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: May 16, 2013

Initiated By: Sara Ott, Sr. Project Manager

Re: **Ordinance 43-13 – Authorizing the Acquisition of Property Interests from Jerry Garland Spears III and Marsha M. Spears**

Background

The City of Dublin ("City") is preparing to construct intersection improvements and associated pedestrian facilities at the intersection of Brand Road and Coffman Road (the "Project"). The City must obtain property interests from various landowners located within the area of the Project in order to construct this project. The City presented offers, based upon appraisals, to each of these landowners.

One of the landowners that the City must obtain property interests from for the construction of the Project is Jerry Garland Spears III and Marsha M. Spears (the "Grantor"). After engaging in amicable negotiations, the City has come to an agreement with the Grantor to acquire these necessary property interests, pursuant to the terms outlined in this memorandum.

Acquisition

The City will acquire from the Grantor only those property interests necessary for the construction of the Project as depicted in the legal descriptions and maps attached to this memorandum. The City will acquire these property interests for approximately 5% above appraised value. The acquisition is detailed below:

Property Interest Acquiring	*PROPOSED ACRES*	*APPRAISED COST*	*AGREED PURCHASE PRICE*
Present Road Occupied (P.R.O.)	0.184	$1	$1
Right of Way	0.096	$6,499	$6,824
Temporary Construction and Grading Easements	0.009 0.028	$100 $300	$105 $315
Vegetation/Natural Growth Being Removed		$8,000	$8,400
Total		$14,900	$15,645

In addition, the City will replace eleven mature evergreens that are being removed as part of this Project.

Recommendation

Ordinance 43-13 authorizes the City Manager to execute all necessary conveyance documentation to formally acquire the necessary property interests described above. Staff recommends approval of Ordinance 43-13 by emergency at the second reading/public hearing on June 10, 2013 as obtaining the property interests is necessary for the furtherance of this Project.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 43-13 *Passed* _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTATION TO ACQUIRE A 0.280 ACRES, MORE OR LESS, FEE SIMPLE INTEREST OF WHICH 0.184 ACRES, MORE OR LESS, IS PRESENT ROAD OCCUPIED; A 0.009 ACRES, MORE OR LESS, TEMPORARY CONSTRUCTION EASEMENT; AND A 0.028 ACRES, MORE OR LESS, TEMPORARY CONSTRUCTION EASEMENT FROM JERRY GARLAND SPEARS III AND MARSHA M. SPEARS

WHEREAS, the City of Dublin is preparing to construct a roundabout and accompanying facilities at the intersection of Brand and Coffman Road (the "Project"); and

WHEREAS, the project requires the City to obtain certain property interests within Franklin County Parcel No. 270-000262, owned by Jerry Garland Spears III and Marsha M. Spears, described and depicted in the attached Exhibits "A" and "B," attached hereto and incorporated herein; and

WHEREAS, the City and the Grantor participated in good faith discussions and have come to mutually agreeable terms for the acquisition of the property interests for the sum of Fifteen Thousand Six Hundred Forty five Dollars ($15,645.00), plus the addition of eleven (11) trees; and

WHEREAS, the City desires to execute necessary conveyance documentation to complete the transaction between the City and the Grantor.

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

Section 1. The City Manager is hereby authorized to execute all necessary conveyance documentation to acquire a 0.280 acres, more or less, fee simple interest of which .184 acres, more or less, is present road occupied; a 0.009 acres, more or less, for a temporary construction easement; and a 0.028 acres, more or less, for a temporary construction easement from Jerry Garland Spears III and Marsha M. Spears, for the sum of Fifteen Thousand Six Hundred Forty Five Dollars ($15,645.00), plus the addition of eleven (11) trees, said property interests located within Franklin County Parcel No. 270-0000262, and as more fully described and depicted in the attached Exhibits "A" and "B."

