



Legislation Text

File #: 1590-2024, **Version:** 1

1. BACKGROUND

The City's Department of Public Service received a request from both 155 SPE, LLC, a Delaware limited liability company ("155 SPE") and Broyo, LLC, an Ohio limited liability company ("Broyo"), the titled owners of properties located at 155 E. Broad Street and 195 E. Broad Street respectively, and both of which abut East Capital Street. The request is to allow certain encroachments in the public right-of-way.

The project consists of work generally located on East Capital Street pursuant to design plans known as 3966 Dr. E and 3947 Dr. E ("Plans"). The encroachments consist of enhancements to an existing elevated walk way, which will be modified and extended, a proposed lift, and other elements and enhancements as shown and detailed within the Plans. The existing elevated walk way was permitted in the public right of way pursuant to ordinance numbers 17-81 and 83-74, as well as Easement No. 10, recorded in Vol. 3399, Pg. 799 (Instrument No. 197403120004744), Recorder's Office, Franklin County, Ohio.

The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City and 155 SPE and Broyo, as the successors in interests to the real properties previously owned by Ohio National Properties and BancOhio, Inc., to release and terminate the rights of a certain permanent Easement, Easement No. 10, recorded in Volume 3399, Page 799, (Instrument No. 197403120004744), Recorder's Office, Franklin County, Ohio, pursuant to Ordinance 83-74, and any permit or rights of occupancy, as authorized by Ordinance 17-81, passed on January 19, 1981, and to grant replacement encroachment easement(s) to allow the new and updated items to extend and/or remain in the public right of way. Allowing 155 SPE and Broyo to construct, improve, modify and maintain the encroachments will enhance the walk way by extending the walkway in a westerly direction allowing the walkway to connect street level pedestrian traffic on Third Street easterly to the existing parking garage and the newly constructed Gilbert building. Additionally, the project will include a new lift allowing ADA access to the walkway. Lastly, the walkway will include a new highline inspired park/green space further beautifying Capitol Street and the surrounding neighborhood.

2. FISCAL IMPACT

The City will receive a total of \$500.00, to be deposited in Fund 7748, Project P537650, for granting the requested encroachments.

To authorize the Director of the Department of Public Service to execute those documents necessary to modify and grant encroachment easement(s) to 155 SPE, LLC, a Delaware limited liability company and Broyo, LLC, an Ohio limited liability, for enhancements to an existing walk way within the public right of way of E. Capital Street.

WHEREAS, The City's Department of Public Service received a request from both 155 SPE, LLC, a Delaware limited liability company, and Broyo, LLC, an Ohio limited liability company, the titled owners of properties located at 155 E. Broad Street and 195 E. Broad Street respectively, and both of which abut East Capital Street. The request is to allow certain encroachments in the public right-of-way. Edward's project consists of work on and generally located in East Capital Street pursuant to design plans known as 3966 Dr. E and 3947 Dr. E ("Plans"); and

WHEREAS, the encroachments consist of enhancements to an existing elevated walk way, which will be modified and extended, a proposed lift, and other elements and enhancements as shown and detailed within the Plans; and

WHEREAS, the existing elevated walk way was permitted in the public right of way pursuant to ordinance numbers 17-81 and 83-74, as well as Easement No. 10, recorded in Vol. 3399, Pg. 799 (Instrument No. 197403120004744), Recorder's Office, Franklin County, Ohio; and

WHEREAS, the following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City and 155 SPE, LLC, a Delaware limited liability company, and Broyo, LLC, an Ohio limited liability company, as the successors in interests to the real properties previously owned by Ohio National Properties and BancOhio, Inc., to release and terminate the rights of a certain permanent Easement, Easement No. 10, recorded in Volume 3399, Page 799, (Instrument No. 197403120004744), Recorder's Office, Franklin County, Ohio, pursuant to Ordinance 83-74, and any permit or rights of occupancy, as authorized by Ordinance 17-81, passed by on January 19, 1981, and to grant replacements encroachment easement(s) to allow the new and updated items to extend and/or remain in the public right of way; and

WHEREAS, allowing 155 SPE and Broyo to construct, improve, modify and maintain the encroachments will enhance the walk way by extending the walkway in a westerly direction allowing the walkway to connect street level pedestrian traffic on Third Street easterly to the existing parking garage and the newly constructed Gilbert building. Additionally, the project will include a new lift allowing ADA access to the walkway. Lastly, the walkway will include a new highline inspired park/green space further beautifying Capitol Street and the surrounding neighborhood; and

WHEREAS, a value of \$500.00 for the encroachment easements was established; **NOW, THEREFORE,**

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

SECTION 1. Authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant, modify, and appeal these encroachments to legally allow these new and updated items to extend and/or remain in the public rights-of-way. Allowing these elements to extend and/or remain in the public right-of-way will allow the enhancement of the area to fit into the architectural desire; to-wit:

**3 Dimensional Encroachment Easement
0.437 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, part of Section 16, Township 5, Range 22, Congress Lands, being a 0.437 acre ROW encroachment easement over Capital Street (35 feet ~ Public), said 0.437 acres being more particularly described as follows;

Beginning, at the intersection of the easterly right-of-way of Lazelle Street (33 feet ~ Public) and the southerly right-of-way of said Capital Street, said point also being the northwest corner of a 0.127 acre tract as conveyed to Capital Square LTD in Instrument Number 199712310179259;

