



## Legislation Details (With Text)

**File #:** 1632-2012      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 7/10/2012      **In control:** Public Service & Transportation Committee  
**On agenda:** 7/23/2012      **Final action:** 7/25/2012  
**Title:** To dedicate a 0.090 acre tract of land as public right-of-way; to name said public right-of-way as Third Avenue and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/25/2012	1	CITY CLERK	Attest	
7/24/2012	1	MAYOR	Signed	
7/23/2012	1	COUNCIL PRESIDENT PRO-TEM	Signed	
7/23/2012	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

The City of Columbus, Department of Public Service is currently engaged in a project identified as Improvements of Third Avenue & Edgehill Road, Phase 1 (2930 DR. E). The goal of this project is to reconstruct Third Avenue from Edgehill Road to a point 550' west of Olentangy River Road.

During design of the Third Avenue & Edgehill Road, Phase 1, it was determined a portion of real property owned by the City of Columbus known as 739 West Third Avenue, Franklin County Parcel Number 010-288226, would need to be dedicated for road way purposes to accommodate the improvements contemplated by this project. Current plans for the improvements indicate Parcel 11-WD, totaling 0.090 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 Third Avenue.

### 2. FISCAL IMPACT

N/A

### 3. EMERGENCY DESIGNATION

Emergency action is requested so that construction of the proposed improvements for Third Avenue & Edgehill Road can proceed without delay.

To dedicate a 0.090 acre tract of land as public right-of-way; to name said public right-of-way as Third 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 one (1) parcel of City owned land, totaling 0.090 acre will need to be dedicated to right-of-way for this purpose; and

**WHEREAS**, the City desires to dedicate a 0.090 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 0.090 acre tract, as public right-of-way and to name the 0.090 acre tract as Third 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 11-WD  
0.090 ACRE  
THIRD AVE & EDGEHILL ROAD, PHASE 1  
2930 DR. E**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Half Section 6, Township 5, Range 22 of the Refugee Lands, being a part of Lot 7 of William Neil's Heirs Land of record in Plat Book 3, Page 168, being a part of the 2.292 acre tract conveyed to the City of Columbus, Ohio of record in Instrument Number 200908060115199, and described as follows:

Beginning, for reference, at a 1 inch solid iron pin found in a monument box marking the intersection of the centerline of Third Avenue with the centerline of Olentangy River Road (north) as shown on the right-of-way plans for FRA-315-0.39 on file at the Ohio Department of Transportation, District 6, Delaware, Ohio;

thence North 86° 24' 25" West, with the centerline of Third Avenue and the northerly line of said Lot 7, a distance of 820.07 feet, to a magnetic nail set at a corner to the lands conveyed to The Chesapeake and Ohio Railway Company by deed of record in Deed Book 924, Page 338, now known as CSX Transportation Inc., successor by merger of record in Official Record 13276A14 and Official Record 13283G13;

thence South 11° 25' 11" East, with the easterly line of said CSX Transportation Inc. lands, a distance of 31.06 feet, to a ¾ inch iron pipe found at the northwesterly corner of said 2.292 acre tract, being the *True Point of Beginning*;

thence South 86° 24' 25" East, with a northerly line of said 2.292 acre tract and the southerly right-of-way line of Third Avenue, a distance of 142.20 feet, to a ¾ inch iron pipe found at a northeasterly corner of said 2.292 acre tract and the northwesterly corner of the 0.248 acre tract conveyed as Parcel No. 1-WD to the State of Ohio of record in Deed Book 2801, Page 545;

thence with the perimeter common to said 2.292 and 0.248 acre tracts, the following courses:

South 03° 03' 05" West, a distance of 20.06 feet, to a ¾ inch iron pipe found;

South 86° 24' 38" East, a distance of 184.31 feet, to an iron pin set at a northeasterly corner of said 2.292 acre tract and the northwesterly corner of the 4.674 acre tract conveyed to Gowdy Partners III LLC of record in Instrument Number 200908200122240;

thence South 00° 21' 14" East, with the line common to said 2.292 and 4.674 acre tracts, a distance of 1.18 feet, to an iron pin set;

thence across said 2.292 acre tract, the following courses:

North 87° 30' 45" West, a distance of 120.11 feet, to an iron pin set;

North 86° 23' 13" West, a distance of 120.51 feet, to an iron pin set;

North 89° 03' 44" West, a distance of 78.99 feet, to an iron pin set in the westerly line thereof and the easterly line of said CSX Transportation Inc. lands;

thence North 11° 25' 11" West, the line common to said 2.292 acre tract and said CSX Transportation Inc. lands, a distance of 28.12 feet, to the *True Point of Beginning*, containing 0.090 acre, more or less, from Auditor's Parcel Number 010-288226.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

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.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83 (1986 adjusted). Control for bearings was from coordinates of monuments 5-83 & 4-83, having a bearing of North 00° 22' 10" West, for the west limited access right-of-way line of said Olentangy River Road, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

This description was prepared by EVANS, MECHWART, HAMBLETON & TILTON, INC.

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