

centerline of said twenty (20) foot easement as follows:

Beginning at a point located on the centerline of (old) Groveport Pike, (abandoned) said point being located North 27 deg. 55' 45" West, 410.11 feet from the southwesterly corner of said tract;

thence across said 9.742 acre tract, North 42 deg. 37' 45" East, 377.54 feet to a point on the southerly right-of-way of the C. & O. Railroad, said point being on the arc of a curve to the left, (Radius 5,779.65 feet), being located also on a chord bearing and distant of North 55 deg. 37' 20" West, 229.78 feet from the intersection of the easterly line of said tract and the said southerly right-of-way line, and being the terminus of the centerline of said easement.

Together with the right to use only during the period of construction two additional strips of land each fifty (50) feet in width, one strip lying parallel and adjacent to the north line of the above described twenty (20) foot permanent easement, and the other strip lying parallel and adjacent to the south line of the above described twenty (20) foot permanent easement.

Sec. 2. That the Council of the City of Columbus hereby fixes the value of said permanent and construction easement as follows:

Value of land taken—\$900.00.

Sec. 3. That the amount of \$900.00 being the amount as set forth in Section 2 herein be deposited with the Court of Common Pleas, Franklin County, Ohio, for the use and benefit of the owner(s) of the property appropriated and upon such deposit with said court, the City of Columbus shall take possession of and enter upon such property pursuant to Chapter 909, Columbus City Codes, 1959.

Sec. 4. That the City Attorney be and he hereby is authorized and directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the aforesaid permanent and construction easement.

Sec. 5. That the sum of \$900.00 or so much thereof as may be needed be and the same is hereby appropriated from Relief, Sanitary and Storm Sewer Fund No. 2, Fund No. 6634, Code 460, (Certificate No. 2394).

Sec. 6. That for the reasons stated in the preamble hereto which is hereby made a part hereof, this ordinance shall be declared to be an emergency measure, and shall take effect and be in force from and after its adoption and approval by the Mayor.

Passed August 3, 1964.

ROBERT T. SOUTHWICK,

President of Council Pro Tem.

Approved August 3, 1964.

M. E. SENSENBRENNER, Mayor.

Attest:

GORDON F. SERROTT, City Clerk.

Departmental Request:

By: Golda May Edmonston.

ORD. No. 905-64—To appropriate fee simple interest in a certain parcel of real estate necessary in connection with the construction of the East Freeway Project (FRA 40 - 15.90) in accordance with Chapter 909, Columbus City Codes, 1959, and to declare an emergency.

Whereas, on the 27th day of July, 1964, Council of the City of Columbus adopted Resolution No. 210X-64 declaring the necessity and intention to appropriate the land hereinafter described, notice of adoption of such Resolution has been served on the owner(s) of, person(s) in possession of, or person(s) having an interest of record in such premises; and

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Division of Engineering and Construction, in that it is immediately necessary to acquire the fee simple interest in the hereinafter described parcel of real estate necessary in connection with the construction of the East Freeway Project (FRA 40 - 15.90) so that there

will be no delay in the completion of said project for the immediate preservation of the public peace, property, health and safety; now, therefore,

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

Section 1. That the fee simple interest in and to the following described parcel of real estate be and the same is hereby appropriated for the public purpose of the construction of the East Freeway Project (FRA 40 - 15.90) in accordance with Chapter 909, Columbus City Codes, 1959, to-wit:

Parcel No. 613WL (Fee Simple Interest)

Situated in the State of Ohio, County of Franklin, City of Columbus, Range 22, Township 5, Half Section 21, Refugee Lands. Being part of two parcels of land as described in a deed to Arrelaus and Ella Bailey as shown of record in Deed Book 2090, Page 44, Recorder's Office, Franklin County, Ohio, also being part of Parcel 9 of C. H. Brooks Parcels (for reference, the description of said Parcel 9 appears in Deed Book 791, Page 222, Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning at the northwest corner of said Parcel 9, said corner also being the intersection of the south line of Kenton Avenue with the east line of Bowman Avenue; and thence easterly with the south line of said Kenton Avenue and the north line of said Parcel 9, 161.19 feet to a point; thence southeasterly, a distance of 264.61 feet to a point in the south line of said Parcel 9, said point being easterly 264.42 feet from the southwest corner of said Parcel 9; thence westerly with the south line of said Parcel 9, 114.42 feet to a point; thence northerly with a line parallel to and 150 feet easterly from the east line of Bowman Avenue, 90.00 feet to a point; thence westerly with a line parallel to and 90.00 feet northerly from the south line of said Parcel 9, 50.00 feet to a point; thence northerly with a line parallel to and 100 feet easterly from the east line of Bowman Avenue, 90.00 feet to a point; thence westerly with a line parallel to and 64.20 feet southerly from the north line of said Parcel 9, 100.00 feet to a point in the west line of said Parcel 9, and the east line of Bowman Avenue; thence northerly with the west line of said Parcel 9 and east line of said Bowman Avenue, 64.20 feet to the point of beginning.

