File #: 2760-2025, **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 Lorelei Theve to allow their retaining wall (0.001 acres) to remain on City property within existing right-of-way, at 1161 Mt Vernon Avenue Columbus, Ohio 43203 (parcel 010-008012).

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 their retaining wall (0.001 acres) to remain on City property within existing right-of-way. The existing retaining wall was identified to be encroaching into the right-of-way while reviewing the construction plans for the project. The existing retaining wall 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 retaining wall 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 Lorelei Theve to allow their retaining wall at 1161 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 1161 Mt Vernon Avenue Columbus, Ohio 43203; and

WHEREAS, the encroachments include the existing retaining wall; 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 Lorelei Theve 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 Lorelei Theve, and attached exhibits; to -wit:

PARCEL 56-ENC
0.001
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 Betty & Hanes Addition, of record in Plat Book 3, Page 290. 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 Twenty Second Street (R/W width 50');

Thence **South 03 degrees 06 minutes 28 seconds West** a distance **of 41.40 feet** with the centerline of Twenty Second Street to a point in said line;

Thence **North 86 degrees 53 minutes 32 seconds West** a distance **of 25.00 feet** across the right of way of Twenty Second Street to the intersection of the existing westerly right of way of Twenty Second Street and the southerly right of way of Mount Vernon Avenue, being the northeast corner of the east half of Lot 25 of said Betty & Hanes Addition as conveyed to Lorelei Theve and Christian Theve in Instrument Number 202203090037733 *(witness iron pipe 0.12' N03° 00'01"E of Lot corner)*, also being the ***True Point of Beginning***;

Thence **South 77 degrees 15 minutes 38 seconds West**, with the existing southerly right of way line of Mount Vernon Avenue and the north line of said Lot 25, a distance of **15.89 feet** to the northwest corner of said east half of Lot 25 and the northeast corner of the west half of Lot 25 of said Betty & Hanes Addition as conveyed to Deloris C. Harrington and Laura H. Locke in Instrument Numbers 200604200074189, 200604200074181, and 199805060110504;

Thence **North 12 degrees 44 minutes 22 seconds West**, leaving the existing southerly right of way line of Mount Vernon Avenue and the north line of said Lot 25, a distance **of 2.00 feet** across the right of way of Mount Vernon Avenue;

Thence **North 77 degrees 15 minutes 38 seconds East** a distance **of 15.89 feet** across the right of way of Mount Vernon Avenue;

Thence **South 12 degrees 44 minutes 22 seconds East** a distance **of 2.00 feet** across the right of way of Mount Vernon Avenue to the ***True Point of Beginning.***

The above described area contains a total of **0.001 acres** *(31.78 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° 15'38" 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.