



## Legislation Text

**File #: 1298-2009, Version: 2**

### 1. BACKGROUND

A number of encroachments into the public rights-of-way were requested by the Wagbros Company during the plan development phase of the East Village, Phase I, Project. This project is located at 1368-1400 Grandview Avenue. It is proposing a new four story mixed use building. The building will have retail and restaurants on the first floor and residential units on the next three floors. The existing building was destroyed in a fire earlier this year. The encroachments include a three foot foundation encroachment, a four foot Aerial easement for cornice, solarium and balconies into the right-of-way of Grandview Avenue and a one foot wide building encroachment into the first alley east of and parallel to Grandview Avenue. The development is planned to start construction this fall. The following legislation authorizes the Director of the Department of Public Service to execute any documents necessary to grant encroachment easements for the proposed encroachments into the public rights-of-way. Installation of the proposed building will retain the appearance and continuity of the neighborhood. A value of \$1,500.00 was established for these three encroachment easements.

The City will receive a total of \$1,500.00, to be deposited in Fund 748, Project 537650, for granting the requested encroachment easements.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachment easements for the proposed building foundations, building facades, solariums and balconies, and cornice within those public rights-of-way needed for the East Village, Phase I, Project **and to declare an emergency.**

**WHEREAS**, a number of encroachments into the public rights-of-way were requested by the Wagbros Company during the plan development phase of the East Village, Phase I, Project; and

**WHEREAS**, The encroachments include a three foot foundation encroachment, a four foot aerial easement for cornice, solarium and balconies into the right-of-way of Grandview Avenue and a one foot wide building encroachment into the first alley east of and parallel to Grandview Avenue; and

**WHEREAS**, A value of \$1,500.00 was established for these three encroachment easements; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service & Transportation in that it is immediately necessary to pass this ordinance as an emergency measure because of the need to begin construction as soon as possible per Jeffrey L. Brown; for the preservation of the public health, peace, property, safety, and welfare; 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 encroachment easements; to-wit:

#### **1' Wide Building Encroachment Easement**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of a 12' wide alley, of Rickett's and Ady's Fairday Addition, as shown of record in Plat Book 4, Page 278, Franklin County Recorder's Office and being more particularly described as follows:

Commencing at the intersection of the west line said 12' wide alley with the north line of a 15.5' wide alley, also being the southeast corner of Lot 91 of said subdivision;

Thence, along part of the east line of said Lot 91, along the west line of said alley, North 03° 29' 47" East, 14.00 feet to the **TRUE POINT OF BEGINNING**;

Thence, along part of the east line of said Lot 91, the east line of Lot 90 and part of the east line of Lot 89 of said subdivision, along the west line of said alley, North 03° 29' 47" East, 48.00 feet;

Thence, across said 12' wide alley the following three (3) courses:

1. South 86° 30' 13" East, 1.00 feet,
2. South 03° 29' 47" West, 48.00 feet.
3. North 86° 30' 13" West, 1.00 feet to the place of beginning, **CONTAINING 48 SQUARE FEET**. Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone NAD 83 (1986 Adjustment), monuments GRANDVIEW and WEDIEHL, established by the Franklin County Engineer.

### 3' Wide Foundation Encroachment Easement

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Grandview Avenue (60 feet wide) and part of 15.5' wide alley of Rickett's and Ady's Fairday Addition, as shown of record in Plat Book 4, page 278, Franklin County Recorders Office and situated between 788.0 feet to 793.0 feet of the North American Vertical Datum of 1988 and being more particularly described as follows:

Commencing at the intersection of the south line of said 15.5' alley (now a 30' wide alley, 14.5 feet to the north was dedicated by Ord. No. 799-49 on October 10, 1949 and recorded in Deed Book 1535, Page 107) with the west line of a 12' wide alley (Plat Book 4, Page 278), also being the northeast corner of Lot 84 of said subdivision;

Thence, along the south line of said 15.5' alley, part of the north line of said Lot 84 North 86° 46' 52" West, 35.00 feet to the **TRUE POINT OF BEGINNING**;

Thence, along the south line of said 15.5' alley, part of the north line of said Lot 84, North 86° 46' 52" West, 64.00 feet to the intersection of said 15.5' alley with the east line of said Grandview Avenue, also being the northwest corner of said Lot 84;

Thence, along the east line of said Grandview Avenue, along the west line of Lots 84 thru 88 inclusive, and part of Lot 89 South 04° 00' 36" West, 170.00 feet to a point;

Thence, across said Grandview Avenue and said 15.5' alley the following four (4) courses:

1. North 85° 59' 24" West, 4.00 feet;
2. North 04° 00' 36" East, 172.96 feet;
3. South 86° 46' 52" East, 66.96 feet;
4. South 03° 13' 08" West, 4.00 feet;

to the point of beginning **CONTAINING 711 square feet**. Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone NAD 83 (1986 Adjustment), monuments GRANDVIEW and WEDIEHL, established by the Franklin County Engineer.

### 4' Wide Aerial Encroachment Easement

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Grandview Avenue (60 feet wide) and part of 15.5' wide alley of Rickett's and Ady's Fairday Addition, as shown of record in Plat Book 4, page 278, Franklin County Recorders Office and situated between 803.0 feet to 844.0 feet of the North American Vertical Datum of 1988 and being more particularly described as follows:

Commencing at the intersection of the south line of said 15.5' alley (now a 30' wide alley, 14.5 feet to the north was dedicated by Ord. No. 799-49 on October 10, 1949 and recorded in Deed Book 1535, Page 107) with the west line of a 12' wide alley (Plat Book 4, Page 278), also being the northeast corner of Lot 84 of said subdivision;

Thence, along the south line of said 15.5' alley, part of the north line of said Lot 84 North 86° 46' 52" West, 38.00 feet to the **TRUE POINT OF BEGINNING**;

Thence, along the south line of said 15.5' alley, part of the north line of said Lot 84, North 89° 46' 52" West, 61.00 feet to the intersection of said 15.5' alley with the east line of said Grandview Avenue, also being the northwest corner of said Lot 84;

Thence, along the east line of said Grandview Avenue, along the west line of Lots 84 thru 90 inclusive, and part of Lot 91, South 04°00' 36" West, 234.20 feet;

Thence, across said Grandview Avenue and said 15.5' alley the following four (4) courses:

1. North 85° 59' 24" West, 4.00 feet;
2. North 04° 00' 36" East, 238.15 feet;
3. South 86° 46' 52" East, 64.95 feet;
4. South 03° 13' 08" West, 4.00 feet;

to the point of beginning **CONTAINING 1,197 square feet**. Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone NAD 83 (1986 Adjustment), monuments GRANDVIEW and WEDIEHL, established by the Franklin County Engineer.

**Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law. That for the reason 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.**