



## Legislation Details (With Text)

**File #:** 1251-2010      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 8/31/2010      **In control:** Public Service & Transportation Committee  
**On agenda:** 9/20/2010      **Final action:** 9/23/2010

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary to allow the City to grant this aerial encroachment easement to Abigail LLC which will allow installation of awning, bay windows, building mounted exterior lights and building cornice on the East side of East Gay Street side of the proposed 7 story Student Housing building at 369 East Gay Street.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
9/23/2010	1	CITY CLERK	Attest	
9/21/2010	1	MAYOR	Signed	
9/20/2010	1	Columbus City Council	Approved	Pass
9/20/2010	1	COUNCIL PRESIDENT	Signed	
9/13/2010	1	Columbus City Council	Read for the First Time	
9/2/2010	1	CITY ATTORNEY	Reviewed and Approved	
9/2/2010	1	Service Drafter	Sent to Clerk's Office for Council	
9/1/2010	1	Service Reviewer	Reviewed and Approved	
9/1/2010	1	Service Drafter	Sent for Approval	
9/1/2010	1	SERVICE DIRECTOR	Reviewed and Approved	
9/1/2010	1	Service Drafter	Sent for Approval	
8/31/2010	1	Service Drafter	Sent for Approval	

### 1. BACKGROUND

Abigail LLC is constructing a 7 story Student Housing building at 369 East Gay Street. As designed an awning over the main entrance door and portions of the building will encroach into the existing East Gay Street right-of-way. Abigail LLC has submitted a request asking that the City grant them a 413 square foot aerial encroachment easement into East Gay Street that will allow for installation of the proposed awning, bay windows, building mounted exterior lights and building cornice. Per current Division of Planning and Operations practice, comments were solicited from interested parties, including City departments before it was determined that the City would not be adversely affected by the granting of the requested aerial encroachment easement. A value of \$500.00 was established for these easement.

### 2. FISCAL IMPACT

The City will receive a total of \$500.00, to be deposited in Fund 748, Project 537650, for granting the requested aerial encroachment easement.

To authorize the Director of the Department of Public Service to execute those documents necessary to allow the City to grant this aerial encroachment easement to Abigail LLC which will allow installation of awning, bay windows, building mounted exterior lights and building cornice on the East side of East Gay Street side of the proposed 7 story Student Housing building at 369 East Gay Street.

**WHEREAS**, Abigail LLC, is constructing a 7 story Student Housing building at 369 East Gay Street; and

**WHEREAS**, as designed an awning over the main entrance door and portions of the building will encroach into the existing East Gay Street right-of-way; and

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Planning and Operations, recently received a request from Abigail LLC asking that the City grant them a 413 square foot aerial encroachment easement into East Gay Street that will allow for installation of the proposed awning, bay windows, building mounted exterior lights and building cornice; and

**WHEREAS**, per current Division of Planning and Operations practice, comments were solicited from interested parties, including City departments before it was determined that the City would not be adversely affected upon the granting of the requested aerial encroachment easement; and

**WHEREAS**, A value of \$500.00 was established for this easement; 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 aerial encroachment easement to Abigail LLC; to-wit:

ENCROACHMENT EASEMENT AREA  
PART OF NORTH GRANT AVENUE AND EAST GAY STREET  
CITY OF COLUMBUS, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, Outlot 80 of record in Deed Book F, Page 332, Recorder's Office, Franklin County, Ohio, and being located in the existing right of way of East Gay Street and the existing right of way of North Grant Avenue. The platted width of East Gay Street being 33 feet wide as shown of record in Samuel Brush's Second Addition, Deed Book 37, Page 5 with an additional 20 feet out of Lot 1 and 2 of Samuel Brush's First Addition of record in Deed Book 32, Page 440 being added to the width of East Gay Street as conveyed to the City and accepted by City Council in Ordinance 443-29. North Grant Avenue (Seventh Street) being 66 feet wide as shown of record in Deed Book F, Page 332. Said easement area being more particularly described as follows:

Beginning at an iron pipe found at the southwest corner of Lot 29 of Samuel Brush's Second Addition, being in the east line of North Grant Avenue;

Thence along the east line of North Grant Avenue, South 7°59'57" East, 12.01 feet to a point;

Thence into the public right of way of North Grant Avenue, South 82°00'03" West, 2.00 feet to a point;

Thence North 7°59'57" West, being parallel to and 2.00 feet west of the east line of North Grant Avenue, 86.00 feet to a point in the right of way of North Grant Avenue and East Gay Street;

Thence North 81°39'09" East, being parallel to and 2.00 feet northerly from the south line of East Gay Street, 122.49 feet to a point;

Thence South 8°20'51" East, 2.00 feet to a point in the south line of East Gay Street, being the northeast corner of Lot 25 of Samuel Brush's Second Addition, at the northwesterly corner of an Alley 13.00 feet in width;

Thence South 81°39'09" West, along the south line of East Gay Street, the north line of Lot 25, 120.50 feet to a magnetic survey nail set at the northwest corner Lot 25, being at the intersection of the south line of East Gay Street and the east line of North Grant Avenue;

Thence South 7°59'57" East, along the east line of North Grant Avenue, passing an iron pipe found at 37.76 feet, 0.14 west, passing a common corner of Lot 25 and Lot 29 at 40.00 feet, a total distance of 72.00 feet to the point of beginning. Containing 0.009 acres or 413 square feet of land.

The easement described is a three dimensional area beginning 7.00 feet above sidewalk grade to 73.00 feet above sidewalk grade. The sidewalk grade being the elevation of the top of concrete sidewalk located at the existing right of way line.

For the purpose of this description, a bearing of South 81°39'09" West was measured between the iron pipe found at the southeast corner of Lot 29, and the iron pipe found at the southwest corner of Lot 29, according to a GPS field survey in March 2010.

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Mark D. Power

Professional Surveyor No. 7935

**Section 2.** That a total \$500.00 to be received by the City as consideration for the granting of the requested aerial encroachment

easement shall be deposited in Fund 748, Project 537650.

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