



## Legislation Details (With Text)

**File #:** 0070-2008      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 1/7/2008      **In control:** Public Service & Transportation Committee

**On agenda:** 1/28/2008      **Final action:** 1/31/2008

**Title:** To authorize the Director of the Public Service Department to execute those documents necessary to allow the City to grant an encroachment easement into the existing right-of-way at 4140 North High Street to Metropolitan Clintonville III LLC and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
1/31/2008	2	CITY CLERK	Attest	
1/30/2008	2	MAYOR	Signed	
1/28/2008	1	Columbus City Council	Read for the First Time	
1/28/2008	2	Columbus City Council	Amended to Emergency	Pass
1/28/2008	2	Columbus City Council	Approved as Amended	Pass
1/28/2008	2	COUNCIL PRESIDENT	Signed	
1/17/2008	1	Service Reviewer	Sent to Clerk's Office for Council	
1/16/2008	1	CITY ATTORNEY	Reviewed and Approved	
1/15/2008	1	SERVICE DIRECTOR	Reviewed and Approved	
1/7/2008	1	Service Drafter	Sent for Approval	
1/7/2008	1	Service Reviewer	Reviewed and Approved	

Metropolitan Clintonville III LLC ("the owner") is rehabilitating an existing office building located at 4140 North High Street. The existing topography of this site is unique; the ground drops away steeply from the existing sidewalk to the lower level of the building. The owner is providing new front doors to the building and would like to provide ADA compliant pedestrian access to these doors. To provide the desired access a deck must be constructed from the back of the sidewalk to the new front doors. The owner has recently submitted a request asking that the City grant him an encroachment easement into the west side of the North High Street right-of-way at this location to allow for construction of the proposed deck. Per current Transportation Division practice, comments were solicited from interested parties, including City departments before it was determined that there would be no adverse impact on the City for granting an encroachment easement for construction of an accessible deck. A \$500.00 value was established for this easement.

The City will receive a total of \$500.00, to be deposited in Fund 748, Project 537650, as consideration for granting the requested encroachment easement.

To authorize the Director of the Public Service Department to execute those documents necessary to allow the City to grant an encroachment easement into the existing right-of-way at 4140 North High Street to Metropolitan Clintonville III LLC **and to declare an emergency.**

**WHEREAS**, Metropolitan Clintonville III LLC ("the owner") is rehabilitating an existing office building located at 4140 North High Street; and

**WHEREAS**, the existing topography of this site is unique in that the ground drops away steeply from the existing sidewalk to the lower level of the building; and

**WHEREAS**, the owner is providing new front doors to the building and would like to provide ADA compliant pedestrian access to these doors; and

**WHEREAS**, to provide the desired access a deck must be constructed from the back of the sidewalk to the new front doors; and

**WHEREAS**, the City of Columbus, Public Service Department, Transportation Division, recently received a request from the owner asking that the City grant him an encroachment easement into the west side of the North High Street right-of-way at this location to allow for construction of the proposed deck; and

**WHEREAS**, per current Transportation Division practice, comments were solicited from interested parties, including City departments before it was determined that there would be no adverse impact on the City for granting the encroachment easement for a new deck; and

**WHEREAS**, a value of \$500.00 has been established for the requested encroachment easement; ~~and now, therefore~~

**WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to pass this ordinance as an emergency measure because of the need to allow the preparation of the easement document, signing of the easement and recording of same that will allow the owners to secure a building permit and begin construction as soon as possible as the completion of the project has been delayed six (6) months as the easement request was reviewed and approved; for the preservation of 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 Public Service Department be and is hereby authorized to execute those documents necessary to grant the following described encroachment easement to Metropolitan Clintonville III LLC; to-wit:

1,206 Square Foot Easement Area:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Lot No. Five (5) of John Rathbone's Subdivision, Quarter Township 2, Township 1, Range 18, United States Military Lands, as the same is numbered and delineated upon the recorded plat thereof, of record in Deed Book 15, Page 256, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at the southeast corner of said 1.156 Acre tract, also being on the west right-of-way line of North High Street (90 feet wide);

Thence, along part of the east line of said 1.156 Acre tract, along the west right-of-way line of said North High Street, North 10 degrees 23 minutes 00 seconds West, 43.00 feet to the TRUE POINT OF BEGINNING;

Thence, along part of the east line of said 1.156 Acre tract, along the west right-of-way line of said North High Street, North 10 degrees 23 minutes 00 seconds West, 67.00 feet to a point;

Thence, across the right-of-way of said North High Street the following three (3) courses;

1) North 79 degrees 37 minutes 00 seconds East, 18.00 feet to a point;

2) South 10 degrees 23 minutes 00 seconds East, 67.00 feet to a point;

3) South 79 degrees 37 minutes 00 seconds West, 18.00 feet to the point of beginning CONTAINING 1,206 SQUARE FEET (0.028 ACRES).

The foregoing description was prepared from records only and is for easement purposes only. Basis of bearing is the west line of North High Street held as North 10 degrees 23 minutes 00 seconds West per Instrument No. 200512080259337.

Myers Surveying Co., Inc.  
Joseph P. Myers, P.S. 7361

**Section 2.** That the \$500.00 to be received by the City as consideration for the granting of the requested encroachment easement shall be deposited in Fund 748, Project 537650.

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