



## Legislation Text

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**File #:** 1543-2012, **Version:** 1

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### **1. BACKGROUND**

The City of Columbus, Department of Public Service, received a request from an property owner to allow a wall to encroach into the public rights-of-way. The request is due to a project known as Arterial Street Rehabilitation - Parsons/Livingston Improvement, #2637 DR E. The encroachment is to allow the installation of and assign maintenance responsibility for existing retaining wall to the property owner within the public right-of-way.

During the plan development phase of this project, it was determined that the property owner has an existing wall within the public right-of-way and wished to continue to occupy the public right-of-way with a wall to help maintain the yard in a level and safe manner.

The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary to grant an encroachment easement for the proposed encroachment into the public rights-of-way.

### **2. EMERGENCY DESIGNATION**

Emergency action is requested to grant the encroachment easement to allow for the timely completion of the Arterial Street Rehabilitation - Parsons/Livingston Improvement project.

### **3. FISCAL IMPACT**

The City will receive no monetary value for granting the requested encroachment easement.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant an encroachment easement for existing retaining wall within those public rights-of-way needed for the Arterial Street Rehabilitation - Parsons/Livingston Improvement project and to declare an emergency.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from an property owner to allow a wall to encroach into the public rights-of-way by property owners Annetta Patterson Jinna during the plan development phase of the this Project; and

**WHEREAS**, the encroachment is to allow the installation of, and assign maintenance responsibility for an retaining wall to the property owners within the public right-of-way; and

**WHEREAS**, during the plan development phase of this project, it was determined that the adjacent property owner had an existing wall within the public right-of-way and wished to continue to occupy the public right-of-way with a wall to help maintain the yard in a level and safe manner; and

**WHEREAS**, The encroachment is located at 930 E. Livingston Avenue along South 22<sup>nd</sup> Street; and

**WHEREAS**, the City will receive no monetary value for granting the requested encroachment easement; 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 an encroachment easement for existing retaining wall that encroach into the public rights-of-way needed for the Livingston/Parsons Improvement 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, as approved by the Department of Law, Real Estate Division, necessary to grant the following described encroachment easements; to-wit:

**0.006 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), (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning at the southeasterly corner of Lot 90 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 and the westerly right-of-way line of Twenty-Second Street;

thence North 02° 33' 40" East, with said westerly right-of-way line and the easterly line of said Lot 90, a distance of 22.01 feet to a point;

thence across the right-of-way of said Twenty-Second Street and Livingston Avenue, the following courses:

South 87° 26' 20" East, a distance of 10.71 feet to a point;

South 03° 03' 19" West, a distance of 12.88 feet to a point of curvature to the right;

with the arc of said curve to the right, having a central angle of 54° 59' 47", a radius of 14.52 feet, an arc length of 13.93 feet, a chord bearing and distance of South 36° 36' 17" West, 13.41 feet to a point;

North 86° 02' 50" West, a distance of 19.87 feet to a point in the easterly line of an existing Encroachment Easement of record in Instrument Number 200909250139447; and

North 03° 57' 50" East, a distance of 1.90 feet to a point in the northerly right-of-way line of said Livingston Avenue;

thence South 86° 02' 10" East, with the northerly right-of-way line of said Livingston Avenue, a distance of 16.72 feet to the Point of Beginning, containing 0.006 acre of land, more or less.

**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.