Legislation Details (With Text)

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On agenda:	2/4/2019	**Final action:**	2/6/2019
Title:	To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachments within the public right-of-ways requested for the project known as Luxe 23 located at the northwest corner of West Third Avenue and North High Street. ($0.00)		
Sponsors:			
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Attachments:	1. 0147-2019 Exhibit.pdf		

Date	Ver.	Action By	Action	Result
2/6/2019	1	CITY CLERK	Attest	
2/5/2019	1	MAYOR	Signed	
2/4/2019	1	COUNCIL PRESIDENT	Signed	
2/4/2019	1	Columbus City Council	Approved	Pass
1/28/2019	1	Columbus City Council	Read for the First Time	

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from the property owner, Luxe 23 LLC, asking that the City allow two encroachments into the public right-of-way for their project known as Luxe 23 located at the northwest corner of West Third Avenue and North High Street. This project is a five-story mixed use development consisting of restaurant and retail on the street level, residential above, with a two level parking structure. The encroachments will consist of two canopies that will protrude into the public right-of-way as described below and shown on the attached exhibit. 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 them to extend into the public rights -of-way. Installation of these building elements will enhance the building and fit into the architectural desire. A value of $500.00 for the encroachment easements 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 authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachments within the public right-of-ways requested for the project known as Luxe 23 located at the northwest corner of West Third Avenue and North High Street. ($0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from the property owner, Luxe 23 LLC, asking that the City allow two encroachments into the public right-of-way for their project known as Luxe 23 located at the Northwest corner of West Third Avenue and North High Street; and

WHEREAS, this project is a five-story mixed use development consisting of restaurant and retail on the street level, residential above, with a two level parking structure. The encroachment will consist of two canopies that will protrude

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into the public right-of-way as described below and shown on the attached exhibit; 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 them to extend into the public rights-of-way. Installation of these building elements will enhance the building and fit into the architectural desire; and

WHEREAS, a value of $500.00 for the encroachment easement was established to be deposited in Fund 7748, Project P537650; **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 authorized to execute those documents necessary for the City to grant encroachments to legally allow them to extend into the public rights-of-way. Installation of these building elements will enhance the building and fit into the architectural desire, and the encroachments are described below and depicted on the attached exhibit; to-wit:

ENCROACHMENT EASEMENT #1 ~ 0.001 ACRE
Between elevation 769.00 to 771.00

Situated in the State of Ohio, County of Franklin, City of Columbus, and being 0.001 acre of land, said 0.001 acre being part of that tract of land as conveyed to the City of Columbus, Ohio of record in Deed Book 660, Page 306, being located within the right-of-way of North High Street and being located within the right-of-way of West Third Avenue, said 0.001 acre being more particularly described as follows:

Beginning at the southwesterly corner of said City of Columbus tract, said corner also being southeasterly corner of the Wm. A Hershiser's Resident Lot as shown on the record plat for Hershiser's Corrected Second Amendment Plat of Lots 11, 12, 13, 14 and 15 of Hershiser's and Aston's Addition to the City of Columbus, Ohio of record in Plat Book 4, Page 9 and being at the right-of-way intersection of the westerly right-of-way line of said North High Street and the northerly right-of-way line of said West Third Avenue;

Thence **N 08° 15' 08" W,** with the westerly line of said City of Columbus, Ohio tract, the easterly line of said Residence Lot tract and along said westerly right-of-way line, **13.00 feet** to a point;

Thence across said City of Columbus tract, across the right-of-way of said North High Street and across the right-of-way of said West Third Avenue, the following four (4) courses and distances:
S 69° 26' 24" E, 1.50 feet to an angle point;
S 08° 15' 08" E, 14.50 feet to an angle point;
N 86° 47' 54" W, 21.44 feet to an angle point;
N 03° 12' 06" E, 1.92 feet to a point in the southerly line of said Residence Lot tract and said northerly right-of-way line of said West Third Avenue;

Thence **S 86° 47' 54" E,** with said common line, **19.72 feet** to the ***True Point of Beginning***, containing **0.001 acres** (57.6+/- Square Feet, 720.0+/- Cubic Feet).

The described easement areas shall encompass the canopy for the building. The vertical limits are specifically identified as being from elevation 769.00 to 771.00 on the southerly canopy. The existing sidewalk elevation below the canopy is 756.60' for the southerly canopy.

The horizontal bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS 2007 adjustment) with the westerly line of High Street being S 08°15'08" E. The vertical elevations shown are based on NAVD88 (Geoid 12B).

This description is based on existing records of the Franklin County Auditor's and Recorder's Offices, and an actual field

survey made by Advanced Civil Design, Inc. A drawing of the above description has been prepared and made a part hereof.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio, unless otherwise noted.

ENCROACHMENT EASEMENT #2 ~ 0.002 ACRE
Between elevation 769.00 to 772.00

Situated in the State of Ohio, County of Franklin, City of Columbus, and being 0.002 acre of land, said 0.002 acre being part of that tract of land as conveyed to the City of Columbus, Ohio of record in Deed Book 660, Page 306 and also being located within the right-of-way of North High Street, said 0.002 acre being more particularly described as follows:

Beginning, for Reference, at the northwesterly corner of said City of Columbus tract, said corner also being northeasterly corner of the Wm. A Hershiser's Resident Lot as shown on the record plat for Hershiser's Corrected Second Amendment Plat of Lots 11, 12, 13, 14 and 15 of Hershiser's and Aston's Addition to the City of Columbus, Ohio of record in Plat Book 4, Page 9 and being in the westerly right-of-way line of said North High Street;

Thence **S 08° 05' 08" E,** with the westerly line of said City of Columbus, Ohio tract, the easterly line of said Residence Lot tract and along said westerly right-of-way line, **79.75 feet** to the ***True Point of Beginning***;

Thence across said City of Columbus tract and across said right-of-way, the following three (3) courses and distances:
N 81° 44' 52" E, 3.75 feet to an angle point;
S 08° 15' 08" E, 21.00 feet to an angle point;
S 81° 44' 52" W, 3.75 feet to a point in the westerly line of said City of Columbus, Ohio tract, the easterly line of said Residence Lot tract and said westerly right-of-way line;

Thence **N 08° 15' 08" W,** with said common line, **21.00 feet** to the ***True Point of Beginning***, containing **0.002 acres** (78.7+/- Square Feet, 945+/- Cubic Feet).

The described easement areas shall encompass the canopy for the building. The vertical limits are specifically identified as being from elevation 769.00' to 772.00' on the northerly canopy. The existing sidewalk elevation below the canopy is 756.90' for the northerly canopy.

The horizontal bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS 2007 adjustment) with the westerly line of High Street being S 08°15'08" E. The vertical elevations shown are based on NAVD88 (Geoid 12B).

This description is based on existing records of the Franklin County Auditor's and Recorder's Offices, and an actual field survey made by Advanced Civil Design, Inc. A drawing of the above description has been prepared and made a part hereof.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio, unless otherwise noted.

SECTION 2. That a value of $500.00 for the encroachment easement was established to be deposited in Fund 7748, Project P537650.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.