



## Legislation Text

File #: 0540-2012, Version: 1

### BACKGROUND

The City of Columbus, Department of Public Service, received a request from three property owners to allow walls to encroach into the public rights-of-way. The request is due to a project known as Miscellaneous Economic Development - Columbus Coated Fabrics Phase 2C, plan number 2846 Dr E. These encroachments are to allow the installation of and assign maintenance responsibility for proposed retaining walls within the public right-of-way.

During the plan development phase of this project, it was determined that the adjacent property owners had existing walls within the public right-of-way and wish to continue to occupy the public right-of-way with walls to help maintain the yard in a level and safe manner. After the project removes the existing walls it will construct new walls within the public right-of-way to replace the old walls. This construction will eliminate the need for obtaining easements from the property owners in order to construct steep slopes, thereby eliminating the need for these walls. This was considered the least desirable by both the Department of Public Service and the property owners. As part of the agreement, the property owners have agreed to the maintenance responsibility of these proposed walls. The encroachments include three locations at 1376 North Sixth Street along Sixth Street and Eighth Avenue, 1235 Sixth Street along Sixth Street and Sixth Avenue, and 1239 Sixth Street along Sixth Street.

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

### 2. EMERGENCY DESIGNATION

Emergency action is requested to grant these encroachment easements to allow the Miscellaneous Economic Development - Columbus Coated Fabrics Phase 2C project to proceed as scheduled.

### 3. FISCAL IMPACT

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

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachment easements for the proposed walls within those public rights-of-way needed for the Miscellaneous Economic Development - Columbus Coated Fabrics Phase 2C project, plan number 2846 Dr E; and to declare an emergency.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from three property owners to allow walls to encroach into the public rights-of-way were requested by Oxford McCoy, LLC, Ronald W. Hill and Alice F. Hill, and Aggie Tucker, James Tucker, John Tucker, Richard Tucker, Warren Tucker Jr, Rhoda Hadden and Donna W. Hadden during the plan development phase of the this Project; and

**WHEREAS**, the encroachments are to allow the installation of, and assign maintenance responsibility for proposed retaining walls within the public right-of-way; and

**WHEREAS**, during the plan development phase of this project, it was determined that the adjacent property owners had existing walls within the public right-of-way and wish to continue to occupy the public right-of-way with walls to help maintain the yard in a level and safe manner. This construction will eliminate the need for obtaining easements from the property owners in order to construct steep slopes, thereby eliminating the need for these walls. This was considered the least desirable by both the Department of Public Service and the property owners; and

**WHEREAS**, The encroachments include three locations at 1376 North Sixth Street along Sixth Street and Eighth Avenue, 1235 Sixth Street along Sixth Street and Sixth Avenue, and 1239 Sixth Street along Sixth Street; and

**WHEREAS**, the City will receive no monetary value for granting the requested encroachment easements; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, Division of Planning and Operations, in that this authorization is necessary to maintain the project schedule, 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 encroachment easements; to-wit:

**448 Square foot Encroachment Easement**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18 of the United States Military Lands, being across the right-of-way of Eighth Avenue and Sixth Street as shown on the subdivision plat entitled "Anna M. & Joseph Erbs Subdivision" of record in Plat Book 4, Page 151, and described as follows:

Beginning at the northwesterly corner of Lot 315 as shown on the subdivision plat entitled "New Indianola Addition" of record in Plat Book 12, Pages 35 and 36, being the intersection of the southerly right-of-way line of Eighth Avenue (50') with the easterly right-of-way line of Sixth Street;

Thence South 03° 13' 06" West, with the westerly line of said Lot 315 and said easterly right-of-way line, a distance of 34.00 feet, to the southwest corner thereof;

Thence North 86° 33' 23" West, across the right-of-way of Sixth Street with the southerly line of said Lot 315 extended, a distance of 2.62 feet, to a point;

Thence across the right-of-way of Sixth Street and Eighth Avenue, the following courses;

North 03° 35' 47" East, a distance of 39.01 feet, to a point;

South 88° 18' 06" East, a distance of 32.36 feet, to a point;

South 86° 33' 23" East, a distance of 30.69 feet, to a point;

South 03° 26' 37" West, a distance of 6.00 feet, to the northerly line of said Lot 315 and said southerly right-of-way line;

Thence North 86° 33' 23" West, with said northerly line and said southerly right-of-way line, a distance of 60.65 feet, to the Point of Beginning, containing 448 square feet

**329 Square foot Encroachment Easement**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18 of the United States Military Lands, being across the right-of-way of Sixth Avenue and Sixth Street as shown on the subdivision plat entitled "New Indianola Addition" of record in Plat Book 12, Pages 35 and 36, and described as follows:

Beginning at the southeasterly corner of Lot 264 as shown on said "New Indianola Addition," being the intersection of the northerly right-of-way line of Sixth Avenue (50') with the westerly right-of-way line of Sixth Street (width varies);

Thence North 03° 13' 06" East, with the easterly line of said Lot 264 and said westerly right-of-way line, a distance of 29.74 feet, to a point;

Thence across the right-of-way of Sixth Street and Sixth Avenue, the following courses:

South 86° 38' 41" East, a distance of 5.93 feet, to a point;

South 03° 14' 37" West, a distance of 26.83 feet, to a point;

South 54° 36' 58" West, a distance of 8.81 feet, to a point;

North 86° 38' 41" West, a distance of 59.04 feet, to a point;

North 03° 21' 19" East, a distance of 2.60 feet, to the southerly line of said Lot 264 and said northerly right-of-way line;

Thence South 86° 38' 41" East, with said southerly line and said northerly right-of-way line, a distance of 60.01 feet, to the Point of Beginning, containing 329 square feet.

### **205 Square foot Encroachment Easement**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18 of the United States Military Lands, being across the right-of-way of Sixth Avenue and Sixth Street as shown on the subdivision plat entitled "New Indianola Addition" of record in Plat Book 12, Pages 35 and 36, and described as follows:

Beginning, for reference, at the northeasterly corner of Lot 265 as shown on said "New Indianola Addition," being on westerly right-of-way line of Sixth Street (width varies);

Thence South 03° 13' 06" West, with the easterly line of said Lot 265 and said westerly right-of-way line, a distance of 5.00 feet, to the True Point of Beginning;

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

South 86° 38' 41" East, a distance of 5.95 feet, to a point;

South 03° 14' 51" West, a distance of 34.49 feet, to a point;

North 86° 38' 41" West, a distance of 5.93 feet, to the easterly line of Lot 264 as shown on said "New Indianola Addition" and said westerly right-of-way line;

Thence North 03° 13' 06" East, with the easterly line of said Lots 264 and 265 and said westerly right-of-way line, a distance of 34.49 feet, to the True Point of Beginning, containing 205 square feet.

**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.