



## Legislation Details (With Text)

**File #:** 1736-2016      **Version:** 1

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

**File created:** 6/22/2016      **In control:** Public Service & Transportation Committee

**On agenda:** 7/11/2016      **Final action:** 7/15/2016

**Title:** To dedicate a 0.006 and a 0.009 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. Parcel 15-WD & 18-WD legal.pdf, 2. 0692-2016 Cleveland Ave RW Dedication.pdf

Date	Ver.	Action By	Action	Result
7/15/2016	1	CITY CLERK	Attest	
7/14/2016	1	MAYOR	Signed	
7/11/2016	1	COUNCIL PRESIDENT	Signed	
7/11/2016	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

The City of Columbus, Department of Public Service is currently engaged in a project identified as 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 1665 Cleveland Avenue and 1700 Cleveland Avenue, Franklin County Parcel Numbers 010-011737-00 and 010-052678-00 would need to be dedicated for roadway purposes to accommodate the improvements contemplated by this project. Current plans for the improvements indicate Parcel 15-WD, totaling 0.006 acre and Parcel 18-WD, totaling 0.009 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 and a 0.009 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 and 0.009 acre tracts, will need to be dedicated to right-of-way for this purpose; and

**WHEREAS**, the City desires to dedicate a 0.006 and a 0.009 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 and 0.009 acre tracts as public right-of-way and to name the 0.006 and 0.009 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 properties as road right-of-way; to-wit:

**PARCEL 15-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 Quarter Township 4, Township 1 North, Range 18 West, United States Military Lands and being part of the north half of Lot 298 and the south half of Lot 299 as the same is numbered and delineated upon the recorded plat Louis Heights Subdivision in Plat Book 11, Page 8 and described in a deed to City of Columbus, Ohio in Instrument No. 201605250066002 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 an iron pin set at the intersection of the north line of E 16th Avenue (50' width) and the westerly right of way for Cleveland Avenue (width varies), said point also being in the south line of Lot 297 of said Louis Heights Subdivision;

Thence N 25 degrees 04 minutes 55 seconds E a distance of 54.24 feet with the westerly right of way line for Cleveland Avenue to an iron pin set in the northeast corner of Howard F. Johnson and Cynthia Johnson tract as described by deed of record in Instrument No. 200706140104334, said point being the southwest corner of a tract conveyed to the City of Columbus in Official Record Book 1121A03, same being the southeast corner of the grantors tract and being the TRUE POINT OF BEGINNING;

Thence N 86 degrees 59 minutes 23 seconds W a distance 7.55 feet with the north line of Johnson's tract and the south line of the grantor's tract to an iron pin set;

Thence N 25 degrees 33 minutes 55 seconds E a distance 36.29 feet across the grantor's tract to an iron pin set in the south line of a tract of land described in a deed to Mylan D. Kelso in Instrument No. 201103230039318, same being the north line of the grantor's tract;

Thence S 86 degrees 59 minutes 23 seconds E a distance 8.22 feet with the south line of Kelso's tract and the north line of the grantor's tract (passing an iron pin set at 7.21 feet in the southeast corner of Kelso's tract) to a corner point in the westerly right of way line for Cleveland Avenue, said point being the northwest corner of a tract of land conveyed to the City of Columbus in Official Record Book 1240J09, said point also being the northeast corner of the grantor's tract;

Thence S 26 degrees 32 minutes 40 seconds W a distance of 36.55 feet with the westerly right of way line for Cleveland

Avenue and the grantor's east line 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 within Franklin County Auditor's Parcel Number 010-011737-00, which includes 0.000 acres in the present road occupied

Grantor claims title by Instrument recorded in Official Record Book 35060C13 in the records of Franklin County, Ohio.

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".

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 26°43'00" E on the centerline of Cleveland Avenue.

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

**PARCEL 18-WD  
0.009 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 Quarter Township 4, Township 1 North, Range 18 West, United States Military Lands and being part of Lot 21 and Lot 22 as the same is numbered and delineated upon the recorded plat Louis Heights Subdivision in Plat Book 11, Page 8 and described in a deed to City of Columbus, Ohio in Instrument No. 201604070042352. All references to records herein are those located in the Recorder's Office of Franklin County, Ohio and being more particularly described as follows:

Commence at an iron pin set at the intersection of the north line of said Lot 22 with the easterly right of way for Cleveland Avenue (width varies), said point also being in the southwest corner of Lot 23 and described in a deed to ACM Vision V, LLC by deed of record in Instrument No. 201405070056398 of said Louis Heights Subdivision, same being also the southeast corner of a tract conveyed to the City of Columbus by Official Record Book 1346B11, also the northeast corner of a tract conveyed to the City of Columbus in Official Record Book 1769G20, and also the TRUE POINT OF BEGINNING;

Thence S 86 degrees 21 minutes 00 seconds E a distance 10.97 feet with the south line of ACM Vision V (said Lot 23) tract and the north line of the grantor's (said Lot 22) tract to an iron pin set;

Thence S 26 degrees 43 minutes 00 seconds W a distance 38.50 feet across the grantor's tract to an iron pin set in the north line of Lot 21 of said Louis Heights Subdivision, said point also being in the grantor's south line (said Lot 22);

Thence N 86 degrees 21 minutes 00 seconds W a distance 10.87 feet with the north line of said Lot 21 and the south line of the grantor's (said Lot 22) tract to an iron pin set in the northwest corner of said Lot 21, same being the northeast corner of a tract conveyed to the City of Columbus in Official Record Book 1619E01, also the northeast corner of a tract conveyed to the City of Columbus in Official Record Book 1769G20, the same being also the southwest corner of the grantor's (said Lot 22) and lies in the easterly right of way line of Cleveland Avenue;

Thence N 26 degrees 43 minutes 00 seconds E a distance of 35.18 feet with the easterly right of way line for Cleveland Avenue and the grantor's west line (said Lot 22) to an iron pin set;

Thence continue N 25 degrees 06 minutes 35 seconds E a distance of 3.28 feet with the easterly right of way line for Cleveland Avenue and the grantor's west line (said Lot 22) to the TRUE POINT OF BEGINNING, containing 0.009 acre of land more or less.

The above described area contains a total of 0.009 acres within Franklin County Auditor's Parcel Number 010-052678-00, which includes 0.000 acres in the present road occupied

Grantor claims title by Instrument recorded in Instrument No. 200605120092015 in the records of Franklin County, Ohio.

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".

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 26°43'00" 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.