



## Legislation Text

File #: 2089-2017, Version: 1

### 1. BACKGROUND

The City of Columbus, Department of Public Service is currently engaged in a project identified as Roadway Improvements - Scioto Peninsula - Duct Bank project, C.I.P. No. 530161-100181. This project is to construct underground utility duct banks on W. Rich Street, W. Town Street, W. State Street, Rush Alley, W. Capital Street, Starling Street and Belle Street.

During design of the Roadway Improvements - Scioto Peninsula - Duct Bank project, it was determined a portion of real property owned by the City of Columbus known as 29-31 Starling Street, Franklin County Parcel Number 010-040148 would need to be dedicated for roadway purposes to accommodate the improvements contemplated by this project. Current plans for the improvements indicate 0.013 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 Capital Street.

### 2. FISCAL IMPACT

Not applicable.

### 3. EMERGENCY DESIGNATION

Emergency action is requested so that construction of the proposed improvements for Roadway Improvements - Scioto Peninsula - Duct Bank project can proceed without delay.

To dedicate a 0.013 acre tract of land as public right-of-way; to name said public right-of-way as Capital Street 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 0.013 acre will need to be dedicated to right-of-way for this purpose; and

**WHEREAS**, the City desires to dedicate a 0.013 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 0.013 acre tract as Capital Street 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:

**South Side of Capital Street**

**West Side of Starling Street**

**0.013 Acre**

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey No. 1393, being part of Lot

128 of that subdivision entitled M.L. Sullivants' Western Additions as recorded in Plat Book 1, Page 268, said lot being in the name of City of Columbus, Ohio of record in Instrument Number 200210300275287, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at an iron pin set marking the northeasterly corner of said Lot 128, the same being the intersection of the southerly right-of-way line for Capital Street with the westerly right-of-way line for Starling Street as shown on said Plat Book 1, Page 268;

thence South 08° 09' 19" East, along said westerly right-of-way line, the same being the easterly line of said Lot 128, 4.58 feet to an iron pin set;

thence South 81° 33' 08" West, across said Lot 128, 119.97 feet to an iron pin set in the westerly line of said City of Columbus tract, the same being the easterly railroad line for Pennsylvania Lines LLC of record in Instrument Number 200212180325195 and Deed Book 261, Page 68;

thence North 08° 09' 03" West, along the common line of said City of Columbus and Pennsylvania Lines tracts, 4.58 feet to an iron pin set at a common corner thereof, in said southerly right-of-way line, the same being the northerly line of said Lot 128;

thence North 81° 33' 08" East, along said southerly right-of-way line, the same being said northerly lot line, 119.97 feet to the Point of Beginning. Containing 0.013 acre, more or less.

Subject, however, to all legal restrictions, rights-of-way and/or easements.

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 (1986 Adj.). A bearing of North 81° 06' 22" East was held for the centerline of West Broad Street between McDowell Street and Washington Boulevard.

This description was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in July 2014.

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 Capital Street.

**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.