Section 3. This ordinance is hereby declared to be an emergency necessary for the immediate preservation of the public health, safety and welfare. The acquisition of the property interests described herein is necessary to improve traffic circulation and to address safety concerns for the citizens of Dublin. As such, this ordinance shall go into immediate effect upon passage.

Passed this _____day of _____, 2013.

_____

Mayor - Presiding Officer

ATTEST:

_____

Clerk of Council

EXHIBIT A

CIP	11-023-CIP
PARCEL	3-WD
PROJECT	BRAND/COFFMAN
Version Date	02/19/13

PARCEL 3-WD
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS

Situated in the State of Ohio, County of Franklin, Washington Township, located in Virginia Military Survey Number 2543, being a part of a 8.000 acre tract in the name of Jerry Garland, III and Marsha M. Spears, as described in Official Record Volume 5537, Page I04, Deed Volume 3245, Page 95 and Deed Volume 2992, Page 359, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at a railroad spike (found) at the centerline intersection of Brand Road (60' right of way) and Coffman Road (70' right of way);

Thence, South 75°28'48" East, a distance of 465.19 feet, along the centerline of said Brand Road, to a railroad spike (found) at the southeasterly corner of a 14.118 acre tract in the name of the City of Dublin, as described in Instrument Number 201203160036653, and the **True Place of Beginning** for the parcel described herein:

Thence, North 00°10'25" West, a distance of 46.52 feet, leaving said centerline, along the easterly line of said 14.118 acre tract, to an iron pipe (set), passing a capped 3/4" I.D. pipe (found), with a yellow cap stamped "W.E. Stilson", at a distance of 31.01 feet;

Thence, leaving said property line, through said 8.000 acre tract, for the following five (5) calls:

1. South 75°28'48" East, a distance of 35.63 feet, to an iron pipe (set);
2. North 15°41'32" East, a distance of 10.00 feet, to an iron pipe (set);
3. South 75°35'30" East, a distance of 20.00 feet, to an iron pipe (set);
4. South 15°41'32" West, a distance of 10.00 feet, to an iron pipe (set);
5. South 75°40'39" East, a distance of 210.89 feet, to an iron pipe (set) on the westerly line of a 6.000 acre tract in the name of Davidson Phillips, Inc., as described in Instrument Number 201205290074991;

Thence, South 00°13'17" East, a distance of 46.49 feet, along the westerly line of said 6.000 acre tract, to a magnail (set) at the southwesterly corner of said 6.000 acre tract, said corner being in the centerline of said Brand Road and the northerly line of a 2.319 acre tract in the name of Jon L. & Colleen M. Reynolds, as described in Instrument Number 200708290152547 and Instrument Number 200003010041001;

Thence, North 75°40'39" West, a distance of 233.72 feet, along said centerline and said property line, to a railroad spike (found) at an angle point in said centerline, passing the most northwesterly corner of said 2.319 acre tract and the northeasterly corner of a 0.998 acre tract in the name of Dennis W. Richardson, as described in Instrument Number 200701290017158, at a distance of 225.44 feet;

Thence, North 75°28'48" West, a distance of 32.83 feet, along said centerline and the northerly line of said 0.998 acre tract, to the **True Place of Beginning**, containing 0.280 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 270-000262-00, with 0.184 acres, more or less, being the Present Roadway Occupied (P.R.O.).

Iron Pipes set are 3/4 inch inside diameter iron pipes, 30 inches long, with a yellow cap stamped "W.E. STILSON".

The bearings for this description are based on the bearing between Franklin County Engineer's stations "MCNEAL" and "FCGS 6648" being South 15°07'52" East, as measured using GPS methods and the Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment).

I hereby certify this description was written by using measurements obtained by an actual field survey conducted under my direct supervision.

John Jeffrey Raab 2/20/13

John Jeffrey Raab, Ohio Registered Surveyor No 7863 Date

Prepared by: W.E. Stilson Consulting Group, LLC.

