File #: 2757-2025, **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 Hathaway & Ferguson Inc. to allow a portion of their building (0.003 acres) to remain on City property within existing right-of-way, at 873 Mt. Vernon Avenue Columbus, Ohio 43203 (parcel 010-040364 and 010-040137).

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 building (0.003 acres) to remain on City property within existing right-of-way. The existing building was identified to be encroaching into the right-of-way while reviewing the construction plans for the project. The existing building is 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 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 Hathaway & Ferguson Inc. to allow a portion of their building at 873 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 873 Mt Vernon Avenue Columbus, Ohio 43203; and

WHEREAS, the encroachments include the existing 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 Hathaway & Ferguson Inc. 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 Hathaway & Ferguson Inc., and attached exhibits; to-wit:

PARCEL 18-ENC
0.003
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 East Grove Addition Amended Plat, of record in Plat Book 2, Page 102, and a portion of right of way of a 9' Alley, as originally dedicated in George A. Powells Heir's Subdivision, of record in Plat Book 4, Page 70. All records being of record in the Franklin County Recorder's Office, Franklin County, Ohio and being more fully described as follows:

Commencing at a mag spike found at the centerline intersection of Mount Vernon Avenue (variable R/W width) and Monroe Avenue (R/W width 66');

Thence **South 77 degrees 28 minutes 32 seconds West** a distance of **40.41 feet** with the centerline of Mount Vernon Avenue;

Thence **South 12 degrees 31 minutes 28 seconds East** a distance of **32.00 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 **1.00 feet** to the southerly existing right of way of Mount Vernon Avenue, also being the northerly line of Lot 2 of said George A. Powells Heir's Subdivision as conveyed to Hathaway & Ferguson, Inc. in Deed Book 3580, Pg. 835;

Thence **South 77 degrees 28 minutes 32 seconds West**, with said southerly existing right of way of Mount Vernon Avenue and the northerly line of said Lot 2 and Lot 3 of said George A. Powells Heir's Subdivision as conveyed to Hathaway & Ferguson, Inc. in Deed Book 1614, Pg. 86 and Deed Book 1094, Pg. 136, a distance of **69.50 feet** to the northwest corner of Lot 3 of said George A. Powells Heir's Subdivision, also being the intersection of the southerly existing right of way of Mount Vernon Avenue and the easterly existing right of way of a 9' Alley as dedicated in said George A. Powells Heir's Subdivision;

Thence **South 04 degrees 08 minutes 59 seconds West**, with the easterly existing right of way of said 9' Alley and the westerly line of said Lot 3, a distance of **76.05 feet** to an angle point in the easterly existing right of way of said 9' Alley and said westerly line of Lot 3;

Thence **South 40 degrees 51 minutes 01 seconds East**, with the easterly existing right of way of said 9' Alley and said westerly line of Lot 3, a distance of **0.84 feet**;

Thence **North 85 degrees 51 minutes 01 seconds West**, leaving the easterly existing right of way of said 9' Alley and said westerly line of Lot 3, a distance of **1.59 feet** across the right of way of said 9' Alley;

Thence **North 04 degrees 08 minutes 59 seconds East** a distance of **77.38 feet** across the right of way of a 9' Alley;

Thence **North 77 degrees 28 minutes 32 seconds East** a distance of **70.24 feet** across the right of way of Mount Vernon

Avenue to the ***True Point of Beginning***.

The above described area contains a total of **0.003 acres** *(147.06 square feet)*, more or less, within the right of way of Mount Vernon Avenue and the right of way of a 9’ Alley.

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.