



Legislation Details (With Text)

File #: 0508-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 2/10/2022 **In control:** Public Service & Transportation Committee

On agenda: 3/7/2022 **Final action:** 3/9/2022

Title: To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant E.W. Hubbard High, LLC encroachment easements that will legally allow the installation of the pedestrian bridge and the building elements listed to extend into the public rights-of-way.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Right-of-way Encroachments.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 3/9/2022 | 1 | CITY CLERK | Attest | |
| 3/8/2022 | 1 | MAYOR | Signed | |
| 3/7/2022 | 1 | COUNCIL PRESIDENT | Signed | |
| 3/7/2022 | 1 | Columbus City Council | Approved | Pass |
| 2/28/2022 | 1 | Columbus City Council | Read for the First Time | |

1. BACKGROUND

The Department of Public Service, received a request from E.W. Hubbard High, LLC in 2013 asking that the City allow the installation of a pedestrian bridge over North Pearl Street and to allow a number of other encroachments within the public right-of-way along High Street, Hubbard Avenue and Pearl Street. Ordinance 2473-2013 was passed on November 8, 2013 authorizing these encroachments. The bridge and encroachments were subsequently constructed but the encroachment easement was never recorded.

Now the owner, E.W. Hubbard High, LLC, has once again sent a request to the Department of Public Service requesting the encroachment easement be granted to formalize the encroachments that have been constructed. Due to the passage of time since the original ordinance was passed, the Department of Public Service is submitting new legislation seeking authorization for the granting of these easements.

The encroachments are detailed and defined within the attached drawings labeled as right-of-way encroachments and consist of stone bands, canopy, awnings, building mounted lights, brick cornice, steps and the pedestrian bridge that are part of the Hubbard Project comprised of a six-story apartment (72 units) building, 250-space public parking garage and row houses.

The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant the encroachment easements that will legally allow the pedestrian bridge and the proposed building elements listed above to extend into the public rights-of-way. A value of \$1,000.00 was established for the encroachment easements.

2. FISCAL IMPACT

In conjunction with the prior ordinance, the City received a total of \$1,000.00 that was deposited in Fund 7748, Project P537650, for granting the requested encroachments.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant E.W. Hubbard High, LLC encroachment easements that will legally allow the installation of the pedestrian bridge and the building elements listed to extend into the public rights-of-way.

WHEREAS, the Department of Public Service, received a request from E.W. Hubbard High, LLC asking that the City grant encroachment easements formally allowing a pedestrian bridge over North Pearl Street and a number of other encroachments currently within the public right-of-way along High Street, Hubbard Avenue and Pearl Street to remain in the public right-of-way; and

WHEREAS, these encroachments are stone bands, canopy, awnings, building mounted lights, brick cornice, steps and the pedestrian bridge; and

WHEREAS, the following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachment easements to legally allow the proposed building elements and the pedestrian bridge to remain within the public rights-of-way; and

WHEREAS, a value of \$1,000.00 was established for these two encroachment easements and that amount was paid to the City under the prior ordinance; 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 for the pedestrian bridge and an encroachment easement for the other building elements as depicted on the attached drawings; to-wit:

**Encroachment Easement
PEDESTRIAN BRIDGE
0.006 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 5, Township 5, Range 22, Refugee Lands, being a 8 foot strip of land on, over, and across North Pearl Street (30 feet wide), as originally dedicated as Swan Alley in Plat Book 1, Page 389, and to extend between an elevation of 779 feet and 796 feet (NAVD88), (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the intersection of the northerly right-of-way line of Hubbard Street (50 feet wide), as originally dedicated as Gill Street in Plat Book 1, Page 389, and the easterly right-of-way line of said North Pearl Street, being the southwesterly corner of that 0.575 acre tract conveyed to E.W. High Street, LLC by deed of record in Instrument Number 201209060130694;

Thence North 08°20'26" West, with the westerly line of said 0.575 acre tract, and said easterly right-of-way line, a distance of 33.24 feet to the TRUE POINT OF BEGINNING;

Thence South 78°40'08" West, across said North Pearl Street, a distance of 30.04 feet to a point in the westerly right-of-way line thereof, being the easterly line of that 0.773 acre tract conveyed to E.W. Hubbard High, LLC by deed of record in Instrument Number 201209060130693;

Thence North 08°20'26" West, with said westerly right-of-way line and said easterly line, a distance of 8.01 feet to a point;

Thence North 78°40'08" East, across said North Pearl Street, a distance of 30.04 feet to a point in said easterly right-of-way line and said westerly line;

Thence South 08°20'26" East, with said easterly right-of-way line and said westerly line, a distance of 8.01 feet to the TRUE POINT OF BEGINNING, containing 0.006 acre, more or less.

The Vertical Datum is based on the elevation established by the Franklin County Engineering Department, Monument COC 13-18, being 752.140 feet in elevation. The said monument being a source bench mark with an elevation that is based on the North American Vertical Datum of 1988.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

SECTION 2. That the City received a total of \$1,000.00 that was deposited in Fund 7748, Project P537650, for granting the requested encroachments.

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