



## Legislation Text

File #: 0593-2022, Version: 1

### 1. BACKGROUND

The City of Columbus, Department of Public Service, received a request from the property owners, White Castle System, Inc., Monarch Bldg., LLC and Leneskie Properties LLC & Lowry Holdings LLC, asking that the City allow foundations below ground and a Pedestrian Bridge above ground to encroach into the public right-of-way. These owners will be transferring this property to WC ECP Monarch, LLC. These encroachments will be within the public right-of-way located along the north side of South Avenue, South side of South Avenue, and the north side of the first alley south of South Avenue. This project is approved by plan 3800 Dr. E and these encroachments are located within the easements as described below and 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 items to be placed within the public rights-of-way to the current or future owner. Installation of these elements will enhance the area and fit into the architectural desire. A value of \$500.00 for the encroachment easements where established.

### 2. FISCAL IMPACT

There is no cost to the City to grant the easements. The City will receive a total of \$500.00, to be deposited in Fund 7748, Project 537650, for granting the requested encroachments.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant these encroachments to legally allow these items to be placed within the public rights-of-way to the current or future owner. (\$0.00)

**WHEREAS**, the City of Columbus, Department of Public Service, received a request from the property owner, White Castle System, Inc., Monarch Bldg., LLC, and Leneskie Properties LLC & Lowry Holdings LLC, asking that the City allow foundations below ground and a Pedestrian Bridge above ground to encroach into the public right-of-way. These owners will be transferring this property to WC ECP Monarch, LLC. These encroachments will be within the public right-of-way located along the north side of South Avenue, South side of South Avenue, and the north side of the first alley south of South Avenue; and

**WHEREAS**, this project is approved by 3800 Dr. E plan and these encroachments are located within the easements as described below and within the attached exhibits; and

**WHEREAS**, a value of \$500.00 for the encroachment easements where established; 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 these encroachments to legally allow these items to be placed within the public rights-of-way to the current or future owner. Installation of these elements will enhance the area and fit into the architectural desire; 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 for the City to grant the encroachments to legally allow these items into the public rights-of-way to the current or future owner. Installation of these elements will enhance the area and fit into the architectural desire; to-wit:

3 Dimensional

ENCROACHMENT EASEMENT 1

FROM 761.47' (NAVD 88) TO 775.63' (NAVD 88)  
0.011 ACRE

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Section 6, Township 5, Range 22, Refugee Lands, being a portion of right-of-way of South Avenue, as originally dedicated in Salzgeber and Gamper's Subdivision, of record in Plat Book 5, Page 404, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

This description has a vertical component. The intent of this description is to include an area from an elevation 0.5 feet below the lowest point on a proposed overhead pedestrian bridge up to an elevation 0.5 feet above the highest point on the proposed pedestrian bridge. The bottom of the area is 761.47 feet (NAVD88) and the top is 775.63 feet (NAVD 88). The elevations given go along with the horizontal metes and bounds described below, creating an extruded block of air-space.

**COMMENCING** at a ¾" inner diameter iron pin found, being on the southwesterly corner of Lot 31 and the southeasterly corner of Lot 32 of said Salzgeber and Gamper's Subdivision, as conveyed to Turkey Run Inc. in Instrument Number 201709290136218 (Lot 32) and as conveyed to White Castle System, Inc. in Deed Book 1916, Page 342, and being on the northerly right-of-way line of said South Avenue (50');

Thence along the southerly line of Lots 29 through 31, inclusive, of said Salzgeber and Gamper's Subdivision, as conveyed to White Castle System Inc. in Deed Book 1916, Page 342, and along the northerly right-of-way line of said South Avenue, South 85°45'15" East, 78.18 feet to the **TRUE POINT OF BEGINNING**:

Thence continuing along the northerly right-of-way line of said South Avenue, and said Lot 29, South 85°45'15" East, 9.77 feet to a point, being from elevation 761.47 (NAVD 88) to 775.63 (NAVD88);

Thence across said South Avenue right-of-way, South 06°36'01" West, 50.04 feet to a point, being on the southerly right-of-way line of said South Avenue and being on the northerly line of Lot 44 of said Salzgeber and Gamper's Subdivision, as conveyed to Monarch Bldg, LLC in Instrument Number 200510240223086, being from elevation 761.47 (NAVD 88) to 775.63 (NAVD88);

Thence along the northerly line of said Lot 44 and along the southerly right-of-way line of said South Avenue, North 85°45'15" West, 9.74 feet to a point, being from elevation 761.47 (NAVD 88) to 775.63 (NAVD88);

Thence across said South Avenue right-of-way, North 06°34'00" East, 50.04 feet to a point, being from elevation 761.47 (NAVD 88) to 775.63 (NAVD88), said point being the **POINT OF TRUE BEGINNING**, containing 0.011 acres (488 S.F.), more or less.

Subject however to all legal easements and restrictions of record in the respective utility offices.

