



Legislation Text

File #: 0969-2009, Version: 1

1. BACKGROUND

During the plan development phase of the Parsons/Livingston Improvement Project it was discovered a number of stone, block or railroad tie retaining walls within the project corridor encroach into the public rights-of-way. To secure Federal/State funding encroachments into public rights-of-way must be removed or must be specifically permitted by the local public agency ("LPA") prior to the LPA certifying all necessary right-of-way is acquired and available for use as a part of any Federal/State funded project. The following legislation authorizes the Director of the Department of Public Service to execute any documents necessary to grant easements for existing retaining walls within the project corridor that encroach into the public rights-of-way as required prior to certification that all right-of-way is clear and available for construction of the Parsons/Livingston Avenue Roadway Improvements Project, a Federal/State funded project.

2. EMERGENCY JUSTIFICATION

The City must be in a position to certify all necessary right-of-way is acquired and available for use as a part of this project on or before November 15, 2009. Emergency action is requested to allow for document preparation, execution and recording prior to this date.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachment easements for existing retaining walls within those public rights-of-way needed for the Parsons/Livingston Avenue Roadway Improvements Project and to declare an emergency.

WHEREAS, during the plan development phase of the Parsons/Livingston Avenue Roadway Improvements Project a number of stone, block or railroad tie retaining walls within the project corridor encroach into the public rights-of-way; and

WHEREAS, to secure Federal/State funding all encroachments into public rights-of-way must be removed or must be specifically permitted by the local public agency ("LPA") prior to the LPA certifying all necessary right-of-way is acquired and available for use as a part of a Federal/State funded project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director of the Department to execute those documents necessary to grant encroachment easements for existing retaining walls that encroach into the public rights-of-way needed for the Parsons/Livingston Avenue Roadway Improvements Project for the preservation of 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:

0.003 Acre Encroachment Easement (Parcel 37 - Stone Wall)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being on, over, and across the right-of-way of Livingston Avenue, (width varies), and described as follows:

BEGINNING at the southwesterly corner of Lot 81 as shown on that subdivision entitled "John W. Andrews Amended Plat and Resubdivision" of record in Plat Book 4, Page 446 and in the northerly right-of-way line of Livingston Avenue;

Thence South 86°02'10" East, a distance of 34.00 feet, with said northerly right-of-way line and the southerly line of said Lot 81, to a southeasterly corner thereof;

Thence across the right-of-way of Livingston Avenue, the following courses:

South 02°33'40" West, a distance of 3.60 feet, to a point;
North 86°02'10" West, a distance of 34.00 feet, to a point;
North 02°33'40" East, a distance of 3.60 feet, to the Point of Beginning, containing 0.003 acre (122.4 square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

0.002 Acre Encroachment Easement (Parcel 40 - Block Wall)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being on, over and across the right-of-way of Livingston Avenue (width varies, and described as follows:

BEGINNING at the southeasterly corner of Lot 83 ½ as shown on that subdivision entitled "John W. Andrews Amended Plat and Resubdivision" of record in Plat Book 4, Page 446 and in the northerly right-of-way line of Livingston Avenue;

Thence across the right-of-way of Livingston Avenue the following courses:

South 02°33'40" West, a distance of 1.00 foot, to a point;

North 86°02'10" West, a distance of 2.86 feet, to a point;

South 63°59'33" West, a distance of 4.00 feet, to a point;

North 86°02'10" West, a distance of 27.63 feet, to a point;

North 02°33'40" East, a distance of 3.00 feet, to the southwesterly corner of Lot 83 ½ and in said northerly right-of-way line;

Thence South 86°02'10" East, a distance of 34.00 feet, with said northerly right-of-way line and the southerly line of said Lot 83 ½, to the Point of Beginning, containing 0.002 acre (92.8 square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

0.002 Acre Encroachment Easement (Parcel 44 - Stone Wall)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being on, over and across the right-of-way of Livingston Avenue (width varies), and described as follows:

BEGINNING at the northwesterly corner of Lot 2 as shown on that subdivision entitled "Clairmont" of record in Plat Book 5, Page 180 and in the southerly right-of-way line of Livingston Avenue;

Thence across the right-of-way of Livingstone Avenue, the following courses;

North 03°37'59" East, a distance of 3.00 feet, to a point;

South 86°02'10" East, a distance of 30.00 feet, to a point;

