



## Legislation Text

**File #:** 2848-2019, **Version:** 1

### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from The Gravity Project 2, LLC, c/o Kaufman Development, asking that the City allow aerial and right-of-way encroachments into the public right-of-way. The aerial encroachments are along the south side of West Broad Street at McDowell Street and the right-of-way encroachments are along the north side of West State Street just East of McDowell Street and approximately 500 feet west of Starling Street. This project consist of two buildings, a 12-story mixed use and a 5-story Co-live building. 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. 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 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 encroachment easements to The Gravity Project 2, LLC along the south side of West Broad Street at McDowell Street and the north side of West State Street between McDowell Street and Starling Street. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from The Gravity Project 2, LLC c/o Kaufman Development, asking that the City allow encroachments into the public right-of-way. These encroachments are along the south side of West Broad Street at McDowell Street and the north side of West State Street just east of McDowell Street and approximately 500 feet west of Starling Street; and

**WHEREAS**, this project consist of two buildings, a 12-story mixed use and a 5-story Co-live building. 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 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; 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 was established for these encroachment easements; and

### 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 II project, as generally depicted on the Exhibit A attached to this ordinance, the aerial encroachments as depicted on the Exhibit B 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 2 FEET TO 6 FEET BELOW FINISH GRADE  
0.015 ACRES (650 SQUARE FEET; 3,900 CUBIC FEET)**

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of State Street (80' right-of-way) as established in M. L. Sullivants' Western Additions as recorded in Plat Book 1 Page 268; being a 3-dimensional easement extending from the existing sidewalk and street level vertically for 6.00', approximately between elevations of 710.75' and 704.75' (North American Vertical Datum 1988), the footprint of said easement being more particularly described as follows:

**Commencing** at the intersection of the northerly right-of-way line of State Street and the easterly right-of-way line of McDowell Street (66' right-of-way as established in said M.L. Sullivants' Western Addition); thence,

Along the northerly right-of-way line of State Street, *North 81° 50' 26" East for a distance of 51.77'* to a point, said point being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Continuing along the northerly right-of-way line of State Street, *North 81° 50' 26" East for a distance of 259.75'* to a point; thence,

Along a line perpendicular to the northerly right-of-way line of State Street, *South 08° 09' 34" East for a distance of 2.50'* to a point; thence,

Along a line parallel and 2.50' distant to the northerly right-of-way line of State Street, *South 81° 50' 26" West for a distance of 259.75'* to a point; thence,

Along a line perpendicular to the northerly right-of-way line of State Street, *North 08° 09' 34" West for a distance of 2.50'* to the point of beginning, containing 0.015 acres (650 square feet) and a volume of 3,900 cubic feet of land, more or less.

Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with a portion of the northerly right-of-way line of State Street being North 81° 50' 26" East as determined by a GPS survey utilizing CORS Station "COLB".

**SECTION 2.** 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.