



Legislation Text

File #: 1332-2015, Version: 1

1. BACKGROUND

The City's Department of Public Service received a request from Tower 10, LLC, an Ohio limited liability company ("Tower"), asking that the City allow for two (2) canopies, four (4) bay windows, and three (3) flag poles to encroach into and above portions of the public right-of-ways of Front Street and Broad Street (collectively, "Encroachments"). The Encroachments are part of Tower's renovation project for its existing building improvements located at 50 West Broad Street, Columbus, Ohio 43215 and commonly known as the LeVeque Tower. The Department of Public Service reviewed Tower's request for the Encroachments to encroach the public right-of-way and supports quit claim granting encroachment easement rights to Tower in consideration of payment in the amount of One Thousand, Five Hundred, and 00/100 U.S. Dollars (\$1,500.00). Accordingly, this legislation authorizes the director of the Department of Public Service to execute those document(s), as approved by the City Attorney, necessary for the City to quit claim grant easement rights to Tower to allow for the Encroachments to be constructed and maintained into and above portions of the public right-of-ways of Front Street and Broad Street.

2. FISCAL IMPACT

The City will receive a total of \$1500.00, which is to be deposited in Fund 748, Project 537650, for granting the requested encroachment easements to Tower.

To authorize the director of the Department of Public Service to execute those document(s), as approved by the City Attorney, necessary for the City to quit claim grant easement rights for Tower 10, LLC, an Ohio limited liability company, to construct certain encroachments into and above portions of the public rights-of-ways of Front Street and Broad Street.

WHEREAS, it is in the City's best interest to authorize the director of the Department of Public Service to execute any instrument(s) necessary to quit claim grant to Tower 10, LLC, an Ohio limited liability company (*i.e.* Tower), easement rights into and within portions of the public right-of-ways of Front Street and Broad Street in order to construct and maintain two (2) canopies, four (4) bay windows, and three (3) flag poles encroachments (*i.e.* Encroachments); and,

WHEREAS, it is in the City's best interest to quit claim grant Tower easement rights for the Encroachments in consideration of One Thousand, Five Hundred, and 00/100 U.S. Dollars (\$1,500.00); and,

WHEREAS, it is in the City's best interest for the City Attorney to approve all document(s) associated with this legislation; **now, therefore:**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. The director of the Department of Public Service is authorized to execute those document(s) necessary to quit claim grant easement rights to Tower 10, LLC, an Ohio limited liability company (*i.e.* Tower), and its successors and assigns, for the following described encroachments to be constructed and maintained within portions of the public right-of-ways of Front Street and Broad Street:

TWO CANOPY EASEMENTS

WEST BROAD AND NORTH FRONT STREET ENCROACHMENTS

Situated in the State of Ohio, County of Franklin, City of Columbus, and being two strips of land for usage easements within the right-of-way of W. Broad Street and the right-of-way of N. Front Street and located between a horizontal plane of the existing finished walkway feature and a horizontal plane 16 feet vertical clearance above the existing finished walkway feature, said easement being bounded and described as follows;

STRIP ONE

Beginning at a point in the north right-of-way line of W. Broad Street (120 feet in width) and in the south line of Inlot No. 187, as shown upon the plat of Inlots of the City of Columbus, of record in Plat Book F, Page 332, Plat Book 3, Page 248 and Plat Book 14, Page 27, said portion of Inlot 187 being part of a 0.315 acre tract of land conveyed to Tower 10, LLC, by deed of record in Instrument 201103110034388, said point being N 81° 49' 54" E a distance of 30.19 feet from a point at the intersection of the north right-of-way line of W. Broad Street with the east right-of-way line of N. Front Street (82.50 feet in width) and from the southwest corner of said Inlot 187;

Thence N 81° 49' 54" E along the north right-of-way line of W. Broad Street and along a portion of the south line of said Inlot 187 a distance of 19.36 feet to a point;

Thence S 08° 10' 06" E crossing a portion of the W. Broad Street right-of-way and perpendicular to the north right-of-way line of W. Broad Street and the south line of Inlot 187 a distance of 11.00 feet to a point;

Thence S 81° 49' 54" W crossing a portion of the W. Broad Street right-of-way and parallel with and eleven (11) feet southerly by perpendicular measurement from the north right-of-way line of W. Broad Street and from the south line of Inlot 187 a distance of 19.36 feet to a point;

Thence N 08° 10' 06" W crossing a portion of the W. Broad Street right-of-way and perpendicular to the north right-of-way line of W. Broad Street and the south line of Inlot 187 a distance of 11.00 feet to the place of beginning;

Containing 213 square feet (= 0.005 acre) of land, more or less.

