



## Legislation Details (With Text)

**File #:** 1842-2019      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/27/2019      **In control:** Public Service & Transportation Committee  
**On agenda:** 7/22/2019      **Final action:** 7/25/2019

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant an encroachment within the public right-of-way to 1191 North High Street LLC for their project known as The Garden Theater. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit.pdf

Date	Ver.	Action By	Action	Result
7/25/2019	1	CITY CLERK	Attest	
7/24/2019	1	MAYOR	Signed	
7/22/2019	1	COUNCIL PRESIDENT	Signed	
7/22/2019	1	Columbus City Council	Approved	Pass
7/15/2019	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, 1191 North High Street LLC, asking that the City allow an encroachment into the public right-of-way for their project known as The Garden Theater located near the Southwest corner of North High Street and West Fifth Avenue. This project is to restore the building and marquee awning. The encroachment will consist of one awning that will protrude into the public right-of-way as described below and shown on 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 it to extend into the public rights-of-way. Installation of this building element will enhance the building and fit into the architectural desire. A value of \$500.00 for the encroachment easement was established.

### 2. FISCAL IMPACT

The City will not expend funds in granting this encroachment. 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 an encroachment within the public right-of-way to 1191 North High Street LLC for their project known as The Garden Theater. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from the property owner, 1191 North High Street LLC, asking that the City allow an encroachment into the public right-of-way for their project known as The Garden Theater located near the Southwest corner of North High Street and West Fifth Avenue; and

**WHEREAS**, this project is to restore the building and marquee awning. The encroachment will consist of one awning that will protrude into the public right-of-way as described below and shown on the attached exhibit; and

**WHEREAS**, 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 them to extend into the public rights-of-way. Installation of this building element will enhance the building and fit into the architectural desire; and

**WHEREAS**, a value of \$500.00 for the encroachment easement was established; **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 it to extend into the public rights-of-way as described below and depicted on the attached exhibit; to-wit:

**AERIAL ENCROACHMENT EASEMENT  
BETWEEN ELEVATIONS 763.5' AND 771.5' (NAVD88)  
0.005 ACRE**

Situate in the State of Ohio. County of Franklin, City of Columbus, being a part of Lots 4, 5 and 6 of Taylor's Addition as is numbered and delineated on the recorded plat thereof, of record in Plat Book 3, Page 412, being a strip on, over and across the right-of-way of North High Street, to extend between elevations 763.5 and 771.5 (NAVD88), all records being of the Recorder's Office, Franklin County, Ohio, unless otherwise noted and being more particularly bounded and described as follows:

**COMMENCING** at the intersection of the west line of North High Street, 86 feet wide, as established by City of Columbus Ordinance Number 28795 on June 14, 1915 and the south line of West Fifth Avenue, 60 feet wide;

Thence, along the west line of North High Street, South 10 degrees 00 minutes 00 seconds East, 155.5 feet to the **TRUE POINT OF BEGINNING** of the parcel herein intended to be described, being in the east line of a parcel conveyed to 1191 North High Street LLC in Instrument Number 200705310094861, Parcel I;

Thence, across North High Street the following three (3) courses:

1. North 80 degrees 00 minutes 00 seconds East, 8.00 feet;
2. South 10 degrees 00 minutes 00 seconds East, 28.00 feet;
3. South 80 degrees 00 minutes 00 seconds West, 8.00 feet to the west line of North High Street and the east line of said 1191 North High Street LLC parcel;

Thence, along the west line of North High Street and part of the east line of said 1191 North High Street LLC parcel, North 10 degrees 00 minutes 00 seconds West, 28.00 feet to the **TRUE POINT OF BEGINNING, CONTAINING 0.005 ACRES.**

Basis of bearings is assumed to be North 10 degrees 00 minutes 00 seconds West on the west line of North High Street. Basis of elevations is referenced to NAVD88. Source benchmark is COC 82 = 748.54'.

**Myers Surveying Company, Inc.**

**SECTION 2.** 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.