



Legislation Text

File #: 1816-2008, Version: 1

1. BACKGROUND

NWD INVESTMENTS, LLC, an Ohio limited liability company, NWD ARENA DISTRICT II, LLC, an Ohio limited liability company and NWD 230 WEST, LLC, an Ohio limited liability company, have submitted a plat titled MARCONI BOULEVARD DEDICATION AND EASEMENTS to the City Engineer's office for review and approval. This plat includes the dedication, as public right-of-way, of a portion of Marconi Boulevard constructed in conformance with the Marconi-West Street Connector plans (1754 DR. E) and not previously dedicated to public use; the vacation of a portion of West Street; and the retention of specific foundation encroachment easements along a section of that portion of Marconi Boulevard being dedicated by this plat. The above referenced plat has been reviewed and approved by the City Engineer.

Ancillary to this plat acceptance NWD INVESTMENTS, LLC, an Ohio limited liability company, NWD ARENA DISTRICT II, LLC, an Ohio limited liability company and NWD 230 WEST, LLC, an Ohio limited liability company have requested that the City grant easements for existing foundation and entrance step encroachments shown on those plans identified as the Roadway Improvements/Marconi Boulevard (north side) and West Street (east side) plans (2522 DR. E) and installed along the east side of West Street.

The following legislation accepts the plat titled MARCONI BOULEVARD DEDICATION AND EASEMENTS and authorizes the Director of the Department of Public Service to execute those documents prepared by the City Attorney's Office necessary to grant encroachment easements for existing building foundations and entrance steps along West Street to NWD INVESTMENTS, LLC, an Ohio limited liability company, NWD ARENA DISTRICT II, LLC, an Ohio limited liability company and NWD 230 WEST, LLC, an Ohio limited liability company.

2. Emergency Justification

Emergency action is requested to allow the City to legitimize the existence of specific features, including sidewalks and ADA compliant ramps, as well as encroachments into the existing right-of-way previously installed by NWD INVESTMENTS, LLC, an Ohio limited liability company, NWD ARENA DISTRICT II, LLC, an Ohio limited liability company and NWD 230 WEST, LLC, an Ohio limited liability company in conformance with those plans identified as 1754 DR. E (Marconi West Street Connector) and 2522 DR. E (Roadway Improvements - Marconi Boulevard [north side] and West Street [east side]) on file in the offices of the Department of Public Service, Division of Transportation.

To accept the plat titled MARCONI BOULEVARD DEDICATION AND EASEMENTS from NWD INVESTMENTS, LLC, an Ohio limited liability company, NWD ARENA DISTRICT II, LLC, an Ohio limited liability company and NWD 230 WEST, LLC, an Ohio limited liability company; to authorize the Director of the Department of Public Service to execute those documents necessary to grant encroachment easements for existing building foundations and entrance steps along West Street to NWD INVESTMENTS, LLC, an Ohio limited liability company, NWD ARENA DISTRICT II, LLC, an Ohio limited liability company and NWD 230 WEST, LLC, an Ohio limited liability company and to declare an emergency.

WHEREAS, the plat titled MARCONI BOULEVARD DEDICATION AND EASEMENTS (hereinafter "plat"), has been submitted to the City Engineer's Office for approval and acceptance; and

WHEREAS, this plat includes the dedication, as public right-of-way, of a portion of Marconi Boulevard constructed but not previously dedicated to public use; the vacation of a portion of West Street; and the retention of foundation encroachment easements along a section of that portion of Marconi Boulevard being dedicated by this plat; and

WHEREAS, NWD INVESTMENTS, LLC, an Ohio limited liability company, NWD ARENA DISTRICT II, LLC, an Ohio limited liability company and NWD 230 WEST, LLC, an Ohio limited liability company, owners of the platted land, desire to dedicate to the public use all or such parts of the Boulevard shown on this plat and not heretofore so dedicated; and

WHEREAS, after review and approval by the City Engineer, it has been found to be in the best interest of the City to accept this plat; and

