



## Legislation Details (With Text)

**File #:** 1045-2011      **Version:** 1

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

**File created:** 6/23/2011      **In control:** Public Service & Transportation Committee

**On agenda:** 7/11/2011      **Final action:** 7/13/2011

**Title:** To authorize the Director of the Department of Public Service to execute those documents needed to grant encroachment easements for retaining walls that will be removed and reconstructed within the public rights-of-way as a part of the Miscellaneous Economic Development - Columbus Coated Fabrics Sixth Street Area Roadways, Phase 2C, project and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/13/2011	1	CITY CLERK	Attest	
7/12/2011	1	MAYOR	Signed	
7/11/2011	1	Columbus City Council	Approved	Pass
7/11/2011	1	COUNCIL PRESIDENT	Signed	
6/30/2011	1	Service Reviewer	Reviewed and Approved	
6/30/2011	1	Service Drafter	Sent for Approval	
6/30/2011	1	SERVICE DIRECTOR	Reviewed and Approved	
6/30/2011	1	Service Drafter	Sent for Approval	
6/30/2011	1	CITY ATTORNEY	Reviewed and Approved	
6/30/2011	1	Service Drafter	Sent to Clerk's Office for Council	
6/23/2011	1	Service Drafter	Sent for Approval	

### 1. BACKGROUND

During the plan development phase of the Miscellaneous Economic Development - Columbus Coated Fabrics Sixth Street Area Roadways, Phase 2C, project it was determined the installation of ADA compliant curb ramps and sidewalk associated with this redevelopment project will require the removal of certain retaining walls currently located within the public rights-of-way.

After investigation by Department of Public Service staff, it does not appear the City constructed these walls, nor does it appear permits were issued to the property owners for the construction of these walls however; these walls are needed to protect the integrity of the adjacent structures. The City and the developer have agreed that these retaining will should be removed and reconstructed as a part of the project.

The Department of Public Service believes it is in the best interest of the affected property owners and the City for the City to assign maintenance responsibility to the adjacent property owners and to issue revocable encroachment easements for these walls. The following legislation authorizes the Director of the Department of Public Service to execute those documents need to grant the proposed encroachment easements.

### 2. FISCAL IMPACT

N/A

### 3. EMERGENCY DESIGNATION

This project is scheduled to go to construction this summer and should be completed by late this fall. Emergency action is requested to allow for document preparation and execution of the necessary encroachment easements prior to completion of the construction.

To authorize the Director of the Department of Public Service to execute those documents needed to grant encroachment easements for retaining walls that will be removed and reconstructed within the public rights-of-way as a part of the Miscellaneous Economic Development - Columbus Coated Fabrics Sixth Street Area Roadways, Phase 2C, project and to declare an emergency.

**WHEREAS**, during the plan development phase of the Miscellaneous Economic Development - Columbus Coated Fabrics Sixth Street Area Roadways, Phase 2C, project it was determined the installation of ADA compliant curb ramps and sidewalk associated with this redevelopment project will require the removal of certain retaining walls currently located within the public rights-of-way; and

**WHEREAS**, after investigation by Department of Public Service staff, it does not appear the City constructed these walls, nor does it appear permits were issued to the property owners for the construction of these walls however; and

**WHEREAS**, these walls are needed to protect the integrity of the adjacent structures; and

**WHEREAS**, the City and the developer have agreed that these retaining will should be removed and reconstructed as a part of the project; and

**WHEREAS**, the Department of Public Service believes it is in the best interest of the affected property owners and the City for the City to assign maintenance responsibility to the adjacent property owners and to issue revocable encroachment easements for these walls.; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director of the Department to execute those documents necessary to grant encroachment easements for retaining walls that will be removed and reconstructed within the public rights-of-way as a part of the Miscellaneous Economic Development - Columbus Coated Fabrics Sixth Street Area Roadways, Phase 2C, project 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 Director of the Department of Public Service be and is hereby authorized to execute those documents necessary to grant the following described encroachment easements; to-wit:

#### RETAINING WALL ENCROACHMENT (329 Square Feet)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18 of the United States Military Lands, being across the right-of-way of Sixth Avenue and Sixth Street as shown on the subdivision plat entitled "New Indianola Addition" of record in Plat Book 12, Pages 35 and 36, and described as follows:

*Beginning* at the southeasterly corner of Lot 264 as shown on said "New Indianola Addition," being the intersection of the northerly right-of-way line of Sixth Avenue (50') with the westerly right-of-way line of Sixth Street (width varies);

Thence North 03°13'06" East, with the easterly line of said Lot 264 and said westerly right-of-way line, a distance of 29.74 feet, to a point;

Thence across the right-of-way of Sixth Street and Sixth Avenue, the following courses:

South 86°38'41" East, a distance of 5.93 feet, to a point;

South 03°14'37" West, a distance of 26.83 feet, to a point;

South 54°36'58" West, a distance of 8.81 feet, to a point;

North 86°38'41" West, a distance of 59.04 feet, to a point;

North 03°21'19" East, a distance of 2.60 feet, to the southerly line of said Lot 264 and said northerly right-of-way line;

Thence South 86°38'41" East, with said southerly line and said northerly right-of-way line, a distance of 60.01 feet, to the *Point of Beginning*, containing 329 square feet.

EVANS, MECHWART, HAMBLETON & TILTON, INC

Michael O. Wanchick

Registered Surveyor No. 7854

#### RETAINING WALL ENCROACHMENT (205 Square Feet)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18, of the

United States Military Lands, being across the right-of-way of Sixth Avenue and Sixth Street as shown on the subdivision plat entitled "New Indianola Addition" of record in Plat Book 12, Pages 35 and 36 and described as follows:

*Beginning, for reference*, at the northeasterly corner of Lot 265 as shown on said "New Indianola Addition," being on the westerly right-of-way line of Sixth Street (width varies);

Thence South 03°13'06" West, with the easterly line of said Lot 265 and said westerly right-of-way line, a distance of 5.00 feet, to the *True Point of Beginning*;

Thence across the right-of-way of Sixth Street, the following courses:

South 86°38'41" East, a distance of 5.95 feet, to a point;

South 03°14'51" West, a distance of 34.49 feet, to a point;

North 86°38'41" West, a distance of 5.93 feet, to the easterly line of Lot 264 as shown on said "New Indianola Addition" and said westerly right-of-way line;

Thence North 03°13'06" East, with the easterly line of said Lots 264 and 265 and said westerly right-of-way line, a distance of 34.49 feet, to the *True Point of Beginning*, containing 205 square feet.

EVANS, MECHWART, HAMBLETON & TILTON, INC

Michael O. Wanchick

Registered Surveyor No. 7854

#### **RETAINING WALL ENCROACHMENT (448 Square Feet)**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18, United States Military Lands, being across the right-of-way of Eighth Avenue and Sixth Street as shown on the subdivision plat entitled "Anna M. & Joseph Erbs Subdivision" of record in Plat Book 4, Page 151, and described as follows:

*Beginning* at the northwesterly corner of Lot 315 as shown on the subdivision plat entitled "New Indianola Addition" of record in Plat Book 12, Pages 35 and 36, being the intersection of the southerly right-of-way line of Eighth Avenue (50') with the easterly right-of-way line of Sixth Street;

Thence South 03°13'06" West, with the westerly line of said Lot 315 and said easterly right-of-way line, a distance of 34.00 feet, to the southwest corner thereof;

Thence North 86°33'23" West, across the right-of-way of Sixth Street with the southerly line of said Lot 315 extended, a distance of 2.62 feet, to a point;

Thence across the right-of-way of Sixth Street and Eighth Avenue, the following courses:

North 03°35'47" East, a distance of 39.01 feet, to a point;

South 88°18'06" East, a distance of 32.36 feet, to a point;

South 86°33'23" East, a distance of 30.69 feet, to a point;

South 03°26'37" West, a distance of 6.00 feet, to the northerly line of said Lot 315 and said southerly right-of-way line;

Thence North 86°33'23" West, with said northerly line and said southerly right-of-way line, a distance of 60.65 feet, to the *Point of Beginning*, containing 448 square feet.

EVANS, MECHWART, HAMBLETON & TILTON, INC

Michael O. Wanchick

Registered Surveyor No. 7854

**SECTION 2.** 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.