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COMMITTEE

I Certify Compliance With Title 39

PUBLIC SERVICE & TRANSPORTATION

INTRODUCED BY

M. D. PORTMAN

DATE OF FIRST READING

APR 22 1996

COLUMBUS CITY COUNCIL

ORIGINAL

Ordinance No. 875-96

Resolution No.

30 Day Emergency

As Of (Date)

Authorized Signature

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 22 1996 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

4-12-96

EXPLANATION OF LEGISLATION

002071

BACKGROUND:

Hendry Investments, Inc., would like to purchase a portion of Old Henderson Road right-of-way from the City of Columbus. After investigation, it has been determined that the 0.082 acre portion of right-of-way which Hendry Investments, Inc., would like to purchase is excess Henderson Road right-of-way and that the sale of this portion will not adversely affect the City. The Department of Law, Real Estate Division, has established a value of \$3,500.00 for this property and Land Review Commission voted to recommend the sale of this excess right-of-way to Hendry Investments, Inc., for the Real Estate Division recommended price.

FISCAL IMPACT:

The City shall receive \$3,500.00, to be deposited in Fund 07-248, Project 248650, as consideration for the sale of this property.

EMERGENCY JUSTIFICATION:

Emergency action is requested to allow Hendry Investments, Inc., to obtain this property without delay thereby allowing development of the adjacent Hendry Investments, Inc., property to proceed immediately.

John Klein (7712)

Contact: For Questions - Phone on this Legislation

Robert Smith 4/10/96 Approved (Division Head)

Shirley R. ... Approved (Department Head) 4/12

TITLE (BRIEF DESCRIPTION)

To authorize the Director of the Department of Public Service to execute those documents required to sell a portion of old Henderson Road right-of-way to Hendry Investments, Inc., to waive the competitive bidding provisions of Columbus City Codes and to declare an emergency.

MAYOR'S ACTION

APR 24 1996

COUNCIL ACTION

APR 22 1996

SIGNED

DATE

DATE PASSED/ADOPTED

PRESIDENT OF COUNCIL

CITY CLERK

VETO

DATE

WHEREAS, the City of Columbus is the owner of that right-of-way known as old Henderson Road; and

WHEREAS, Hendry Investments, Inc., desires to purchase a portion of this right-of-way; and

WHEREAS, the portion of right-of-way which Hendry Investments, Inc., desires to acquire has been declared to be excess right-of-way; and

WHEREAS, the Department of Law, Real Estate Division, has determined the value of this portion of right-of-way is \$3,500.00; 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 to execute those documents required to sell a portion of old Henderson Road right-of-way to Hendry Investments, Inc., allowing proposed development to proceed without delay, 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 he hereby is authorized to execute those documents required to sell the following described portion of old Henderson Road to Hendry Investments, Inc., for \$3,500.00, to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 2, Township 1, Range 18, United States Military Lands and being a 50.00 foot wide strip of land all out of the right-of-way of Henderson Road (original location) as dedicated with the platting of THE KNOLLS, SECTION 5, of record in Plat Book 37, Page 4 (all deed references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning at an iron pin set at the northwesterly corner of said THE KNOLLS, SECTION 5, in the southerly right-of-way line of said Henderson Road (original location);

Thence North 3° 11' 00" East, with the extension of the westerly line of said THE KNOLLS, SECTION 5, a distance of 75.00 feet to an iron pin set in the southerly limited access right-of-way line of Henderson Road;

Thence South 78° 19' 38" East, with said southerly limited access right-of-way line, a distance of 50.55 feet to an iron pin set;

Thence South 3° 11' 00" West, 50.00 feet easterly of and parallel to the extension of said westerly line, a distance of 67.48 feet to an iron pin set in said southerly right-of-way line (original location);

Thence North 86° 52' 55" West, with said southerly right-of-way line, a distance of 50.00 feet to the point of beginning and containing 0.082 acre of land, more or less.

The bearings for this description are based on a bearing of South 86° 49' 00" East for the original centerline of Henderson Road as shown of record in Deed Book 3727, Page 725.

Evans, Mechwart, Hambleton & Tilton, Inc., Jeffrey A. Miller, Professional Surveyor No. 7211

Section 2. That the \$3,500.00 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 07-248, Project 248650.

Section 3. That this Council has determined it is in the best interest of the City of Columbus to allow this transfer to proceed without requiring competitive bidding and hereby waives the competitive bidding provisions of Columbus City Code (1959) Revised, Section 329.25, with regards to this transfer.

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 its passage if the Mayor neither approves nor vetoes the same.