



Legislation Text

File #: 2456-2019, Version: 1

1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from 80 on the Commons, L.L.C., a Delaware limited liability company asking that the City allow two encroachments into the public right-of-way. During the planning phase design panels, decorative architectural elements, were planned and were later determined that the design panels encroached into the aerial easement of public right-of-way. These encroachments are along the south side of Damian Place. They were found to encroach after construction of their new twelve story building on the north side of Rich Street. During the as-built process it was determined that these two items extended into the public right-of-way. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant the aerial and foundation encroachment easements that will legally allow these items to remain within the public rights-of-way. A value of \$500.00 was established for the two encroachment easements.

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 and foundation encroachment easements along the south side of Damian Place to TWO25 COMMONS. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from 80 on the Commons, L.L.C., a Delaware limited liability company asking that the City allow two encroachments into the public right-of-way; and

WHEREAS, these encroachments are along the south side of Damian Place. They were found to encroach after construction of their new twelve story building on the north side of Rich Street. During the as-built process it was determined that these two items extended into the public right-of-way; and

WHEREAS, the following legislation authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant the aerial and foundation encroachment easements that will legally allow these items to remain within the public rights-of-way; and

WHEREAS, a value of \$500.00 was established for these two 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 is authorized to execute those documents necessary for the City to grant aerial and foundation encroachment easements for design elements that will legally allow these items to remain within the public rights-of-way; to-wit:

**AERIAL ENCROACHMENT EASEMENT
BETWEEN 751.55' TO 755.55' ELEVATION (NAVD88)
0.602 Square Feet**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 16, Township 5, Range 27, Refugee Lands and being across that tract conveyed to City of Columbus by deed of record in Official Record 11411A13 from 1 foot to 5 feet below top of curb as shown on the Two 25 Building at 3rd and Rich Street Right of Way Encroachment Exhibit prepared by EMH&T, Inc in July of 2019 (all deed references refer to the records of the Recorder's Office, Franklin

County, Ohio) and described as follows:

Elevations (NAVD88): Top of Curb = 756.55, 1 Foot Below Top of Curb = 755.55, 5 Feet Below Top of Curb = 751.55.

Beginning, for reference, at a corner of said City of Columbus tract and in the southwesterly corner of the right of way line of Damian Place (31') as dedicated by Official Record 16955F06 and City of Columbus Ordinance Number 2294-90;

Thence South 08° 07' 21" East, across said City of Columbus tract, a distance of 2.01 feet to a northwesterly corner of that 0.880 acre tract conveyed to Two25 Commons LLC of record in Instrument Number 201612070168240 and Instrument Number 201704040044839;

Thence North 81° 52' 38" East, with the southerly line of said City of Columbus tract and with a northerly line of said 0.880 acre tract, a distance of 2.02 feet to the TRUE POINT OF BEGINNING;

Thence across said City of Columbus tract, the following courses and distances:

North 08° 13' 29" West, a distance of 0.50 feet to a point;

North 81° 46' 31" East, a distance of 1.21 feet to a point; and

South 07° 39' 40" East, a distance of 0.50 feet to a southerly line of said City of Columbus tract and in a northerly line of said 0.880 acre tract;

Thence South 81° 52' 38" West, with the southerly line of said City of Columbus tract and with the northerly line of said 0.880 acre tract, a distance of 1.21 feet to the TRUE POINT OF BEGINNING and containing 0.602 Square Feet, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

**FOUNDATION ENCROACHMENT EASEMENT
BETWEEN 750.35' TO 755.35' ELEVATION (NAVD88)
1.847 Square Feet**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 16, Township 5, Range 27, Refugee Lands and being across that tract conveyed to City of Columbus by deed of record in Official Record 11411A13 from 15 feet above to 5 feet below top of curb as shown on the Two 25 Building at 3rd and Rich Street right of way encroachment exhibit prepared by EMH&T, Inc in July of 2019 (all deed references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Elevations (NAVD88): Top of Curb = 755.35, 15 Feet Above Top of Curb = 770.35, 5 Feet Below Top of Curb = 750.35.

Beginning, for reference, at a corner of said City of Columbus tract and in the southwesterly corner of the right of way line of Damian Place (31') as dedicated by Official Record 16955F06 and City of Columbus Ordinance Number 2294-90;

Thence South 08° 07' 21" East, across said City of Columbus tract, a distance of 2.01 feet to the northwesterly corner of that 0.880 acre tract conveyed to Two25 Commons LLC of record in Instrument Number 201612070168240 and Instrument Number 201704040044839;

Thence North 81° 52' 38" East, with the southerly line of said City of Columbus tract and with a northerly line of said 0.880 acre tract, a distance of 27.74 feet to the TRUE POINT OF BEGINNING;

Thence across said City of Columbus tract, the following courses and distances:

North 08° 07' 22" West, a distance of 0.76 feet to a point;

North 81° 52' 38" East, a distance of 2.43 feet to a point; and

South 08° 07' 22" East, a distance of 0.76 feet to a southerly line of said City of Columbus tract and in a northerly line of said 0.880 acre tract;

Thence South 81° 52' 38" West, with the southerly line of said City of Columbus tract and with the northerly line of said 0.880 acre tract, a distance of 2.43 feet to the TRUE POINT OF BEGINNING and containing 1.847 Square Feet, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, 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 encroachment easements.

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