



## Legislation Text

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**File #:** 1222-2009, **Version:** 1

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**Background:**

The City of Columbus, Ohio is the owner of that real property, located in the vicinity of Walnut Street and Cabbage Road, commonly known as Hoover Reservoir. It has been discovered that a cabin, several decades old, determined to be owned by Marvin A. Katz, encroaches onto a 0.031 ± acre portion of the City's real property. The City of Columbus and Mr. Katz 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, Division of Water, 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 back to the City and the owner must remove the structure and return the real property back to its original condition. The Real Estate Division, Department of Law has established One Thousand Dollars (\$1,000.00) as the value of the easement. The following ordinance authorizes the Director of the Department of Public Utilities and the Director of the Recreation and Parks Department to execute those documents necessary to grant the aforementioned easement.

**Fiscal Impact:** The \$1,000 to be received by the City, as consideration for the granting of the encroachment easement, shall be deposited in the proper City fund as determined by the City Auditor.

Emergency Justification: N/A

To 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 Marvin A. Katz, Trustee of The Marvin A. Katz Trust Dated May 2, 1969 as amended in order to alleviate an existing encroachment onto City property at Hoover Reservoir; to waive the Land Review Commission provisions of the Columbus City Codes (1959), to waive the competitive bidding of the Columbus City Codes (1959) Revised.

**WHEREAS,** The City of Columbus, Ohio is the owner of that real property, located in the vicinity of Walnut Street and Cabbage Road, commonly known as Hoover Reservoir; and

**WHEREAS,** it has been discovered that a cabin, several decades old, determined to be owned by Marvin A. Katz, encroaches onto a 0.031 ± acre portion of the City's real property; and

**WHEREAS,** the City of Columbus and Mr. Katz 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 Department of Public Utilities, Division of Water, 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 \$1,000 as the value of the easement; and

**WHEREAS,** the following ordinance authorizes the Director of the Department of Public Utilities and the Director of the Recreation and Parks Department to execute those documents necessary to grant the aforementioned easement; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

