File #: 1747-2020, **Version:** 1

1. BACKGROUND
The City of Columbus, Department of Public Service, received a request from the property owner, Scioto Peninsula FC, LLC, asking that the City allow multiple aerial encroachments and a foundation to encroach into the public right-of-way for their project located along the north side of Chapel Street, the east side of Starling Street, the south side of State Street, and the west side of Belle Street. This project is a new residential development consisting of two buildings. The proposed encroachments will consist of a canopy, a foundation along the west side of Bell Street, balconies, and two pedestrian bridges 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 the encroachments to legally allow these items 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
There is no cost to the City to grant the requested encroachments. The City will receive a total of $500.00 to be deposited in Fund 7748, Project P537650, for granting the requested encroachments.

3. EMERGENCY JUSTIFICATION
Emergency action is requested to allow development of this subdivision to proceed as currently scheduled.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant aerial and foundation encroachments within the public right-of-way requested by Scioto Peninsula FC, LLC, for their property located along the north side of Chapel Street, the east side of Starling Street, the south side of State Street, and the west side of Belle Street; and to declare an emergency. ($0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from the property owner, Scioto Peninsula FC, LLC, asking that the City allow multiple aerial encroachments and a foundation to encroach into the public right-of-way for their project located along the north side of Chapel Street, the east side of Starling Street, the south side of State Street, and the west side of Belle Street; and

WHEREAS, this project is a new residential development consisting of two buildings and the proposed encroachments will consist of a canopy, a foundation along the west side of Belle Street, balconies, and two pedestrian bridges that will protrude into the public right-of-way as described below and shown on the attached exhibits; and

WHEREAS, this ordinance authorizes the Director of the Department of Public Service to execute those documents necessary for the City to grant the encroachments to legally allow these items 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, to be deposited in Fund 7748, Project P537650, for granting the requested encroachment.easements was established;

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that said plat should be accepted immediately to allow development of this subdivision to proceed as currently scheduled, thereby preserving the public health, peace, property, safety and welfare; **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 hereby authorized to execute those documents necessary for the City to grant the encroachments described below and per the attachments to this ordinance to legally allow them to extend into the public rights-of-way; to-wit:

3 Dimensional Encroachment Easement
Legal 1 ~ 0.0008 ACRE

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of Starling Street (50’ right-of-way) as established on the Scioto Peninsula Subdivision Plat as recorded in Plat Book 127 Page 93; being a 3-dimensional easement extending from the bottom of the lowest balcony encroachment, vertically for 60.0’, approximately between elevations of 731.67’ and 791.67’ (North American Vertical Datum 1988), the footprint of said easement being more particularly described as follows:
Commencing at the intersection of the southerly right-of-way line of State Street (66’ right-of-way) and the easterly right-of-way line of Starling Street (50’ right-of-way) as established in said Scioto Peninsula Subdivision Plat,
Thence, along the easterly right-of-way line of Starling Street, South 08° 10' 09” East for a distance of 8.25’ to a point, said point being the TRUE POINT OF BEGINNING,
Thence continuing with the easterly right-of-way of Starling Street, South 08° 10' 09” East for a distance of 10.50’ to a point,
Thence leaving said easterly right-of-way of Starling Street, perpendicular to and into said right-of-way, South 81° 49' 51” West for a distance of 3.25’ to a point,
Thence parallel with the easterly right-of-way of Starling Street, North 08° 10' 09” East for a distance of 10.50’ to a point,
Thence North 81° 49' 51” East for a distance of 3.25’ to a point, said point being the TRUE POINT OF BEGINNING.
Said survey containing 0.0008 acre (34.125 square feet) of land and a volume of 2,048 cubic feet, more or less.
Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with the southerly right-of-way line of State Street being North 81° 50' 30” East as shown on said Scioto Peninsula Subdivision Plat.

