



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0890-2012, Version: 1

The City of Columbus, Ohio ("City") is the owner of that real property, located in the vicinity of Dublin Road and Davidson Road. It has been discovered that a stone patio, stone stairway, flagpole, dock, and house eaves of a near century-old dwelling, determined to be owned by Robert M. and Ruth S. Gardner, encroaches onto a 0.044 acre +/- portion of the City's real property. The City and Mr. Gardner have been in correspondence with each other in an attempt to reach an agreement, which will alleviate the encroachment. The Recreation and Parks Department and the Department of Public Utilities have determined that the granting of a Quitclaim Deed of Determinable Encroachment Easement for a period of no more than 10 years will not adversely affect the City and should be allowed. Upon the expiration of the 10-year period, the easement will automatically terminate and revert to the City and the owner must remove the structures and return the real property back to its original condition. The Department of Law's Real Estate Division has established Seven Thousand Five Hundred Dollars (\$7,500.00) as the value of the easement. The following ordinance authorizes the Director of the Recreation and Parks Department and the Director of the Public Utilities Department to execute those documents necessary to grant the aforementioned easement.

Fiscal Impact: The \$7,500.00 to be received by the City, as consideration for the granting of the encroachment easement, shall be deposited in Public Utilities Department, Department No. 60-09, Sub Fund 062 Waterways Nature Preservation Fund.

Emergency Justification: Emergency action is requested in order to immediately address and alleviate an existing encroachment onto City property and allow the receipt of the funds, thereby preserving the public peace, health, property and safety and welfare.

To authorize the Director of the Recreation and Parks Department and the Director of the Public Utilities Department to execute those documents necessary to grant a Quitclaim Deed of Determinable Encroachment Easement to "Robert M. and Ruth S. Gardner, Trustees of the Robert M. Gardner and Ruth S. Gardner Trust Dated September 20, 1996 as amended" in order to alleviate existing encroachments onto City property at Griggs Reservoir; and to declare an emergency.

WHEREAS, the City of Columbus, Ohio is the owner of that real property, located in the vicinity of Dublin Road and Davidson Road, commonly known as Griggs Reservoir; and

WHEREAS, it has been discovered that a stone patio, stone stairway, flagpole, dock, and house eaves of a near century-old dwelling, determined to be owned by Robert M. and Ruth S. Gardner, encroaches onto a 0.044 + portion of the City's real property; and

WHEREAS, the City of Columbus and Mr. Gardner have been in correspondence with each other in an attempt to reach an agreement, which will alleviate the encroachment; and

WHEREAS, the Recreation and Parks Department, and the Public Utilities Department have determined that the granting of a quitclaim deed of determinable encroachment easement for a period of no more than 10 years will not adversely affect the City and should be allowed; and

WHEREAS, upon the expiration of the 10-year period, the easement will automatically terminate and revert back to the

City and the owner must remove the structure and return the real property back to its original condition; and

WHEREAS, the Real Estate Division, Department of Law has established Seven Thousand Five Hundred Dollars (\$7,500.00) as the value of the easement; and

WHEREAS, an emergency exists in the usual daily operation of the Department of the Recreation and Parks and the Department of Public Utilities in that it is necessary to immediately authorize the Director of the Recreation and Parks Department, and the Director of the Department of Public Utilities to execute those documents necessary to grant a Quitclaim Deed of Determinable Encroachment Easement to "Robert M. and Ruth S. Gardner, Trustees of the Robert M. Gardner and Ruth S. Gardner Trust Dated September 20, 1996 as amended" in order to alleviate existing encroachments onto City property at Griggs Reservoir for the immediate 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 Recreation and Parks Department, and the Director of the Department of Public Utilities be and hereby are authorized to execute those documents, prepared by the City Attorney's Office, Department of Law, Real Estate Division, necessary to grant a Quitclaim Deed of Determinable Encroachment Easement to "Robert M. and Ruth S. Gardner, Trustees of the Robert M. Gardner and Ruth S. Gardner Trust Dated September 20, 1996 as amended" in order to alleviate an existing encroachment onto City property at Griggs Reservoir as follows:

Situated in the State of Ohio, County of Franklin, Township of Norwich, being part of Virginia Military Survey Number 4854 and part of the City of Columbus 20.79 Acre tract as conveyed in Deed Book 314, Page 631, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at the northeasterly corner of the Robert M. Gardner and Ruth S. Gardner, Trustees 0.901 Acre tract as conveyed in Official Record Volume 33149 A14, said Recorder's Office and in a westerly line of said 20.79 Acre tract;

Thence, along a westerly line of said 20.79 Acre tract and an easterly line of said 0.901 Acre tract, South 31 ° 44' 06" East, 9.59 feet to the True Point of Beginning of the herein described tract;

Thence, across said 20.79 Acre tract, the following six (5) courses:

1. South 67° 34' 15" East, 32.20 feet to a point;
2. South 30° 53' 17" East, 59.48 feet to a point;
3. South 41 ° 55' 33" West, 7.57 feet to a point;
4. South 23° 32' 40" East, 40.00 feet to a point;
5. South 68° 00' 40" West, 13.9173 feet to a point in a westerly line of said 20.79 Acre tract and an easterly line of said 0.901 Acre tract;

Thence, along a westerly line of said 20.79 Acre tract and said 0.901 Acre tract the following two (2) courses:

1. North 21° 59' 20" West, 51.41 feet to a point;
2. North 31 ° 44' 06" West, 74.28 feet to the place of beginning Containing 0.044 Acres.

The foregoing description was prepared for easement purposes only from actual field measurements in July and August 2011. Basis of bearings is a westerly line of said 20.79 Acre tract held as North 31 ° 44' 06" West as per sheet 12 of 21 of the "Griggs Reservoir Boundary Survey" for the City of Columbus by R.D. Zande and Associates dated March 16, 1998.

SECTION 2. That the Seven Thousand Five Hundred Dollars (\$7,500.00) received by the City as consideration for the subject encroachment easement rights to be granted shall be deposited in the Public Utilities Department, Department No. 60-09, Sub Fund 062 Waterways Nature Preservation fund.

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 10 days after its passage if the Mayor neither approves nor vetoes the same.