

MEMORANDUM

TO: Dublin City Council
Marsha I. Grigsby, City Manager
Paul A. Hammersmith, P.E., Director of Engineering/City Engineer

FROM: Stephen J. Smith, Law Director

DATE: January 24, 2013

RE: Resolution 04-13 - Intent to Appropriate a Storm Sewer Easement
from Matthew Wickline

PROJECT BACKGROUND:

The City of Dublin ("City") is preparing improve the storm sewer system that will drain the Sheffield Place Section 2 subdivision to Dublin Road (the "Project"). This Project is a portion of the improvements that were delineated in the 1999 Stormwater Master Plan in the Limerick Lane area. The City must obtain a property interest from Matthew C. Wickline located within the City in order to construct this Project.

After engaging in a lengthy period of negotiations with the Grantor, it appears that the City may be forced to appropriate the needed property from the Grantor.

The City is still hopeful that an amicable resolution can be reached with the Grantor, however, this Resolution begins the eminent domain process in the event that negotiations are unsuccessful.

PROPERTY TO BE APPROPRIATED:

The appropriation consists of the following property interests, as depicted in the map attached hereto:

Franklin County Parcel No. 273-000880

Storm Sewer Easement	0.155 ± acres
Appraised Value	\$7,325.00

RECOMMENDATION:

Staff recommends approval of this Resolution as the project will provide an improvement to the drainage outlet of the Sheffield Place subdivision and is in accordance with the adopted Stormwater Master Plan.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 04-13 Passed _____, 20____

A RESOLUTION OF INTENT TO APPROPRIATE A 0.155 ACRES, MORE OR LESS, STORM SEWER EASEMENT AT 7460 DUBLIN ROAD FROM MATTHEW C. WICKLINE

WHEREAS, the City of Dublin is preparing to construct storm sewer improvements for Sheffield Place subdivision outlet into a Dublin Road culvert; and

WHEREAS, this project will require the City of Dublin to obtain a permanent easement from Matthew C. Wickline (Property) as described and depicted in the legal description attached hereto as Exhibit "A", said property interest located in the City of Dublin, County of Franklin, State of Ohio.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. Council considers it necessary and declares its intention to appropriate, for the purpose improving the public storm sewer system, a permanent easement as described and depicted in the attached Exhibit A.

Section 2. The City Manager is hereby authorized to cause written notice of the passage of this Resolution to be served upon the owner and persons in possession or having an interest of record in the property described in Exhibit A, and this notice shall be served according to law.

Section 3. This Resolution shall take effect and be in force from and after the earliest date permitted by law.

Passed this _____ day of _____, 2013.

Mayor - Presiding Officer

ATTEST:

Clerk of Council

GRANT OF STORM SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS that **MATTHEW C. WICKLINE**, ("Grantor"), whose tax mailing address is 7460 Dublin Road, Dublin Ohio 43017, for and in consideration of _____ Dollars (\$_____.00) and other valuable considerations paid by the **CITY OF DUBLIN, OHIO**, an Ohio municipal corporation ("Grantee"), receipt of which is hereby acknowledged, hereby grants to Grantee, its successors and assigns forever, a perpetual easement for a storm sewer line in, through, over and under that portion of the property located on 7460 Dublin Road, Dublin, Franklin County, Ohio, and known as Franklin County Auditors' Tax Parcel ID Number 273-008880 (the "Property"), such portion being legally described on Exhibit "A" and depicted on Exhibit "B", which exhibits are attached hereto and made a part hereof, together with the right to Grantee and its employees, agents, independent contractors, and successors and assigns, (i) of ingress and egress over the Property for access to the easement granted herein; (ii) to construct underground lines, conduits, valves, regulators and all other appurtenances (collectively "Facilities"); and (iii) to add to, operate, maintain, repair, replace, remove or relocate any Facilities.

Grantee, as soon as practicable after construction of the Facilities, including but not limited to alterations and repairs thereto, shall cause the property of Grantor located within the easement area herein described to be restored to its former condition as nearly as is reasonably practicable.

