



## Legislation Text

**File #:** 1598-2024, **Version:** 1

**BACKGROUND:** This ordinance will amend ordinance 3480-2023, passed January 10, 2024, to correct encroachment easement measurements to legally allow a historic canopy/awning to remain within the public right-of-way along the south side of East 20<sup>th</sup> Avenue. This amendment is necessary to accommodate revisions to the size of the encroachment easement based on a new survey completed as a part of the request.

**FISCAL IMPACT:** No funding is required by this legislation.

To amend Ordinance 3480-2023, passed January 10, 2024, to revise encroachment easement measurements to legally allow a historic canopy/awning to remain within the public right-of-way along the south side of East 20<sup>th</sup> Avenue. (\$0.00)

**WHEREAS,** the City of Columbus, Department of Public Service, received a request from The Ohio State University, asking that the City allow a historic canopy/awning to remain within the public right-of-way along the south side of East 20<sup>th</sup> Avenue; and

**WHEREAS,** on January 10, 2024 Columbus City Council passed Ordinance 3480-2023 authorizing the Director of Public Service to grant encroachments to legally allow a historic canopy/awning to remain within the public right-of-way; and

**WHEREAS,** it is necessary to amend Ordinance 3480-2023 to reflect the changes in the measurements of the defined encroachment based on a new survey completed as a part of the project; and

**WHEREAS,** the following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant these encroachments to legally allow this item to remain within the public rights-of-way. Allowing this element to remain will retain the historical canopy/awning and meet the architectural desire;  
**NOW, THEREFORE,**

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

**SECTION 1.** That Section 1 of Ordinance 3480-2023, passed January 10, 2024, is hereby amended to revise the encroachment easement measurements to allow a historic canopy/awning to remain with the public right of way as follows, with additions in underline and deletions in strikethrough:

**SECTION 1.** Authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant these encroachments to legally allow this item to remain within the public rights-of-way. Allowing this element to remain will retain the historical canopy/awning and meet the architectural desire; to-wit:

### **3 Dimensional Encroachment Easement**

**0.001 0.004 Acres (~~53.33~~ 160.35 Square Feet)**

**Between Elevations ~~826'~~ 816' and ~~829'~~ 830' NAVD 88**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 1, Range 18, United States Military Lands, and being a strip of land between elevations ~~826'~~ 816' and ~~829'~~ 830' out of Block 13

of a plat entitled Indianola Summit Addition, of record in Plat Book 5, Page 141, being a 10.046 acre tract of land as conveyed to Board of Trustees of The Ohio State University, of record in Instrument Number 201809270131062, all document references are to the records the Recorder's Office of Franklin County Ohio and being more particularly described as follows:

**BEGINNING FOR REFERENCE** at a northwesterly corner of said 10.046 acre tract of land, being the intersection of the southerly right of way line 20<sup>th</sup> Avenue (60' public right of way), of record in Plat Book 5, Page 140 with the easterly right of way line of an unnamed 16 foot public right of way alley, of record in Plat Book 5, Page 140;

Thence South 86°05'49" East, with said southerly right of way line, a distance of ~~57.64~~ **56.74** feet to the **TRUE POINT OF BEGINNING**;

Thence through the right of way of said 20<sup>th</sup> Avenue the following courses:

North 4°04'24" East, a distance of ~~2.70~~ **7.74** feet to a point;

South 85°55'36" East, a distance of ~~20.00~~ **20.80** feet to a point;

South 4°04'24" West, a distance of ~~2.64~~ **7.68** feet to a point in said southerly right of way line;

Thence North ~~86°05'49"~~ **86°05'25"** West, with said southerly right of way line, a distance of ~~20.00~~ **20.80** feet to the **POINT OF BEGINNING** and containing ~~0.004~~ **0.004** acres of land (~~53.33~~ **160.35** square feet), more or less;

**Subject to all covenants, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.**

The bearings are referenced to the south line of Norwich Avenue having a bearing of South 86°10'42" East  
As determine by GPS observations using ODOT VRS network, based on NAD83 (2011), Ohio State Plane South Zone and NAVD 88. CESO, Inc.

**SECTION 2.** That existing Section 1 of Ordinance No. 3480-2023 is hereby repealed.

**SECTION 3.** 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).

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