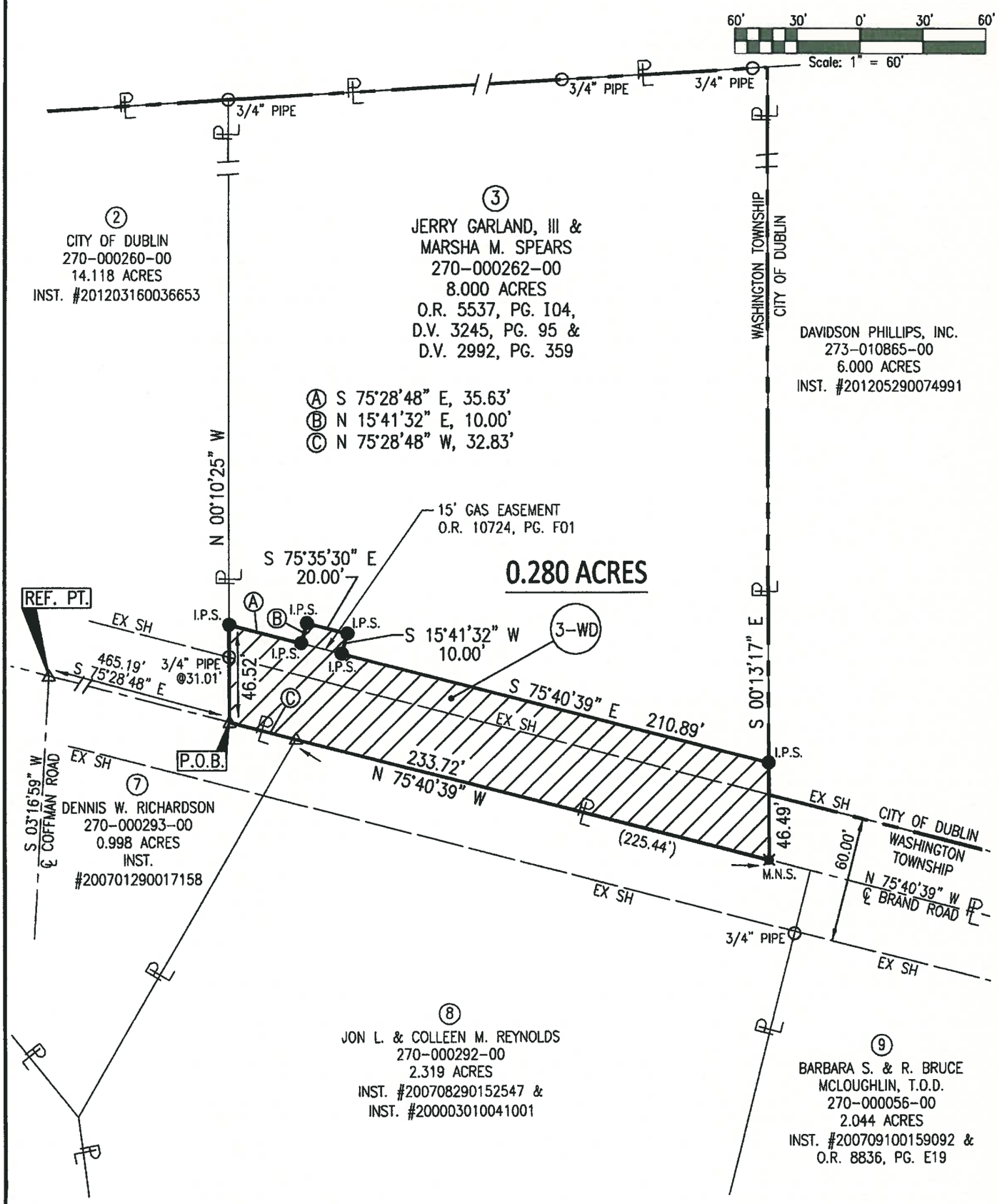
DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E., P.S.
BY: RJN
DATE 02.20.2013

