City of Dublin

Office of the City Manager
5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager

Date: February 21, 2013

Initiated By: Philip Hartmann, Assistant Law Director
Paul A. Hammersmith, PE, Director of Engineering/City Engineer

Re: Ordinance 17-13 - Authorizing the Appropriation of a 0.155 acres, more or less, Storm Sewer Easement at 7460 Dublin Road for Matthew C. Wickline

Summary

The City of Dublin ("City") is preparing to improve the storm sewer system that drains 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.

On January 28, 2013, Council approved Resolution 04-13, declaring the City's intent to appropriate the necessary 0.155 acre (more or less) easement on Mr. Wickline's property for this Project. Mr. Wickline was informed of this resolution and has been given the appraiser's report, which indicates the fair market value of the easement as $7,325.00.

Staff has had a brief discussion with Mr. Wickline regarding this easement since the approval of the Resolution, but no agreement has been reached. While the City remains hopeful that an amicable resolution can be reached, this Ordinance represents the next step in the appropriation process.

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

The Law Department and Engineering recommend approval of Ordinance 17-13 at the second reading/public hearing on March 11 as obtaining this easement will allow resolution to a long-standing drainage situation as documented by the City's 1999 Stormwater Master Plan.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 17-13 *Passed* _____, 20____

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF A 0.155 ACRES, MORE OR LESS, STORM SEWER EASEMENT AT 7460 DUBLIN ROAD FROM MATTHEW C. WICKLINE

WHEREAS, the City of Dublin ("City") is preparing to construct a storm sewer improvement perpendicular to Dublin Road to help alleviate an existing drainage situation in adjacent subdivision of Coventry Woods, west of the Wickline parcel; 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 and survey attached hereto as Exhibit "A", said property interest is located in the City of Dublin, County of Franklin, State of Ohio; and

WHEREAS, this easement will run east to west at or near the Property's southernmost property line so as to minimize as much interference as possible with the Property; and

WHEREAS, representatives of the City of Dublin have attempted to partake in good faith negotiations with the landowner, but these negotiations have been unsuccessful thus far.

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

Section 1. Council hereby authorizes the City to appropriate, for the purpose of installing a storm sewer pipe, running east to west at or near the Property's southernmost property line, a permanent easement of an approximate 0.155 acres from Matthew C. Wickline, 7460 Dublin Road, Dublin, Ohio 43017.

Section 2. Council hereby fixes the value of the interests to be appropriated at seven thousand three hundred twenty-five dollars ($7,325).

Section 3. Council finds that the appropriation is necessary for the stated purpose and that the City has been unable to agree with the owner of the property as to appropriate compensation.

Section 4. The City Law Director is hereby authorized to file a petition for appropriation in the Franklin County Court of Common Pleas should it become necessary.

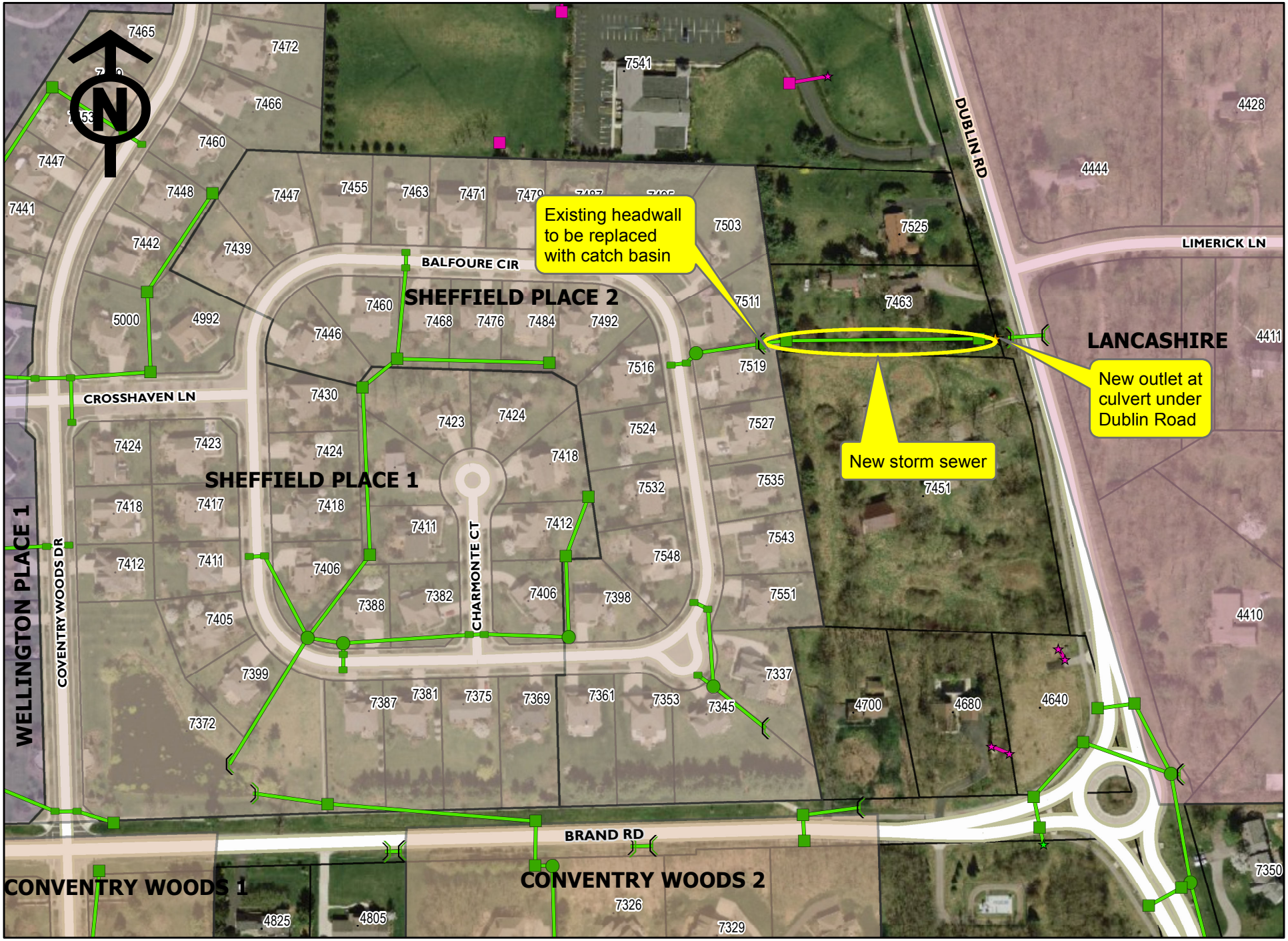
Section 5. This Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Passed this _____ day of _____, 2013.

