



Legislation Details (With Text)

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File created: 3/22/2022 **In control:** Public Service & Transportation Committee
On agenda: 4/18/2022 **Final action:** 4/20/2022

Title: To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachment easements to 300 East Fifth, LLC along North 5th Street, North 6th Street, East 5th Avenue, and the first Alley north of East 5th . (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 0921-2022 Exhibit.pdf

Date	Ver.	Action By	Action	Result
4/20/2022	1	CITY CLERK	Attest	
4/19/2022	1	ACTING MAYOR	Signed	
4/18/2022	1	COUNCIL PRESIDENT	Signed	
4/18/2022	1	COUNCIL PRESIDENT	Signed	
4/18/2022	1	Columbus City Council	Approved	Pass
4/4/2022	1	Columbus City Council	Read for the First Time	

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Korda, Graham Watkins on behalf of their client, 300 East Fifth, LLC, an Ohio limited liability company, asking that the City allow balconies to extend into North 5th Street, North 6th Street, East 5th Avenue, and the first Alley north of East 5th right-of-way.

This project is a Mixed Use Development located at 266 East Fifth Avenue and these encroachments are located within easements as described within the attached exhibits. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant this encroachments to legally allow these items to be placed within the public rights-of-way. Installation of these elements will enhance the area and fit into the architectural desire. A value of \$500.00 for the encroachment easements 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 encroachment easements to 300 East Fifth, LLC along North 5th Street, North 6th Street, East 5th Avenue, and the first Alley north of East 5th . (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Korda, Graham Watkins on behalf of their client, 300 East Fifth, LLC, an Ohio limited liability company, asking that the City allow Balconies to extend into North 5th Street, North 6th Street, East 5th Avenue, and the first Alley north of East 5th right-of-way; and

WHEREAS, this project is a Mixed Use Development located at 266 East Fifth Avenue and these encroachments are located within easements along North 5th Street, North 6th Street, East 5th Avenue, and the first Alley north of East 5th as described within the attached exhibits; and

WHEREAS, a value of \$500.00 to be deposited in Fund 7748, Project P537650, for the encroachment easements was established; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director to execute those documents necessary for the City to grant the encroachments to legally allow these items to be placed within the public rights-of-way; **now, therefore**,

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

SECTION 1. Authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant the encroachments to legally allow these items into the public rights-of-way. Installation of these elements will enhance the area and fit into the architectural desire; to-wit:

**3 Dimensional Encroachment Easement
0.089 Acre**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 4, Township 1, Range 18, of the United States Military Lands, and being parts of East Fifth Avenue (Width Varies), North 5th Street (50' Wide), North 6th Street (50' Wide), and the 1st Alley North of East Fifth Avenue (20' Wide), and being more particularly described as follows:

COMMENCING at the northwesterly corner of Lot 1 of William A. McDonald's Subdivision, as conveyed in Plat Book 3, Page 333, said point also being the intersection of the easterly right of way of North Fifth Street and the southerly right of way of the 1st Alley North of East Fifth Avenue;

Thence North 42°58'10" West, a distance of 7.62 feet to a point within the public right of way, being the **TRUE POINT OF BEGINNING**;

Thence through the right of way of the 1st Alley North of East Fifth Avenue, **South 86°45'59" East**, a distance of **281.23 feet**, extending into the right of way of North Sixth Street, to a point;

Thence through the right of way of North Sixth Street, **South 03°17'02" West**, a distance of **153.00 feet**, extending into the right of way of East Fifth Avenue, to a point;

Thence through the right of way of East Fifth Avenue, **North 86°46'08" West**, a distance of **281.26 feet**, extending into the right of way of North Fifth Street, to a point;

Thence through the right of way of North Fifth Street, **North 03°17'46" East**, a distance of **153.01 feet** to the **TRUE POINT OF BEGINNING** and containing 0.988 Acres.

EXCEPTING there from the following:

BEGINNING at the northwesterly corner of Lot 1 of William A. McDonald's Subdivision, as conveyed in Plat Book 3, Page 333, said point also being the intersection of the easterly right of way of North Fifth Street and the southerly right of way of the 1st Alley North of East Fifth Avenue;

Thence along the southerly right of way of the 1st Alley North of East Fifth Avenue, the northerly line of Lots 1-5 of William A. McDonald's Subdivision, the northerly line of a 0.133 acre parcel, and the southerly line of Lot 100 of Felix A. Jacobs Subdivision, as conveyed in Plat Book 4, Page 168, **South 86°40'40" East**, a distance of **270.07 feet**, to a point, being the northeasterly corner of said Lot 100 and the intersection of the westerly right of way of North Sixth Street and the southerly right of way of the 1st Alley North of East Fifth Avenue;

Thence along the westerly line of North Sixth Street and the easterly line of said Lot 100, **South 03°14'01" West**, a distance of **145.00 feet**, to a point being the southeasterly corner of said Lot 100 and the intersection of the westerly right of way of North Sixth Street and the northerly right of way of East Fifth Avenue;

Thence along the northerly right of way of East Fifth Avenue, the southerly line of Lots 1-5 of William A. McDonald's

Subdivision, the southerly line of a 0.133 acre parcel, and the southerly line of Lot 100 of Felix A. Jacobs Subdivision, **North 86°40'40" West**, a distance of **270.07 feet**, to a point being the southwesterly corner of Lot 1 of William A. McDonald's Subdivision, and the intersection of the easterly right of way of North Fifth Street and the northerly right of way of East Fifth Avenue;

Thence along the easterly line of North Fifth Street and the westerly line of said Lot 1, **North 03°14'01" East**, a distance of **145.00 feet** to the **POINT OF BEGINNING** and containing 0.899 Acres, more or less and being subject to all other legal easements, agreements and rights of way.

The net area of this easement contains **0.089 acres**, more or less, all of which is located within the public rights of way of East Fifth Avenue, North Fifth Street, North Sixth Street, and the 1st Alley North of East Fifth Avenue, and being subject to all other legal easements, agreements, and rights-of-way of record.

The easement along East Fifth Avenue extends from an elevation of 782.70 feet to 855.70 feet, based on a sidewalk elevation of 772.70' along East Fifth Avenue.

The easement along the 1st Alley North of East Fifth Avenue extends from an elevation of 792.70 feet to 855.70 feet, based on a sidewalk elevation of 772.70' along 1st Alley North of East Fifth Avenue.

The easement along North Sixth Street extends from an elevation of 782.70 feet to 855.70 feet, based on a sidewalk elevation of 772.70' along North Sixth Street.

The easement along North Fifth Street extends from an elevation of 780.70 feet to 855.70 feet, based on a sidewalk elevation of 770.70' along North Sixth Street.

This description was prepared by Daniel L. Quick, Ohio Professional Surveyor Number 7803 from an actual field survey performed in 2020.

The bearing of North 86°40'40" West on the northerly right of way line of East Fifth Avenue is referenced to the State Plane Coordinate System (South Zone), NAD 83 (NSRS 2007).

SECTION 2. That the City will receive a total of \$500.00 to be 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.