STATE OF OHIO
JOHN JEFFREY RAAB
7863
REGISTERED
PROFESSIONAL SURVEYOR

0.107-E
SPLIT
0.280 AC
OUT OF
(270)
000262

EXHIBIT B
PARCEL 3-WD
BRAND ROAD / COFFMAN ROAD ROUNDABOUT

WASHINGTON TOWNSHIP, V.M.S. 2543,
CITY OF DUBLIN, FRANKLIN COUNTY, OHIO



W.E. STILSON
CONSULTING GROUP

Pride in the Details. Passion in our People.
355 E. CAMPUS VIEW BLVD
COLUMBUS, OH 43235
(614) 847-4670

STATE OF OHIO
JOHN JEFFREY RAAB
7863
REGISTERED PROFESSIONAL SURVEYOR

JOHN JEFFREY RAAB, P.S. 7863 DATE 2/20/13

LEGEND:

- △ RAILROAD SPIKE FOUND
- ○ IRON MONUMENT FOUND
- ● I.P.S. 3/4" I.D. PIPE SET W/CAP STAMPED "W.E. STILSON"
- ✖ M.N.S. MAGNAIL SET

BASIS OF BEARINGS:

THE BEARINGS FOR THIS SURVEY ARE BASED ON THE BEARING BETWEEN FRANKLIN COUNTY ENGINEER'S STATIONS "MCNEAL" AND "FCGS 6648" BEING S 15°07'52" E, AS MEASURED USING GPS METHODS AND THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (1986 ADJUSTMENT).

EXHIBIT A

CIP	11-023-CIP
PARCEL	3-T1
PROJECT	BRAND/COFFMAN
Version Date	02/18/13

PARCEL 3-T1
DESCRIPTION OF A TEMPORARY EASEMENT
FOR GRADING

Situated in the State of Ohio, County of Franklin, Washington Township, City of Dublin, located in Virginia Military Survey Number 2543, being a part of a 8.000 acre tract in the name of Jerry Garland, III and Marsha M. Spears, as described in Official Record Volume 5537, Page I04, Deed Volume 3245, Page 95 and Deed Volume 2992, Page 359, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at a railroad spike (found) at the centerline intersection of Brand Road (60' right of way) and Coffman Road (70' right of way);

Thence, South 75°28'48" East, a distance of 465.19 feet, along the centerline of said Brand Road, to a railroad spike (found) at the southeasterly corner of a 14.118 acre tract in the name of the City of Dublin, as described in Instrument Number 201203160036653;

Thence, North 00°10'25" West, a distance of 46.52 feet, leaving said centerline, along the easterly line of said 14.118 acre tract, to an iron pipe (set), passing a capped 3/4" I.D. pipe (found), with a yellow cap stamped "W.E. Stilson", at a distance of 31.01 feet, said pipe (set) being the **True Place of Beginning** for the easement described herein:

Thence, North 00°10'25" West, a distance of 10.34 feet, along the easterly line of said 14.118 acre tract;

Thence, South 75°28'48" East, a distance of 38.46 feet, leaving said property line, through said 8.000 acre tract;

Thence, South 15°41'32" West, a distance of 10.00 feet, continuing through said 8.000 acre tract;

Thence, North 75°28'48" West, a distance of 35.63 feet, continuing through said 8.000 acre tract, to the **True Place of Beginning**, containing 0.009 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 270-000262-00.

The bearings for this description are based on the bearing between Franklin County Engineer's stations "MCNEAL" and "FCGS 6648" being South 15°07'52" East, as measured using GPS methods and the Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment).

I hereby certify this description was written by using measurements obtained by an actual field survey conducted under my direct supervision.

