



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 0048-2016, **Version:** 1

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### **BACKGROUND**

A fence encroaching into the public rights-of-way was requested by the Vorys Legal Counsel for their client, the KIPP Columbus Foundation, during the plan development phase of the KIPP School Project. This project is located at 2800 Inspire Drive. KIPP goals are to create a respected, influential, and national network of public schools that are successful in helping students from educationally underserved communities develop the knowledge, skills, character and habits needed to succeed in college and the competitive world beyond. The encroachment is a four-board fence approximately 54 inches tall for the safety and security of the students. The fence will be along the north side of Agler Road within the easement areas as defined below. The following legislation authorizes the Director of the Department of Public Service to execute any documents necessary to grant encroachment easements for the proposed fence into the public rights-of-way. A value of \$500.00 was established for these encroachment easements.

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

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 fence within those public rights-of-way needed for the KIPP School Project.

**WHEREAS**, a fence encroaching into the public rights-of-way was requested by the Vorys Legal Counsel for their client, the KIPP Columbus Foundation, during the plan development phase of the KIPP School Project; and

**WHEREAS**, the encroachments is a four-board fence approximately 54 inches tall for the safety and security of the students located along the north side of Agler Road within the easement areas as defined below; and

**WHEREAS**, a value of \$500.00 was established for these encroachment easements; 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:

#### **0.047 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, being on, over and across that 0.392 acre tract conveyed to the City of Columbus, Ohio by deed of record in Instrument Number 201403210034337 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 5159 found at an angle point in the centerline of said Agler Road;

Thence North 88° 05' 50" East, with said centerline, a distance of 72.86 feet to a point;

Thence North 01° 54' 10" West, across said Agler Road, said 0.392 acre tract, a distance of 22.62 feet to the TRUE

POINT OF BEGINNING;

Thence with the arc of a curve to the right, having a central angle of  $75^{\circ} 24' 45''$ , a radius of 24.35 feet, an arc length of 32.05 feet, a chord bearing of North  $52^{\circ} 31' 42''$  West and chord distance of 29.78 feet to a point in the southerly line of that 0.38 acre tract conveyed to Kipp Columbus Foundation by deed of record in Instrument Number 201309130156560, the northerly right-of-way line of said Agler Road;

Thence with said southerly line, said northerly right-of-way line, with the arc of a curve to the left, having a central angle of  $00^{\circ} 13' 38''$ , a radius of 2148.74 feet, an arc length of 8.52 feet, a chord bearing of South  $88^{\circ} 30' 46''$  East and chord distance of 8.52 feet to a point;

Thence across said 0.392 acre tract, the following courses and distances:

with the arc of a curve to the left, having a central angle of  $66^{\circ} 59' 55''$ , a radius of 16.35 feet, an arc length of 19.12 feet, a chord bearing of South  $56^{\circ} 44' 07''$  East and chord distance of 18.05 feet to a point of tangency;

North  $88^{\circ} 41' 24''$  East, a distance of 66.58 feet to a point of curvature;

with the arc of a curve to the left, having a central angle of  $01^{\circ} 10' 08''$ , a radius of 3815.39 feet, an arc length of 77.84 feet, a chord bearing of North  $88^{\circ} 24' 46''$  East and chord distance of 77.84 feet to a point;

North  $82^{\circ} 23' 49''$  East, a distance of 42.63 feet to a point;

North  $78^{\circ} 37' 29''$  East, a distance of 7.61 feet to a point of curvature;

with the arc of a curve to the left, having a central angle of  $85^{\circ} 30' 52''$ , a radius of 14.50 feet, an arc length of 21.64 feet, a chord bearing of North  $40^{\circ} 07' 44''$  East and chord distance of 19.69 feet to a point of tangency; and

North  $02^{\circ} 37' 43''$  West, a distance of 4.21 feet to a point in said northerly right-of-way line, the southerly line of that 92.785 acre tract conveyed to Kipp Columbus Foundation by deed of record in Instrument Number 201306280109414;

Thence North  $40^{\circ} 21' 57''$  East, with said northerly right-of-way line, a distance of 2.95 feet to a point;

Thence North  $88^{\circ} 05' 50''$  East, continuing with said northerly right-of-way line, a distance of 5.99 feet to a point;

Thence across said 0.392 acre tract, the following courses and distances:

South  $02^{\circ} 37' 43''$  East, a distance of 6.29 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of  $84^{\circ} 40' 26''$ , a radius of 22.50 feet, an arc length of 33.25 feet, a chord bearing of South  $39^{\circ} 42' 30''$  West and chord distance of 30.31 feet to a point of tangency;

South  $78^{\circ} 37' 29''$  West, a distance of 7.61 feet to a point; and

South  $82^{\circ} 23' 49''$  West, a distance of 8.05 feet to a point in the northerly line of that 0.2650 acre tract conveyed to the Franklin County Commissioners by deed of record in Official Record 31110C02;

Thence South  $88^{\circ} 05' 50''$  West, with the line common to said 0.392 and 0.2650 acre tracts, a distance of 1.84 feet to a point;

Thence South  $04^{\circ} 05' 51''$  West, continuing with said common line, a distance of 0.19 feet to a point;

Thence across said 0.392 acre tract, the following courses and distances:

South 82° 23' 49" West, a distance of 33.36 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 01° 10' 28", a radius of 3823.39 feet, an arc length of 78.37 feet, a chord bearing of South 88° 24' 35" West and chord distance of 78.37 feet to a point of tangency; and

South 88° 41' 29" West, a distance of 66.70 feet to the TRUE POINT OF BEGINNING, containing 0.047 acre, more or less.

