the grantee, its successors or assigns, will institute proper action to vacate the property for street purposes, and upon such vacation said easements shall revert to the grantor, its successors and assigns, and said deed is to be accepted by the city and the land dedicated as a street for public use. Thereupon the council of the city of Columbus, Ohio, shall by ordinance vacate a portion of Bagshaw road, said portion being 20.0 feet in width (measured perpendicularly) off of the east side of said Bagshaw road (80.0) feet in width extending from the northerly property line of the Columbus and Newark division of the Baltimore and Ohio and Pennsylvania railroad companies (100.0 feet in width) to the southerly line of East Fifth Avenue (100.0 feet in width) a total distance of approximately 694.0 feet. The said portion of Bagshaw road so vacated shall revert to the owner of the abutting property, all of such proceedings to be had pursuant to sections 723.05 and 723.08 of the revised code of Ohio."

Now, therefore, The Baltimore and Ohio Railroad Company, a corporation of the State of Maryland, the Grantor, for and in consideration of the sum of one dollar (\$1.00) and the agreement of the City to vacate twenty (20) feet in width off the east side of said Bagshaw Road as provided in the ordinance above referred to, does hereby insofar as it has the right so to do, Remise, Release and Forever Quitclaim to the city of Columbus, a municipal corporation of the state of Ohio, the Grantee, its successors and assigns, an easement for street purposes in, upon and over the following described property:

Being a parcel of land situated in the city of Columbus in T. 1 - R. 17, Mifflin Twp., Franklin County, state of Ohio, said parcel being a strip of land 20 feet in width west of the west property line of Bagshaw Road

and more particularly described as follows:

From the intersection of the center line of East Fifth Avenue (100 feet wide) with the center line of the original Bagshaw Road (40 feet wide), measure S. 4° 26' W., 50 feet to a point in the south property line of East Fifth Avenue; thence along said property line N. 86° 28' W., 20 feet to the west property line of Bagshaw Road and the point of beginning of this parcel, thence along said property line S. 4° 26' W., 697.68 feet to a point in the north property line of The Baltimore and Ohio Railroad Company and Philadelphia, Baltimore and Washington Railroad Company; thence along said property line S. 84° 57' W., 20.28 feet to a point, said point being N. 4° 26' E., 50.69 feet from the center line of the west bound main track of said railroad companies at Valuation Station 1424 + 19.59; thence along a line 20 feet distant west of, at right angles and parallel with the west property line of Bagshaw Road, N. 4° 26' E., 700.68 feet to a point in the south property line of East Fifth Avenue; thence along said property line S. 86° 28' E., 20 feet to the point of beginning, containing an area of 13,984 sq. ft., more or less.

Whenever the easement shall cease to be used for the purpose granted, the Grantee, its successors and assigns, will institute proper action to vacate the premises for street purposes, and upon such vacation said easement shall revert to the Grantor, herein, its successors and assigns, forever.

If the city fails to vacate the twenty (20) feet off the east side of said Bagshaw Road, as in said ordinance provided, within eighteen (18) months from the date hereof, which vacation is the substantial consideration for this conveyance, then said easement and the premises here involved, will revert to and at once revert in Grantor, its successors and assigns, forever, without further act or deed.

To have and to hold said easement to said city of Columbus, its successors and assigns, for the purposes, and upon the conditions hereinbefore provided.

In witness whereof, said The Baltimore and Ohio Railroad Company, through its corporate officers thereunto duly authorized, has executed this instrument on this the 24th day of April, 1958.

THE BALTIMORE AND OHIO RAILROAD COMPANY

By: W. C. Baker, Vice President

Attest: R. S. B. Hartz, Secretary

In presence of:

H. O. Wettern

E. C. Martin

3-5-58

2-2-834-K

State of Maryland)

Baltimore City)ss:

Be it remembered, that on this the 24th day of April, 1958, before me, the undersigned, a notary public in and for said city, appeared The Baltimore and Ohio Railroad Company, a corporation, by W. C. Baker, Vice President, and R. S. B. Hartz, Secretary, and acknowledged the execution of the foregoing instrument to be the voluntary act and deed of said corporation for the uses and purposes therein set forth.

In witness whereof, I have hereunto set my hand and affixed my official seal, on the day and year last written above.

Robert P. DeBov
Notary Public in and for Baltimore City, State of Maryland.

My Commission expires May 4, 1959.

Sec. 2. That the premises so conveyed and dedicated be and they are hereby named Bagshaw road.

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

Passed May 26, 1958.

W. WESLEY LLEWELYN,

President of Council.

Approved May 26, 1958.

M. E. SENSENBRENNER, Mayor.

Attest: RUSSELL D. DRAKE, City Clerk.