Grantor, its successors and assigns, hereby release Grantee from any further claims for compensation or claims for damages resulting from this grant, except that Grantee shall not be released from liability for damage caused by its gross negligence or that of its employees, agents or contractors.

The agreements in this Grant of Storm Sewer Easement shall run with the land and be binding upon and inure to the benefit of the respective heirs, personal representatives, successors, transferees, and assigns of Grantor and Grantee.

IN WITNESS WHEREOF, Grantor, **MATTHEW C. WICKLINE**, and Grantee, **CITY OF DUBLIN, OHIO**, have hereunto set their hands this ____ day of _____, 2011.

GRANTOR:

GRANTEE:

MATTHEW C. WICKLINE,

CITY OF DUBLIN, OHIO,
an Ohio municipal corporation

By: _____
Marsha Grigsby, City Manager

State of Ohio,
Franklin County, SS:

BE IT REMEMBERED, that on this ____ day of _____, 2011, before me, the subscriber, a Notary Public in and for said county and state, personally came _____, the _____ of **MATTHEW C. WICKLINE**, Grantor, who acknowledged the signing thereof to be his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary public

My commission expires: _____

State of Ohio,
Franklin County, SS:

BE IT REMEMBERED, that on this ____ day of _____, 2011, before me, the subscriber, a Notary Public in and for said county and state, personally came Marsha Grigsby, the City Manager of the **CITY OF DUBLIN, OHIO**, an Ohio municipal corporation, who acknowledged the signing thereof to be her free act and deed for and on behalf of said municipal corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary public

My commission expires: _____

This Instrument Prepared By:
Schottenstein, Zox & Dunn
A Legal Professional Association
250 West Street
Columbus, Ohio 43215

**STORM SEWER EASEMENT
0.155 ACRE**

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF DUBLIN, LOCATED IN VIRGINIA MILITARY SURVEY NUMBER 2543, BEING ON, OVER, AND ACROSS THAT 1.076 ACRE TRACT AS CONVEYED TO MATHEW C. WICKLINE BY DEED OF RECORD IN INSTRUMENT NUMBER 200208300216148 (ALL REFERENCES REFER TO THE RECORDS OF THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO), AND BEING DESCRIBED AS FOLLOWS:

BEGINNING FOR, REFERENCE, AT THE SOUTHEASTERLY CORNER OF GRANTOR'S TRACT, BEING THE WESTERLY RIGHT-OF-WAY LINE OF DUBLIN BELLPOINT ROAD(S.R. 745);

THENCE NORTH 17°01'48" WEST, WITH GRANTOR'S EASTERLY LINE, A DISTANCE OF 31.23 FEET THE TRUE POINT OF BEGINNING;

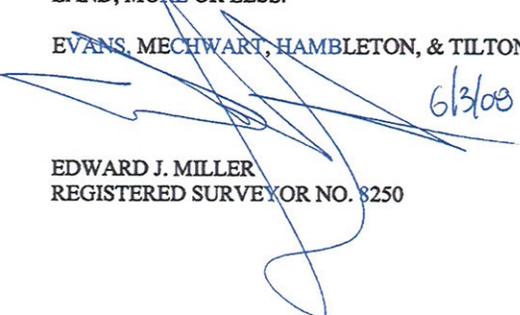
THENCE SOUTH 85°36'40" WEST, ACROSS GRANTOR'S TRACT, A DISTANCE OF 339.79 FEET TO THE GRANTOR'S SOUTHWESTERLY CORNER;

THENCE NORTH 09°29'03" WEST, WITH SAID WESTERLY LINE, A DISTANCE OF 20.08 FEET TO A POINT;

THENCE NORTH 85°36'40" EAST, ACROSS GRANTOR'S TRACT, A DISTANCE OF 337.09 FEET TO A POINT ON GRANTOR'S EASTERLY LINE, THE WESTERLY RIGHT-OF-WAY LINE OF DUBLIN BELLPOINT ROAD(S.R. 745);

THENCE SOUTH 17°01'48" EAST, WITH SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 20.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.155 ACRE OF LAND, MORE OR LESS.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