The bearings for this description are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011), being the northerly line of South Avenue, bearing North 85°45'15" West. The bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected station using the Ohio Department of Transportation Virtual Reference Station Network.

The elevations are based on the North American Vertical Datum of 1988 (NAVD 88, Geoid 12A). Elevations were established using GPS observations of select control points utilizing the Ohio Department of Transportation's Virtual Reference Station and transferred to the site via bench circuit. All other elevations were calculated from proposed dimension and the established elevations from local benchmarks.

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342, of E.P. Ferris and Associates, Inc. on October 18, 2021.

**3 Dimensional ENCROACHMENT EASEMENT 2  
FROM 730.44' (NAVD 88) TO 735.94' (NAVD 88)  
0.001 ACRE**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Section 6, Township 5, Range 22, Refugee Lands, being a portion of right-of-way of South Avenue, as originally dedicated in Salzgeber and Gamper's Subdivision, of record in Plat Book 5, Page 404, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

This description has a vertical component. The intent of this description is to include an area from an elevation 0.5 feet below the bottom of the proposed footer up to an elevation 0.5 feet above the top of the proposed footer. The bottom of the area is 734.08 feet (NAVD88) and the top is 736.08 feet (NAVD 88). The elevations given go along with the horizontal metes and bounds described below, creating an extruded block of air-space.

**COMMENCING** at a ¾" inner diameter iron pin found, being on the southwesterly corner of Lot 31 and the southeasterly corner of Lot 32 of said Salzgeber and Gamper's Subdivision, as conveyed to Turkey Run Inc. in Instrument Number 201709290136218 (Lot 32) and as conveyed to White Castle System, Inc. in Deed Book 1916, Page 342, and being on the northerly right-of-way line of said South Avenue (50');

Thence along the southerly line of Lots 29 through 31, inclusive, of said Salzgeber and Gamper's Subdivision, as conveyed to White Castle System Inc. in Deed Book 1916, Page 342, and along the northerly right-of-way line of said South Avenue, South 85°45'15" East, 92.92 feet to the **TRUE POINT OF BEGINNING**:

Thence continuing along the northerly right-of-way line of said South Avenue, and along the southerly lines of said Lot 28 and Lot 29 of said Salzgeber and Gamper's Subdivision, as conveyed to White Castle System Inc. in Deed Book 1916, Page 342, South 85°45'15" East, 61.62 feet to the southeasterly corner of said Lot 28 and being the intersection of the northerly right-of-way of said South Avenue and the westerly right-of-way of Delashmut Avenue (30') (formerly known as Franklin Avenue, as dedicated in Plat Book 5, Page 404), being from elevation 734.08 (NAVD 88) to 736.08 (NAVD88);

Thence across said South Avenue right-of-way, South 03°17'58" West, 1.00 feet to a point, being from elevation 734.08 (NAVD 88) to 736.08 (NAVD88);

Thence continuing across said South Avenue right-of-way, North 85°45'15" West, 61.64 feet to a point, being from elevation 734.08 (NAVD 88) to 736.08 (NAVD88);

Thence continuing across said South Avenue right-of-way, North 04°14'45" East, 1.00 feet to a point, being on the northerly right-of-way line of said South Avenue and being on the southerly line of said Lot 29, being from elevation 734.08 (NAVD 88) to 736.08 (NAVD88), said point being the **POINT OF TRUE BEGINNING**, containing 0.001 acres (62 S.F.), more or less.

Subject however to all legal easements and restrictions of record in the respective utility offices.

The bearings for this description are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011), being the northerly line of South Avenue, bearing North 85°45'15" West. The bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected station using the Ohio Department of Transportation Virtual Reference Station Network.

The elevations are based on the North American Vertical Datum of 1988 (NAVD 88, Geoid 12A). Elevations were established using GPS observations of select control points utilizing the Ohio Department of Transportation's Virtual Reference Station and transferred to the site via bench circuit. All other elevations were calculated from proposed dimension and the established elevations from local benchmarks.

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342, of E.P. Ferris and Associates, Inc. on October 18, 2021.

**3 Dimensional ENCROACHMENT EASEMENT 3  
FROM 726.65' (NAVD 88) TO 740.65' (NAVD 88)**

**0.023 ACRE**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Section 6, Township 5, Range 22, Refugee Lands, being a portion of right-of-way of South Avenue, as originally dedicated in Salzgeber and Gamper's Subdivision, of record in Plat Book 5, Page 404, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

This description has a vertical component. The intent of this description is to include an area from an elevation 0.5 feet below the lowest footer up to an elevation 0.5 feet above the top of the highest proposed footer. The bottom of the area is 726.65 feet (NAVD88) and the top is 740.65 feet (NAVD 88). The elevations given go along with the horizontal metes and bounds described below, creating an extruded block of air-space.

