



## Legislation Text

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**File #:** 2084-2014, **Version:** 1

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### **1. BACKGROUND**

The City of Columbus, Department of Public Service, received a request from Brian S. Elliott and Maria A. Elliott asking the City for an encroachment easement to be granted to allow an existing house that was built in 1920 to remain within the public right-of-way. During the sale of this property it was discovered that eaves and gutters along both Kerr Street and Brickel Street encroached into the public rights-of-way. This property is located at 673 Kerr Street. The owners are requesting an encroachment easement area of four foot area along the west right-of-way line of Kerr Street and a four foot area along the south right-of-way line of Brickel Street.

The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant an encroachment easement to legalizing the items to remain within the public rights-of-way. A value of \$500.00 was established for this encroachment easement.

### **2. FISCAL IMPACT**

The City will receive a total of \$500.00, to be deposited in Fund 748, Project 537650, 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 located at 673 Kerr Street to legalize eaves and gutters of an existing structure to remain within the public rights-of-way.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from Brian S. Elliott and Maria A. Elliott asking the City for an encroachment easement to be granted to allow the existing house that was built in 1920 to remain within the public right-of-way; and

**WHEREAS**, during the sale of this property, it was discovered that eaves and gutters along both Kerr Street and Brickel Street encroached into the public rights-of-way. This property is located at 673 Kerr Street. The owners are requesting an encroachment easement area of four feet along the west right-of-way line of Kerr Street and a four foot area along the south right-of-way line of Brickel Street; and

**WHEREAS**, the following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant an encroachment easement to legalize the eaves and gutters to remain within the public rights-of-way; and

**WHEREAS**, a value of \$500.00 was established for this encroachment easement; and

### **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 easement; to-wit:

**0.007 ACRE EASEMENT**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Kerr Street (50 feet wide) and Brickel Street (22 feet wide) adjacent to Lot 6 of John Carroll's Subdivision, as same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 372, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at the intersection of the west right-of-way line of said Kerr Street with the south right-of-way line of said Brickel Street, being the northeast corner of said Lot 6;

Thence, along the north line of said Lot 6 and south line of said Brickel Street, South 89° 59' 00" West, 53.00 feet to a point;

Thence, across said Brickel Street, NORTH, 4.00 feet to a point;

Thence, continuing across said Brickel Street and said Kerr Street, parallel with the north line of said Lot 6, North 89° 59' 00" East, 57.00 feet to a point;

Thence, continuing across said Kerr Street, parallel with the east line of said Lot 6, SOUTH, 24.00 feet to a point;

Thence, continuing across said Kerr Street, South 89° 59' 00" West, 4.00 feet to a point in the east line of said Lot 6 and west line of said Kerr Street;

Thence, along the east line of said Lot 6 and west line of said Kerr Street, NORTH, 20.00 feet to the place of beginning **CONTAINING 0.007 ACRES** (308 Square Feet).

Bearings are based on the west right-of-way line of Kerr Street held as SOUTH.  
**Myers Surveying Company, Inc.**

**Section 2.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.