



## Legislation Details (With Text)

**File #:** 2284-2015      **Version:** 1

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

**File created:** 9/9/2015      **In control:** Public Service & Transportation Committee

**On agenda:** 9/21/2015      **Final action:** 9/23/2015

**Title:** To authorize the director of the Department of Public Service to execute those document(s), as approved by the City Attorney, necessary for the City to quit claim grant easement rights to Runaway Bay II Apartments, LLC, a Delaware limited liability company, in order for the stone column to remain into the southeastern portion of the public rights-of-way intersection of McKinley Avenue and West Fifth Avenue, and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. E03081 E\_ROW Sheet #7

Date	Ver.	Action By	Action	Result
9/23/2015	1	CITY CLERK	Attest	
9/22/2015	1	MAYOR	Signed	
9/21/2015	1	COUNCIL PRESIDENT	Signed	
9/21/2015	1	Columbus City Council	Approved	Pass

### BACKGROUND

It has been discovered that a stone column is currently located in the City of Columbus' ("City") right of way, located in the southeastern portion of the public right of way intersection of McKinley Avenue and West Fifth Avenue, (related to the City's 3081 E plans). The owner of the stone column, Runaway Bay II Apartments, LLC, a Delaware limited liability company ("Runaway Bay"), has requested that the City grant a Quitclaim Deed of Encroachment Easement to allow the stone column to remain on City property.

Accordingly, this legislation authorizes the director of the Department of Public Service to execute those document(s), as approved by the City Attorney, necessary for the City to quit claim grant easement rights to Runaway Bay allowing for the stone column to remain into the southeast portion of the public right-of-way intersection of McKinley Avenue and West Fifth Avenue.

**CONTRACT COMPLIANCE NUMBER:** Not applicable.

**FISCAL IMPACT:** Not applicable

**EMERGENCY JUSTIFICATION:** Emergency action is requested to allow for Runaway Bay to complete its development without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the director of the Department of Public Service to execute those document(s), as approved by the City Attorney, necessary for the City to quit claim grant easement rights to Runaway Bay II Apartments, LLC, a Delaware limited liability company, in order for the stone column to remain into the southeastern portion of the public rights-of-way intersection of McKinley Avenue and West Fifth Avenue, and to declare an emergency. (\$0.00)

**WHEREAS**, it is in the City's best interest to authorize the director of the Department of Public Service to execute any instrument(s) necessary to quit claim grant to Runaway Bay II Apartments, LLC, a Delaware limited liability company (i.e. Runaway Bay), easement rights into the southeastern portion of the public right-of-way intersection of McKinley Avenue and West Fifth Avenue in order to for the stone column to remain (i.e. Encroachment);

**WHEREAS**, the owner of the stone column, Runaway Bay II Apartments, LLC, a Delaware limited liability company, has requested that the City grant an Quitclaim Deed of Encroachment Easement to allow the stone column to remain on City property; and

**WHEREAS**, it is in the City's best interest for the City Attorney to approve all document(s) associated with this legislation; and, now, therefore;

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

**SECTION 1.** The director of the Department of Public Service is authorized to execute those document(s) necessary to quit claim grant easement rights to Runaway Bay II Apartments, LLC, a Delaware limited liability company (i.e. Runaway Bay), and its successors and assigns, for the stone column to encroach within the following described southeastern portion of the public right-of-way intersection of McKinley Avenue and West Fifth Avenue, which is also described and depicted in the corresponding one (1) page attachment, Exhibit-A , and fully incorporated into this ordinance for reference:

**0.0003 Acre Encroachment Easement**

Situated in the City of Columbus, County of Franklin, State of Ohio, located in Virginia Military Survey 530 of said county records:

Being a parcel of land lying on the right side of the centerline of right of way of McKinley Avenue as part of the FRA -Scioto Trail/Fifth Avenue Connector Centerline Plat recorded in Plat Book \_\_\_\_\_, Page of the records of Franklin County and being bounded and described as follows:

***Beginning*** at a railroad spike found at the intersection of the centerline of right of way of West Fifth Avenue with the centerline of right of way of McKinley Ave., said intersection point and railroad spike found being at Sta. 0+00.00 of the centerline of right of way of West Fifth Ave. and Sta. 5+00.00 of the centerline of right of way of McKinley Ave.; thence South 37 Degrees 04 Minutes 15 Seconds East along the centerline of right of way of said McKinley Ave., a distance of 78.84 feet to a point being at Sta. 5+78.84 of the centerline of right of way of McKinley Ave.; thence North 52 Degrees 55 Minutes 45 Seconds East, a distance of 36.50 feet to a point, said point being 36.50 feet left of Sta. 5+78.84 of the centerline of right of way of said McKinley Ave. and also being the **TRUE PLACE OF BEGINNING** for the parcel hereinafter described, thence clockwise along the following four (4) courses and distances;

1. Thence **North 52 Degrees 55 Minutes 45 Seconds East**, a distance of **3.50 feet** to point on the east right of way line of McKinley Ave, being 40.00 feet left of Sta. 5+78.84 of the centerline of right of way of McKinley Ave.;
2. Thence **South 37 Degrees 04 Minutes 15 Seconds East** along said line, a distance of **4.00 feet** to a point, being 40.00 feet left of Sta. 5+82.84 of the centerline of right of way of McKinley Ave.;
3. Thence **South 52 Degrees 55 Minutes 45 Seconds West**, a distance of **3.50 feet** to point, being 36.50 feet left of Sta. 5+82.84 of the centerline of right of way of McKinley Ave.
4. Thence **North 37 Degrees 04 Minutes 15 Seconds West**, a distance of **4.00 feet** to the **TRUE PLACE OF BEGINNING**. The above described tract contains 0.0003 acres (14.00 Sq. Ft.), more or less, and subject to all easements, restrictions and covenants of record.

5.

The above described area is contained within Franklin County Parcel Number 010-138775.

Bearings are based on the centerline of Fifth Avenue, east of Riverside Drive, being South 86 Degrees 46 Minutes 08 Seconds East, as derived from Grid North, Ohio State Plane Coordinate System, South Zone, NAD83(CORS96) as resolved by GPS Observations using the Ohio Department of Transportation's VRS Network.

The stationing for West Fifth Avenue is based on City of Columbus Plan D-2519 (West Fifth Avenue Extension), on file with Division of Design & Construction, Department of Public Service, City of Columbus.

This description was prepared and reviewed under the supervision of Steven L. Mullaney, Professional Surveyor No. 7900 from a survey completed in July 2012.

The above description is based on and referenced to an right of way sheet #7 titled "Encroachment Parcel Detail "A" prepared by Steven L. Mullaney, P.S., attached hereto and made a part hereof.

**SECTION 2.** The City Attorney is required to approve all documents(s) associated with this ordinance prior to the director of the Department of Public Service executing and acknowledging any of those document(s) on behalf of the City.

**SECTION 3.** For the reasons stated in the preamble of this ordinance, which are made a part of this ordinance, this ordinance is declared an emergency measure and shall take effect and be in force from and after this ordinance's passage and approval by the Mayor, or ten (10) days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.