



Legislation Details (With Text)

File #: 0658-2020 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 3/5/2020 **In control:** Public Service & Transportation Committee
On agenda: 3/16/2020 **Final action:** 3/19/2020

Title: To authorize the Director of the Department of Public Service to execute those documents necessary to release the utility easement requested by Gravity Project 2, LLC, for a portion of right-of-way known as a north-south alley between West Broad Street and Rush Alley; to allow encroachment easements as needed and approved by the Department of Public Service for this development; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 3/19/2020 | 1 | ACTING CITY CLERK | Attest | |
| 3/18/2020 | 1 | MAYOR | Signed | |
| 3/16/2020 | 1 | COUNCIL PRESIDENT | Signed | |
| 3/16/2020 | 1 | Columbus City Council | Approved | Pass |

1. BACKGROUND

In 1947, pursuant to Ordinance 432-47, the City of Columbus vacated a portion of right-of-way known as a north-south alley between West Broad Street and Rush Alley and reserved a utility easement for existing utilities. The Department of Public Service recently received a request from the property owner, Gravity Project 2, LLC, c/o Kaufman Development, asking that the City release the reserved easement over this area to clear title for this site and to allow encroachment easements. Releasing the utility easement will allow the development of adjoining property to proceed. This development consists of a twelve-story mixed use building and a five-story apartment building. The encroachments will consist of balconies, canopies, and foundations to complete this phase of development in the area. After receipt of this request the Department of Public Service, Division of Infrastructure Management, verified with all the public and private utility companies that there are no public utilities or need for this easement located within the requested area and that they have no objections to this portion of the easement being released. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary to release the portions of easement as described below and attached exhibit to allow the area to clear title for this site and to grant requested encroachment easements.

2. FISCAL IMPACT

The City will receive a total of \$500.00 to be deposited in Fund 7748, project P537650, for granting the request to release the utility easement and allow encroachment easements. There is no cost to the City to do this.

3. EMERGENCY JUSTIFICATION

Emergency action is requested to allow this release to occur as soon as possible, thereby allowing the development to complete title resolution and to proceed with construction without delay.

To authorize the Director of the Department of Public Service to execute those documents necessary to release the utility easement requested by Gravity Project 2, LLC, for a portion of right-of-way known as a north-south alley between West Broad Street and Rush Alley; to allow encroachment easements as needed and approved by the Department of Public

Service for this development; and to declare an emergency.

WHEREAS, in 1947, pursuant to Ordinance 432-47, the City of Columbus vacated a portion of right-of-way known as a north-south alley between West Broad Street and Rush Alley and reserved a utility easement for existing utilities; and

WHEREAS, the Department of Public Service recently received a request from the property owner, Gravity Project 2, LLC, c/o Kaufman Development, asking that the City release the reserved easement over this area to clear title for this site; and

WHEREAS, the Department of Public Service, Division of Infrastructure Management, verified with all the public and private utility companies that there are no public utilities or need for this easement located within the requested area and that they have no objections to this portion of the easement being released; and

WHEREAS, a value of \$500.00 was established for releasing the utility easement and for any needed encroachment easements for this development, to be deposited in Fund 7748, project P537650; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to authorize the Director of Public Service to execute those documents necessary to release the utility easement and grant encroachment easements approved by the Department of Public Service to Gravity Project 2, LLC, in order to prevent unnecessary delay to development on the Servient Estate, thereby preserving the public health, peace, property, safety; **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 documents as necessary and approved by the City Attorney's Office to release the portion of a utility easement and to allow encroachment easements as needed and approved by the Department of Public Service as described below and on the attached exhibit:

North/South Alley Easement Area between West Broad Street and Rush Alley to be released

0.223 ACRES

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a vacated 19' alley as originally established in The Door Sash & Lumber Co. Subdivision as recorded in Plat Book 5 Page 187 and vacated by Ordinance 432-47; also being those lands as conveyed to The Gravity Project 2, LLC as described in Instrument No. 201808170111001 Parcels II and III, and a portion of a 2.326 acre tract as conveyed to The Gravity Project 2, LLC as described in Instrument No. 201809200127676; being more particularly described as follows:

Commencing at the intersection of the southerly right-of-way line of Broad Street (95' right-of-way) and the easterly right-of-way line of McDowell Street (66' right-of-way); thence,

Along the southerly right-of-way line of Broad Street, *North 81° 07' 04" East for a distance of 170.02'* to a point, said point being the northerly terminus of the westerly line of said vacated 19' alley, said point also being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Continuing along the southerly right-of-way line of Broad Street, also being along the northerly terminus of said vacated 19' alley, *North 81° 07' 04" East for a distance of 19.00'* to a point; thence,

Along the easterly line of said vacated 19' alley, *South 08° 06' 24" East for a distance of 510.58'* to a point; thence,

Along the southerly terminus of said vacated 19' alley, *South 81° 53' 36" West for a distance of 19.00'* to a point; thence,

Along the westerly line of said vacated 19' alley, *North 08° 06' 24" West for a distance of 510.32'* to the point of beginning, containing 0.223 acres of land, more or less.

Basis of bearings is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007) with a portion of the southerly right-of-way line of Broad Street being North 81° 07' 04" East as determined by a GPS survey utilizing CORS station "COLB".

THE KLEINGERS GROUP

SECTION 2. That the City will receive a total of \$500.00, to be deposited in Fund 7748, project P537650 for granting the request to release the easement.

SECTION 3. 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.