STRIP TWO

Beginning at a point in the east right-of-way line of N. Front Street (82.5 feet in width) and in the west line of Inlot No. 187, as shown upon the plat of Inlots of the City of Columbus, of record in Plat Book F, Page 332, Plat Book 3, Page 248 and Plat Book 14, Page 27, said portion of Inlot 187 being part of a 0.315 acre tract of land conveyed to Tower 10, LLC, by deed of record in Instrument 201103110034388, said point being N 08° 09' 31" W a distance of 29.08 feet from a point at the intersection of the east right-of-way line of N. Front Street with the north right-of-way line of W. Broad Street (120 feet in width) and from the southwest corner of said Inlot 187;

Thence S 81° 50' 29" W crossing a portion of the N. Front Street right-of-way and perpendicular to the east right-of-way line of N. Front Street and the west line of Inlot 187 a distance of 11.00 feet to a point;

Thence N 08° 08' 31" W crossing a portion of the N. Front Street right-of-way and parallel with and eleven (11) feet westerly by perpendicular measurement from the east right-of-way line of N. Front Street and from the west line of Inlot 187 a distance of 18.33 feet to a point;

Thence N 81° 50' 29" E crossing a portion of the N. Front Street right-of-way and perpendicular to the east right-of-way line of N. Front Street and the west line of Inlot 187 a distance of 11.00 feet to a point in the east right-of-way line of N. Front Street and in the west line of Inlot No. 187;

Thence S 08° 09' 31" E along the east right-of-way line of N. Front Street and along a portion of the west line of Inlot 187 a distance of 18.33 feet to the place of beginning;

Containing 202 square feet (= 0.005 acre) of land, more or less.

The above description was prepared by Kevin L. Baxter, Ohio surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey of adjoining premises to the north and east performed in June, 2011. Basis of bearings were derived from GPS observations made from the Continuously Operating Reference Stations (CORS) maintained by the Ohio Department of Transportation. Base stations used were: AJ7184, DI2237 & DI1686, Ohio South Zone, NAD 83 (CORS96).

**FOUR BAY WINDOWS AND THREE FLAG POLE EASEMENT
WEST BROAD STREET ENCROACHMENTS**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a usage easements within the right-of-way of W. Broad Street and located between a horizontal plane of the existing finished walkway feature and a horizontal plane 16 feet vertical clearance above the existing finished walkway feature of the west entrance to 50 W. Broad Street, said easement being bounded and described as follows;

Beginning at a point in the north right-of-way line of W. Broad Street (120 feet in width) and in the south line of Inlot No. 189, as shown upon the plat of Inlots of the City of Columbus, of record in Plat Book F, Page 332, Plat Book 3, Page 248 and Plat Book 14, Page 27, said portion of Inlot 189 being part of a 0.315 acre tract of land conveyed to Tower 10, LLC, by deed of record in Instrument 201103110034388, said point being S 81° 49' 54" W a distance of 46.74 feet from a point at the intersection of the north right-of-way line of W. Broad Street with the west right-of-way line of N. Wall Street (33 feet in width) and from the southeast corner of said Inlot 189;

Thence S 08° 10' 06" E crossing a portion of the W. Broad Street right-of-way and perpendicular to the north right-of-way line of W. Broad Street and the south line of said Inlot 189 a distance of 4.50 feet to a point;

Tthence S 81° 49' 54" W crossing a portion of the W. Broad Street right-of-way and parallel with and 4.50 feet southerly by perpendicular measurement from the north right-of-way line of W. Broad Street and from the south line of Inlot 189 and Inlot 188, as shown upon said plat of Inlots of the City of Columbus, a distance of 60.11 feet to a point;

Thence N 08° 10' 06" W crossing a portion of the W. Broad Street right-of-way and perpendicular to the north right-of-way line of W. Broad Street and the south line of Inlot 188 a distance of 4.50 feet to a point in the north right-of-way line of W. Broad Street and in the south line of said Inlot 188;

Thence N 81° 49' 54" E along the north right-of-way line of W. Broad Street, along a portion of the south line of said Inlot 188 and along a portion of the south line of said Inlot 189 a distance of 60.11 feet to the place of beginning;

Containing 270 square feet (= 0.006 acre) of land, more or less.

The above description was prepared by Kevin L. Baxter, Ohio surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey of adjoining premises to the north and east performed in June, 2011. Basis of bearings were derived from GPS observations made from the Continuously Operating Reference Stations (CORS) maintained by the Ohio Department of Transportation. Base stations used were: AJ7184, DI2237 & DI1686, Ohio South Zone, NAD 83 (CORS96).

SECTION 2. The City Attorney is required to approve any instrument(s) associated with this ordinance prior to the City's execution of those instrument(s).

SECTION 3. This ordinance is required to take effect and be in force from and after the earliest period allowed by law.