



## Legislation Details (With Text)

**File #:** 2582-2021      **Version:** 1

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

**File created:** 10/4/2021      **In control:** Public Service & Transportation Committee

**On agenda:** 10/25/2021      **Final action:** 10/27/2021

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant the encroachment easements to 23 West 2nd Holdings, LLC along the north side of Price Avenue. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2582-2021 Exhibit 1, 2. 2582-2221 Exhibit 2, 3. 2582-2021 Exhibit 3, 4. 2582-2021 Exhibit 4, 5. 2582-2021 Exhibit 5, 6. 2582-2021 Exhibit 6

Date	Ver.	Action By	Action	Result
10/27/2021	1	CITY CLERK	Attest	
10/26/2021	1	MAYOR	Signed	
10/25/2021	1	COUNCIL PRESIDENT	Signed	
10/25/2021	1	Columbus City Council	Approved	Pass
10/18/2021	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, 23 West 2nd Holdings, LLC, asking that the City allow balconies and canopies to encroach into the public right-of-way. This encroachment will be within the public right-of-way located along the north side of Price Avenue. This project is located at 21 W. Second Avenue and these encroachments are located within easements as described below and with the attached exhibits. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant this encroachments to legally allow these items to be placed within the public rights-of-way. Installation of these elements 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 encroachment easements to 23 West 2nd Holdings, LLC along the north side of Price Avenue. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from the property owner, 23 West 2nd Holdings, LLC, asking that the City allow balconies and canopies to encroach into the public right-of-way. This encroachment will be within the public right-of-way located along the north side of Price Avenue; and

**WHEREAS**, this project is located at 21 W. Second Avenue and these encroachments are located within easements as described below and with the attached exhibits; and

**WHEREAS**, a value of \$500.00 for the encroachment easements was established to be deposited in Fund 7748, Project

P537650; and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director of Public Service to execute those documents necessary for the City to grant these encroachment easements to legally allow these items to be placed within the public rights-of-way because installation of these elements will enhance the area and fit into the architectural desire; **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 hereby 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  
71.250 SQUARE FEET**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 5, Township 5, Range 22, Refugee Lands, and being within the existing right-of-way for Price Avenue (50 feet - public), all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a point on the existing north right-of-way line for Price Avenue, being the southwest corner of that 1.388 acre tract (measured) described in deeds to 23 West 2<sup>nd</sup> Holdings, LLC, of record in Instrument Number 201604130044890 and Instrument Number 201604130044891, and being the southeast corner of that 0.195 acre tract described in a deed to Price Highland, LLC, of record in Instrument Number 202106230109248;

Thence **South 86 degrees 37 minutes 49 seconds East**, along the existing north right-of-way line for Price Avenue and along the south line of said 1.388 acre tract (measured), a distance of **12.00 feet** to a point, said point being the **TRUE POINT OF BEGINNING** for this description;

Thence **South 86 degrees 37 minutes 49 seconds East**, continuing along the existing north right-of-way line for Price Avenue and continuing along the south line of said 1.388 acre tract (measured), a distance of **28.50 feet** to a point;

Thence across said Price Avenue along the following three (3) described courses:

1. **South 03 degrees 22 minutes 11 seconds West**, along a line perpendicular to the previous course, a distance of **2.50 feet** to a point;
2. **North 86 degrees 37 minutes 49 seconds West**, along a line perpendicular to the previous course, a distance of **28.50 feet** to a point;
3. **North 03 degrees 22 minutes 11 seconds East**, along a line perpendicular to the previous course, a distance of **2.50 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total area of **71.250 square feet** within the present road occupied.

The above description is intended to be a three-dimensional area, the bottom of which is 10.50 feet above the proposed ground surface and the top of which extends up vertically for a total of 5.00 feet.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

This description was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438 on September 15, 2021, is based on an actual field survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

**3 Dimensional Encroachment Easement  
51.875 SQUARE FEET**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 5, Township 5, Range 22, Refugee Lands, and being within the existing right-of-way for Price Avenue (50 feet - public), all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as

follows:

Commencing for reference at a point on the existing north right-of-way line for Price Avenue, being the southwest corner of that 1.388 acre tract (measured) described in deeds to 23 West 2<sup>nd</sup> Holdings, LLC, of record in Instrument Number 201604130044890 and Instrument Number 201604130044891, and being the southeast corner of that 0.195 acre tract described in a deed to Price Highland, LLC, of record in Instrument Number 202106230109248;

Thence **South 86 degrees 37 minutes 49 seconds East**, along the existing north right-of-way line for Price Avenue and along the south line of said 1.388 acre tract (measured), a distance of **63.75 feet** to a point, said point being the **TRUE POINT OF BEGINNING** for this description;

Thence **South 86 degrees 37 minutes 49 seconds East**, continuing along the existing north right-of-way line for Price Avenue and continuing along the south line of said 1.388 acre tract (measured), a distance of **20.75 feet** to a point;

Thence across said Price Avenue along the following three (3) described courses:

1. **South 03 degrees 22 minutes 11 seconds West**, along a line perpendicular to the previous course, a distance of **2.50 feet** to a point;
2. **North 86 degrees 37 minutes 49 seconds West**, along a line perpendicular to the previous course, a distance of **20.75 feet** to a point;
3. **North 03 degrees 22 minutes 11 seconds East**, along a line perpendicular to the previous course, a distance of **2.50 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total area of **51.875 square feet** within the present road occupied.