**COMMENCING** at a  $\frac{3}{4}$ " inner diameter iron pin found, being the northwesterly corner of Lot 37 of said Salzgeber and Gamper's Subdivision, as conveyed to Leneskie Properties, LLC (50%) and Lowry Holdings LLC (50%) in Instrument Number 202106160105643, also being the intersection of the southerly right-of-way line of said South Avenue (50') and the easterly right-of-way line of Norton Avenue (50'), said iron pipe found being the **TRUE POINT OF BEGINNING**:

Thence across said South Avenue right-of-way, North 03°07'13" East, 3.00 feet to a point, being from elevation 726.65 (NAVD 88) to 740.65 (NAVD88);

Thence continuing across said South Avenue right-of-way, South 85°45'15" East, 336.32 feet to a point, being from elevation 726.65 (NAVD 88) to 740.65 (NAVD88);

Thence continuing across said South Avenue right-of-way, South 03°17'58" West, 3.00 feet to the northeasterly corner of Lot 45 of said Salzgeber and Gamper's Subdivision, as conveyed to Monarch Bldg, LLC in Instrument Number 200510240223086, being the intersection of the southerly right-of-way of said South Avenue and the westerly right-of-way of Delashmut Avenue (30') (formerly known as Franklin Avenue, as dedicated in Plat Book 5, Page 404), being from elevation 726.65 (NAVD 88) to 740.65 (NAVD88);

Thence along the southerly right-of-way line of said South Avenue, along the northerly lines of Lots 37 through 45, inclusive, of said Salzgeber and Gamper's Subdivision, as conveyed to Leneskie Properties, LLC (50%) and Lowry Holdings LLC (50%) in Instrument Number 202106160105643 (Lot 37 and 38) and as conveyed to Monarch Bldg, LLC in Instrument Number 200510240223086 (Lot 39 through 45, inclusive), North 85°45'15" West, 336.31 feet to a  $\frac{3}{4}$ " inner diameter iron pin found, being from elevation 726.65 (NAVD 88) to 740.65 (NAVD88)said iron pipe found being the **POINT OF TRUE BEGINNING**, containing 0.023 acres (1,009 S.F.), more or less.

**3 Dimensional ENCROACHMENT EASEMENT 4  
FROM 733.32' (NAVD 88) TO 740.65' (NAVD 88)**

**0.023 ACRE**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Section 6, Township 5, Range 22, Refugee Lands, being a portion of right-of-way of a 20-foot east-west alley, as originally dedicated in Salzgeber and Gamper's Subdivision, of record in Plat Book 5, Page 404, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

This description has a vertical component. The intent of this description is to include an area from an elevation 0.5 feet below the lowest footer up to an elevation 0.5 feet above the top of the highest proposed footer. The bottom of the area is

733.32 feet (NAVD88) and the top is 740.65 feet (NAVD 88). The elevations given go along with the horizontal metes and bounds described below, creating an extruded block of air-space.

**COMMENCING** at a  $\frac{3}{4}$ " inner diameter iron pin found, being the southwesterly corner of Lot 37 of said Salzgeber and Gamper's Subdivision, as conveyed to Leneskies Properties, LLC (50%) and Lowry Holdings LLC (50%) in Instrument Number 202106160105643, also being the intersection of the northerly right-of-way line of said 20-foot east-west alley and the easterly right-of-way line of Norton Avenue (50'), said iron pipe found being the **TRUE POINT OF BEGINNING**:

Thence along the northerly right-of-way line of said 20-foot east-west alley, along the southerly lines of Lots 37 through 45, inclusive, of said Salzgeber and Gamper's Subdivision, as conveyed to Leneskies Properties, LLC (50%) and Lowry Holdings LLC (50%) in Instrument Number 202106160105643 (Lot 37 and 38) and as conveyed to Monarch Bldg, LLC in Instrument Number 200510240223086 (Lot 39 through 45, inclusive), South  $85^{\circ}47'24''$  East, passing a  $\frac{3}{4}$ " inner diameter iron pipe found at 79.83 feet, a total distance of 335.90 feet to the southeasterly corner of said Lot 45, being the intersection of the northerly right-of-way line of said 20-foot east west alley and the westerly right-of-way line of Delashmut Avenue (30') (formerly known as Franklin Avenue, as dedicated in Plat Book 5, Page 404), being from elevation 733.32 (NAVD 88) to 740.65 (NAVD88);

Thence across said 20-foot east-west alley, South  $03^{\circ}17'58''$  West, 3.00 feet to a point, being from elevation 733.32 (NAVD 88) to 740.65 (NAVD88);

Thence continuing across said 20-foot east-west alley, North  $85^{\circ}47'24''$  West, 335.89 feet to a point, being from elevation 733.32 (NAVD 88) to 740.65 (NAVD88);

Thence continuing across said 20-foot east-west alley, North  $03^{\circ}07'13''$  East, 3.00 feet to a  $\frac{3}{4}$ " iron pipe found, being from elevation 733.32 (NAVD 88) to 740.65 (NAVD88), said iron pipe found being the **POINT OF TRUE BEGINNING**, containing 0.023 acres (1,008 S.F.), more or less.

**SECTION 2.** That the City received 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.