Sec. 2. That the Council of the City of Columbus hereby fixes the value of said fee simple interest as follows: \$14,500.00.

Sec. 3. That the amount of \$14,500.00 being the total amount set forth in Section 2 herein be deposited with the Court of Common Pleas, Franklin County, Ohio, for the use and benefit of the owner(s) of the property appropriated and upon such deposit with said court, the City shall take possession of and enter upon said property pursuant to Chapter 909, Columbus City Codes, 1959.

Sec. 4. That the City Attorney be and he hereby is authorized and directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the aforesaid fee simple interest.

Sec. 5. That the sum of \$14,500.00 or so much thereof as may be needed be and the same is hereby appropriated from Expressway Land Purchase Rotary Fund, Fund No. 5342, Code 460.

Sec. 6. That for the reasons stated in the preamble hereto which is hereby made a part hereof, this ordinance shall be declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor.

Passed August 3, 1964.

ROBERT T. SOUTHWICK,

President of Council Pro Tem.

Approved August 3, 1964.

M. E. SENSENBRENNER, Mayor.

Attest:

GORDON F. SERROTT, City Clerk.

Departmental Request:

By: Golda May Edmonston.

ORD. No. 906-64 — To authorize the execution of a ninety-nine (99) year lease to Diversified Services, Inc., for the installation, operation, policing and maintenance of a pedestrian tunnel under High Street between the State House Underground Parking Garage and the lower lobby of the Neil House; to repeal Ordinance No. 603-64, and to declare an emergency.

Whereas, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to provide for the execution of a lease for a tunnel under High Street in order to protect the public peace, health and safety; now, therefore,

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

Section 1. That the Director of Public Service of the City of Columbus, Ohio, be and he is hereby authorized and directed to execute a lease on behalf of the City of Columbus, Ohio, said lease to be in the following form:

LEASE

The City of Columbus, a Municipal Corporation in Franklin County, State of Ohio, Lessor herein, hereby lets and leases to Diversified Services, Inc., a corporation organized under the laws of the State of Ohio, Lessee herein, the premises situated in the City of Columbus, County of Franklin and State of Ohio and described as follows, for the purpose of constructing, operating, policing and maintaining a pedestrian tunnel under High Street between the first floor of the State House Underground Parking Garage and the lower lobby of the Neil House, together with *(1)* one covered *(2)* stairway leading from the tunnel floor to the sidewalk surface on the west side of High Street adjacent to the curb:

Parcel No. 1.

Beginning at a point in the East property line of High Street being the West property line of the State Capitol Square, in Columbus, Ohio, said beginning point being further described as located in the East property line of High Street approximately 253.40 feet S. 12° 00' E. from the Northwest property corner of Capitol Square, being the Southeast property corner of High Street and Broad Street, thence continuing S. 12° 00' E. a distance of 12 feet to a point in the East property line of High Street, thence with a deflection angle of *(3)* 87° 33' westerly approximately 81.70 feet crossing High Street to a point in the East building line of the Neil House lower lobby, thence with a deflection angle of *(4)* 92° 27' northerly along the East lower lobby line of the Neil House, a distance of 12 feet to a point in the East building line of the Neil House lower lobby, thence with a deflection angle of *(5)* 87° 33' easterly, a distance of approximately 81.70 feet to the point of beginning.

Parcel No. 2.

