



## Legislation Text

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**File #:** 1578-2023, **Version:** 1

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### 1. BACKGROUND

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant two, revocable encroachment easements to Adam Lodermeier for an existing residential garage and retaining wall at 107 South Warren Avenue.

The Department of Public service is engaged in the Operation Sidewalks - School Sidewalks Improvements of Olive Street and Floral Avenue project. The project will add compliant sidewalk and improve existing curb ramps along Olive Street from Powell Avenue to Wayne Avenue and along Floral Avenue from Oakley Avenue to Highland Avenue.

The City of Columbus, Department of Public Service, received a request from the owner of a residential garage and stone retaining wall, Adam Lodermeier at 107 South Warren Avenue Columbus, Ohio 43204 (parcel 010-033099-00) requesting that the City grant a Revocable Encroachment Easement to allow a portion of their residential garage (0.003 acres) and stone retaining wall (0.014 acres) to remain on City property within existing right-of-way. The existing residential garage and stone retaining wall were identified to be encroaching into the R/W while reviewing the construction plans for the project. The residential garage and stone retaining wall are not impacting any functionality of the R/W. Granting these encroachment easements is needed in order for ODOT and the City of Columbus to clear the R/W for this project. The following ordinance authorizes the Director of the Department of Public Service to execute documents necessary to grant these encroachment easements for the existing structures into the public rights-of-way.

### 2. FISCAL IMPACT

There is no fiscal impact to the City for granting the requested revocable encroachment easements.

### 3. EMERGENCY DESIGNATION

Emergency action is requested so establishment of the necessary revocable encroachment easements can proceed without delay allowing for acquisition related activities to continue towards clearing right-of-way for this project in order to meet the deadlines set forth in ODOT's and the City's construction timeline.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant a revocable encroachment easements to Adam Lodermeier located at 107 South Warren Avenue; and to declare an emergency. (\$0.00)

**WHEREAS**, the Department of Public service is engaged in the Operation Sidewalks - School Sidewalks Improvements of Olive Street and Floral Avenue project. The project will add compliant sidewalk and improve existing curb ramps along Olive Street from Powell Avenue to Wayne Avenue and along Floral Avenue from Oakley Avenue to Highland Avenue; and

**WHEREAS**, two revocable encroachment easements into the public rights-of-way were requested by the owner of the property located at 107 South Warren Avenue Columbus, Ohio 43204; and

**WHEREAS**, the encroachments include a portion of their residential garage (0.003 acres) and stone retaining wall (0.014 acres) to remain on City property within existing right-of-way; and

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to authorize the Director of Public Service to execute those documents necessary to grant revocable encroachment easements to Adam Lodermeier in order to prevent unnecessary delay to Operation Sidewalks -

School Sidewalks Improvements of Olive Street and Floral Avenue project, to ensure the safety of the travelling public 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 revocable encroachment easements to Adam Lodermeier to legally allow these items into the public rights-of-way, and attached exhibits; to-wit:

**0.003-ACRE ENCROACHMENT EASEMENT FOR BUILDING**

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey 2668, and being a portion of the existing right of way of Olive Street, as originally dedicated in Wicklow Addition, of record in Plat Book 5, Page 412, as recorded in the Franklin County Recorder's Office, and being more particularly described as follows:

Commencing at the intersection of Warren Avenue (50 feet wide) and Olive Street (50 feet Wide);

Thence along the centerline of Olive Street South  $86^{\circ}50'42''$  West for a distance of 144.41 feet to a point at the intersection of an alley (15' Wide);

Thence leaving said centerline of Olive Street and along the centerline of an alley North  $02^{\circ}44'25''$  West for a distance of 25.00 feet to a point;

Thence leaving said centerline of an alley North  $86^{\circ}50'42''$  East for a distance of 7.50 feet to a point at the intersection of the easterly existing right of way line of an alley (15 feet wide) and the northerly existing right of way line of Olive Street and being the Point of Beginning;

Thence along said northerly existing right of way line North  $86^{\circ}50'42''$  East for a distance of 24.00 feet to a point;

Thence leaving said northerly existing right of way line across the existing right of way South  $02^{\circ}44'25''$  East for a distance of 5.00 feet to a point;

Thence continuing across the existing right of way South  $86^{\circ}50'42''$  West for a distance of 24.00 feet to a point;

Thence continuing across the existing right of way North  $02^{\circ}44'25''$  West for a distance of 5.00 feet to the Point of Beginning and containing 0.003-Acres (120.0 S.F.), more or less and being subject to all other legal easements, agreements, and rights of way.

The bearings in this description are based on the centerline of Olive Street being N  $86^{\circ}50'42''$  E as referenced to the State Plane Coordinate System (South Zone), NAD 83 (NSRS 2007).

This description was prepared by Tony W. Meacham, Ohio Professional Surveyor Number 7799 from an actual field survey performed in July 2020.

**0.014-ACRE ENCROACHMENT EASEMENT FOR RETAINING WALL**

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey 2668, and being a portion of the existing right of way of Olive Street and Warren Avenue, as originally dedicated in Wicklow Addition, of record in Plat Book 5, Page 412, as recorded in the Franklin County Recorder's Office, and being more particularly described as follows:

Commencing at the intersection of Warren Avenue (50 feet wide) and Olive Street (50 feet Wide);

Thence along the centerline of Warren Avenue North  $02^{\circ}29'35''$  West for a distance of 25.00 feet to a point;

Thence leaving said centerline South  $86^{\circ}50'42''$  West for a distance of 25.00 feet to a point at the intersection of the westerly right of way line of Warren Avenue and the northerly existing right of way line of Olive Street and the Point of Beginning;

Thence along said westerly existing right of way line North  $02^{\circ}29'35''$  West for a distance of 34.00 feet to a point;

Thence leaving said westerly existing right of way line across the existing right of way North  $86^{\circ}50'42''$  East for a distance of 9.00 feet to a point;

Thence continuing across the existing right of way South  $02^{\circ}29'35''$  East for a distance of 40.00 feet to a point;

Thence continuing across the existing right of way South  $86^{\circ}50'42''$  West for a distance of 49.00 feet to a point;

Thence continuing across the existing right of way North  $02^{\circ}29'35''$  West for a distance of 6.00 feet to a point on the northerly existing right of way line of Olive Street;

Thence along said northerly right of way line North  $86^{\circ}50'42''$  East for a distance of 40.00 feet to the Point of Beginning and containing 0.014-Acres (599.96 S.F.), more or less and being subject to all other legal easements, agreements, and rights of way.

The bearings in this description are based on the centerline of Olive Street being N  $86^{\circ}50'42''$  E as referenced to the State Plane Coordinate System (South Zone), NAD 83 (NSRS 2007).

This description was prepared by Tony W. Meacham, Ohio Professional Surveyor Number 7799 from an actual field survey performed in July 2020.

**SECTION 2.** That the City Attorney is required to pre-approve all document(s) executed by the City pursuant to this ordinance.

**SECTION 3.** 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.