



## Legislation Details (With Text)

**File #:** 2584-2022      **Version:** 1

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

**File created:** 9/16/2022      **In control:** Public Service & Transportation Committee

**On agenda:** 10/10/2022      **Final action:** 10/13/2022

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant aerial encroachments along West Broad Street, May Avenue and McDowell Street to The Gravity Project 3, LLC. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 2584-2022 Exhibit 0\_007Ac Footer.pdf, 2. Ord 2584-2022 Exhibit 0\_008Ac Aerial.pdf, 3. Ord 2584-2022 Exhibit 0\_030Ac Aerial.pdf, 4. Ord 2584-2022 Exhibit 0\_040Ac Aerial.pdf

Date	Ver.	Action By	Action	Result
10/13/2022	1	CITY CLERK	Attest	
10/12/2022	1	MAYOR	Signed	
10/10/2022	1	COUNCIL PRESIDENT	Signed	
10/10/2022	1	Columbus City Council	Approved	Pass
10/3/2022	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from The Gravity Project 3, LLC, asking that the City allow encroachments into the public right-of-way. These encroachments are along the south side of West Broad Street, East side of May Avenue, and West side of McDowell Street. This project consist of a 12 story mixed use building with garage parking on the lower levels. There is also an existing building on the site that will remain and be re-purposed as a leasing/amenity space. The encroachments will consist of balconies and foundations that will protrude into the public right-of-way as described below and shown 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 these encroachments to legally allow these private elements 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 has been 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 easements.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant aerial encroachments along West Broad Street, May Avenue and McDowell Street to The Gravity Project 3, LLC. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from The Gravity Project 3, LLC, asking that the City allow encroachments into the public right-of-way. These encroachments are along the south side of West Broad Street, East side of May Avenue, and West side of McDowell Street; and

**WHEREAS**, this project consist of a 12 story mixed use building with garage parking on the lower levels. There is also an existing building on the site that will remain and be re-purposed as a leasing/amenity space. The encroachments will consist of balconies, canopies, and foundations that will protrude into the public right-of-way as described below and

shown on the attached exhibits; and

**WHEREAS**, the installation of these building elements will enhance the building and fit into the architectural desire; and

**WHEREAS**, a value of \$500.00 to be deposited in Fund 7748, Project P537650, for the encroachment easements was established; 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 these private elements 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 be and is hereby authorized to execute those documents necessary and approved by the Real Estate Department, City Attorney's Office to grant the encroachments needed for the Gravity Phase III project, as generally depicted within Exhibit A, attached to this ordinance, along with the following described encroachment easements, depicted on the reference plans, and on the attached drawings/exhibits; to-wit:

**FOUNDATION ENCROACHMENT EASEMENT  
BETWEEN 5 FEET TO 10 FEET BELOW FINISH GRADE  
0.007 ACRES (283.50 SQUARE FEET)**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military Survey Number 1393, and being within the right-of-way for Broad Street (95-foot R/W width) adjacent to Lots 3, 4, and 5 of F.C. Sessions Western Addition to the City of Columbus, Ohio, as numbered and delineated on the record plat thereof, on file in Plat Book 2, Page 242 (all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio), adjacent to that tract of land described as Parcel I in a deed to FTON Property Partners OZ II LLC, of record in Instrument Number 202110070180736, and adjacent to that tract of land described as Tract VII (Parcel II) in a deed to FTON Property Partners OZ I LLC, of record in Instrument Number 202110120184383, and being further bounded and described as follows:

BEGINNING at the intersection of the existing south right-of-way line for Broad Street and the existing east right-of-way line for May Avenue (40-foot R/W width, f.k.a. Mead Street), being the northwest corner of said Lot 5, and being the northwest corner of said Parcel I;

Thence across the right-of-way for Broad Street for the following three (3) described courses:

1. North 08 degrees 53 minutes 15 seconds West, a distance of 3.50 feet to a point;
2. North 81 degrees 06 minutes 45 seconds East, along a line parallel to and 3.50 feet northerly from the existing south right-of-way line for Broad Street, a distance of 81.00 feet to a point;
3. South 08 degrees 53 minutes 15 seconds East, a distance of 3.50 feet to a point on the existing south right-of-way line for Broad Street, being the north line of said Lot 3, and being the north line of said Tract VII (Parcel II);

Thence South 81 degrees 06 minutes 45 seconds West, along the existing south right-of-way line for Broad Street, along the north line of said Lots 3, 4, and 5, along the north line of said Tract VII (Parcel II), along the north line of said Parcel I, a distance of 81.00 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 0.007 acres (283.50 square feet), all of which is located within the dedicated right-of-way for Broad Street and adjacent to Franklin County Auditor's parcel numbers 010-021196 and 010-057684.

