



Legislation Text

File #: 1462-2024, **Version:** 1

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from Korda on behalf of the owner of the site, Verge Developments LLC, asking that the City allow a retaining wall to encroach into the public right-of-way. This encroachment consist of a retaining wall along the north side of Wilcox Street, east of Pearl Street and parallel to parcel 010-031637. The project is located at 28-30 Wilcox Street.

This project consist of a demolition of and existing buildings and building of a four (4) story apartment building with covered parking, restaurant space, office space, and new two story townhouses with attached garage. This encroachment is located within the right-of-way as indicated above and the easement is described below and within the attached exhibits.

The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant this encroachment and legally allow it to extend into the public rights-of-way. Allowing this element into the public right-of-way will allow for the grading and retention of earth to protect the abutting property and fit into the architectural desire. A value of \$500.00 for the encroachment easement was established.

2. FISCAL IMPACT

The City will receive a total of \$500.00, to be deposited in Fund 7748, Project P537650, for granting the requested encroachment.

To authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant an encroachment along the north side of Wilcox Street to Verge Developments LLC and legally allow a retaining wall to extend into the public rights-of-way. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from Korda on behalf of the owner of the site, Verge Developments LLC, asking that the City allow a retaining wall to encroach into the public right-of-way. This encroachment consist of a retaining wall along the north side of Wilcox Street, east of Pearl Street and parallel to parcel 010-031637. The project is located at 28-30 Wilcox Street; and

WHEREAS, this project consist of a demolition of and existing buildings and building of a four (4) story apartment building with covered parking, restaurant space, office space, and new two story townhouses with attached garage. This encroachment is located within the right-of-way as indicated above and the easement is described below and within the attached exhibits; and

WHEREAS, the following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant this encroachment and legally allow it to extend into the public rights-of-way. Allowing this element into the public right-of-way will allow for the grading and retention of earth to protect the abutting property and fit into the architectural desire; and

WHEREAS, a value of \$500.00 for the encroachment easements was established; **NOW, THEREFORE**,

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

SECTION 1. That the Director of the Department of Public Service is hereby authorized to execute those documents necessary for the City to grant this encroachment and legally allow it to extend into the public rights-of-way. Allowing this element into the public right-of-way will allow for the grading and retention of earth to protect the abutting property and fit into the architectural desire; to-wit:

**3 Dimensional Encroachment Easement
FROM 800.20' (NAVD 88) TO 805.70' (NAVD 88)
0.011 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Quarter Township 3, Township 1, Range 18, United States Military Lands, and also being part of the existing right of way of Wilcox Street (originally platted as South Street, 45' wide) as dedicated in the recorded plat of Samuel Kinnear's East Addition of Inlots to North Columbus, Ohio (Plat Book 1, Page 222) and part of a 0.003-Acre tract as conveyed to City of Columbus, Ohio by deed of record in Instrument Number 201907120085080, of the Recorder's Office, Franklin County, Ohio and being further described as follows:

Beginning at a 5/8" iron pin found, on grade, at the intersection of the existing northerly right of way of Wilcox Street (Originally platted as South Street, 45' wide, in Plat Book 1, Page 222) with the existing easterly right of way of Pearl Street (width varies), said point also being the southeasterly corner of said City of Columbus, Ohio tract and the southwesterly corner of a 0.153-acre tract as conveyed to Verge Developments, LLC by deed of record in Instrument Number 201807240098750;

Thence along the existing northerly right of way of Wilcox Street and the southerly line of said Verge Developments, LLC tract, **North 78° 43' 46" East** for a distance of **82.71 feet** (passing a 5/8" iron pin found, on grade, at 80.75 feet) to a point on the southerly line of a 0.104-acre tract as conveyed to Michael J. Hoza by deed of record in Instrument Number 200307100211238, between elevations 800.20' and 805.70';

Thence across the existing right of way of Wilcox Street, **South 11° 16' 14" East** for a distance of **5.14 feet** to a point, between elevations 800.20' and 805.70';

Thence continuing across the existing right of way of Wilcox Street, **South 78° 21' 31" West** for a distance of **84.46 feet** to a point, between elevations 800.20' and 805.70';

Thence continuing across the existing right of way of Wilcox Street and along the westerly line of said City of Columbus, Ohio tract extended, **North 11° 15' 29" West** for a distance of **6.53 feet** (passing a 5/8" iron pin found, on grade, at 5.69 feet) to a point, between elevations 800.20' and 805.70';

Thence across said City of Columbus, Ohio tract, **North 78° 43' 46" East** for a distance of **1.75 feet** to a point on the existing easterly right of way of Pearl Street and the westerly line of said Verge Developments, LLC tract, between elevations 800.20' and 805.70';

Thence along the existing easterly right of way of Pearl Street and the westerly line of said Verge Developments, LLC tract, **South 11° 15' 56" East** for a distance of **0.84 feet** to the **Point of Beginning**, between elevations 800.20' and 805.70', and containing **0.011 acres**, more or less, and subject to all other legal easements and rights of way.

The above-described area shall encompass the concrete retaining wall (including foundations) located at the northeasterly corner of Wilcox Street and Pearl Street. The vertical limits are specifically identified as being from elevation 800.20' to 805.70'. The existing sidewalk elevation adjacent to the concrete retaining wall varies from 802.70' to 803.67'.

Bearings are based on the northerly line of Wilcox Street being N 78° 43' 46" E as shown on a survey by Landmark Surveying dated September 17, 2018.

Elevations are based on North American Vertical Datum of 1988 (NAVD 88). Source Benchmark is Franklin County Survey Control Designation "FCGS 725", having an elevation of 776.10'.

This description was prepared by D. Kyle Saunders, Ohio Professional Surveyor No. 8906 from an actual field survey performed in May of 2019 by Korda/Nemeth Engineering, Inc.

SECTION 2. 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 3. That the City will receive a total of \$500.00 to be deposited in Fund 7748, Project P537650, for granting the requested easement.

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