Thence N 08° 09' 21" W, across the right-of-way of said Capital Street, 35.00 feet to a point at the intersection of the easterly right-of-way of said Lazelle Street and the northerly right-of-way of said Capital Street;

Thence N 81° 52' 52" E, with the northerly right-of-way of said Capital Street, 543.37 feet to a point 55 feet beyond the easterly right-of-way of S. Young Street (33' ~ Public), (easement extends upward from elevation 773.0 feet to elevation 788.0 feet for the first 135.86 feet, then the easement extends upward from elevation 775.0 to elevation 790.0 for the next 352.50 feet, then the easement extends upward from elevation 772.0 to elevation 787.0 for the remaining 55.00 feet of the easement), crossing Fourth Street (82.5' ~ Public) and said S. Young Street;

Thence S 08° 08' 33" E, across the right-of-way of said Capital Street, 35.00 feet to a point in the southerly right-of-way of said Capital Street;

Thence S 81° 52' 52" W, with the southerly right-of-way of said Capital Street, 543.36 feet to a point, (easement extends upward from elevation 772.0 feet to elevation 787.0 feet for the first 55.00 feet, then the easement extends upward from elevation 775.0 to elevation 790.0 for the next 352.50 feet, then the easement extends upward from elevation 773.0 to elevation 788.0 for the remaining 135.86 feet of the easement), crossing said S. Young Street and said Fourth Street to the True Point of Beginning and containing 0.437 acres more or less.

The above description was prepared by Advanced Civil Design Inc. on February 19, 2024 and is based on existing Franklin County Auditor records, Franklin County Recorder records and an actual field survey conducted by Advanced Civil Design, Inc. in March of 2020.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS 2011 adjustment) with the easterly right-of-way line of N. High Street to be N 08° 09' 37" W.

ADVANCED CIVIL DESIGN INC.

3 Dimensional Encroachment Easement
0.146 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, part of Section 16, Township 5, Range 22, Congress Lands, being a 0.146 acre ROW encroachment easement over Capital Street (35 feet ~ Public) and Third Street (82.5 feet ~ Public), said 0.146 acres being more particularly described as follows;

Beginning, at the intersection of the easterly right-of-way of Lazelle Street (33 feet ~ Public) and the northerly right-of-way of said Capital Street, said point also being the southwest corner of a 0.8101 acre tract as conveyed to 155 SPE, LLC (Tract 2) in Instrument Number 201611020151296;

Thence across and through said Capital Street right-of-way, said Lazelle Street right-of-way and the right-of-way of said Third Street, the following seven (7) courses and distances:

1. S 08° 09' 21" E, 30.49 feet to a point;
2. S 86° 37' 41" W, 62.25 feet to a point;
3. S 08° 08' 30" E, 1.31 feet to a point;
4. S 81° 53' 01" W, 161.00 feet to a point;
5. N 53° 08' 33" W, 13.26 feet to a point;
6. N 08° 06' 31" W, 20.71 feet to a point;
7. N 81° 53' 01" E, 11.78 feet across said Third Street right-of-way, to a point on the easterly right-of-way of said Third Street, being in the west line of a 0.4877 acre tract as conveyed to 155 SPE, LLC (Tract 1) in Instrument Number 201611020151296;

Thence S 08° 03' 13" E, with the easterly right-of-way of said Third Street, the westerly line of said 0.4877 acre tract, 3.44 feet to the intersection of the easterly right-of-way of said Third Street, the northerly right-of-way of said Capital Street, being the southwest corner of said 0.4877 acre tract;

Thence N 81° 53' 01" E, with the northerly right-of-way of said Capital Street, the southerly line of said 0.4877 acre tract, 187.62 feet to the intersection of the westerly right-of-way of said Lazelle Street, the northerly right-of-way of said Capital Street, being the southeast corner of said 0.4877 acre tract;

Thence N 08° 06' 32" W, with the westerly right-of-way of said Lazelle Street, the easterly line of said 0.4877 acre tract, 3.74 feet to a point on the westerly right-of-way of said Lazelle Street, being in the easterly line of said 0.4877 acre tract;

Thence N 84° 39' 56" E, across the right-of-way of said Lazelle Street, 33.04 feet to a point on the easterly right-of-way of said Lazelle Street, being in the westerly line of said 0.8101 acre tract;

Thence S 08° 06' 31" E, with the easterly right-of-way of said Lazelle Street, the westerly line of said 0.8101 acre tract, 2.14 feet to the True Point of Beginning and containing 0.146 acres more or less. Easement extends upward from elevation 771.5 feet to elevation 786.5 feet for the first 100.35 feet, then the easement extends upward from elevation 769.5 to elevation 784.5 for the remaining 132.05 feet of the easement. The above description was prepared by Advanced Civil Design Inc. on May 25, 2023 and is based on existing Franklin County Auditor records, Franklin County Recorder records and an actual field survey conducted by Advanced Civil Design, Inc. in March of 2020.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS 2011 adjustment) with the easterly right-of-way line of N. High Street to be N 08° 09' 37" W.

All references used in this description can be found at the Recorder's Office Franklin County Ohio.

ADVANCED CIVIL DESIGN INC.

SECTION 2. That the City Attorney is required to approve all instrument(s) associated with this ordinance prior to the director of the Department of Public Service executing and acknowledging any of those instrument(s) and that this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. That the City will receive a total of \$500.00 to be deposited in Fund 7748, Project P537650, for granting the requested easement.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

