



Legislation Text

File #: 0829-2012, **Version:** 1

1. BACKGROUND

It has been discovered that two existing air conditioner units are currently located in the City of Columbus' ("City") right of way, located in the vicinity of Lynn Street and North High Street, commonly known as Lynn Alley (related to the City's 2853 Dr. E plans). The owner of the air conditioners, 24 North High Company, an Ohio general partnership, has requested that the City grant a Quitclaim Deed of Encroachment Easement to allow the air conditioners to remain on City property.

The Department of Public Service has determined that granting of the easements will not adversely affect the City and should be allowed for so long as the land is used for the purposes to be set forth by the City in the Quitclaim Deed of Encroachment Easement. In exchange, the partnership will release an existing encroachment easement recorded in Instrument Number 199809180237392, Recorder's office Franklin, County, Ohio.

The following ordinance is to authorize the Director of the Department of Public Services to execute a Quitclaim Deed of Encroachment Easement.

2. FISCAL IMPACT: N/A

3. EMERGENCY DESIGNATION:

Emergency action is requested to authorize these easements at the earliest possible time to allow the Alley Rehabilitation - Downtown Special Improvement District Project to proceed as scheduled.

To authorize the Director of the Department of Public Service to execute a Quitclaim Deed of Encroachment Easement necessary to grant 24 North High Company, an Ohio general partnership, the right to keep two air conditioners in the City's right of way, located in the vicinity of Lynn Street and North High Street, commonly known as Lynn Alley (related to the City's 2853 Dr. E plans), and to declare an emergency.

WHEREAS, it has been discovered that two existing air conditioner units are currently in the City's right of way, located in the vicinity of Lynn Street and North High Street, commonly known as Lynn Alley (related to the City's 2853 Dr. E plans); and

WHEREAS, the owner of the air conditioners, 24 North High Company, an Ohio general partnership, has requested that the City grant an Quitclaim Deed of Encroachment Easement to allow the air conditioners to remain on City property; and

WHEREAS, the Department of Public Service has determined that granting of the easements will not adversely affect the City and should be allowed for so long as the land is used for the purposes to be set forth by the City in the Quitclaim Deed of Encroachment Easement; and

WHEREAS, in exchange, the partnership will release an existing encroachment easement recorded in Instrument Number 199809180237392, Recorder's office Franklin, County, Ohio; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, in that it is necessary to immediately authorize the Director of the Department of Public Service, to execute a Quitclaim Deed of Encroachment Easement to grant 24 North High Company, an Ohio general partnership the right to encroach on certain City real property, to allow the Alley Rehabilitation - Downtown SID project to proceed as scheduled, for the immediate 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 Services, be and hereby is authorized to execute those documents, as prepared and approved by the City Attorney's Office, Department of Law, Real Estate Division, necessary to grant a Quitclaim Deed of Encroachment Easement unto 24 North High Company, an Ohio general partnership, in and to the following described real property in exchange for the release of an existing encroachment easement recorded in Instrument Number 199809180237392, Recorder's office Franklin, County, Ohio:

**0.0005 ACRE
EASEMENT
DESCRIPTION**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 16, Township 5 North, Range 22 West, Refugee Lands, and being a 0.0005 acre (22 square feet) easement area within Lynn Street (33' wide), a public road right-of-way, as said Lynn Street is depicted on the Plat of Inlots to the City of Columbus, of record in Plat Book 3, Page 248, and Plat Book 14, Page 27, all record references cited herein being of the Franklin County Recorder's Office, Columbus, Ohio, and said 0.0005 acre easement area being more particularly bounded and described as follows:

Beginning for reference at the centerline intersection of North High Street (100' wide) with said Lynn Street, thence N 81° 43'28" E, along the centerline of Lynn Street and passing the easterly right-of-way line to N. High Street at 50.00 feet, a total distance of 204.66 feet to a point;

Thence S 08° 16'32" E, perpendicular to said centerline of Lynn Street, a distance of 11.00 feet to a point at the northwesterly corner and the true point of beginning of the easement area herein described;