_____
Mayor - Presiding Officer

ATTEST:

_____
Clerk of Council



Ordinance 17-13
Proposed Storm Sewer Improvement
Location Map

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:

MATTHEW C. WICKLINE,

_____

GRANTEE:

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: _____

{H1204910.2 }

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.

6/3/08

EDWARD J. MILLER
REGISTERED SURVEYOR NO. 8250

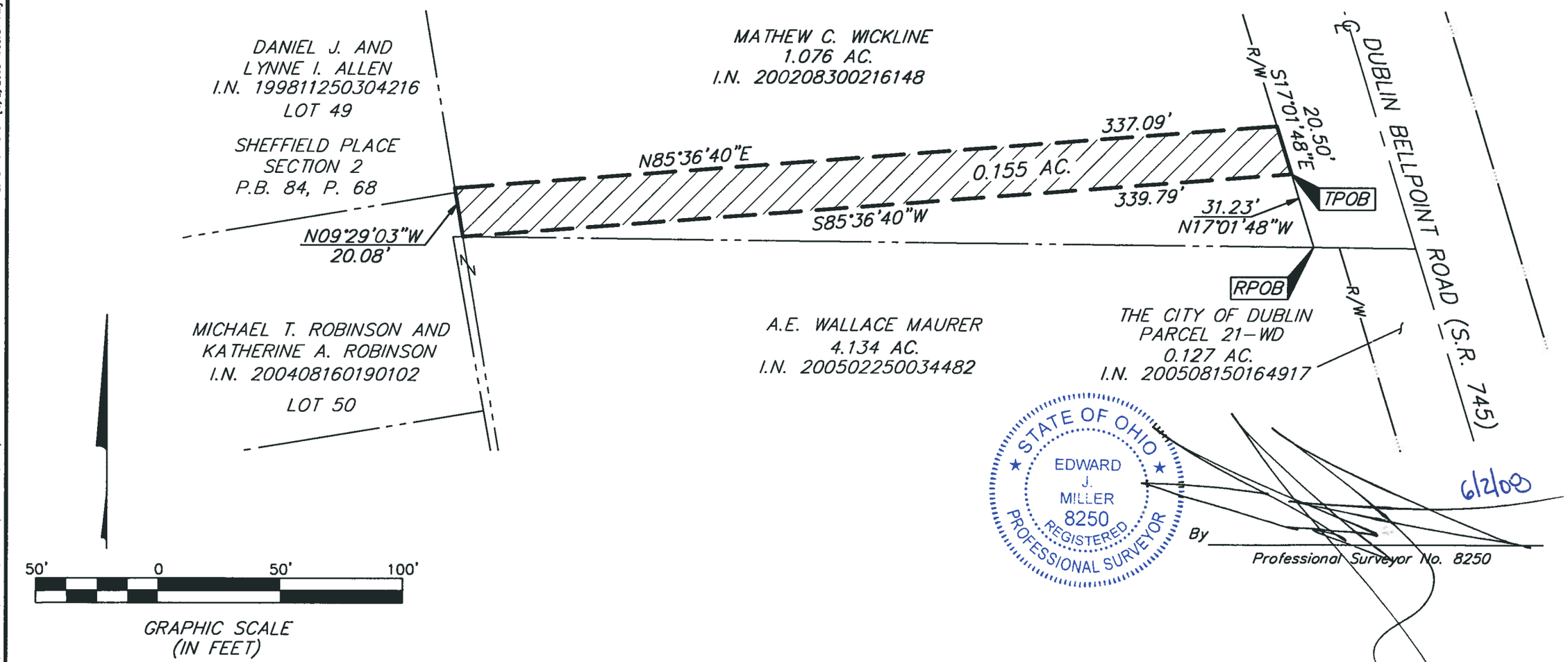
STATE OF OHIO
EDWARD J. MILLER 8250 REGISTERED
PROFESSIONAL SURVEYOR

EJM :JRM /JUNE 2, 2008
0_155 AC 80570.DOC

EMH&T
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Fax: 614.775.4800
M C M X X V I

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



\\CMHDATA1\SURVEY\PROJECT\20080570\DWG\80570SE.DWG<LEGAL LAND> - NO XREFS - LAST SAVED BY JMASTON [6/2/2008 1:06:31 PM] - PLOTTED BY JMASTON [6/2/2008 1:06:31 PM]