



## Legislation Text

File #: 2384-2019, Version: 1

### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from the property owner, Woda Cooper Companies, Inc., and its affiliate, 1573 East Livingston Limited Partnership, asking that the City allow an historical awning encroachment into the public right-of-way. The project for which this request is made is located at 1567-1583 E. Livingston Avenue. The project will restore the building and turn it into senior apartments. This structure is deemed historically important to social and community gathering activities during the formative years within the community. The encroachment will consist of one awning that will protrude into the public right-of-way as described below and shown on the attached exhibit. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant this encroachment to legally allow the awning to extend into the public rights-of-way. Allowing this element to remain will enhance the building and meet the desires of the community. A value of \$500.00 for the encroachment easement was established.

### 2. FISCAL IMPACT

The City will receive a total of \$500.00, to be deposited in Fund 7748, Project P537650, for granting the requested encroachment.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant an encroachment easement to Woda Cooper Companies and 1573 East Livingston Limited Partnership for an awning to be installed at 1567-1583 E. Livingston Avenue. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from the property owner, Woda Cooper Companies, Inc., and its affiliate, 1573 East Livingston Limited Partnership, asking that the City allow an encroachment known as a historical awning into the public right-of-way; and

**WHEREAS**, this project is to restore the building and turn it into senior apartments. This structure is deemed historically important to social and community gathering activities during the formative years within the community. The encroachment will consist of one awning that will protrude into the public right-of-way as described below and shown on the attached exhibit; and

**WHEREAS**, the following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant this encroachment to legally allow it to extend into the public rights-of-way. Allowing this element to remain will enhance the building and meet the desires of the community; and

**WHEREAS**, a value of \$500.00 for the encroachment easement was established; **now, therefore**

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

**SECTION 1.** That the Director of the Department of Public Service is authorized to execute those documents necessary for the City to grant this encroachment to legally allow it to extend into the public rights-of-way. Installation of this building element will enhance the building and fit into the architectural desire, and is described below and depicted on the attached exhibit; to-wit:

**AERIAL ENCROACHMENT EASEMENT  
BETWEEN ELEVATIONS 771.03' AND 770.90' (NAVD88)  
0.013 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in ½ Section 32, Section 23, Township 5, Range 22, Refugee Lands, and being within the right-of-way for Livingston Avenue (66 feet wide) and adjacent to Lots 26, 27 and 28 of The Driving Park Addition, of record in Plat Book 18, Page 47, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at the intersection of the south right-of-way line for said Livingston Avenue and the east right-of-way line for Geers Avenue (50 feet wide), being the northwest corner of said Lot 26;

**Thence South 86 degrees 03 minutes 28 seconds East**, along the south right-of-way line for said Livingston Avenue and the north line of said Lot 26, a distance of **36.35 feet** to the **TRUE POINT OF BEGINNING** for the herein described easement area (being at an elevation of 771.03 feet, which is 9.80 feet above existing grade);

**Thence** across the right-of-way for said Livingston Avenue along the following three (3) described courses:

1. **North 03 degrees 56 minutes 32 seconds East**, along a line perpendicular from the previous course, a distance of **12.40 feet** to a point (being at an elevation of 771.03 feet, which is 9.80 feet above existing grade);
2. **South 86 degrees 03 minutes 28 seconds East**, along a line parallel to and 12.40 feet northerly from the south right-of-way line for said Livingston Avenue, a distance of **45.65 feet** to a point (being at an elevation of 770.90 feet, which is 10.10 feet above existing grade);
3. **South 03 degrees 56 minutes 32 seconds West**, along a line perpendicular from the previous course, a distance of **12.40 feet** to a point on the south right-of-way line for said Livingston Avenue and the north line of said Lot 28 (being at an elevation of 770.90 feet, which is 10.10 feet above existing grade);

**Thence North 86 degrees 03 minutes 28 seconds East**, along the south right-of-way line for said Livingston Avenue and the north lines of the said Lots 28, 27 and 26, a distance of **45.65 feet** to the **TRUE POINT OF BEGINNING** for this description, containing a total area of **0.013 acres**, all of which is located within the dedicated right-of-way for Livingston Avenue and adjacent to Franklin County Auditor's Parcel Number 010-080525.

**SECTION 2.** That the City will receive \$500.00 as consideration for granting the encroachment, to be deposited in Fund 7748, Project P537650.

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.