



## Legislation Details (With Text)

**File #:** 1207-2007      **Version:** 1

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

**File created:** 7/10/2007      **In control:** Public Service & Transportation Committee

**On agenda:** 7/23/2007      **Final action:** 7/25/2007

**Title:** To abandon a portion of Boone Street east of Hamilton Avenue as public right-of-way to allow for expansion of the City owned Lincoln Theater; to authorize the transfer of this asset from the Public Service Department to the Development Department; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Legistar Ord 1207-2007.pdf

Date	Ver.	Action By	Action	Result
7/25/2007	1	CITY CLERK	Attest	
7/24/2007	1	MAYOR	Signed	
7/23/2007	1	Columbus City Council	Approved	Pass
7/23/2007	1	COUNCIL PRESIDENT	Signed	
7/12/2007	1	Service Reviewer	Sent to Clerk's Office for Council	
7/11/2007	1	Service Reviewer	Reviewed and Approved	
7/11/2007	1	SERVICE DIRECTOR	Reviewed and Approved	
7/11/2007	1	CITY ATTORNEY	Reviewed and Approved	
7/10/2007	1	Service Drafter	Sent for Approval	

Boone Street, from Hamilton Avenue east to North Garfield Avenue, is publicly dedicated right-of-way controlled by the Public Service Department, Transportation Division. The City of Columbus, Development Department, Office of Land Management, has requested that a portion of this street be abandoned as public right-of-way to allow for expansion of the City owned Lincoln Theater.

After investigation it has been determined that a dedicated public turnaround must be constructed or an alternate means of egress must be provided at the terminus of the remaining publicly dedicated portion of Boone Street. In addition it has been determined there are utilities currently located within this right-of-way that must be relocated to accommodate the expansion of the Lincoln Theater. The City has agreed to finance the relocation of these existing utilities. A separate piece of legislation is being drafted by the Development Department to establish the funding needed for the proposed utility relocation. A general utility easement will be retained for those utilities with facilities currently located within this public right-of-way until such time as their relocation is complete. When the utility relocation is complete the retained general utility easement will be released.

The following legislation abandons a portion of Boone Street east of Hamilton Avenue as public right-of-way and authorizes the transfer of this asset from the Public Service Department to the Development Department.

**Emergency Justification:** Emergency action is requested to allow this right-of-way to be abandoned as quickly as possible so site preparation and construction of the proposed expansion to the Lincoln Theater can proceed without delay.

To abandon a portion of Boone Street east of Hamilton Avenue as public right-of-way to allow for expansion of the City owned Lincoln Theater; to authorize the transfer of this asset from the Public Service Department to the Development Department; and to

declare an emergency.

**WHEREAS**, Boone Street, from Hamilton Avenue east to North Garfield Avenue, is publicly dedicated right-of-way controlled by the Public Service Department, Transportation Division; and

**WHEREAS**, the City of Columbus, Development Department, Office of Land Management, has requested a portion of this street be abandoned as public right-of-way to allow for expansion of the City owned Lincoln Theater; and

**WHEREAS**, after investigation it has been determined that a dedicated public turnaround must be constructed or an alternate means of egress be provided at the terminus of the remaining publicly dedicated portion of Boone Street; and

**WHEREAS**, it has also been determined that a general utility easement must be retained for those utilities with facilities currently located within this public right-of-way until such time as their relocation is complete, at which time the retained general utility easement will be released; and

**WHEREAS**, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary for the Public Service Department to abandon a portion of Boone Street as public right-of-way and transfer this asset to the Development Department so site preparation and construction of the proposed expansion to the City owned Lincoln Theater can proceed without delay for the preservation of 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 following described portion of Boone Street be and hereby is abandoned as publicly dedicated right-of-way:

Situated in the City of Columbus and known as being located in and being a part of East Park Place Addition to the City of Columbus as the same is shown on the record plat thereof, Franklin County Recorder's Office, Franklin County, Ohio, Plat Book 2, Pages 61 & 62;

Being located and being part of East Park Place Addition to the City of Columbus as the same is shown on the record plat thereof, Franklin County Recorder's Office, Franklin County, Ohio, Plat Book 2, Pages 61 & 62, encompassing Lots 113, 114 & 115, a part of Boone Street and the Lot Instrument # 20060705013710 and be bounded and described as follows;

Beginning for reference at a drill hole found in the south right-of-way line of Long Street (75' R/W) and the west right-of-way line of Garfield Avenue (50' R/W);

Thence with the right-of-way line of Garfield Avenue and with the bearing as referenced Deed Volume 31059, Page A03, S. 3°33'50" W. 153.50 feet to an iron pin found in the north line of Boone Street AKA Almond Alley (18.50' R/W) and the **principal place of beginning**;

Thence continuing S. 3°33'50" W. 18.92 feet to a P.K. nail set on the northeast corner of the tract referenced as Instrument 200607050130712 titled to the City of Columbus and on the south line of Boone Street;

Thence with said south line S. 81°30'38" W., passing at 101.56 feet an iron pin with Plug P.S. 6919 at the north east corner of the Instrument 200509080185878, and going a total of 114.23 feet to a point being on the west end of that portion of Boone Street to be vacated;

Thence with said vacation line of Boone Street N 8°29'22" W. going a distance of 18.51 feet to a point on the south line of Original lot line of Lot #113 and the north line of Boone Street;

Thence with said line of Boone Street N. 81°30'38" E. going a distance of 118.19 feet to the place of beginning.

Containing 2151 square feet or 0.0494 Acres more or less.

Basis of Bearing is the right-of-way line of Garfield Avenue baring as referenced in Deed Volume 31059, Page A03, S. 3°33'50" W.

XYZ Survey Service, Inc.  
Richard D. Marang, P.S. #5862

**Section 2.** That the above described portion of Boone Street shall be used to provide that area needed for a proposed expansion to the City owned Lincoln Theater.

**Section 3.** That control of this asset shall be transferred from the Public Service Department to the Development Department.

**Section 4.** That a general utility easement in, on, over, across and through the above described right-of-way shall be and hereby is retained for those utilities currently located within said right-of-way.

**Section 5.** That upon notification and verification of the relocation of all utilities located within the retained general utility easement the Director of the Public Service Department is hereby authorized to execute those documents necessary to release the retained general utility easement with no further legislative action required by the City.

**Section 6.** 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.