



## Legislation Details (With Text)

**File #:** 0855-2007      **Version:** 1

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

**File created:** 5/21/2007      **In control:** Public Service & Transportation Committee

**On agenda:** 6/11/2007      **Final action:** 6/13/2007

**Title:** To authorize the Director of the Public Service Department to execute those documents necessary to allow the City to grant encroachment easements into the north side of Buttles Avenue to Jeffrey J. Smith.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/13/2007	1	CITY CLERK	Attest	
6/12/2007	1	MAYOR	Signed	
6/11/2007	1	Columbus City Council	Approved	Pass
6/11/2007	1	COUNCIL PRESIDENT	Signed	
6/4/2007	1	Columbus City Council	Read for the First Time	
5/24/2007	1	CITY ATTORNEY	Reviewed and Approved	
5/24/2007	1	Service Reviewer	Sent to Clerk's Office for Council	
5/23/2007	1	SERVICE DIRECTOR	Reviewed and Approved	
5/21/2007	1	Service Drafter	Sent for Approval	
5/21/2007	1	Service Reviewer	Reviewed and Approved	

Jeffrey J. Smith, owner of the property at 773 Dennison Avenue, is constructing a carriage house above a two-car garage at the rear of his property. Columbus City Council approved a zoning variance allowing the construction of this carriage house and legitimizing the existing single-family dwelling on this lot on October 16, 2006 (Ordinance 1275-2006). A portion of the footer, service door stoop and porch roof on the south side of the garage/carriage house will encroach approximately 2 feet into the north side of the Buttles Avenue right-of-way. Additionally, a portion of an existing second floor balcony on the main house structure encroaches approximately 2 feet into the Buttles Avenue right-of-way. Mr. Smith recently submitted a request asking that the City grant encroachment easements into the Buttles Avenue right-of-way to accommodate these encroachments. Per current Transportation Division practice, comments were solicited from interested parties, including City departments before it was determined that there would be no adverse impact to the City upon the granting of these encroachment easements.

The City will receive a total of \$500.00, to be deposited in Fund 748, Project 537650, as consideration for the granting of the requested encroachment easements.

To authorize the Director of the Public Service Department to execute those documents necessary to allow the City to grant encroachment easements into the north side of Buttles Avenue to Jeffrey J. Smith.

**WHEREAS,** Jeffrey J. Smith, owner of the property at 773 Dennison Avenue, is constructing a carriage house above a two-car garage

at the rear of his property; and

**WHEREAS**, a zoning variance allowing the construction of this carriage house and legitimizing the existing single-family dwelling on this lot was approved by Columbus City Council on October 16, 2006 (Ordinance 1275-2006); and

**WHEREAS**, a portion of the footer, service door stoop and porch roof on the south side of the garage/carriage house will encroach approximately 2 feet into the north side of the Buttles Avenue right-of-way; and

**WHEREAS**, additionally, a portion of an existing second floor balcony on the main house structure encroaches approximately 2 feet into the Buttles Avenue right-of-way; and

**WHEREAS**, Mr. Smith recently submitted a request asking that the City grant encroachment easements into the Buttles Avenue right-of-way to accommodate these encroachments; and

**WHEREAS**, per current Transportation Division practice, comments were solicited from interested parties, including City departments before it was determined there would be no adverse impact to the City upon the granting of the requested encroachment easements; and

**WHEREAS**, a value of \$500.00 has been established for the granting of the requested encroachment easements; now, therefore

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

**Section 1.** That the Director of the Public Service Department be and is hereby authorized to execute those documents necessary to grant the following described encroachment easements to Jeffrey J. Smith; to-wit:

Situate in the State of Ohio, County of Franklin, City of Columbus, and being two (2) strips of land lying on, over and across the right-of-way of Buttles Avenue, adjacent to Lot 65 of NEIL PLACE ADDITION of record in Plat Book 3, Page 362, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

**Strip #1**

Begin for reference at the southwesterly corner of said Lot 65, at the intersection of the northerly line of said Buttles Avenue (70.00 feet in width) and the easterly line of Hunter Avenue (25.00 feet in width);

Thence South 88°46'27" East, a distance of 5.10 feet, along the northerly line of said Buttles Avenue to the **Point of True Beginning** for the herein described tract;

Thence South 88°46'27" East, a distance of 27.20 feet, along the northerly line of said Buttles Avenue to a point;

Thence South 01°13'33" West, a distance of 1.43 feet, to a point;

Thence North 88°46'27" West, a distance of 4.83 feet, to a point;

Thence South 01°13'33" West, a distance of 2.00 feet, to a point;

Thence North 88°46'27" West, a distance of 4.70 feet, to a point;

Thence North 01°13'33" East, a distance of 2.00 feet, to a point;

Thence North 88°46'27" West, a distance of 17.67 feet, to a point;

Thence North 01°13'33" East, a distance of 1.43 feet to the **Point of True Beginning**, containing 48.4 Sq. Ft. more or less.

**Strip #2**

Begin for reference at a point at the intersection of the northerly line of Buttles Avenue (70.00 feet in width) and the westerly line of Dennison Avenue (60.00 feet in width) at the southeasterly corner of said Lot 65;

Thence North 88°46'27" West, a distance of 53.55 feet along the northerly line of said Buttles Avenue to the **Point of True Beginning** for the herein described tract;

Thence South 01°13'33" West, a distance of 1.64 feet, to a point;

Thence North 88°46'27" West, a distance of 38.70 feet to a point;

Thence North 01°13'33" East, a distance of 1.64 feet, to a point in the northerly line of said Buttles Avenue;

Thence South 88°46'27" East, a distance of 38.70 feet, along the northerly line of said Buttles Avenue to the **Point of True Beginning**, containing 63.6 Sq. Ft. more or less.

The bearings in the above description are based on the assumed bearing of North 88°46'27" West for the northerly line of Buttles Avenue and are used to denote lot angles only.

LANDMARK SURVEY GROUP, INC.  
Scott D. Grundei, P.S.  
Registered Surveyor No. 8047

**Section 2.** That the \$500.00 to be received by the City as consideration for the granting of the requested encroachment easement shall be deposited in Fund 748, Project 537650.

**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.