3 Dimensional Encroachment Easement
Legal 2 ~ 0.0522 ACRE

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of Starling Street (50’ right-of-way) as established on the Scioto Peninsula Subdivision Plat as recorded in Plat Book 127 Page 93; being a 3-dimensional easement extending from the bottom of the bridge encroachment, vertically for 13.67’, approximately between elevations of 731.00’ and 744.67’ (North American Vertical Datum 1988), the footprint of said easement being more particularly described as follows:
Commencing at the intersection of the southerly right-of-way line of State Street (66’ right-of-way) and the easterly right-of-way line of Starling Street (50’ right-of-way) as established in said Scioto Peninsula Subdivision Plat,
Thence, along the easterly right-of-way line of Starling Street, South 08° 10' 09” East for a distance of 31.50’ to a point, said point being the TRUE POINT OF BEGINNING,
Thence continuing with the easterly right-of-way of Starling Street, South 08° 10' 09” East for a distance of 45.50’ to a point,
Thence leaving said easterly right-of-way of Starling Street, perpendicular to and into said right-of-way, South 81° 49' 51” West for a distance of 50.00’ to a point on the westerly right-of-way of Starling Street (50.00’ right-of-way),
Thence with the west right-of-way of Starling Street, North 08° 10' 09” East for a distance of 45.50’ to a point,
Thence North 81° 49' 51” East for a distance of 50.00’ to a point, said point being the TRUE POINT OF BEGINNING.
Said survey containing 0.0522 acre (2,275.000 square feet) of land and a volume of 31,099 cubic feet, more or less.
Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with the southerly right-of-way line of State Street being North 81° 50' 30” East as shown on said Scioto Peninsula Subdivision Plat.

3 Dimensional Encroachment Easement

Legal 3 ~ 0.0008 ACRE

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of Starling Street (50’ right-of-way) as established on the Scioto Peninsula Subdivision Plat as recorded in Plat Book 127 Page 93; being a 3-dimensional easement extending from the bottom of the lowest balcony encroachment, vertically for 60.0’, approximately between elevations of 731.67’ and 791.67’ (North American Vertical Datum 1988), the footprint of said easement being more particularly described as follows:
Commencing at the intersection of the southerly right-of-way line of State Street (66’ right-of-way) and the easterly right-of-way line of Starling Street (50’ right-of-way) as established in said Scioto Peninsula Subdivision Plat,
Thence, along the easterly right-of-way line of Starling Street, South 08° 10' 09” East for a distance of 44.00 to a point, said point being the TRUE POINT OF BEGINNING,
Thence continuing with the easterly right-of-way of Starling Street, South 08° 10' 09” East for a distance of 10.50’ to a point,
Thence leaving said easterly right-of-way of Starling Street, perpendicular to and into said right-of-way, South 81° 49' 51” West for a distance of 3.25’ to a point,
Thence parallel with the easterly right-of-way of Starling Street, North 08° 10' 09” East for a distance of 10.50’ to a point,
Thence North 81° 49' 51” East for a distance of 3.25’ to a point, said point being the TRUE POINT OF BEGINNING.
Said survey containing 0.0008 acre (34.125 square feet) of land and a volume of 2,048 cubic feet, more or less.
Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with the southerly right-of-way line of State Street being North 81° 50' 30” East as shown on said Scioto Peninsula Subdivision Plat.

3 Dimensional Encroachment Easement
Legal 4 ~ 0.0003 ACRE

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of Starling Street (50’ right-of-way) as established on the Scioto Peninsula Subdivision Plat as recorded in Plat Book 127 Page 93; being a 3-dimensional easement extending from the bottom of the lowest balcony encroachment, vertically for 71.62’, approximately between elevations of 720.05’ and 791.67’ (North American Vertical Datum 1988), the footprint of said easement being more particularly described as follows:
Commencing at the intersection of the southerly right-of-way line of State Street (66’ right-of-way) and the easterly right-of-way line of Starling Street (50’ right-of-way) as established in said Scioto Peninsula Subdivision Plat,
Thence, along the easterly right-of-way line of Starling Street, South 08° 10' 09” East for a distance of 83.00’ to a point, said point being the TRUE POINT OF BEGINNING,
Thence continuing with the easterly right-of-way of Starling Street, South 08° 10' 09” East for a distance of 23.00’ to a point,
Thence leaving said easterly right-of-way of Starling Street, perpendicular to and into said right-of-way, South 81° 49' 51” West for a distance of 0.50’ to a point,
Thence parallel with the easterly right-of-way of Starling Street, North 08° 10' 09” East for a distance of 23.00’ to a point,
Thence North 81° 49' 51” East for a distance of 0.50’ to a point, said point being the TRUE POINT OF BEGINNING.
Said survey containing 0.0003 acre (11.500 square feet) of land and a volume of 824 cubic feet, more or less.
Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with the southerly right-of-way line of State Street being North 81° 50' 30” East as shown on said Scioto Peninsula Subdivision Plat.

