



## Legislation Details (With Text)

**File #:** 0010-2016      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 12/17/2015      **In control:** Public Service & Transportation Committee  
**On agenda:** 1/11/2016      **Final action:** 1/14/2016  
**Title:** To dedicate a 0.010 acre tract of land as public right-of-way; to name said public right-of-way as East Fifth Avenue; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Shepard Library 0.010 ac recorded WD to coc

Date	Ver.	Action By	Action	Result
1/14/2016	1	CITY CLERK	Attest	
1/13/2016	1	MAYOR	Signed	
1/11/2016	1	COUNCIL PRESIDENT	Signed	
1/11/2016	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

The City of Columbus, Department of Public Service is currently engaged in a project identified as Roadway Improvements-Shepard Library Project #3248.

The goal of this project is to construct curb and sidewalk replacement.

During design of the Roadway Improvements-Shepard Library Project #3248 project, it was determined a portion of real property owned by the Board of Trustees of the Columbus Metropolitan Library, a county district library organized and existing pursuant to Ohio Revised Code Chapter 3375 known as 850 N. Nelson Rd., Columbus, OH 43219, Franklin County Parcel Number 010-012442 would need to be dedicated for roadway purposes to accommodate the improvements contemplated by this project. Current plans for the improvements indicate 0.010 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 provides for the City to dedicate the property as road right-of-way and name the road right-of-way as East Fifth Avenue.

### 2. FISCAL IMPACT

N/A

### 3. EMERGENCY DESIGNATION

Emergency action is requested so that construction of the proposed improvements for Roadway Improvements-Shepard Library Project #3248 can proceed without delay.

To dedicate a 0.010 acre tract of land as public right-of-way; to name said public right-of-way as East Fifth Avenue; and

to declare an emergency.

**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 a parcel of Columbus Metropolitan Library, a county district library organized and existing pursuant to Ohio Revised Code Chapter 3375, totaling 0.010 acre will need to be dedicated to right-of-way for this purpose; and

**WHEREAS**, the City desires to dedicate a 0.010 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 0.010 acre tract, as public right-of-way and to name the 0.010 acre tract as East Fifth 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:

**0.010 ACRE  
East Fifth Avenue  
3248 E**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 17, United States Military District and being out of Lot 6 (vacated by Court Case Number 45268) of that subdivision entitled "Dr. William Shepard's Second Subdivision" of record in Plat Book 5, Page 54, being part of Parcel 7 as shown in the deed to the Board of Trustees of the Columbus Metropolitan Library of record in Instrument Number 201309270164258 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at a magnetic nail set in the easterly right-of-way line for North Nelson Road, the same being the westerly line of said Lot 6 and in the northerly right-of-way line for East Fifth Avenue, being the northwesterly corner of that 0.0482 acre tract conveyed to the City of Columbus by deed of record in Deed Book 3647, Page 302, said magnetic nail set being North 09° 26' 39" West, with said easterly right-of-way line, 10.18 feet from the southwest corner of said Lot 6, being the southwest corner of said 0.0482 acre tract;

thence North 09° 26' 39" East, with said easterly right-of-way line, the westerly line of said Lot 6 and said Parcel 7, a distance of 6.85 feet to an iron pin set;

thence South 86° 26' 23" East, across said Lot 6, said Parcel 7, a distance of 83.82 feet to a magnetic nail set in a northerly line of that 0.072 acre tract conveyed to the State of Ohio by deed of record in Official Record 6430D01, the same being the northerly right-of-way line for said East Fifth Avenue;

thence South 85° 38' 44" West, with said northerly right-of-way line, the northerly line of said 0.072 acre tract, a distance of 53.60 feet to a 3/4 inch iron pin found at the westerly corner of said 0.072 acre tract, in the northerly line of said 0.0482 acre tract;

thence North 85° 24' 58" West, continuing with said northerly right-of-way line, the same being the northerly line of said 0.0482 acre tract, a distance of 31.44 feet to the Point of Beginning.

Containing 0.010 acre, more or less, all of which is located within Parcel Number 010-012442.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate system, South Zone, NAD83, NSRS2007. A bearing of North 09° 26' 39" East was held for the east right-of-way line of North Nelson Road.

This description is based on documents of record, prior plats of survey and observed evidence located by an actual field survey performed in May 2013.

EVANS, MECHWART, HAMBLETON & TILTON, INC. John C. Dodgion Professional Surveyor No. 8069

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