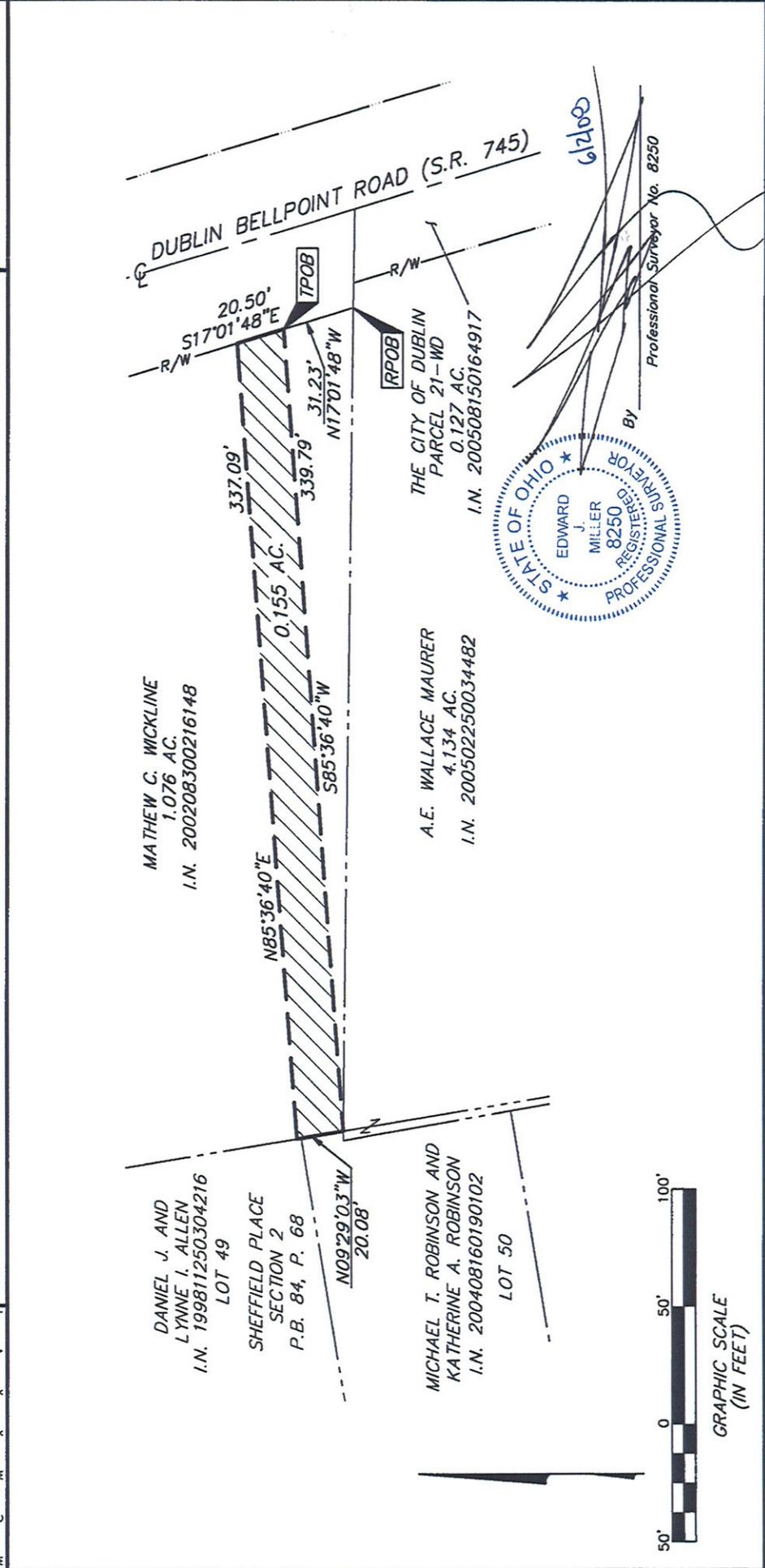

EDWARD J. MILLER
REGISTERED SURVEYOR NO. 8250

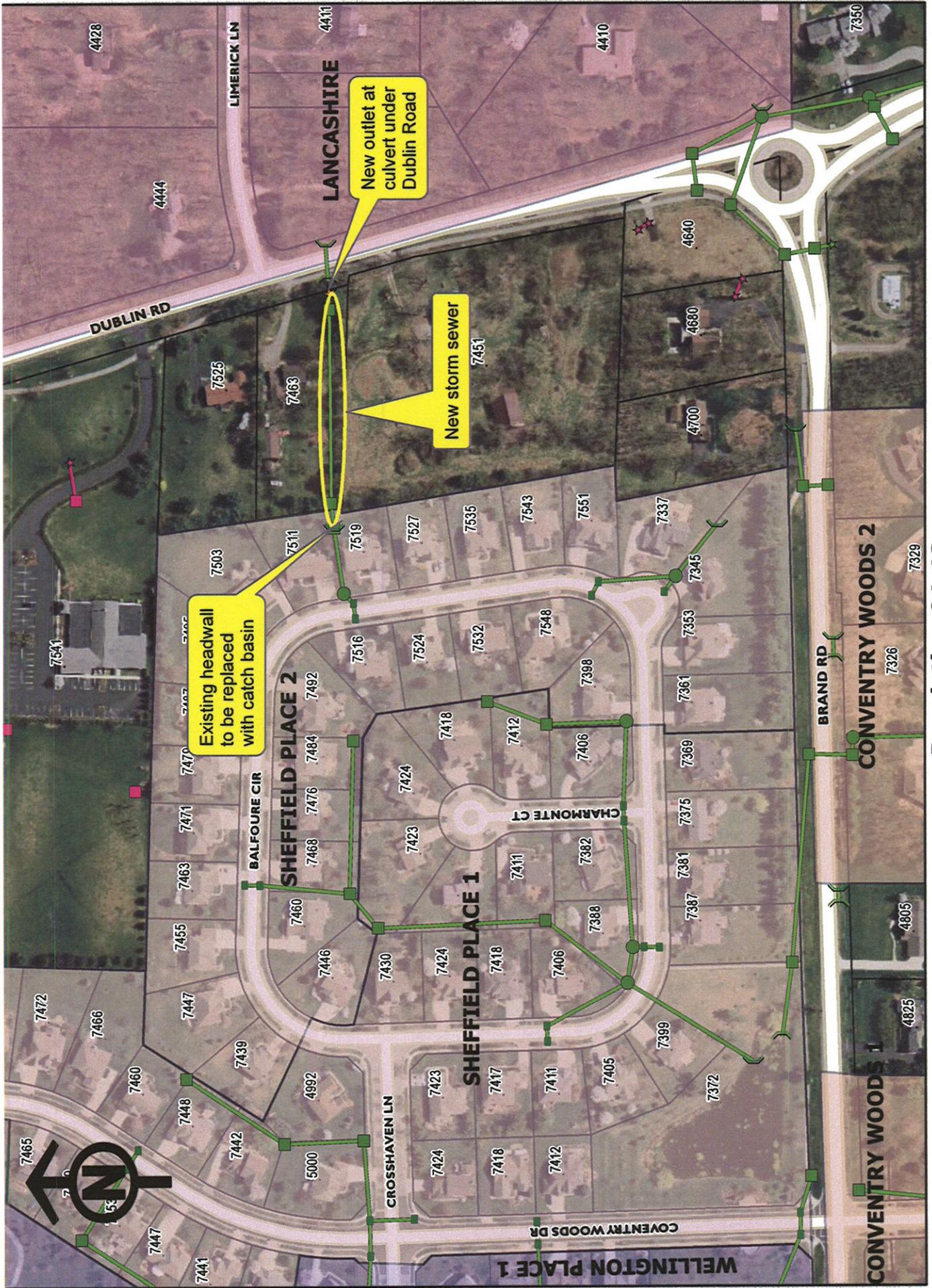


EMHT
 Evans, Mechward, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5560 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Fax: 614.775.4800

STORM SEWER EASEMENT
VIRGINIA MILITARY SURVEY NO. 2543
 CITY OF DUBLIN, FRANKLIN COUNTY, OHIO

Date: June 2, 2008
 Scale: 1" = 50'
 Job No: 2008-0570





**Resolution 04-13
Proposed Storm Sewer Improvement
Location Map**