



## Legislation Details (With Text)

**File #:** 0742-2023      **Version:** 1

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

**File created:** 3/2/2023      **In control:** Public Service & Transportation Committee

**On agenda:** 4/3/2023      **Final action:** 4/5/2023

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant a revocable encroachment easement to 1022 R LLC located at 1022-1018 Summit Street; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 0742-2023 DESC-ENC EXHIBIT 1 TRACT 1-0.0008Ac.pdf, 2. Ord 0742-2023 DESC-ENC EXHIBIT 1 TRACT 2-0.003Ac.pdf, 3. Ord 0742-2023 Exhibit.pdf

Date	Ver.	Action By	Action	Result
4/5/2023	1	CITY CLERK	Attest	
4/4/2023	1	MAYOR	Signed	
4/3/2023	1	COUNCIL PRESIDENT	Signed	
4/3/2023	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance is to authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant a revocable encroachment easement to 1022 R LLC, the owner of a commercial building located at 1022 -1018 Summit Street, Columbus, Ohio 43201 (parcel 010-000589-00 and 010-032067-00). 1022 R LLC has requested that the City grant a revocable encroachment easement to allow a portion of their commercial building to remain on City property within existing right-of-way.

The City of Columbus, Department of Public Service along with ODOT (Ohio Department of Transportation) is engaged in the Pedestrian Safety - SRTS - Summit Street Bump-Outs project. This project consists of installing new pedestrian crossing treatments at two intersections along the Summit Street corridor at 3rd Avenue and 8th Avenue. The pedestrian improvements being installed include concrete bump-outs, improved signage, marked crosswalks, and a flashing beacon. The existing commercial building was identified to be encroaching into the right-of-way while reviewing the construction plans for the project. The commercial building is not impacting any functionality of the right-of-way. Granting the encroachment easement is needed in order for ODOT and the City of Columbus to clear the right-of-way for this project.

### 2. FISCAL IMPACT

There is no cost to the City to grant the easement.

### 3. EMERGENCY JUSTIFICATION

Emergency action is requested so establishment of the necessary revocable encroachment easement can proceed without delay allowing for acquisition related activities to continue towards clearing right-of-way for this project.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant a revocable encroachment easement to 1022 R LLC located at 1022-1018 Summit Street; and to declare an emergency. (\$0.00)

**WHEREAS**, the City is engaged in the Pedestrian Safety - SRTS - Summit Street Bump-Outs project; and

**WHEREAS**, an existing commercial building at 1022-1018 Summit Street Columbus, Ohio 43201 was identified to be encroaching into the right-of-way while reviewing the construction plans for the project; and

**WHEREAS**, the owner of the commercial building, 1022 R LLC, has requested that the City grant a revocable encroachment easement to allow a portion of their commercial building to remain on City property within existing right-of-way; and

**WHEREAS**, granting the encroachment easement is needed in order for ODOT and the City of Columbus to clear the right-of-way for this project; and

**WHEREAS**, the City intends for the Director of the Department of Public Service to execute those documents necessary to grant the revocable encroachment easement to 1022 R LLC; and

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to grant this easement without delay allowing for acquisition related activities to continue towards clearing right-of-way, thereby preserving the public health, peace, property, safety and welfare; **now, therefore**

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

**SECTION 1.** That the Director of the Department of Public Service be and is authorized to execute and acknowledge those documents necessary to grant the revocable encroachment easements to 1022 R LLC to legally allow these items into the public rights-of-way described in the attached exhibit.

**SECTION 2.** That the City Attorney is required to preapprove all documents executed by the City pursuant to this ordinance.

**SECTION 3.** That for the reasons stated in the preamble of this ordinance, which are fully incorporated into this ordinance as if rewritten, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.