This easement is further constrained to the 4.50-foot vertical space existing between elevation 707.00 feet (being 5.00 feet

below existing grade) and elevation 702.50 feet.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

Elevations are referenced to the North American Vertical Datum of 1988, as established utilizing a level circuit originating on Franklin County Bench Mark number 132 (Elevation: 718.721 feet).

This description was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438, is based on an actual field survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

**3 DIMENSIONAL AERIAL ENCROACHMENT EASEMENT  
DESCRIPTION OF 0.008 ACRES (364.50 SQUARE FEET)  
BETWEEN ELEVATION 723.00 FEET AND ELEVATION 751.00 FEET.**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military Survey Number 1393, and being within the right-of-way for Broad Street (95-foot R/W width) adjacent to Lots 3, 4, and 5 of F.C. Sessions Western Addition to the City of Columbus, Ohio, as numbered and delineated on the record plat thereof, on file in Plat Book 2, Page 242 (all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio), adjacent to that tract of land described as Parcel I in a deed to FTON Property Partners OZ II LLC, of record in Instrument Number 202110070180736, and adjacent to that tract of land described as Tract VII (Parcel II) in a deed to FTON Property Partners OZ I LLC, of record in Instrument Number 202110120184383, and being further bounded and described as follows:

BEGINNING at the intersection of the existing south right-of-way line for Broad Street and the existing east right-of-way line for May Avenue (40-foot R/W width, f.k.a. Mead Street), being the northwest corner of said Lot 5, and being the northwest corner of said Parcel I;

Thence across the right-of-way for Broad Street for the following three (3) described courses:

1. North 08 degrees 53 minutes 15 seconds West, a distance of 4.50 feet to a point;
2. North 81 degrees 06 minutes 45 seconds East, along a line parallel to and 4.50 feet northerly from the existing south right-of-way line for Broad Street, a distance of 81.00 feet to a point;
3. South 08 degrees 53 minutes 15 seconds East, a distance of 4.50 feet to a point on the existing south right-of-way line for Broad Street, being the north line of said Lot 3, and being the north line of said Tract VII (Parcel II);

Thence South 81 degrees 06 minutes 45 seconds West, along the existing south right-of-way line for Broad Street, along the north line of said Lots 3, 4, and 5, along the north line of said Tract VII (Parcel II), along the north line of said Parcel I, a distance of 81.00 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 0.008 acres (364.50 square feet), all of which is located within the dedicated right-of-way for Broad Street and adjacent to Franklin County Auditor's parcel numbers 010-021196 and 010-057684.

This easement is further constrained to the 28.00-foot vertical space existing between elevation 723.00 feet (being 11.00 feet above existing grade) and elevation 751.00 feet.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone)

and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

Elevations are referenced to the North American Vertical Datum of 1988, as established utilizing a level circuit originating on Franklin County Bench Mark number 132 (Elevation: 718.721 feet).

This description was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438, is based on an actual field survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

**3 DIMENSIONAL AERIAL ENCROACHMENT EASEMENT  
DESCRIPTION OF 0.030 ACRES (1,328.00 SQUARE FEET)  
BETWEEN ELEVATION 729.00 FEET AND ELEVATION 798.00 FEET.**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military Survey Number 1393, and being within the right-of-way for May Avenue (40-foot R/W width, f.k.a. Mead Steet), adjacent to Lot 5, Lots 43 through 55, inclusive, and that 15.5-foot alley of F.C. Sessions Western Addition to the City of Columbus, Ohio, as numbered and delineated on the record plat thereof, on file in Plat Book 2, Page 242 (all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio), adjacent to those tracts of land described as Parcel I, Parcel II, and Parcel III in a deed to FTON Property Partners OZ II LLC, of record in Instrument Number 202110070180736, and adjacent to that 0.622 acre tract of land described in a deed to FTON Property Partners OZ III LLC, of record in Instrument Number 202203210044829, and being further bounded and described as follows:

Commencing for reference at the intersection of the existing south right-of-way line for Broad Street (95-foot R/W width) and the existing east right-of-way line for May Avenue, being the northwest corner of said Lot 5, and being the northwest corner of said Parcel I;

Thence South 08 degrees 07 minutes 09 seconds East, along the east right-of-way line for May Avenue, along the west line of said Lot 5, and along the west line of said Parcel I, a distance of 117.78 feet to the TRUE POINT OF BEGINNING for this description;

