

COMMITTEE
SERVICE

INTRODUCED BY
MATTHEW HABASH

DATE OF FIRST READING

APR 18 1994

COLUMBUS CITY COUNCIL

ORIGINAL

Ordinance No. 809 - 94

Resolution No.

30 Day _____ Emergency

CONFORMANCE

This is to certify that the attached ordinance is in conformance with the adopted Capital Improvements Budget as amended of the City of Columbus, Ohio.

Department of Finance _____ Date _____

CITY ATTORNEY: This ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

By: _____ Date: _____

FLOOR ACTION
(Clerks Office Only)

APR 18 1994 Tabled for 2 wks. 7-0

MAY - 2 1994 TFT

MAY - 2 1994 Tabled Indef. 7-0

JUN - 6 1994 TFT

JUN - 6 1994 P 7-0

AUDITOR'S CERTIFICATE

I hereby certify that there is in the treasury, or anticipated to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within ordinance.

Date: _____ No.: _____

Fd No.: _____ Div. No.: _____ Ch. _____

By: _____ Amt: _____

City Auditor or Deputy Auditor

102 4-8-94

EXPLANATION OF LEGISLATION

BACKGROUND:

Z. Alfred Fiir desires to acquire a portion of that right-of-way known as McMillen Avenue adjacent to Lot 29 and the west half of Lot 30 of Brown's King Avenue Subdivision, west of Pereco Alley to allow him to expand his lots. The Department of Public Service, Division of Engineering and Construction, has determined the sale of the southern 20' of said McMillen Avenue will not be detrimental to the well-being of the City. The Department of Law, Real Estate Division, has recommended a value of \$1,575.00 for the requested right-of-way, and the Land Review Commission has voted to recommend this sale of the southern one-half of McMillen Avenue adjacent to Lot 29 and the west half of Lot 30 to Z. Alfred Fiir for the Real Estate Division recommended value of \$1,575.00.

FISCAL IMPACT:

The City of Columbus shall receive \$1,575.00, to be deposited in Fund 07-248, Project 248650, Index 642678, as consideration for this sale.

EMERGENCY JUSTIFICATION:

Emergency action is requested to allow Mr. Fiir to legally expand his lots and retain his existing gardens and fence without delay.

Chuck Pingleton (6713) *Robert Colwell* *E. Herbert Hark* 7/6/94
Contact: For Questions - Phone _____ Approved (Division Head) Approved (Department Head)
on this Legislation

TITLE (BRIEF DESCRIPTION)

To authorize the Director of the Department of Public Service to execute those documents necessary to sell a portion of McMillen Avenue to Z. Alfred Fiir, to waive the competitive bidding provisions of Columbus City Codes and to declare an emergency.

MAYOR'S ACTION JUN - 8 1994
[Signature]
SIGNED _____ DATE _____

COUNCIL ACTION JUN - 6 1994
[Signature]
DATE PASSED/ADOPTED _____ PRESIDENT OF COUNCIL

VETO _____ DATE _____

[Signature]
CITY CLERK

WHEREAS, the City of Columbus is the owner of that right-of-way known as McMillen Avenue; and

WHEREAS, Z. Alfred Fiir desires to acquire the south half of McMillen Avenue, west of Pereco Alley, adjacent to Lot 29 and the west half of Lot 30 of Van B. Delashmut's Amended Plat of Brown's King Avenue Subdivision, to be used to expand said lots; and

WHEREAS, Ordinance 339-94 authorized the sale of the south half of McMillen Avenue, adjacent to lots 32 through 38 of said subdivision to Arthur R. Haire/Stewart C. McHarg for parking for their business; and

WHEREAS, it has been determined this half of McMillen Avenue has not been improved by the City and is excess right-of-way; and

WHEREAS, the Department of Law, Real Estate Division, has recommended a value of \$1,575.00 for this excess right-of-way; and

WHEREAS, Land Review Commission has voted to recommend this sale at the recommended 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 a portion of McMillen Avenue to Z. Alfred Fiir, thereby preserving the 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, approved by the Department of Law, Real Estate Division, necessary to sell the following described right-of-way to Z. Alfred Fiir for \$1,575.00, to-wit:

DESCRIPTION FOR 20' OF RIGHT-OF-WAY ON
MCMILLEN AVENUE WEST OF PERECO ALLEY

Being situated in the State of Ohio, County of Franklin, City of Columbus and being the southerly 20.00' of McMillen Avenue adjacent to Lots 29 and the west half of Lot 30 as shown on the recorded subdivision plat of Van B. Delashmut's Amended Plat of Brown's King Avenue Subdivision (P.B. 5, Pg. 194), containing 900 square feet more or less.

Subject to all road records and easements of record.

Roger J. Madison, P. S. 5090.

SECTION 2. That the \$1,575.00 to be received by the City of Columbus as consideration for this sale shall be deposited in Fund 07-248, Project 248650, Index Code 642678.

SECTION 3. That a general utility easement in, on, over, across, under and through said right-of-way be and hereby is reserved unto the City of Columbus.

SECTION 4. That this Council has determined it is in the best interest of the City of Columbus to allow this sale to proceed without requiring competitive bids and hereby waives the competitive bidding provisions of Columbus City Codes (1959) Revised, Section 329.25, with regard to this sale.

SECTION 5. 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.