3 Dimensional Encroachment Easement
Legal 5 ~ 0.0019 ACRE

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of Starling Street (50’ right-of-way) as established on the Scioto Peninsula Subdivision Plat as recorded in Plat Book 127 Page 93; being a 3-dimensional easement extending from the bottom of the lowest balcony encroachment, vertically for 48.20’, approximately between elevations of 719.80’ and 768.00’ (North American Vertical Datum 1988), the footprint of said

easement being more particularly described as follows:
Commencing at the intersection of the southerly right-of-way line of State Street (66’ right-of-way) and the easterly right-of-way line of Starling Street (50’ right-of-way) as established in said Scioto Peninsula Subdivision Plat,
Thence, along the easterly right-of-way line of Starling Street, South 08° 10' 09” East for a distance of 121.00’ to a point, said point being the TRUE POINT OF BEGINNING,
Thence continuing with the easterly right-of-way of Starling Street, South 08° 10' 09” East for a distance of 25.50’ to a point,
Thence leaving said easterly right-of-way of Starling Street, perpendicular to and into said right-of-way, South 81° 49' 51” West for a distance of 3.25’ to a point,
Thence parallel with the easterly right-of-way of Starling Street, North 08° 10' 09” East for a distance of 25.50’ to a point,
Thence North 81° 49' 51” East for a distance of 3.25’ to a point, said point being the TRUE POINT OF BEGINNING.
Said survey containing 0.0019 acre (82.875 square feet) of land and a volume of 3,995 cubic feet, more or less.
Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with the southerly right-of-way line of State Street being North 81° 50' 30” East as shown on said Scioto Peninsula Subdivision Plat.

3 Dimensional Encroachment Easement
Legal 6 ~ 0.0008 ACRE

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of Starling Street (50’ right-of-way) as established on the Scioto Peninsula Subdivision Plat as recorded in Plat Book 127 Page 93; being a 3-dimensional easement extending from the bottom of the lowest balcony encroachment, vertically for 48.45’, approximately between elevations of 719.55’ and 768.00’ (North American Vertical Datum 1988), the footprint of said easement being more particularly described as follows:
Commencing at the intersection of the southerly right-of-way line of State Street (66’ right-of-way) and the easterly right-of-way line of Starling Street (50’ right-of-way) as established in said Scioto Peninsula Subdivision Plat,
Thence, along the easterly right-of-way line of Starling Street, South 08° 10' 09” East for a distance of 171.93’ to a point, said point being the TRUE POINT OF BEGINNING,
Thence continuing with the easterly right-of-way of Starling Street, South 08° 10' 09” East for a distance of 10.50’ to a point,
Thence leaving said easterly right-of-way of Starling Street, perpendicular to and into said right-of-way, South 81° 49' 51” West for a distance of 3.25’ to a point,
Thence parallel with the easterly right-of-way of Starling Street, North 08° 10' 09” East for a distance of 10.50’ to a point,
Thence North 81° 49' 51” East for a distance of 3.25’ to a point, said point being the TRUE POINT OF BEGINNING.
Said survey containing 0.0008 acre (34.125 square feet) of land and a volume of 1,653 cubic feet, more or less.
Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with the southerly right-of-way line of State Street being North 81° 50' 30” East as shown on said Scioto Peninsula Subdivision Plat.

3 Dimensional Encroachment Easement
Legal 7 ~ 0.0004 ACRE

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of Chapel Street (34’ right-of-way) as established on the Scioto Peninsula Subdivision Plat as recorded in Plat Book 127 Page 93; being a 3-dimensional easement extending from the bottom of the lowest balcony encroachment, vertically for 48.10’, approximately between elevations of 719.90’ and 768.00’ (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 Chapel Street (34’ right-of-way) and the easterly right-of-way line of Starling Street (50’ right-of-way) as established in said Scioto Peninsula Subdivision Plat,
Thence, along the northerly right-of-way line of Chapel Street, North 81° 50' 30” East for a distance of 30.68’ to a point, said point being the TRUE POINT OF BEGINNING,
Thence continuing with the northerly right-of-way of Chapel Street, North 81° 50' 30” East for a distance of 10.50’ to a

point,
Thence leaving said northerly right-of-way of Chapel Street, perpendicular to and into said right-of-way, South 08° 09' 30" East for a distance of 1.50' to a point,
Thence parallel with the northerly right-of-way of Chapel Street, South 81° 50' 30" West for a distance of 10.50' to a point,
Thence North 08° 09' 30" West for a distance of 1.50' to a point, said point being the TRUE POINT OF BEGINNING.
Said survey containing 0.0004 acre (15.750 square feet) of land and a volume of 758 cubic feet, more or less.
Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with the southerly right-of-way line of State Street being North 81° 50' 30" East as shown on said Scioto Peninsula Subdivision Plat.

