



## Legislation Details (With Text)

**File #:** 2301-2017      **Version:** 1

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

**File created:** 8/25/2017      **In control:** Public Service & Transportation Committee

**On agenda:** 9/11/2017      **Final action:** 9/13/2017

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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2301-2017deed, 2. ORD2301-2017descript

Date	Ver.	Action By	Action	Result
9/13/2017	1	CITY CLERK	Attest	
9/12/2017	1	MAYOR	Signed	
9/11/2017	1	Columbus City Council	Approved	Pass
9/11/2017	1	COUNCIL PRESIDENT	Signed	

### 1. BACKGROUND

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

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 COTA BRT project, it was determined a portion of real property owned by the City of Columbus known as 1024 Cleveland Avenue, Franklin County Parcel Numbers 010-032057-00 would need to be dedicated for roadway purposes to accommodate the improvements contemplated by this project. Current plans for the improvements indicate Parcel 11-WD, totaling 0.034 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.

### 2. FISCAL IMPACT

Not applicable.

### 3. EMERGENCY DESIGNATION

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

To dedicate a tract of land as public right-of-way for the Cleveland Avenue Bus Rapid Transit project; 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 0.034 acre will need to be dedicated to right-of-way for this purpose; and

**WHEREAS**, the City desires to dedicate a 0.034 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 0.034 acre tract as public right-of-way and to name the 0.034 acre tract as Cleveland Avenue to prevent construction delays, 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**

**0.034 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 Half Section 4 Township 5, Range 22, Refugee Lands and described in a deed to City of Columbus, Ohio, a municipal corporation by deed of record in Instrument No. 201612060166965. 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 centerline of Gibbard Avenue (50' width) with the centerline of right of way for Cleveland Avenue (60' width);

Thence **N 03 degrees 46 minutes 19 seconds E** a distance of **222.00 feet** with the centerline for Cleveland Avenue to a point is said centerline, same being the southwest corner of the grantor's tract and the **TRUE POINT OF BEGINNING**;

Thence continue **N 03 degrees 46 minutes 19 seconds E** a distance of **40.00 feet** with the centerline for Cleveland Avenue and the grantor's west line to a mag nail set in the northwest corner, being also the southwest corner of Lot 1 as the same is numbered and delineated upon the recorded plat of M Kinsgry's Sugar Grove Addition in Plat Book 5, Page 495;

Thence **S 86 degrees 13 minutes 41 seconds E** a distance **37.00 feet** with the south line of said Lot 1 and the north line of the grantor's tract (*passing the existing easterly right of way line of Cleveland Avenue at 30.00 feet*) 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 of **40.00 feet** across the grantor's tract with a right of way line being 7.00 feet east of and parallel with the easterly right of way line for Cleveland Avenue as measured by right angles to an iron pin set in the north line of a tract of land described in a deed to the Boys and Girls Club of Columbus, Inc. by deed of record in Instrument No. 200706220109745, same being the south line of the grantor's tract;

Thence **N 86 degrees 13 minutes 41 seconds W** a distance **37.00 feet** with the north line of said Boys and Girls Club of Columbus tract and the south line of the grantor's tract (*passing the existing easterly right of way line of Cleveland Avenue at 7.00 feet*) to the centerline of Cleveland Avenue and the **TRUE POINT OF BEGINNING**; containing 0.034 acre of land more or less.

The above described area contains a total of **0.034 acres** within Franklin County Auditor's Parcel Number 010-032057-00, which includes 0.028 acres in the present road occupied

Grantor claims title by Instrument recorded in Instrument No. 200812180181611 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 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.