Beginning at a point located in the South line of Parcel No. 1, herein before described, where said South line intersects the Neil House foundation wall, thence southerly along the line of the westerly curb of High Street, a distance of approximately *(6)* 35 feet, thence at a 90° angle westerly approximately 10 feet, thence at a 90° angle northerly approximately *(7)* 35 feet, thence at a 90° angle easterly approximately 10 feet to the point of beginning.

(8)

This lease is for a period of ninety-nine (99) years, commencing....., 1964, and is conditioned upon and subject to the following:

1. During the period the Lessee advertises or permits advertising to be conducted on the leased premises, the Lessee shall pay to the Lessor the sum of One Hundred Dollars (\$100.00) per month or forty (40) percent of the Lessee's gross receipts from advertising conducted on the leased premises, whichever

is the larger amount. Said monthly rental shall be paid to Lessor not later than the tenth day of the following month. The Lessor shall have the right to advertise or permit advertising on the leased premises in the event the Lessee does not do so and further that the Lessor shall retain all revenue received therefore.

2. That Lessee shall construct, operate, police and maintain a pedestrian tunnel between the first floor of the State House Underground Parking Garage and the lower lobby of the Neil House, within the area described in Parcel No. 1 hereof and will construct, operate, police and maintain *(9)* a covered stairway from the sidewalk level to the tunnel floor, within the *(10)* area described in *(11)* Parcel No. 2 *(12)* hereof. Said pedestrian tunnel and *(13)* stairway shall be open to the public for pedestrian travel without charge, subject to such reasonable restrictions as may be deemed necessary by the Lessee for security and policing purposes.

3. That detailed plans for the construction of said tunnel and *(14)* stairway and all appurtenances shall be submitted to the Chief Engineer and the Director of Public Service of the City of Columbus, Ohio, for their approval and no construction shall commence until such approval is obtained.

4. That permission is also granted for temporary use of an extra *(15)* five feet on each the north and south sides of the areas described in Parcel No. 1 and Parcel No. 2 *(16)* above for the purpose of facilitating construction of the tunnel and *(17)* stairway.

5. That all portions of the pavement of High Street, including the sidewalks, curbing and subdrains which may be removed, damaged or destroyed by the construction of said tunnel and stairway or by the operation of said Lessee, its agents and contractors in connection with said construction shall be replaced at the entire expense of the Lessee according to plans and specifications which shall be approved by the Director of Public Service and the Chief Engineer of the City of Columbus, Ohio.

6. That said construction shall not interfere with or damage any existing utility line, pipe, wire, conduit or other facility within or near the construction area and the Lessee shall pay the entire cost of any changes, relocation or rearrangements thereof necessary to accommodate Lessee's structures.

7. That the Lessee herein Diversified Services, Inc., shall save the City harmless from any and all damages which may grow out of or arise from the construction, use or maintenance of said tunnel and stairway and 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 damage and shall further maintain liability insurance in such amounts as are satisfactory to the Director of Public Service of the City of Columbus, Ohio, and the City of Columbus shall be jointly named as the insured in such liability insurance policy or policies.

8. In the event the Lessor damages the tunnel or *(18)* stairway as a result of the installation of new utility lines, pipes, wire, conduit or other facility near said tunnel or *(19)* stairway, the Lessor shall restore said tunnel and/or *(20)* stairway to the same condition as existed immediately prior to the damage. However, in the event the City Council of Columbus, Ohio, deems it necessary in the public interest to use the space occupied by said tunnel and/or *(21)* stairway for other structures or facilities, then no compensation shall be paid by Lessor to Lessee for any damage to the leased premises or for loss of use of the leased prem-

ises.

9. The City reserves the right to enter at any time upon the premises of the Lessee and into said structures for the purpose of inspecting the condition and maintenance of said structures and examine the records and accounts of the advertising conducted in said tunnel and stairway.

10. That all necessary permits and approvals, to construct the structures contemplated by this ordinance, shall be secured by the Lessee in the usual manner.

In Witness Whereof, the City of Columbus, Lessor, pursuant to Ordinance No. _____, enacted _____, 1964, has caused these presents to be subscribed in duplicate by its Director of Public Service on _____, 1964.

LESSOR
CITY OF COLUMBUS, OHIO
By _____
W. J. Cremean, Director
of Public Service
WITNESS: _____

(Acknowledgement)
LESSEE
DIVERSIFIED SERVICES, INC.
By _____
President
By _____
Secretary
WITNESS _____

(Acknowledgement)
Section 2. That Ordinance No. 603-64, passed June 8, 1964, be and it is hereby repealed.