3 Dimensional Encroachment Easement
Legal 8 ~ 0.0004 ACRE

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of Chapel Street (34' right-of-way) as established on the Scioto Peninsula Subdivision Plat as recorded in Plat Book 127 Page 93; being a 3-dimensional easement extending from the bottom of the lowest balcony encroachment, vertically for 48.40', approximately between elevations of 719.60' and 768.00' (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 Chapel Street (34' right-of-way) and the easterly right-of-way line of Starling Street (50' right-of-way) as established in said Scioto Peninsula Subdivision Plat,
Thence, along the northerly right-of-way line of Chapel Street, North 81° 50' 30" East for a distance of 60.68' to a point, said point being the TRUE POINT OF BEGINNING,
Thence continuing with the northerly right-of-way of Chapel Street, North 81° 50' 30" East for a distance of 10.50' to a point,
Thence leaving said northerly right-of-way of Chapel Street, perpendicular to and into said right-of-way, South 08° 09' 30" East for a distance of 1.50' to a point,
Thence parallel with the northerly right-of-way of Chapel Street, South 81° 50' 30" West for a distance of 10.50' to a point,
Thence North 08° 09' 30" West for a distance of 1.50' to a point, said point being the TRUE POINT OF BEGINNING.
Said survey containing 0.0004 acre (15.750 square feet) of land and a volume of 762 cubic feet, more or less.
Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with the southerly right-of-way line of State Street being North 81° 50' 30" East as shown on said Scioto Peninsula Subdivision Plat.

3 Dimensional Encroachment Easement
Legal 9 ~ 0.0004 ACRE

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of Chapel Street (34' right-of-way) as established on the Scioto Peninsula Subdivision Plat as recorded in Plat Book 127 Page 93; being a 3-dimensional easement extending from the bottom of the lowest balcony encroachment, vertically for 48.70', approximately between elevations of 719.30' and 768.00' (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 Chapel Street (34' right-of-way) and the easterly right-of-way line of Starling Street (50' right-of-way) as established in said Scioto Peninsula Subdivision Plat,

Thence, along the northerly right-of-way line of Chapel Street, North 81° 50' 30" East for a distance of 84.68' to a point, said point being the TRUE POINT OF BEGINNING,
Thence continuing with the northerly right-of-way of Chapel Street, North 81° 50' 30" East for a distance of 10.50' to a point,
Thence leaving said northerly right-of-way of Chapel Street, perpendicular to and into said right-of-way, South 08° 09' 30" East for a distance of 1.50' to a point,

Thence parallel with the northerly right-of-way of Chapel Street, South 81° 50' 30" West for a distance of 10.50' to a point,
Thence North 08° 09' 30" West for a distance of 1.50' to a point, said point being the TRUE POINT OF BEGINNING.
Said survey containing 0.0004 acre (15.750 square feet) of land and a volume of 767 cubic feet, more or less.
Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with the southerly right-of-way line of State Street being North 81° 50' 30" East as shown on said Scioto Peninsula Subdivision Plat.

3 Dimensional Encroachment Easement
Legal 10 ~ 0.0129 ACRE

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a portion of Belle Street (66' right-of-way) as established on the Scioto Peninsula Subdivision Plat as recorded in Plat Book 127 Page 93; being a 3-dimensional easement extending from the lowest finished grade elevation along the length of the easement, vertically for (-)3.0', approximately between elevations of 706.50' and 703.50' (North American Vertical Datum 1988), the footprint of said easement being more particularly described as follows:
Commencing at the intersection of the southerly right-of-way line of State Street (66' right-of-way) and the westerly right-of-way line of Belle Street (66' right-of-way) as established in said Scioto Peninsula Subdivision Plat, said point being the TRUE POINT OF BEGINNING,
Thence, along the westerly right-of-way line of Belle Street, South 08° 09' 30" East for a distance of 188.00' to a point,
Thence leaving said westerly right-of-way of Belle Street, perpendicular to and into said right-of-way, South 81° 50' 30" West for a distance of 3.00' to a point,
Thence parallel with said westerly right-of-way of Belle Street, North 08° 09' 30" West for a distance of 188.00' to a point,
Thence North 81° 50' 30" East for a distance of 3.00' to a point, said point being the TRUE POINT OF BEGINNING.
Said survey containing 0.0129 acre (564.000 square feet) of land and a volume of 1,692 cubic feet, more or less.
Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with the southerly right-of-way line of State Street being North 81° 50' 30" East as shown on said Scioto Peninsula Subdivision Plat.

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, for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.