**File #:** 2750-2025, **Version:** 1

**1. BACKGROUND**
To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant revocable encroachment easements to Morning Enterprise, LLC to allow their steel roll-up door and a portion of their building (0.002 acres) to remain on City property within existing right-of-way, at 969-971 Mt Vernon Avenue Columbus, Ohio 43203 (parcel 010-033919).

The Department of Public service is engaged in the Roadway - Multimodal - Mt Vernon Avenue Phase 1 project. This project includes roadway improvements to the Martin Luther King Jr/Mount Vernon Avenue corridor from Hamilton Avenue to North Champion Avenue. Improvements include adding on-street separated bike paths with an added concrete median, floating bus islands at various locations, repaving the full width of the roadway, and sidewalk repairs.

The City of Columbus, Department of Public Service, received a request that the City grant a Revocable Encroachment Easement to allow a portion of their steel roll-up door and building (0.002 acres) to remain on City property within existing right-of-way. The existing steel roll-up door and a portion of their building was identified to be encroaching into the right-of-way while reviewing the construction plans for the project. The existing steel roll-up door and building are not impacting any functionality of the right-of-way. Granting these encroachment easements is needed in order for ODOT and the City of Columbus to clear the right-of-way for this project. The following ordinance authorizes the Director of the Department of Public Service to execute documents necessary to grant these encroachment easements for the proposed steel roll-up door and a portion of their building into the public right-of-way.

Ordinance 0688-2023 authorized the Director of Public Service, on behalf of the City of Columbus, to submit applications to and execute grant agreements with the Ohio Department of Transportation (ODOT) for Highway Safety Improvement Program funds for the Operation Safewalks - FRA - SRTS Mt. Vernon Avenue project.

**2. FISCAL IMPACT**
There is no fiscal impact to grant this Revocable Encroachment Easement.

**3. EMERGENCY DESIGNATION**
Emergency action is requested so establishment of the necessary encroachment easements can proceed without delay allowing for acquisition related activities to continue towards clearing right-of-way for this project and to ensure the safety of the traveling public.

To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant a Revocable Encroachment Easement to Morning Enterprise, LLC to allow their steel roll-up door and a portion of their and a portion of their building at 969-971 Mt Vernon Avenue to remain on City property within existing right-of-way; and to declare an emergency. ($0.00)

**WHEREAS,** a Revocable Encroachment Easement in the public rights-of-way was requested by the owner of the property located at 969-971 Mt Vernon Avenue Columbus, Ohio 43203; and

**WHEREAS,** the encroachments include the existing steel roll-up door and building; and

**WHEREAS,** an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to authorize the Director of Public Service to execute those documents necessary to grant encroachment easements to Morning Enterprise, LLC in order to establish the necessary encroachment easements and

prevent delay of acquisition related activities to continue towards clearing right-of-way for this project, to ensure the safety of the traveling public for the immediate preservation of 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 be and is hereby authorized to execute those documents necessary to grant the following described encroachment easements to Morning Enterprise, LLC, and attached exhibits; to-wit:

**PARCEL 33-ENC**
**0.002**
**ACRES**
**ENCROACHMENT EASEMENT**

Situate in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 13, Township 5, Range 22, Refugee Lands, and being a portion of right of way of Mount Vernon Avenue, as originally dedicated in the Mitchell & Watson Mount Vernon Addition, of record in Plat Book 2, Page 189. All records being of record in the Franklin County Recorder's Office, Franklin County, Ohio and being more fully described as follows:

***Commencing*** at the centerline intersection of Mount Vernon Avenue (variable R/W width) and Eighteenth Street (R/W width 60');

Thence **South 77 degrees 28 minutes 32 seconds West** a distance of **115.81 feet** with the centerline of Mount Vernon Avenue;

Thence **South 12 degrees 31 minutes 28 seconds East** a distance of **30.00 feet** across the right of way of Mount Vernon Avenue to the ***True Point of Beginning***;

Thence **South 12 degrees 31 minutes 28 seconds East**, continuing across the right of way of Mount Vernon Avenue, a distance of **3.00 feet** to the southerly existing right of way of Mount Vernon Avenue, being also the northeast corner of Lot 18 in said Mitchell & Watson Mount Vernon Addition as conveyed to Morning Enterprise, LLC. in Instrument Number 202105260093136 and the northwest corner of Lot 19 in said Mitchell & Watson Mount Vernon Addition as conveyed to Mainspring Collective, LLC. in Instrument Number 202506170063563;

Thence **South 77 degrees 28 minutes 32 seconds West**, with said southerly existing right of way of Mount Vernon Avenue and the north line of said Lot 18, a distance of **38.53 feet** to the northwest corner of said Lot 18 and the northeast corner of Lot 17 in said Mitchell & Watson Mount Vernon Addition as conveyed to Lee Pe Ken Realty, LLC. in Instrument Number 201706020073981;

Thence **North 12 degrees 31 minutes 28 seconds West**, leaving said southerly existing right of way of Mount Vernon Avenue and said north line of Lot 18, a distance of **1.50 feet** across the right of way of Mount Vernon Avenue;

Thence **North 77 degrees 28 minutes 32 seconds East** a distance of **26.28 feet** across the right of way of Mount Vernon Avenue;

Thence **North 12 degrees 31 minutes 28 seconds West** a distance of **1.50 feet** across the right of way of Mount Vernon Avenue;

Thence **North 77 degrees 28 minutes 32 seconds East** a distance of **12.25 feet** across the right of way of Mount Vernon Avenue to the ***True Point of Beginning***.

The above described area contains a total of **0.002 acres** *(76.18 square feet)*, more or less, within the right of way of Mount Vernon Avenue.

Bearings used in this description are based on Ohio State Plane Coordinate System, South Zone as per NAD 83(2011) and were established utilizing ODOT's RTN System, GPS equipment and procedures and with a reference bearing of N 77° 28'32" E on the centerline of Mount Vernon Avenue.

This description was prepared from existing records and a field survey performed in November 2024 by Resource International, Inc.

**SECTION 2.** 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.