Sec. 3. That for the reasons stated in the preamble hereto, which is 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.

- *(1)* two
- *(2)* stairways
- *(3)* 90°
- *(4)* 90°
- *(5)* 90°
- *(6)* 25
- *(7)* 25
- *(8)* Parcel No. 3

Beginning at a point located in the North line of Parcel No. 1, hereinbefore described, where said North line intersects the Neil House foundation wall, thence northerly along the line of the westerly curb of High Street, a distance of approximately 25 feet, thence at a 90° angle westerly approximately 10 feet, thence at a 90° angle southerly approximately 25 feet, thence at a 90° angle easterly approximately 10 feet to the point of beginning.

- *(9)* covered stairways
- *(10)* areas
- *(11)* Parcels
- *(12)* and 3
- *(13)* stairways
- *(14)* stairways
- *(15)* four
- *(16)* and Parcel No. 3
- *(17)* stairways
- *(18)* stairways
- *(19)* stairways
- *(20)* stairways
- *(21)* stairways

Passed August 3, 1964.
ROBERT T. SOUTHWICK,
President of Council Pro Tem.
Approved August 3, 1964.
M. E. SENSENBRENNER, Mayor.
Attest:
GORDON F. SERROTT, City Clerk.

Departmental Request:
By: Golda May Edmonston.
ORD. No. 907-64—To vacate the second alley east of Fourth Street, extending from the north line of 15th Avenue to the south line of the alley north of 15th Avenue, and from the north line of the alley north of 15th Avenue to the south line of 16th Avenue.

Whereas, petition, signed by the owners of all lots and lands abutting upon the second alley east of Fourth

Street, from 15th Avenue to 16th Avenue, was duly presented to this Council, praying for and consenting to the vacation of said alley, between the points named, and

Whereas, Council, upon hearing, is satisfied that there is good cause for such vacation as prayed for in said petition, that it will not be detrimental to the general interests and ought to be made; now, therefore,

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

Section 1. That the second alley east of Fourth Street, extending from the north line of 15th Avenue to the south line of the alley north of 15th Avenue, and from the north line of the alley north of 15th Avenue to the south line of 16th Avenue, be and the same is hereby vacated.

Sec. 2. That the City of Columbus reserves the right to operate and maintain any and all sewer and 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, if any, now existing on or in said alley hereby vacated, and shall have the right to enter thereon at any time for the purpose of replacing, operating and maintaining the same.

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

Passed August 3, 1964.
ROBERT T. SOUTHWICK,
President of Council Pro Tem.
Approved August 3, 1964.
M. E. SENSENBRENNER, Mayor.
Attest:
GORDON F. SERROTT, City Clerk.

Departmental Request:
By: Golda May Edmonston.
ORD. No. 908-64—To vacate Sixth Street, extending from the north line of Buckingham Street, to North Innerbelt Expressway.

Whereas, petition, signed by the owners of all lots and lands abutting upon Sixth Street, from Buckingham Street to North Freeway, was duly presented to this Council, praying for and consenting to the vacation of said street, between the points named, and

Whereas, Council, upon hearing, is satisfied that there is good cause for such vacation as prayed for in said petition, that it will not be detrimental to the general interests and ought to be made; now, therefore,

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

Section 1. That Sixth Street, extending from the north line of Buckingham Street to North Innerbelt Expressway, be and the same is hereby vacated.

Sec. 2. That the City of Columbus reserves the right to operate and maintain any and all sewer and 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, if any, now existing on or in said street hereby vacated, and shall have the right to enter thereon at any time for the purpose of replacing, operating and maintaining the same.

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

Passed August 3, 1964.
ROBERT T. SOUTHWICK,
President of Council Pro Tem.
Approved August 3, 1964.
M. E. SENSENBRENNER, Mayor.
Attest:
GORDON F. SERROTT, City Clerk.

Departmental Request:
By: Harvey H. Alston.
ORD. No. 909-64—To authorize and direct the Director of Public Service to enter into contracts for the construction of the Sullivant Avenue Police Station, appropriate the funds to cover the cost thereof and declare an emergency.

Whereas, bids were received on June 30, 1964, and