



## Legislation Details (With Text)

**File #:** 2768-2012      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/30/2012      **In control:** Public Service & Transportation Committee  
**On agenda:** 12/17/2012      **Final action:** 12/19/2012

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachment easements for existing steps within those public rights of way needed for the Pedestrian Safety Improvements - Town Street Curb Extension at Avondale and Hawkes project, plan number 2889 Dr E; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/19/2012	1	CITY CLERK	Attest	
12/18/2012	1	MAYOR	Signed	
12/17/2012	1	COUNCIL PRESIDENT	Signed	
12/17/2012	1	Columbus City Council	Approved	Pass

### BACKGROUND

The City of Columbus, Department of Public Service, received a request from three property owners to allow existing steps to encroach into the public rights of way. The request is due to a project known as Pedestrian Safety Improvements - Town Street Curb Extension at Avondale and Hawkes, plan number 2889 Dr E. These encroachments are to assign maintenance responsibility for the existing steps within the public right of way.

During the plan development phase of this project, it was determined that the adjacent property owners had existing steps within the public right of way and wish to continue to occupy the public right of way with these steps. The project does not require the removal of these steps from the property owners in order to construct the improvements. As part of the agreement, the property owners have agreed to the maintenance responsibility of these existing steps. The encroachments include three locations at 183 Hawkes Avenue, 164 Hawkes Avenue, and 185 Avondale Avenue.

The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary to grant encroachment easements for the proposed encroachments into the public rights of way.

### 2. EMERGENCY DESIGNATION

Emergency action is requested to grant these encroachment easements to allow the Pedestrian Safety Improvements - Town Street Curb Extension at Avondale and Hawkes project to proceed as scheduled.

### 3. FISCAL IMPACT

The City will receive no monetary value for granting the requested encroachment easements.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachment easements for existing steps within those public rights of way needed for the Pedestrian Safety Improvements - Town Street Curb Extension at Avondale and Hawkes project, plan number 2889 Dr E; and to declare an emergency.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from three property owners to allow existing steps to encroach into the public rights of way were requested by Gladden Community House, Asyia A. Peterson, and Parish of ST John’s Episcopal Church during the plan development phase of the this Project; and

**WHEREAS**, the encroachments are to allow the existing use of steps, and assign maintenance responsibility for the existing steps within the public right of way; and

**WHEREAS**, during the plan development phase of this project, it was determined that the adjacent property owners had existing steps within the public right of way and wish to continue to occupy the public right of way with these steps. This construction does not require the removal of these steps from the property owners in order to construct the improvements; and

**WHEREAS**, the encroachments include three locations at 183 Hawkes Avenue, 164 Hawkes Avenue, and Sixth 185 Avondale Avenue; and

**WHEREAS**, the City will receive no monetary value for granting the requested encroachment easements; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, Division of Planning and Operations, in that this authorization is necessary to maintain the project schedule, 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 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:

**0.004 Acre Encroachment Easement**

Situated in the State of Ohio, County of Franklin, City of Columbus and part of Hawkes Avenue dedicated to the City of Columbus by West Park Addition subdivision of record in Plat Book 4, Page 264 (all references to the Records office, Franklin County, Ohio) and being more particularly described as follows:  
Commencing for reference at the intersection of the southerly right of way line of Town Street (60’ RW) and the westerly right of way line of Hawkes Avenue (50’ RW);

Thence along the westerly right of way line of Hawkes Avenue, S 8°44’17” E a distance of 10.19 feet to the **True Point of Beginning**;

Thence across Hawkes Avenue, N 81°15’44” E a distance of 4.60 feet to a point;

Thence across Hawkes Avenue, S 8°44’17” E a distance of 36.98 feet to a point;

Thence across Hawkes Avenue, S 81°15’44” W a distance of 4.60 feet to the said westerly right of way line of Hawkes Avenue;

Thence along the said westerly right of way line, N 8°44’17” W a distance of 36.98 feet to the **True Point of Beginning**.

The above described area is not within a Franklin County Auditor's Parcel Number. Within said boundary is 0.004 acres, more or less.

**0.001 Acre Encroachment Easement**

Situated in the State of Ohio, County of Franklin, City of Columbus and part of Hawkes Avenue dedicated to the City of Columbus by Richard Sinclair’s Addition subdivision of record in Plat Book 4, Page 403 (all references to the Records

office, Franklin County, Ohio) and being more particularly described as follows:

Commencing for reference at the intersection of the northerly right of way line of Town Street (60' RW) and the easterly right of way line of Hawkes Avenue (50' RW);

Thence along the easterly right of way line of Hawkes Avenue, N 8°44'17" W a distance of 2.42 feet to the **True Point of Beginning**;

Thence across Hawkes Avenue, S 81°15'44" W a distance of 2.50 feet to a point;

Thence across Hawkes Avenue, N 8°44'17" W a distance of 25.63 feet to a point;

Thence across Hawkes Avenue, N 81°15'44" E a distance of 2.50 feet to the said easterly right of way line of Hawkes Avenue;

Thence along the said easterly right of way line, S 8°44'17" E a distance of 25.63 feet to the **True Point of Beginning**. The above described area is not within a Franklin County Auditor's Parcel Number. Within said boundary is 0.001 acres, more or less

#### **0.005 Acre Encroachment Easement**

Situated in the State of Ohio, County of Franklin, City of Columbus and part of Avondale Avenue dedicated to the City of Columbus by West Park Addition subdivision of record in Plat Book 4, Page 264 (all references to the Records office, Franklin County, Ohio) and being more particularly described as follows:

Commencing for reference at the intersection of the southerly right of way line of Town Street (60' RW) and the westerly right of way line of Avondale Avenue (50' RW);

Thence along the westerly right of way line of Avondale Avenue, S 8°25'18" E a distance of 15.77 feet to the **True Point of Beginning**;

Thence across Avondale Avenue, N 81°29'33" E a distance of 4.36 feet to a point;

Thence across Avondale Avenue, S 8°54'42" E a distance of 48.47 feet to a point;

Thence across Avondale Avenue, S 81°34'42" W a distance of 4.77 feet to the said westerly right of way line of Avondale Avenue;

Thence along the said westerly right of way line, N 8°25'18" W a distance of 48.77 feet to the **True Point of Beginning**.

The above described area is not within a Franklin County Auditor's Parcel Number. Within said boundary is 0.005 acres, more or less.

**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.