



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Details (With Text)

File #: 1222-2009 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/9/2009 **In control:** Judiciary And Court Administration Committee

On agenda: 10/19/2009 **Final action:** 10/20/2009

Title: To authorize the Director of the Recreation and Parks Department, and the Director of the Department of Public Utilities to execute those documents necessary to grant a Quitclaim Deed of Determinable Encroachment Easement to Marvin A. Katz, Trustee of The Marvin A. Katz Trust Dated May 2, 1969 as amended in order to alleviate an existing encroachment onto City property at Hoover Reservoir; to waive the Land Review Commission provisions of the Columbus City Codes (1959), to waive the competitive bidding of the Columbus City Codes (1959) Revised.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/20/2009	1	MAYOR	Signed	
10/20/2009	1	CITY CLERK	Attest	
10/19/2009	1	Columbus City Council	Approved	Pass
10/19/2009	1	COUNCIL PRESIDENT	Signed	
10/5/2009	1	Columbus City Council	Read for the First Time	
9/16/2009	1	UTILITIES DIRECTOR	Reviewed and Approved	
9/16/2009	1	Atty Drafter	Sent for Approval	
9/16/2009	1	CITY ATTORNEY	Reviewed and Approved	
9/16/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
9/14/2009	1	Rec & Parks Drafter	Sent for Approval	
9/14/2009	1	REC & PARKS DIRECTOR	Reviewed and Approved	Pass
9/14/2009	1	Rec & Parks Drafter	Sent for Approval	
9/14/2009	1	Atty Drafter	Sent for Approval	
9/11/2009	1	Atty Reviewer	Reviewed and Approved	
9/11/2009	1	Atty Drafter	Sent for Approval	
9/10/2009	1	Atty Drafter	Sent for Approval	

Background:

The City of Columbus, Ohio is the owner of that real property, located in the vicinity of Walnut Street and Cabbage Road, commonly known as Hoover Reservoir. It has been discovered that a cabin, several decades old, determined to be owned by Marvin A. Katz, encroaches onto a 0.031 ± acre portion of the City's real property. The City of Columbus and Mr. Katz have been in correspondence with each other in an attempt to reach an agreement, which will alleviate the encroachment. The Recreation and Parks Department, and the Department of Public Utilities, Division of Water, have determined that the granting of a quitclaim deed of determinable encroachment easement for a period of no more than 10 years will not adversely affect the City and should be allowed. Upon the expiration of the 10 year period, the easement will

automatically terminate and revert back to the City and the owner must remove the structure and return the real property back to its original condition. The Real Estate Division, Department of Law has established One Thousand Dollars (\$1,000.00) as the value of the easement. The following ordinance authorizes the Director of the Department of Public Utilities and the Director of the Recreation and Parks Department to execute those documents necessary to grant the aforementioned easement.

Fiscal Impact: The \$1,000 to be received by the City, as consideration for the granting of the encroachment easement, shall be deposited in the proper City fund as determined by the City Auditor.

Emergency Justification: N/A

To authorize the Director of the Recreation and Parks Department, and the Director of the Department of Public Utilities to execute those documents necessary to grant a Quitclaim Deed of Determinable Encroachment Easement to Marvin A. Katz, Trustee of The Marvin A. Katz Trust Dated May 2, 1969 as amended in order to alleviate an existing encroachment onto City property at Hoover Reservoir; to waive the Land Review Commission provisions of the Columbus City Codes (1959), to waive the competitive bidding of the Columbus City Codes (1959) Revised.

WHEREAS, The City of Columbus, Ohio is the owner of that real property, located in the vicinity of Walnut Street and Cabbage Road, commonly known as Hoover Reservoir; and

WHEREAS, it has been discovered that a cabin, several decades old, determined to be owned by Marvin A. Katz, encroaches onto a 0.031 ± acre portion of the City's real property; and

WHEREAS, the City of Columbus and Mr. Katz have been in correspondence with each other in an attempt to reach an agreement, which will alleviate the encroachment; and

WHEREAS, the Recreation and Parks Department, and the Department of Public Utilities, Division of Water, have determined that the granting of a quitclaim deed of determinable encroachment easement for a period of no more than 10 years, will not adversely affect the City and should be allowed; and

WHEREAS, upon the expiration of the 10 year period, the easement will automatically terminate and revert back to the City and the owner must remove the structure and return the real property back to its original condition; and

WHEREAS, the Real Estate Division, Department of Law has established \$1,000 as the value of the easement; and

WHEREAS, the following ordinance authorizes the Director of the Department of Public Utilities and the Director of the Recreation and Parks Department to execute those documents necessary to grant the aforementioned easement; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Recreation and Parks Department, and the Director of the Department of Public Utilities be and hereby are authorized to execute those documents, prepared by the City Attorney's Office, Department of Law, Real Estate Division, necessary to grant a Quitclaim Deed of Determinable Encroachment Easement to Marvin A. Katz, Trustee of The Marvin A. Katz Trust Dated May 2, 1969 as amended in order to alleviate an existing encroachment onto City property at Hoover Reservoir as follows:

DESCRIPTION OF AN ENCROACHMENT EASEMENT
(East side of Hoover Reservoir, north of Walnut Street)

Situate in the State of Ohio, County of Franklin, Township of Blendon, lying in Section 1, Township 2, Range 17, United States Military District, lying on, over and across a 20.31 acre tract conveyed to the City of Columbus (Hoover Reservoir Property) by deed of record in Deed Book 1739, Page 455, and being 10 foot perpendicular and parallel to an existing building. (All records herein of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows;

Begin for reference at a City of Columbus Monument Found at an angle point on the southerly line of said 20.31 acre tract, being a line common to the northerly line of a 6.196 acre tract conveyed to Marvin A. Katz, Trustee by deed of record in Official Record 33550, J17, being referenced by a City of Columbus Monument found (north 88°11'39" west, a distance of 237.36 feet) at the southwesterly corner of said 20.31 acre tract;

Thence South 37°54'07" East, a distance of 26.40 feet, along the line common to said 20.31 acre and 6.196 acre tracts to the Point of True Beginning for the herein described easement;

Thence the following three (3) courses and distances on, over, and across the said 20.31 acre tract:

1. North 52°05'53" East, a distance of 17.00 feet, to a point;
2. South 37°54'07" East, a distance of 80.00 feet, to a point;
3. South 52°05'53" West, a distance of 17.00 feet, to a point on the line common to said 20.31 acre and 6.196 acre tracts;

Thence North 37°54'07" West, a distance of 80.00 feet, along the line common to said 20.31 acre and 6.196 acre tracts to the Point of True Beginning, containing 0.031 acres, (1360.00 square feet), more or less.

The bearings shown above are based on the Grid Bearing of North 86°14'12" East, between Franklin County Engineer's Monuments "Hoover" and "Hoover Azimuth" as determined by a GPS network of field observations for a field survey of City of Columbus property performed in 2000-2001 by R.D. Zande & Associates, Inc., (now know as Stantec Consulting Services, Inc.), (State Plane Coordinate System, North Zone).

Stantec Consulting Services, Inc., Robert J. Sands Date
Registered Surveyor No. S-8053

SECTION 2. That the One Thousand Dollars (\$1,000.00), to be received by the City as consideration for the subject encroachment easement rights to be granted shall be deposited in the proper City fund as determined by the City Auditor.

SECTION 3. That this Council has determined that it is in the best interest of the City of Columbus to waive and does hereby waive the requirements of Columbus City Codes (1959) Revised, Chapter 328 (*Land Review Commission*) and Section 329.29 (*competitive bidding*) to the extent that they may apply to this transaction with regards to this ordinance only.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.