



## Legislation Details (With Text)

**File #:** 1304-2021      **Version:** 1

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

**File created:** 5/20/2021      **In control:** Public Service & Transportation Committee

**On agenda:** 6/14/2021      **Final action:** 6/18/2021

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant the encroachments within the public right-of-way to Broyo LLC along East Capital Street.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 6/18/2021 | 1    | CITY CLERK            | Attest                  |        |
| 6/17/2021 | 1    | MAYOR                 | Signed                  |        |
| 6/14/2021 | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 6/14/2021 | 1    | Columbus City Council | Approved                | Pass   |
| 6/7/2021  | 1    | Columbus City Council | Read for the First Time |        |

### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from the property owner, Broyo LLC, asking that the City allow a metal garage screening (fins) to encroach into the public right-of-way. This encroachment will be within the public right-of-way located along the north side of East Capital Street. This project is located at 195 East Broad Street and this fin is located within an easement as described below and with 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 this item to be placed within the public rights-of-way. Installation of this element will enhance the area and fit into the architectural desire. A value of \$500.00 for the encroachment easements was established.

### 2. FISCAL IMPACT

There is no cost to the City to grant the easements. 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 the encroachments within the public right-of-way to Broyo LLC along East Capital Street.

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from the property owner, Broyo LLC, asking that the City allow a metal garage screening (fins) to encroach into the public right-of-way. This encroachment will be within the public right-of-way located along the north side of East Capital Street; and

**WHEREAS**, this project is located at 195 East Broad Street and this fin is located within an easement as described below and with 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 this item to be placed within the public rights-of-way. Installation of this element will enhance the area and fit into the architectural desire; and

**WHEREAS**, a value of \$500.00 for the encroachment easements 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 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**

Vertical limits are identified from elevation 756.50 to 805.00 on the southerly and westerly sides.

**0.012 Acres**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 16, Township 5, Range 22, Refugee Lands, being a 0.012 acre tract of land, said 0.012 acre tract being part of the right-of-way of E. Capital Street (R/W-35') and S. Young Street (R/W-33'), both streets being dedicated by the plat "Subdivision of Great Lots Nos. 1. 2. 3. & 4. in the Allotment of the Central Reservation of the City of Columbus" of record in Plat Book 33, Page 73, said 0.012 acre tract being more particularly described as follows:

**Beginning** at the southeasterly corner of a tract of land conveyed to Broyo, LLC of record in Instrument Number 202006170084883 and Instrument Number 202006170084884, said Broyo, LLC tract being the east half of said Lot 1 and all of said Lot 2, being the southwesterly corner of a tract of land conveyed to Ohio Education Association of record in Deed Book 1098, Page 62, said Ohio Education Association Tract being all of Lot 3 and Lot 4 and numbered and delineated upon said plat and being in the northerly right-of-way of said E. Capital Street (R/W-35');

**Thence** across the right-of-way of said E. Capital Street (R/W-35') and said S. Young Street (R/W-33'), the following four (4) courses;

S 08° 06' 11" E, 2.00 feet to an angle point;

S 81° 53' 49" W, 124.91 feet to an angle point;

N 08° 09' 22" W, 147.41 feet to an angle point;

N 81° 50' 38" E, 2.00 feet to a point in the westerly line of a second tract of land conveyed to Broyo, LLC of record in Instrument Number 202006170084885, said second Broyo, LLC tract being the westerly half of said Lot 1 and being in the easterly right-of-way line of said S. Young Street (R/W-33');

**Thence** S 08° 09' 22" E, along the westerly line of said second Broyo, LLC tract and said Lot 1 and along the easterly right-of-way line of said S. Young Street (R/W-33'), 145.41 feet to a southwesterly corner of said second Broyo, LLC tract and said Lot 1 and being the northeasterly right-of-way intersection of said S. Young Street (R/W-33') and said E. Capital Street (R/W-35');

**Thence** N 81° 53' 49" E, along the southerly line of both Broyo, LLC tracts and said Lots 1 and 2 and along the northerly right-of-way line of said E. Capital Street (R/W-35'), 122.91 feet to the **True Point of Beginning**.

Containing **0.012 acre**, more or less. Subject to all legal easements, rights-of-way and restrictions.

The described easement areas shall encompass screening fins for the building. The vertical limits are specifically identified as being from elevation 756.50 to 805.00 on the southerly and westerly sides of the building.

The above description was prepared by Advanced Civil Design, Inc. on April 30, 2021 and is based on existing records from the Franklin County Auditor's and Franklin County Recorder's Office and actual field survey work completed by Advanced Civil Design, Inc.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (NSRS 2007) A bearing of N 81° 54'

32" E was held for the centerline of E. Broad Street.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio. **ADVANCED CIVIL DESIGN, INC.**

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

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