

right-of-way of Edgehill Road, in order to clear title to an existing structure, located at 855 West Fifth Avenue, for the immediate preservation of the public health, peace, property and safety; now, therefore,

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

Section 1. That the owner(s) of the structure located at 855 West Fifth Avenue, their successors and assigns, be and hereby are granted the right and privilege to occupy a portion of the right-of-way of Edgehill Road and bounded and described as follows:

LEGAL DESCRIPTION

(1.00 foot by 157.50 in R/W of Edgehill Road) Being situated in the State of Ohio, County of Franklin, City of Columbus, in Section 6, Township 5, Range 22, Refugee Lands, and being part of the 30.0 foot wide strip for right of way off the west end of the 2.01 Acre tract conveyed to Medick-Barrows Company in Deed Book 734, Page 5, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing at the intersection of the southerly line of W. 5th Ave (60 feet wide) with the easterly line of Edgehill Rd. (said line being the east line of said 30.0 foot wide strip), and being on the north line of the said 2.01 Acre tract;

Thence, South, along the easterly line of said Edgehill Road (east line of 30 foot strip), a distance of 142.50 feet to a point, and being the true point of beginning of this description;

Thence, South, along the easterly line of said Edgehill Road (east line of 30 foot strip), a distance of 142.50 feet to a point, and being the true point of beginning of this description;

Thence, South, continuing along the said east line of Edgehill Road, a distance of 157.50 feet to a point on the south line of said 2.01 Acre tract;

Thence, North 89 degrees 15 minutes West, along the south line of the said 2.01 Acre tract, a distance of 1.00 foot to a point;

Thence, North, across part of the said 2.01 Acre tract, and parallel to the East line of Edgehill Road, a distance of 157.50 feet to a point;

Thence, South 89 degrees 15 minutes East, along a line parallel to the south line of the said 2.01 Acre tract, a distance of 1.00 foot to the place of beginning, CONTAINING 157.50 SQUARE FEET (0.0036) OF LAND, subject, however, to all legal highways and easements and restriction of record.

Subject, however, to the following conditions:

(1) That the owner(s) of the structure, their 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 of Edgehill Road; and said owner(s), their successors, and assigns, shall defend, at their 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 Edgehill Road, upon which this structure encroaches, is being granted until such time as said structure 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, said owner(s) their 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(s), with the Clerk of this Council, their 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 for the reasons stated in the preamble hereto, which is hereby made a

part hereof, this ordinance is 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.

Passed April 14, 1986.

JERRY HAMMOND,

President of Council.

Approved April 15, 1986.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 998-86 To Amend Section 1 of Ordinance No. 1137-85 passed June 3, 1985, which vacated Walnut View Blvd., and released certain easement rights in the area, with the exception of a 110 ft. utility easement across the vacated Walnut View Blvd. and to repeal existing Section 1 of Ordinance No. 1137-85, and to declare an emergency.

Whereas, Section 1 of Ordinance No. 1137-85 contained an incomplete description of the real estate to be vacated; 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 correct this description by amending Section 1 of Ordinance No. 1137-85 and repealing existing Section 1 of existing Ordinance No. 1137-85, for the immediate preservation of the public health, peace, property and safety; now, therefore,

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

Section 1. That Section 1 of Ordinance No. 1137-85 be and the same is hereby amended to read as follows:

"Section 1. That Walnut View Blvd., as shown on the Recorded Plat of Chilcotes Ingle-side Addition, from the south line of Wildrose Drive to a point in the south line of the 11.38 tract conveyed to VTM Associates, be and the same is hereby vacated, and that easement rights be and hereby are released except in the following described area:

Description of 0.136 ± Acre Utility Easement May 1985

Located in the State of Ohio, County of Franklin, City of Columbus, being part of Walnut View Boulevard of "Chilcote's Ingle-side Addition" as plated in Plat Book 19, Page 28 in the Office of the Recorder, Franklin County, Ohio and more fully described as follows:

Commencing at a P.K. nail found at the centerline intersection of relocated Cherry Bottom Road (STA. 14 + 69.63) and Service Road "B" (STA. 0 + 00.00) as shown on right-of-way plans of Franklin County (FRA-161 (16.24 - 16.88));

Thence North 55 degrees 20' 52" West 138.58 feet, along the centerline of Service Road "B" extended, to a point on the centerline of Old Cherry Bottom Road;

Thence North 4 degrees 44' 00" East 50.02 feet, along the centerline of Old Cherry Bottom Road, to a P.K. nail;

Thence North 85 degrees 16' 00" West 373.18 feet to a point on the Easterly right-of-way of Walnut View Boulevard, being the Point of Beginning;

Thence South 23 degrees 27' 00" West 116.94 feet, along the Easterly right-of-way of said Walnut View Boulevard to a point;

Thence North 66 degrees 33' 00" West 50.00 feet to a point on the Westerly right-of-way of said Walnut View Boulevard, to a point;

Thence North 23 degrees 27' 00" East 110.00 feet, along the Westerly right-of-way of said Walnut View Boulevard, to a point;

Thence South 85 degrees 16' 00" East 52.79 feet to a point on the Easterly right-of-way of said Walnut View Boulevard;

Thence South 23 degrees 27' 00" West 10.00 feet, along the Easterly right-of-way of said Walnut View Boulevard to the Point of Beginning, containing 0.136 ± acres more or less.

Purpose: For the purpose of constructing, using and maintaining any and all utilities and appurtenant works, including the right to clean, repair, and care for said utilities."

Section 2. That existing Section 1 of Ordinance No. 1137-85 be and the same is hereby repealed.

Section 3. That for the reasons stated in the

preamble hereto, which is hereby made a part hereof, this ordinance is 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.

Passed April 14, 1986.

JERRY HAMMOND,

President of Council.

Approved April 15, 1986.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 998-86 (CV86-044)—To grant a variance from the provisions of Section 3337.01 R-2F, Residential District for the property located at 844 Mt. Vernon Avenue to permit the establishment of a public parking lot and to declare an emergency.

Whereas, the owner of the property located at 844 Mt. Vernon Avenue is requesting a Council Variance to permit the establishment of a public parking lot for the Martin Luther King, Jr. Center for the Cultural and Performing Arts, and

Whereas, Section 3337.01, R-2F Residential District prohibits a parking lot at this location, and

Whereas, said variance will not adversely affect the surrounding property or surrounding neighborhood, and

Whereas, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus, and

Whereas, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at 844 Mt. Vernon Avenue in using said property as desired, and

Whereas, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to proceed with construction of said parking lot to preserve the public health, peace, property, safety and welfare; now, therefore,

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

Section 1. That a variance from the provisions of Section 3337.01 of the Columbus City Codes is hereby granted for the property located at 844 Mt. Vernon Avenue insofar as said section prohibits the establishment of a public parking lot said property being more particularly described as follows:

Being situated in the State of Ohio, County of Franklin, City of Columbus and being Lots No. 76 through 84, as recorded in the Plat of Jones' Addition to the City of Columbus, Recorders Office, Franklin County, Ohio.

Section 2. That this ordinance is conditioned upon and shall remain in effect only for so long as said property is used for a private parking lot developed in accordance with the drawing entitled "Martin Luther King, Jr. Center for the Cultural and Performing Arts North Parking Lot" signed by Howard E. Nolan, Registered Engineer, on 5-20-85 and/or those uses permitted in the R-2F Residential District.

Section 3. That the variance granted by this ordinance shall become void one (1) year after this ordinance becomes effective by law unless prior thereto an affirmative act of the applicant has commenced which makes use of said Council Variance.

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 passage if the Mayor neither approves nor vetoes the same.

Passed April 14, 1986.

JERRY HAMMOND,

President of Council.

Approved April 15, 1986.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.