**0.035 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, being on, over and across that 0.392 acre tract conveyed to the City of Columbus, Ohio by deed of record in Instrument Number 201403210034337 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 5159 found at an angle point in the centerline of said Agler Road;

Thence North 88° 05' 50" East, with said centerline, a distance of 464.61 feet to a point;

Thence North 01° 54' 10" West, across said Agler Road, that 0.2650 acre tract conveyed to the Franklin County Commissioners by deed of record in Official Record 31110C02 and said 0.392 acre tract, a distance of 31.57 feet to the TRUE POINT OF BEGINNING;

Thence across said 0.392 acre tract, with the arc of a curve to the right, having a central angle of 65° 55' 41", a radius of 27.60 feet, an arc length of 31.76 feet, a chord bearing of North 52° 12' 58" West and chord distance of 30.04 feet to a point in the northerly right-of-way line of said Agler Road, the southerly line of that 92.785 acre tract conveyed to Kipp Columbus Foundation by deed of record in Instrument Number 201306280109414;

Thence South 63° 42' 10" East, with said northerly right-of-way line, a distance of 28.05 feet to a point;

Thence North 88° 05' 50" East, continuing with said northerly right-of-way line, a distance of 140.37 feet to a point;

Thence South 80° 35' 35" East, across said 0.392 acre tract, a distance of 41.19 feet to a point;

Thence continuing across said 0.392 acre tract, with the arc of a curve to the left, having a central angle of 01° 49' 10", a radius of 3361.40 feet, an arc length of 106.74 feet, a chord bearing of South 89° 31' 43" East and chord distance of 106.74 feet to a point in the northerly line of said 0.2650 acre tract;

Thence South 88° 05' 50" West, with the line common to said 0.392 and 0.2650 acre tracts, a distance of 125.33 feet to a point;

Thence across said 0.392 acre tract, the following courses and distances:

North 80° 35' 35" West, a distance of 33.15 feet to a point;

South 88° 05' 50" West, a distance of 125.64 feet to a point; and

South 88° 50' 18" West, a distance of 5.54 feet to the TRUE POINT OF BEGINNING, containing 0.035 acre, more or less.

**0.105 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, being on, over and across that 0.2650 acre tract conveyed to the Franklin County Commissioners by deed of record in Official Record 31110C02 and that 4.556 acre tract conveyed to the Franklin County Commissioners by deed of record in Deed Book 3632, Page 196 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 5159 found at an angle point in the centerline of said Agler Road;

Thence North  $88^{\circ} 05' 50''$  East, with said centerline, a distance of 628.29 feet to a point;

Thence North  $01^{\circ} 54' 10''$  West, across said Agler Road, said 0.2650 acre tract, a distance of 25.00 feet to a point in the southerly line of that 0.392 acre tract conveyed to the City of Columbus, Ohio by deed of record in Instrument Number 201403210034337, the TRUE POINT OF BEGINNING;

Thence North  $88^{\circ} 05' 50''$  East, with the line common to said 0.2650 and 0.392 acre tracts, a distance of 125.33 feet to a point;

Thence across said 0.2650 and 4.556 acre tracts, the following courses and distances:

with the arc of a curve to the left, having a central angle of  $00^{\circ} 26' 40''$ , a radius of 3361.40 feet, an arc length of 26.08 feet, a chord bearing of North  $89^{\circ} 20' 22''$  East and chord distance of 26.08 feet to a point of compound curvature;

with the arc of a curve to the left, having a central angle of  $06^{\circ} 15' 52''$ , a radius of 481.95 feet, an arc length of 52.69 feet, a chord bearing of North  $85^{\circ} 32' 15''$  East and chord distance of 52.67 feet to a point of compound curvature;

with the arc of a curve to the left, having a central angle of  $01^{\circ} 59' 11''$ , a radius of 2834.10 feet, an arc length of 98.26 feet, a chord bearing of North  $80^{\circ} 45' 58''$  East and chord distance of 98.25 feet to a point of tangency;

North  $80^{\circ} 21' 11''$  East, a distance of 36.00 feet to a point;

North  $78^{\circ} 02' 20''$  East, a distance of 275.24 feet to a point;

South  $11^{\circ} 57' 40''$  East, a distance of 8.00 feet to a point;

South  $78^{\circ} 02' 20''$  West, a distance of 275.24 feet to a point;

South  $80^{\circ} 20' 35''$  West, a distance of 36.28 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of  $01^{\circ} 59' 12''$ , a radius of 2842.10 feet, an arc length of 98.55 feet, a chord bearing of South  $80^{\circ} 46' 01''$  West and chord distance of 98.54 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of  $06^{\circ} 16' 24''$ , a radius of 489.95 feet, an arc length of 53.65 feet, a chord bearing of South  $85^{\circ} 32' 12''$  West and chord distance of 53.62 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of  $02^{\circ} 16' 26''$ , a radius of 3369.40 feet, an arc length of 133.73 feet, a chord bearing of North  $89^{\circ} 44' 47''$  West and chord distance of 133.72 feet to a point; and

North  $80^{\circ} 35' 35''$  West, a distance of 18.02 feet to the TRUE POINT OF BEGINNING, containing 0.105 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

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