WHEREAS, ancillary to this plat acceptance NWD INVESTMENTS, LLC, an Ohio limited liability company, NWD ARENA DISTRICT II, LLC, an Ohio limited liability company and NWD 230 WEST, LLC, an Ohio limited liability company have requested that the City grant them encroachment easements for existing foundations and entrance steps along a portion of the east side of West Street; and

WHEREAS, after investigation it has been determined the granting of the requested encroachment easements along West Street to NWD INVESTMENTS, LLC, an Ohio limited liability company, NWD ARENA DISTRICT II, LLC, an Ohio limited liability company and NWD 230 WEST, LLC, an Ohio limited liability company will not adversely affect the City's use of the adjacent right-of-way; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Transportation, in that it is immediately necessary to authorize the acceptance of this plat and the granting of the requested encroachment easements to allow the City to legitimize the existence of features and encroachments within this portion of the Arena District thereby preserving 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 plat titled MARCONI BOULEVARD DEDICATION AND EASMENTS on file in the office of the City Engineer, Division of Transportation, be and is hereby accepted.

Section 2. That the Director of the Department of Public Service be and hereby is authorized to execute those documents prepared by the City Attorney's Office necessary to grant the following described easements for existing building foundation and entrance step encroachments to NWD INVESTMENTS, LLC, an Ohio limited liability company, NWD ARENA DISTRICT II, LLC, an Ohio limited liability company and NWD 230 WEST, LLC, an Ohio limited liability company; to-wit:

Foundation Encroachment Easement

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 8, Township 5, Range 22, Refugee Lands, being across Right-of-way of West Street (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, at a southwesterly corner of that 3.418 acre tract as conveyed to NWD Arena District II, LLC by deed of record in Instrument Number 200212120319625, a northwesterly corner of that 0.558 acre tract as conveyed to NWD 230 West, LLC by deed of record in Instrument Number 200703220050063, being in the easterly right-of-way line of West Street (width varies);

Thence South 10°31'57" East, with said easterly right-of-way line and the westerly line of said 0.558 acre tract, a distance of 14.21 feet to the TRUE POINT OF BEGINNING;

Thence South 10°31'57" East, continuing with said easterly right-of-way line, said westerly line and across Marconi Boulevard (width varies), a distance of 202.00 feet to a point;

Thence North 79°28'03" East, across Marconi Boulevard, a distance of 19.82 feet to a point in the easterly right-of-way line of said Marconi Boulevard;

Thence South 10°41'28" East, with said easterly right-of-way line, a distance of 1.33 feet to a point;

Thence South 79°28'03" West, continuing across said right-of-way, a distance of 21.32 feet to a point;

Thence North 10°31'57" West, partly across said right-of-way of Marconi Boulevard, and across the right-of-way of said West Street, a distance of 203.33 feet to a point;

Thence North 79°28'03" East, across said West Street, a distance of 1.50 feet to the TRUE POINT OF BEGINNING, and containing 0.008 acre of land, more or less.

AND

Entrance Steps Encroachment Easement

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 8, Township 5, Range 22, Refugee Lands, being across the right-of-way of West Street (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning for reference, at a southwesterly corner of that 3.418 acre tract as conveyed to NWD Arena District II, LLC, by deed of record in Instrument Number 200212120319625, a northwesterly corner of that 0.558

acre tract as conveyed to NWD 230 West, LLC by deed of record in Instrument Number 200703220050063, being in the easterly right-of-way line of West Street;

Thence South 10°31'57" East, with said easterly right-of-way line and the westerly line of said 0.558 acre tract, a distance of 68.87 feet to the TRUE POINT OF BEGINNING;

Thence South 10°31'57" East, continuing with said easterly right-of-way line and said westerly line, a distance of 32.33 feet to a point;

Thence South 79°28'03" West, a distance of 4.50 feet, across West Street to a point;

Thence North 10°31'57" West, a distance of 32.33 feet to a point;

Thence North 79°28'03" East, a distance of 4.50 feet to the TRUE POINT OF BEGINNING, and containing 0.003 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TITLON, INC.

Edward J. Miller

Registered Surveyor No. 8250

Section 3. That for the reasons 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.