



## Legislation Details (With Text)

**File #:** 0681-2016      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 3/3/2016      **In control:** Public Service & Transportation Committee

**On agenda:** 3/14/2016      **Final action:** 3/17/2016

**Title:** To dedicate a 0.006 tract of land as public right-of-way; to name said public right-of-way as Cleveland Avenue and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. #3163 COTA BRT Parcel 9-WD coc draft legislation to dedicate coc parcel to RW.msg, 2. RE #3163 COTA BRT Parcel 9-WD coc draft legislation to dedicate to RW.msg

Date	Ver.	Action By	Action	Result
3/17/2016	1	CITY CLERK	Attest	
3/16/2016	1	MAYOR	Signed	
3/14/2016	1	COUNCIL PRESIDENT	Signed	
3/14/2016	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

The City of Columbus, Department of Public Service is currently engaged in a project identified as Central Ohio Transit Authority (COTA) for the Cleveland Avenue Bus Rapid Transit (BRT) project. In general, the BRT line will connect commuters from Downtown Columbus with various land uses along the corridor through Franklin County's City of Columbus, Clinton Township, and Village of Minerva Park to the City of Westerville in Delaware County. Starting on High Street downtown, the BRT will connect to Cleveland Avenue via Nationwide Blvd. The BRT shall run north on Cleveland Avenue to OhioHealth Medical Center on Polaris Parkway in Westerville.

During design of the Central Ohio Transit Authority (COTA) for the Cleveland Avenue Bus Rapid Transit (BRT) project, it was determined a portion of real property owned by the City of Columbus known as 898 Cleveland Avenue, Franklin County Parcel Numbers 010-053621 and 010-002934 would need to be dedicated for roadway purposes to accommodate the improvements contemplated by this project. Current plans for the improvements indicate Parcel 9-WD, totaling 0.006 acre; will need to be dedicated as right of way for this purpose. After review of the preliminary plan sheets, the Department of Public Service has determined the dedication of this property to right of way will not adversely affect the City and should be allowed to proceed.

The following legislation permits the City to dedicate the property as road right-of-way and name the road right-of-way as Cleveland Avenue.

### 2. FISCAL IMPACT

Not applicable.

### 3. EMERGENCY DESIGNATION

Emergency action is requested so that construction of the proposed improvements for Central Ohio Transit Authority (COTA) for the Cleveland Avenue Bus Rapid Transit (BRT) project can proceed without delay.

To dedicate a 0.006 tract of land as public right-of-way; to name said public right-of-way as Cleveland Avenue and to declare an emergency. (\$0.00)

**WHEREAS**, Ohio Revised Code Chapter 723.03 requires that property to be used as a public street or alley must be accepted and dedicated as public right-of-way by an ordinance specially passed for such purpose; and

**WHEREAS**, current plans indicate City owned land, totaling 0.006 acre will need to be dedicated to right-of-way for this purpose; and

**WHEREAS**, the City desires to dedicate a 0.006 acre tract, as public right-of-way; and

**WHEREAS**, an emergency exists in the usual daily operation of the City in that it is immediately necessary to dedicate a 0.006 acre tract, as public right-of-way and to name the 0.006 acre tract as Cleveland Avenue and 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 City of Columbus hereby dedicates the following described property as road right-of-way; to-wit:

**PARCEL 9-WD**

**0.006 ACRE**

**Central Ohio Transit Authority (COTA) for the Cleveland Avenue Bus Rapid Transit (BRT) 3163 E**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 4 Township 5, Range 22, Refugee Lands and being the east part of Lots 10 and Lot 11 as the same is numbered and delineated upon the recorded plat J. F. Linton's Highland Addition in Plat Book 4, Page 92 and described in a deed to City of Columbus Ohio by deed of record in Official Record Book 30017G07 and in Instrument No. 199804030079951 respectively. All references to records herein are those located in the Recorder's Office of Franklin County, Ohio and being more particularly described as follows:

Commencing at the intersection of the south right of way line of E Star Avenue (50' width) with the easterly right of way of Cleveland Avenue (60' width), said intersection being also the northwest corner of Lot 7 of said J. F. Linton's Highland Addition;

Thence S 03 degrees 46 minutes 19 seconds W a distance of 66.00 feet with the easterly right of way line for Cleveland Avenue and the west line of the City's tract to an iron pin set, said iron pin being the TRUE POINT OF BEGINNING;

Thence S 86 degrees 13 minutes 41 seconds E a distance of 7.00 feet across the grantor's tract (said Lot 10) to an iron pin set, said iron pin being 7.00 feet east of the easterly right of way line for Cleveland Avenue as measured by right angles;

Thence S 03 degrees 46 minutes 19 seconds W a distance 39.00 feet to across the grantor's tract (said Lot 10 and Lot 11) with a line being 7.00 feet east of and parallel with the easterly right of way line for Cleveland Avenue as measured by right angles (passing an iron pin set at 19.00) to an iron pin set in the north line of Lot 12 of said plat, being also the grantor's south line (said Lot 11);

Thence N 86 degrees 13 minutes 41 seconds W a distance of 7.00 feet with the north line of said Lot 12 and the grantor's south line (said Lot 11) to an iron pin set in the northwest corner of said Lot 12, same being the grantor's southeast corner (said Lot 11) and lies in the easterly right of way line for Cleveland Avenue;

Thence N 03 degrees 46 minutes 19 seconds E a distance 39.00 feet with the easterly right of way line of Cleveland Avenue and the grantor's west line (said Lot 11 and a portion of said Lot 10) to the TRUE POINT OF BEGINNING; containing 0.006 acre of land more or less.

The above described area contains a total of 0.006 acres with 0.003 acres being within Franklin County Auditor's Parcel Number 010-053621-00, which includes 0.000 acres in the present road occupied, and with 0.003 acres being within Franklin County Auditor's Parcel Number 010-002934-00, which includes 0.000 acres in the present road occupied

Iron pins set, as shown on plan and in the above description are 5/8 inch steel rod, thirty (30) inches long with a cap stamped "Rii".

Grantor claims title by Instrument recorded in Official Record Book 30017G07 and in Instrument No. 199804030079951 in the records of Franklin County, Ohio.

Bearings used in this description are based on Ohio State Plane Coordinate System, South Zone as per NAD 83 and were established utilizing ODOT's VRS System, GPS equipment and procedures and established bearing of N 03°46'19" E on the centerline of Cleveland Avenue.

This description was prepared from existing records and a field survey performed in August 2014.

**SECTION 2.** That the City of Columbus hereby names the above described road right-of-way as Cleveland Avenue.

**SECTION 3.** 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.