Thence N 81° 43'28" E, a distance of 4.00 feet to a point;

Thence S 08° 16'32" E, a distance of 5.50 feet to a point on the southerly right-of-way line to Lynn Street and the northerly line of a 25 foot strip of land as described in a Quit-Claim Deed to 24 North High Company, of record in Official Record Volume 15572, Page F04;

Thence S 81° 43'28" W, along the southerly right-of-way line to Lynn Street and the northerly line of said 24 North High Company parcel, a distance of 4.00 feet to a point;

Thence N 08° 16'32" W, into said Lynn Street, a distance of 5.50 feet to the true point of beginning, containing 0.0005 acres, more or less, and being subject to all rights-of-way, easements, restrictions and covenants of record.

The bearings as described herein are based upon the centerline bearing of Lynn Street, being N 81° 43'28" E, as calculated through GPS observation of Franklin County Survey Control Monumentation and site topographic features. Franklin County Survey Control monuments observed for horizontal alignment were station designations "TACKETT" and "MORLAN", with the bearing of the line connecting the two stations being S 08° 32'13" E, as established by the Franklin County Engineer's Office. Bearings are based upon the Ohio State Plane Coordinate System, Ohio South Zone NAD 83 (NSRS 2007).

This easement description was prepared by Dwight A. Tillis, Ohio Registered Surveyor Number P.S. 7807, of P & L Systems, Inc., in March, 2012, from record information and from an actual field survey of the premises conducted in December, 2010, and is for easement purposes only.

**0.0006 ACRE
EASEMENT
DESCRIPTION**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 16, Township 5 North, Range 22 West, Refugee Lands, and being a 0.0006 acre (25 square feet) easement area out of Lynn Street (33' wide), a public road right-of-way, as said Lynn Street is depicted on the Plat of Inlots to the City of Columbus, of record in Plat Book 3, Page 248, and Plat Book 14, Page 27, all record references cited herein being of the Franklin County Recorder's Office, Columbus, Ohio, and said 0.0006 acre easement area being more particularly

bounded and described as follows:

Beginning for reference at the centerline intersection of North High Street (100' wide) with said Lynn Street, thence N 81° 43'28" E, along the centerline of Lynn Street and passing the easterly right-of-way line to N. High Street at 50.00 feet, a total distance of 112.66 feet to a point;

Thence S 08° 16'32" E, perpendicular to said centerline of Lynn Street, a distance of 11.50 feet to a point at the northwesterly corner and the true point of beginning of the easement area herein described;

Thence N 81° 43'28" E, a distance of 5.00 feet to a point;

Thence S 08° 16'32" E, a distance of 5.00 feet to a point on the southerly right-of-way line to Lynn Street and the northerly line of a 25 foot strip of land as described in a Quit-Claim Deed to 24 North High Company, of record in Official Record Volume 15572, Page F04;

Thence S 81° 43'28" W, along the southerly right-of-way line to Lynn Street and the northerly line of said 24 North High Company parcel, a distance of 5.00 feet to a point;

Thence N 08° 16'32" W, into said Lynn Street, a distance of 5.00 feet to the true point of beginning, containing 0.0006 acres, more or less, and being subject to all rights-of-way, easements, restrictions and covenants of record.

The bearings as described herein are based upon the centerline bearing of Lynn Street, being N 81° 43'28" E, as calculated through GPS observation of Franklin County Survey Control Monumentation and site topographic features. Franklin County Survey Control monuments observed for horizontal alignment were station designations "TACKETT" and "MORLAN", with the bearing of the line connecting the two stations being S 08° 32'13" E, as established by the Franklin County Engineering Department. Bearings are based upon the Ohio State Plane Coordinate System, Ohio South Zone NAD 83 (NSRS 2007).

This easement description was prepared by William Weber, Ohio Registered Surveyor Number P.S. 7808, of P & L Systems, Inc., in March, 2012, from record information and from an actual field survey of the premises conducted in December, 2010, and is for easement purposes only.

SECTION 2. 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 its passage if the Mayor neither approves nor vetoes the same.