



Legislation Text

File #: 1579-2023, **Version:** 1

1. BACKGROUND

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant a revocable encroachment easement to Susanna K. Warren for an existing stone retaining wall at 108 South Wayne 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 stone retaining wall, Susanna K. Warren at 108 South Wayne Avenue Columbus, Ohio 43204 (parcel 010-036494-00), that the City grant a revocable encroachment easement to allow their stone retaining wall (0.002 acres) to remain on City property within existing right-of-way. The existing stone retaining wall was identified to be encroaching into the R/W while reviewing the construction plans for the project. The stone retaining wall is not impacting any functionality of the R/W. Granting the encroachment easement 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 this encroachment easement for the existing structure into the public rights-of-way.

2. FISCAL IMPACT

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

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 easement to Susanna K. Warren located at 108 South Wayne 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, a revocable encroachment easement into the public rights-of-way were requested by the owner of the property located at 108 South Wayne Avenue Columbus, Ohio 43204; and

WHEREAS, the encroachment includes a stone retaining wall 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 a revocable encroachment easement to Susanna K. Warren 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 Susanna K. Warren to legally allow these items into the public rights-of-way, and attached exhibits; to-wit:

0.002-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 right of way of Wayne Avenue, as originally dedicated in Oakley Subdivision, of record in Plat Book 4, Page 294, as recorded in the Franklin County Recorder's Office, and being more particularly described as follows:

Commencing at the intersection of Wayne Avenue (50 feet wide) and Pomola Street (40 feet Wide);

Thence along the centerline of Pomola Street North $86^{\circ}39'51''$ East for a distance of 25.00 feet to a point;

Thence leaving said centerline North $03^{\circ}02'55''$ West for a distance of 20.00 feet to a point at the intersection of the easterly existing right of way line of Wayne Avenue and the northerly existing right of way line of Pomola Street and the Point of Beginning;

Thence across the existing right of way South $86^{\circ}39'51''$ West for a distance of 2.00 feet to a point;

Thence continuing across the existing right of way North $03^{\circ}02'55''$ West for a distance of 35.00 feet to a point;

Thence continuing across the existing right of way North $86^{\circ}39'51''$ East for a distance of 2.00 feet to a point on the easterly existing right of way line of Wayne Avenue;

Thence along said easterly existing right of way line South $03^{\circ}02'55''$ East for a distance of 35.00 feet to the Point of Beginning and containing 0.002-Acres (70.0 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.

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.