



Legislation Details (With Text)

File #: 0113-2023 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 1/4/2023 **In control:** Public Service & Transportation Committee
On agenda: 1/30/2023 **Final action:** 2/1/2023
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 RS Riverside Drive, LLC located at 5350 Riverside; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 0113-2023 3832-E Strader-sign-encroachment_legal 9-26-22.pdf, 2. Ord 0113-2023 3832-E Strader-sign-encroachment-exhibit 9-26-22.pdf

Date	Ver.	Action By	Action	Result
2/1/2023	1	CITY CLERK	Attest	
1/31/2023	1	MAYOR	Signed	
1/30/2023	1	COUNCIL PRESIDENT	Signed	
1/30/2023	1	Columbus City Council	Approved	Pass

1. BACKGROUND

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 RS Riverside Drive, LLC, for a portion of their electronic business sign to remain on City property within existing right-of-way.

The City of Columbus, Department of Public Service, received a request from RS Riverside Drive, LLC, 5350 Riverside Drive, Columbus, OH 43220 (parcel 590-197814-00) (aka Strader's Garden Center), that the City grant a revocable encroachment easement to allow a portion of their electronic business sign to remain on City property within existing right-of-way. The Ohio Department of Transportation (ODOT) is engaged in widening and resurfacing 0.24 miles of US 33 including new pavement, storm sewers, traffic signal, water main, signing, and pavement markings. The existing sign was identified to be encroaching into the right-of-way while reviewing ODOT's construction plans for their project. The sign is not impacting any functionality of the right-of-way. Granting the revocable encroachment easement is needed in order for ODOT clear the right-of-way for their project. The following ordinance authorizes the Director of the Department of Public Service to execute documents necessary to grant this revocable encroachment easements for the existing sign to remain in the public rights-of-way. No value was established for this revocable encroachment easement.

2. FISCAL IMPACT

There is no fiscal impact to the City to grant this revocable encroachment easement.

3. EMERGENCY DESIGNATION

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 RS Riverside Drive, LLC located at 5350 Riverside; and to declare an emergency. (\$0.00)

WHEREAS, a revocable encroachment easement into the public rights-of-way was requested by the owner of the property located at 5350 Riverside Drive; and

WHEREAS, the encroachments include a portion of their existing electronic business sign; and

WHEREAS, no value was established for this revocable encroachment easement; and

WHEREAS, granting the revocable encroachment easement is needed in order for ODOT clear the right-of-way for their project; 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 grant a revocable encroachment easements to RS Riverside Drive, LLC in order to prevent unnecessary delay to the impacted project, to ensure the safety of the traveling public; **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 hereby authorized to execute those documents necessary to grant the following described revocable encroachment easements to RS Riverside Drive LLC, and attached exhibits; to-wit:

**PLAN #3832E
SIGN EASEMENT**

EXHIBIT "A"

Situated in the State of Ohio, County of Franklin, Township of Perry, being part of Quarter Township 3, Township 2 North, Range 19 being part of lands within the right-of-way of Hayden Road (CR 32), and laying on right side of the centerline of right-of-way of said Hayden Road as shown on the FRA-33-6.15 right of way plans prepared by Arcadis U.S., Inc. for the Ohio Department of Transportation District 6 and more fully described as follows:

Commencing at a 1 inch diameter steel rod in monument box to be set at the intersection of the centerline of right-of-way of Hayden Run Road with the centerline of right-of-way of Riverside Drive (US 33) being Station 324+72.00 and Hayden Run Road Station 146+72.73; said rod being referenced North 86° 40' 04" West a distance of 1319.23 feet from a 1 inch diameter steel rod found in a monument box at the point of curvature of said Hayden Road Station 159+91.96 as shown on said right-of-way plans;

Thence along a curve deflecting to the right, along said centerline of Riverside Drive, a distance of 158.81 feet being Station 326+15.00; said curve having a central angle of 6° 54' 48", a radius of 1430.66 feet, and a chord of 142.94 feet which bears South 10° 20' 59" East;

Thence North 82° 30' 50" East, leaving said centerline of Riverside Drive, a distance of 94.26 feet to the easterly right-of-way line of said Riverside Drive designated as Parcel 23-WD (FRA-C.R.32, Hayden Run Road) conveyed to the Franklin County Commissioners in Official Record 3904 G03 being 94.26 feet left of Station 326+15.00;

Thence North 05° 56' 10" West, along said easterly right-of-way line, a distance of 21.63 feet being 95.00 feet left of Station 325+94.73;

Thence North 42° 31' 08" East, continuing along said easterly right-of-way line, a distance of 54.59 feet to the **Point of Beginning** being 57.62 feet right of Hayden Road Station 148+30.14;

1. Thence North 04° 17' 23" West, leaving said easterly right-of-way line and through said right-of-way, a distance

of 3.56 feet being 54.09 feet right of Hayden Road Station 148+29.67;

2. Thence North $86^{\circ} 00' 18''$ East, continuing through said right-of-way, a distance of 2.77 feet being 53.74 feet right of Hayden Road Station 148+32.41;
3. Thence South $04^{\circ} 17' 23''$ East, continuing through said right-of-way, a distance of 1.30 feet to the southerly right-of-way line of said Hayden Road being 55.02 feet right of Hayden Road Station 148+32.58;
4. Thence North $82^{\circ} 50' 58''$ West, along said southerly right-of-way line, a distance of 0.31 feet to an angle point therein being 55.00 feet right of Hayden Road Station 148+32.27;
5. Thence South $42^{\circ} 31' 08''$ West, leaving said southerly right-of-way line and along said easterly right-of-way line, a distance of 3.38 feet to the **Point of Beginning**

The above description contains 0.0001 acres (6 square feet) all of which lies within the right-of-way of said Hayden Road said Riverside Drive;

This description was prepared by Arcadis U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in December 2020 under the direction of Robert G. Hoy, Ohio Professional Surveyor No. 8142;

Bearings in this description are Ohio State Plane Coordinate System, NAD83(2011), South Zone, Grid North; ODOT CORS: OHUN and COLB used, South $41^{\circ} 04' 48''$ East between them;

The stations referred are from the centerline of right-of-way of Riverside Drive as shown on said Right of Way Plans, unless noted otherwise.

Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142

SECTION 2. 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.