



## Legislation Details (With Text)

**File #:** 2141-2022      **Version:** 1

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

**File created:** 7/12/2022      **In control:** Public Service & Transportation Committee

**On agenda:** 7/25/2022      **Final action:** 7/27/2022

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant Edwards Companies encroachment easements along East Gay Street. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 2141-2022 Exhibit.pdf

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 7/27/2022 | 1    | CITY CLERK            | Attest                  |        |
| 7/26/2022 | 1    | ACTING MAYOR          | Signed                  |        |
| 7/25/2022 | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 7/25/2022 | 1    | Columbus City Council | Read for the First Time |        |
| 7/25/2022 | 1    | Columbus City Council | Waive the 2nd Reading   | Pass   |
| 7/25/2022 | 1    | Columbus City Council | Approved                | Pass   |

### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from the Edwards Companies, asking that the City allow an aerial sculpture to be placed within the public right-of-way above the intersection of Gay Street and High Street.

This project is a permanent sculptural net that will remain above the roadway from approximately April to November. The net will be taken down during the winter and put back up each spring. The approximate rectangular size of the sculpture is 230 feet by 90 feet. The net will be attached to four (4) buildings by cables. The encroachment is located within an easement area 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 within the public rights-of-way. A value of \$500.00 for the encroachment easement 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 Edwards Companies encroachment easements along East Gay Street. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from the Edwards Companies, asking that the City allow an aerial sculpture to be placed within the public right-of-way above the intersection of Gay Street and High Street; and

**WHEREAS**, this project is a permanent sculptural net that will remain above the roadway from approximately April to November. The net will be taken down during the winter and put back up each spring. The approximate rectangular size of the sculpture is 230 feet by 90 feet. The net will be attached to four (4) buildings by cables. The encroachment is located within an easement area as described below and within the attached exhibit; 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 this encroachment to legally allow the net to remain extended into the public rights-of-way; **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 this encroachment to legally allow this item within the public rights-of-way; to-wit:

**DESCRIPTION OF A 3-DIMENSIONAL EASEMENT  
OVER THE RIGHT OF WAY OF GAY STREET**

Situated in the State of Ohio, Franklin County, City of Columbus, lying over and across the right of way of Gay Street, being part of the original Town Plat of the City of Columbus as recorded in Deed Book F, Page 332, destroyed by fire, replatted in Plat Book 3, Page 247 and Plat Book 14, Page 27, (all records herein are from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at the intersection of the northerly right of way line of East Gay Street (82.5 feet in width) and the easterly right of way line of North High Street (100 feet in width) for the herein described easement:

Thence North 81° 51' 53" East, a distance of 67.11 feet, along the northerly right of way line of East Gay Street, along the southerly line of that tract as conveyed to 431 First LLC by deed of record in Instrument No. 200907160104544 to a point;

Thence South 08° 08' 07" East, a distance of 82.50 feet, crossing East Gay Street to a point on the southerly right of way line of East Gay Street;

Thence South 81° 51' 53" West, a distance of 230.49 feet, along the southerly right of way line of East Gay Street, along the northerly line of that tract conveyed to 1 Gay Company LLC by deed of record in Instrument No. 201408280113279, crossing the right of way of North High Street, and along the common line with the Citizens Condominium, a condominium of record recorded in Plat Book 301, Page 110 to a point;

Thence North 08° 08' 07" West, a distance of 82.50 feet, crossing to the right of way line of East Gay Street to a point on the northerly right of way line of East Gay Street;

Thence North 81° 51' 53" East, a distance of 163.38, feet, along the northerly right of way line of East Gay Street, the southerly line of that tract as conveyed to 85 North High Street LLC (The Nicholas) by deed of record in Instrument No. 201409220124955, crossing over the right of way of North High Street to the Point of Beginning, containing 0.44 acre, more or less, subject to all easements, restrictions, and rights of way of record.

The bearings in the above description are based on an assumed meridian of North 81° 51' 53" East for the centerline of Gay Street.

This easement lies between the elevations 775.08 and 868.01 (NAVD 88). Elevations were established from Franklin County Survey Control Q188RESET. Elevation 746.31

DLZ Ohio, 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 encroachments.

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