



## Legislation Details (With Text)

**File #:** 1935-2013      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 7/24/2013      **In control:** Public Service & Transportation Committee  
**On agenda:** 9/9/2013      **Final action:** 9/13/2013  
**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant an encroachment easement for existing deck/porch within those public rights of way needed for the redevelopment of American Addition Infrastructure Improvements project, plan number # 2639 Dr. E; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 9/13/2013 | 1    | CITY CLERK            | Attest   |        |
| 9/13/2013 | 1    | MAYOR                 | Signed   |        |
| 9/9/2013  | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 9/9/2013  | 1    | Columbus City Council | Approved | Pass   |

### BACKGROUND

The City of Columbus, Department of Public Service, received a request from a property owner to allow an existing wooden residential deck/porch to encroach into the public rights of way. The request is due to a project known as American Addition Infrastructure Improvements (CIP# 590131-100003, Drawing # 2639 Dr. E). This encroachment is to assign maintenance responsibility for the existing deck/porch within the public right of way.

During the plan development phase of this project, it was determined that the adjacent property owner has an existing deck/porch within the public right of way and wishes to continue to occupy the public right of way with the deck/porch. The project does not require the removal of the deck/porch from the property by the owner in order to construct the improvements. As part of the agreement, the property owner has agreed to the maintenance responsibility of the existing deck/porch. The encroachment is located at 1310 Joyce Avenue.

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

### 2. EMERGENCY DESIGNATION

Emergency action is requested to grant the encroachment easement to allow the redevelopment of American Addition Infrastructure Improvements project to proceed as scheduled.

### 3. FISCAL IMPACT

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

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant an encroachment easement for existing deck/porch within those public rights of way needed for the redevelopment of

American Addition Infrastructure Improvements project, plan number # 2639 Dr. E; and to declare an emergency. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from a property owner to allow existing deck/porch to encroach into the public rights of way were requested by Michael A. and Trina M. Ardister Smith during the plan development phase of the this project; and

**WHEREAS**, the encroachment is to allow the existing use of the deck/porch and assign maintenance responsibility for the existing deck/porch within the public right of way; and

**WHEREAS**, during the plan development phase of this project, it was determined that the adjacent Property owner had an existing deck/porch within the public right of way and wishes to continue to occupy the public right of way with the deck/porch. This construction does not require the removal of the deck/porch from the property owner in order to construct the improvements; and

**WHEREAS**, the encroachment is located at 1310 Joyce Avenue; and

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

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service 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 easement; to wit:

**0.002 Acre Encroachment Easement**

Situated in the State of Ohio, County of Franklin, City of Columbus, being on, over and across the right-of-way of Woodford Avenue as shown on that subdivision entitled "American Addition" of record in Plat Book 5, Page 448 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, at the northwesterly corner of Lot 14 of said "American Addition", being the intersection of the easterly right-of-way line of Joyce Avenue (formerly Atcheson Avenue) and the southerly right-of-way line of Woodford Avenue;

thence South 85° 53' 11" East, with the northerly line of said Lot 14, with said southerly right-of-way line, a distance of 23.68 feet to the TRUE POINT OF BEGINNING;

thence across the right-of-way of said Woodford Avenue, the following courses and distances:

North 04° 06' 49" East, a distance of 6.00 feet to a point;

South 85° 53' 11" East, a distance of 17.44 feet to a point; and

South 04° 06' 49" West, a distance of 6.00 feet to a point on the northerly line of said Lot 14, the southerly right-of-way line of said Woodford Avenue;

thence North 85° 53' 11" West, with said northerly line, said southerly right-of-way line, a distance of 17.44 feet to the TRUE POINT OF BEGINNING, and containing 0.002 acre (104.6 Square Feet), 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.