The above description is intended to be a three-dimensional area, the bottom of which is 10.50 feet above the proposed ground surface and the top of which extends up vertically for a total of 5.00 feet.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

This description was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438 on September 15, 2021, is based on an actual field survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

### **3 Dimensional Encroachment Easement 70.000 SQUARE FEET**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 5, Township 5, Range 22, Refugee Lands, and being within the existing right-of-way for Price Avenue (50 feet - public), all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a point on the existing north right-of-way line for Price Avenue, being the southwest corner of that 1.388 acre tract (measured) described in deeds to 23 West 2<sup>nd</sup> Holdings, LLC, of record in Instrument Number 201604130044890 and Instrument Number 201604130044891, and being the southeast corner of that 0.195 acre tract described in a deed to Price Highland, LLC, of record in Instrument Number 202106230109248;

Thence **South 86 degrees 37 minutes 49 seconds East**, along the existing north right-of-way line for Price Avenue and along the south line of said 1.388 acre tract (measured), a distance of **100.50 feet** to a point, said point being the **TRUE POINT OF BEGINNING** for this description;

Thence **South 86 degrees 37 minutes 49 seconds East**, continuing along the existing north right-of-way line for Price Avenue and continuing along the south line of said 1.388 acre tract (measured), a distance of **28.00 feet** to a point;

Thence across said Price Avenue along the following three (3) described courses:

1. **South 03 degrees 22 minutes 11 seconds West**, along a line perpendicular to the previous course, a distance of **2.50 feet** to a point;
2. **North 86 degrees 37 minutes 49 seconds West**, along a line perpendicular to the previous course, a distance of **28.00 feet** to a point;
3. **North 03 degrees 22 minutes 11 seconds East**, along a line perpendicular to the previous course, a distance of **2.50 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total area of **70.000 square feet** within the present road occupied.

The above description is intended to be a three-dimensional area, the bottom of which is 10.50 feet above the proposed

ground surface and the top of which extends up vertically for a total of 5.00 feet.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

This description was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438 on September 15, 2021, is based on an actual field survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

### **3 Dimensional Encroachment Easement 51.875 SQUARE FEET**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 5, Township 5, Range 22, Refugee Lands, and being within the existing right-of-way for Price Avenue (50 feet - public), all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a point on the existing north right-of-way line for Price Avenue, being the southwest corner of that 1.388 acre tract (measured) described in deeds to 23 West 2<sup>nd</sup> Holdings, LLC, of record in Instrument Number 201604130044890 and Instrument Number 201604130044891, and being the southeast corner of that 0.195 acre tract described in a deed to Price Highland, LLC, of record in Instrument Number 202106230109248;

Thence **South 86 degrees 37 minutes 49 seconds East**, along the existing north right-of-way line for Price Avenue and along the south line of said 1.388 acre tract (measured), a distance of **151.75 feet** to a point, said point being the **TRUE POINT OF BEGINNING** for this description;

Thence **South 86 degrees 37 minutes 49 seconds East**, continuing along the existing north right-of-way line for Price Avenue and continuing along the south line of said 1.388 acre tract (measured), a distance of **20.75 feet** to a point;

Thence across said Price Avenue along the following three (3) described courses:

1. **South 03 degrees 22 minutes 11 seconds West**, along a line perpendicular to the previous course, a distance of **2.50 feet** to a point;
2. **North 86 degrees 37 minutes 49 seconds West**, along a line perpendicular to the previous course, a distance of **20.75 feet** to a point;
3. **North 03 degrees 22 minutes 11 seconds East**, along a line perpendicular to the previous course, a distance of **2.50 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total area of **51.875 square feet** within the present road occupied.

The above description is intended to be a three-dimensional area, the bottom of which is 10.50 feet above the proposed ground surface and the top of which extends up vertically for a total of 5.00 feet.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

This description was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438 on September 15, 2021, is based on an actual field survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

### **3 Dimensional Encroachment Easement 297.500 SQUARE FEET**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 5, Township 5, Range 22, Refugee Lands, and being within the existing right-of-way for Price Avenue (50 feet - public), all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a point on the existing north right-of-way line for Price Avenue, being the southwest corner of that 1.388 acre tract (measured) described in deeds to 23 West 2<sup>nd</sup> Holdings, LLC, of record in Instrument Number 201604130044890 and Instrument Number 201604130044891, and being the southeast corner of that 0.195 acre tract

described in a deed to Price Highland, LLC, of record in Instrument Number 202106230109248;

Thence **South 86 degrees 37 minutes 49 seconds East**, along the existing north right-of-way line for Price Avenue and along the south line of said 1.388 acre tract (measured), a distance of **194.00 feet** to a point, said point being the **TRUE POINT OF BEGINNING** for this description;

Thence **South 86 degrees 37 minutes 49 seconds East**, continuing along the existing north right-of-way line for Price Avenue and continuing along the south line of said 1.388 acre tract (measured), a distance of **70.00 feet** to a point;

Thence across said Price Avenue along the following three (3) described courses:

1. **South 03 degrees 22 minutes 11 seconds West**, along a line perpendicular to the previous course, a distance of **4.25 feet** to a point;
2. **North 86 degrees 37 minutes 49 seconds West**, along a line perpendicular to the previous course, a distance of **70.00 feet** to a point;
3. **North 03 degrees 22 minutes 11 seconds East**, along a line perpendicular to the previous course, a distance of **4.25 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total area of **297.500 square feet** within the present road occupied.

The above description is intended to be a three-dimensional area, the bottom of which is 10.00 feet above the proposed ground surface and the top of which extends up vertically for a total of 3.00 feet.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

This description was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438 on September 15, 2021, is based on an actual field survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, 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.