Thence South 08 degrees 07 minutes 09 seconds East, continuing along the east right-of-way line for May Avenue, continuing along the west line of said Lot 5, continuing along the west line of said Parcel I, along the west most line of said 15.5-foot alley, along the west lines of said Parcel II and Parcel III, along the west line of said 0.622 acre tract, and along the west lines of said Lots 43 through 55, inclusive, a distance of 332.00 feet to a point;

Thence across the right-of-way for May Avenue for the following three (3) described courses:

1. South 81 degrees 52 minutes 51 seconds West, a distance of 4.00 feet to a point;
2. North 08 degrees 07 minutes 09 seconds West, along a line parallel to and 4.00 feet westerly from the existing east right-of-way line for May Avenue, a distance of 332.00 feet to a point;
3. North 81 degrees 52 minutes 51 seconds East, a distance of 4.00 feet to the TRUE POINT OF BEGINNING for this description.

The above description contains a total area of 0.030 acres (1,328.00 square feet), all of which is located within the dedicated right-of-way for May Avenue and adjacent to Franklin County Auditor's parcel numbers 010-021196, 010-050085, and 010-000899.

This easement is further constrained to the 69.00-foot vertical space existing between elevation 729.00 feet (being 19.00

feet above existing grade) and elevation 798.00 feet.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

Elevations are referenced to the North American Vertical Datum of 1988, as established utilizing a level circuit originating on Franklin County Bench Mark number 132 (Elevation: 718.721 feet).

This description was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438, is based on an actual field survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

**3 DIMENSIONAL AERIAL ENCROACHMENT EASEMENT  
DESCRIPTION OF 0.040 ACRES (1,748.00 SQUARE FEET)  
BETWEEN ELEVATION 733.00 FEET AND ELEVATION 799.00 FEET.**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military Survey Number 1393, and being within the right-of-way for McDowell Street (66-foot R/W width), adjacent to Lot 1, Lots 61 through 71, inclusive, and that vacated 15.5-foot alley (vacated by Ordinance Number 1713-02) of F.C. Sessions Western Addition to the City of Columbus, Ohio, as numbered and delineated on the record plat thereof, on file in Plat Book 2, Page 242 (all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio), and adjacent to those tracts of land described as Tracts I through VI, Tract VII (Parcel I), Tract VII (Parcel III), and Tracts VIII through X, inclusive, in a deed to FTON Property Partners OZ I LLC, of record in Instrument Number 202110120184383, and being further bounded and described as follows:

Commencing for reference at the intersection of the existing south right-of-way line for Broad Street (95-foot R/W width) and the existing west right-of-way line for McDowell Street, being the northeast corner of said Lot 1, and being the northeast corner of said Tract VII (Parcel I);

Thence South 08 degrees 07 minutes 09 seconds East, along the west right-of-way line for McDowell Street, along the east line of said Lot 1, and along the east line of said Tract VII (Parcel I), a distance of 5.73 feet to the TRUE POINT OF BEGINNING for this description;

Thence across the right-of-way for McDowell Street for the following three (3) described courses:

1. North 81 degrees 52 minutes 51 seconds East, a distance of 4.00 feet to a point;
2. South 08 degrees 07 minutes 09 seconds East, along a line parallel to and 4.00 feet easterly from the existing west right-of-way line for McDowell Street, a distance of 437.00 feet to a point;
3. South 81 degrees 52 minutes 51 seconds West, a distance of 4.00 feet to a point on the west right-of-way line for McDowell Street, being on the east line of said Lot 71, being on the east line of said Tract X, and being on the east line of said Tract V;

Thence North 08 degrees 07 minutes 09 seconds West, along the west right-of-way line for McDowell Street, along the east line of said Lots 71 through 61, inclusive, along the east most line of said vacated 15.5-foot alley, along the east line of said Lot 1, and along the east lines of said Tracts X, V, IV, III, II, I, IX, VII (Parcel III), VI, VIII, and VII (Parcel I), a distance of 437.00 feet to the TRUE POINT OF BEGINNING for this description;

The above description contains a total area of 0.040 acres (1,748.00 square feet), all of which is located within the

dedicated right-of-way for McDowell Street and adjacent to Franklin County Auditor's parcel number 010-057684.

This easement is further constrained to the 66.00-foot vertical space existing between elevation 733.00 feet (being 22.00 feet above existing grade) and elevation 799.00 feet.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

Elevations are referenced to the North American Vertical Datum of 1988, as established utilizing a level circuit originating on Franklin County Bench Mark number 132 (Elevation: 718.721 feet).

This description was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438, is based on an actual field survey and interior building measurements performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

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

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