South 03°37'59" West, a distance of 3.00 feet, to the northeasterly corner of said Lot 2 and in said southerly right-of-way;

Thence North 86°02'10" West, a distance of 30.00 feet, with said southerly right-of-way line and the northerly line of said Lot 2, to the Point of Beginning, containing 0.002 acre (90.0 square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

0.004 Acre Encroachment Easement (Parcel 54 - Stone/Block Wall)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being on, over and across the right-of-way of Livingston Avenue (width varies), and described as follows:

BEGINNING at the northwesterly corner of Lot 12 as shown on that subdivision entitled "Clairmont" of record in Plat Book 5, Page 180 and in the southerly right-of-way line of Livingston Avenue;

Thence across the right-of-way of Livingston Avenue, the following courses:

North 03°37'59" East, a distance of 5.00 feet, to a point;

South 86°02'10" East, a distance of 32.00 feet, to a point;

South 03°37'59" West, a distance of 5.00 feet, to the northeasterly corner of said Lot 12 and in said southerly right-of-way;

Thence North 86°02'10" West, a distance of 32.00 feet, with said southerly right-of-way line and the northerly line of said Lot 12, to the Point of Beginning, containing 0.004 acre (160.0 square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

0.004 Acre Encroachment Easement (Parcel 55 - Stone/Block Wall)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being on, over and across the right-of-way of Livingston Avenue (width varies), and

described as follows:

BEGINNING at the northwesterly corner of Lot 13 as shown on that subdivision entitled "Clairmont" of record in Plat Book 5, Page 180 and in the southerly right-of-way line of Livingston Avenue;

Thence across the right-of-way of Livingston Avenue, the following courses:

North 03°37'59" East, a distance of 5.00 feet, to a point;

South 86°02'10" East, a distance of 32.00 feet, to a point;

South 03°37'59" West, a distance of 5.00 feet, to the northeasterly corner of said Lot 13 and in said southerly right-of-way;

Thence North 86°02'10" West, a distance of 32.00 feet, with said southerly right-of-way line and the northerly line of said Lot 13, to the Point of Beginning, containing 0.004 acre (160.0 square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

0.004 Acre Encroachment Easement (Parcel 56 Stone/Block Wall)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being on, over and across the right-of-way of Livingston Avenue (width varies), and described as follows:

BEGINNING at the northwesterly corner of Lot 14 as shown on that subdivision entitled "Clairmont" of record in Plat Book 5, Page 180 and in the southerly right-of-way line of Livingston Avenue;

Thence across the right-of-way of Livingston Avenue, the following courses:

North 03°37'59" East, a distance of 5.00 feet, to a point;

South 87°19'19" East, a distance of 21.84 feet, to a point;

South 83°16'35" East, a distance of 10.18 feet, to a point;

South 03°37'59" West, a distance of 5.00 feet, to the northeasterly corner of said Lot 14 and in said southerly right-of-way;

Thence North 86°02'10" West, a distance of 32.00 feet, with said southerly right-of-way line and the northerly line of said Lot 14, to the Point of Beginning, containing 0.004 acre (167.8 square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

0.003 Acre Encroachment Easement (Parcel 59 Block Wall)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being on, over, and across the right-of-way of Gilbert Street (50 foot width), and described as follows:

BEGINNING at the southwesterly corner of Lot 85 as shown on that subdivision entitled "John W. Andrews Amended Plat and Resubdivision" of record in Plat Book 4, Page 446 and at the intersection of the northerly right-of-way line of Livingston Avenue (width varies) with the easterly right-of-way line of Gilbert Street;

Thence across the right-of-way of Gilbert Street, the following courses:

North 34°07'30" West, a distance of 3.41 feet, to a point of curvature;

With the arc of a curve to the right, having a central angle of 36°41'09", a radius of 20.00 feet, an arc length of 12.81 feet, a chord bearing and distance of North 15°46'55" West, 12.59 feet, to a point of tangency;

North 02°33'40" East, a distance of 8.65 feet, to a point;

South 87°26'20" East, a distance of 6.00 feet, to said easterly right-of-way line and the westerly line of said Lot 85;

Thence South 02°33'40" West, a distance of 23.34 feet, with said easterly right-of-way line and the westerly line of said Lot 85, to the Point of Beginning, containing 0.003 acre (111.3 square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

0.005 Acre Encroachment Easement (Parcel 59 Block Wall)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being on, over, and across the right-of-way of Livingston Avenue (width varies), and described as follows:

BEGINNING at the southwesterly corner of Lot 85 as shown on that subdivision entitled "John W. Andrews Amended Plat and Resubdivision" of record in Plat Book 4, Page 446 and at the intersection of the northerly right-of-way line of Livingston Avenue with the easterly right-of-way line of Gilbert Street (50 foot width)

Thence South 86°02'10" East, a distance of 101.98 feet, with said northerly right-of-way line, the southerly line of said Lot 85, the southerly line of Lots 86 and 87 as shown on said "John W. Andrews Amended Plat and Resubdivision", to the southeasterly corner of said Lot 87 and the intersection of the northerly right-of-way line of Livingston Avenue with the westerly right-of-way line of a 19 foot wide alley;

Thence across the right-of-way of Livingston Avenue, the following courses;
South 02°33'40" West, a distance of 2.25 feet, to a point;
North 86°02'10" West, a distance of 96.40 feet, to a point;
North 70°50'57" West, a distance of 5.82 feet, to a point;
North 02°33'40" East, a distance of 0.72 feet, to the Point of Beginning, containing 0.005 acre (225.2 square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

0.001 Acre Encroachment Easement (Parcel 62 - Wall)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being on, over, and across the right-of-way of Livingston Avenue (width varies), and described as follows:

BEGINNING at the southwesterly corner of Lot 90 as shown on the subdivision entitled "John W. Andrews Amended Plat and Resubdivision" of record in Plat Book 4, Page 446 and in the northerly right-of way line of Livingston Avenue;

Thence South 86°02'10" East, a distance of 17.28 feet, with said northerly right-of-way line and the southerly line of said Lot 90, to a point;

Thence across the right-of-way of Livingston Avenue, the following courses:

South 03°57'50" West, a distance of 1.90 feet, to a point;

North 86°02'10" West, a distance of 17.23 feet, to a point;

North 02°33'40" East, a distance of 1.90 feet, to the Point of Beginning, containing 0.001 acre (32.8 square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

0.004 Acre Encroachment Easement (Parcel 66 - Railroad Tie Wall)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being on, over, and across the right-of-way of Livingston Avenue (width varies), and described as follows:

BEGINNING at the northwesterly corner of Lot 7 as shown on that subdivision entitled "Old Orchard Addition" of record in Plat Book 5, Page 170-171 and in the southerly right-of-way line of Livingston Avenue;

Thence across the right-of-way of Livingston Avenue, the following courses:

North 03°37'59" East, a distance of 5.00 feet, to a point;

South 86°02'10" East, a distance of 32.00 feet, to a point

South 03°37'59" West, a distance of 5.00 feet, to the northeasterly corner of said Lot 7 and in said southerly right-of-way;

Thence North 86°02'10" West, a distance of 32.00 feet, with said southerly right-of-way line and the northerly line of said Lot 7, to the Point of Beginning, containing 0.004 acre (160.0 square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

0.005 Acre Encroachment Easement (Parcel 70 - Block Wall)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being on, over, and across the right-of-way of Livingston Avenue (width varies) and Ohio Avenue (60 foot width), and described as follows:

BEGINNING at the northeasterly corner of the tract conveyed to Raleigh Lee Carroll and Billie J. Carroll Trustees of record in Instrument Number 200602020021226, in the northerly line of Lot 12 as shown on that subdivision entitled "Old Orchard Addition" of record in Plat Book 5, Page 170-171 and in the southerly right-of-way line of Livingston Avenue;

Thence North 86°02'10" West, a distance of 33.00 feet, with said southerly right-of-way line, said northerly line, and the northerly line of Lot 11 as shown on said "Old Orchard Addition" to the northwesterly corner of said Lot 11 and the intersection of said southerly right-of-way line with the easterly right-of-way line of Ohio Avenue;

Thence South 03°37'59" West, a distance of 10.24 feet, with said easterly right-of-way line and the westerly line of said Lot 11, to a point;

Thence across the right-of-way of Ohio Avenue and Livingston Avenue, the following courses:

North 86°22'01" West, a distance of 4.70 feet, to a point;

North 03°37'59" East, a distance of 14.97 feet, to a point;

South 86°02'10" East, a distance of 37.70 feet, to a point;

South 03°37'59" west, a distance of 4.70 feet, to the Point of Beginning, containing 0.005 acre (225.4

square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

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.