



## Legislation Details (With Text)

**File #:** 1163-2020      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/6/2020      **In control:** Public Service & Transportation Committee

**On agenda:** 6/1/2020      **Final action:** 6/5/2020

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachments into the public right-of-way requested by McNaughten Road Real Estate Project for their project on McNaughton Road just north of Baskerville Drive. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit

Date	Ver.	Action By	Action	Result
6/5/2020	1	CITY CLERK	Attest	
6/4/2020	1	MAYOR	Signed	
6/1/2020	1	COUNCIL PRESIDENT	Signed	
6/1/2020	1	Columbus City Council	Approved	Pass
5/18/2020	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, McNaughten Road Real Estate Project, asking that the City allow a retaining wall approximately four feet in height, and fencing installed on top of the retaining wall approximately five feet in height, to encroach into the public right-of-way. This encroachment is for their project located along the west side of McNaughten Road just north of Baskerville Drive as designed in the approved plans known as Improvements of McNaughten Road. These plans were filed at the City of Columbus Engineer's Office under 3625 Drawer E plan.

This project will install a right-in/right-out driveway for McNaughton Road and a five foot long public sidewalk along McNaughton Road. The encroachment will consist of a wall and fencing along the sidewalk. The sidewalk is to be built over a culvert with a stream, and the wall and fencing is to protect the public by preventing falls into the culvert. They will protrude into the public right-of-way as described below, as shown on the attached exhibit, and within the approved 3625 Drawer E plan. 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 the wall and fencing to extend into the public rights-of-way. Installation of these elements will provide safety to anyone using the public sidewalk. 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 authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachments into the public right-of-way requested by McNaughten Road Real Estate Project for their project on McNaughton Road just north of Baskerville Drive. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from the property owner, McNaughten Road Real Estate Project, asking that the City allow encroachments into the public right-of-way for their project; and

**WHEREAS**, this project will install a right-in/right-out driveway for McNaughton Road and a five foot long public sidewalk along McNaughton Road; and

**WHEREAS**, the encroachment consists of a retaining wall with fencing installed on the wall to prevent falls into a culvert; and

**WHEREAS**, a value of \$500.00 for granting the encroachment easement was established, to be deposited in Fund 7748, Project P537650; and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director to execute those documents necessary for the City to grant this encroachment easement to legally allow the wall and fencing to extend into the public rights-of-way; **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 this encroachment to legally allow the wall and fencing to extend into the public rights-of-way; to-wit:

**Easement Description**  
**0.003 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 15, Section 11, Township 12, Range 21, Refugee Lands and being across that 0.057 acre tract conveyed to City of Columbus by deed of record in Deed Book 2742, Page 490 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

**Beginning**, for reference, in the westerly right-of-way line of McNaughten Road, in the easterly line of that 6.174 acre tract conveyed to McNaughten Road Real Estate Project, LLC by deed of record in Instrument Number 201812100166960, at the common corner of said 0.057 acre tract and that 0.362 acre tract conveyed to City of Columbus by deed of record in Instrument Number 201908050097632;

**Thence** North 04° 30' 36" East, with the westerly right-of-way line of said McNaughten Road, the line common to said 0.057 acre and 6.174 acre tracts, a distance of 9.67 feet to a point;

**Thence** across said McNaughten Road, said 0.057 acre tract, the following courses and distances:

South 85° 29' 24" East, a distance of 20.39 feet to the TRUE POINT OF BEGINNING;

North 07° 00' 01" East, a distance of 23.01 feet to a point;

South 82° 54' 18" East, a distance of 5.50 feet to a point;

South 07° 00' 01" West, a distance of 23.00 feet to a point;

North 82° 59' 59" West, a distance of 5.50 feet to the TRUE POINT OF BEGINNING, containing 0.003 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

**SECTION 2.** That a value of \$500.00 for granting 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.