2/20/13

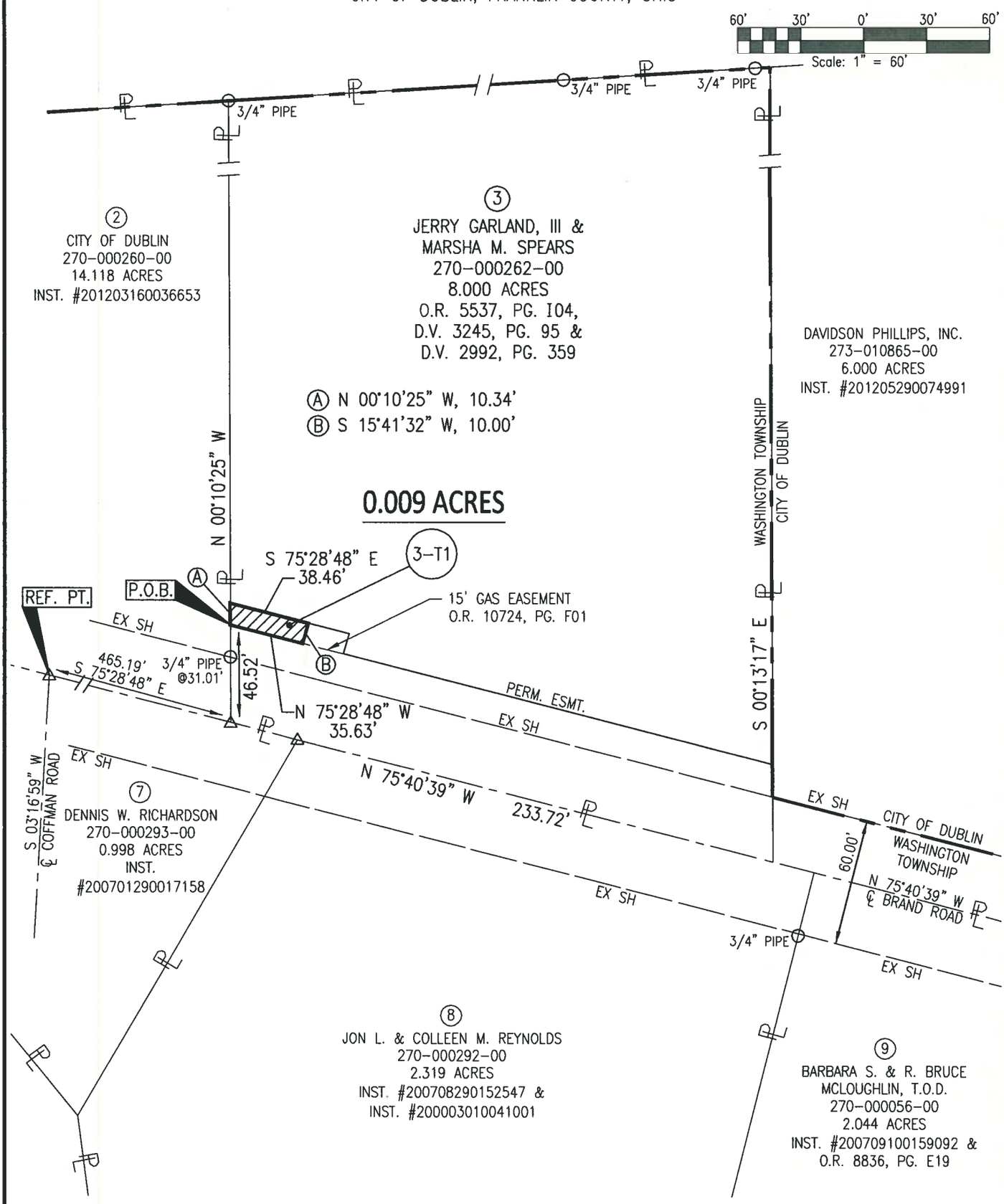
John Jeffrey Raab, Ohio Registered Surveyor No 7863 Date

Prepared by: W.E. Stilson Consulting Group, LLC.

STATE OF OHIO
JOHN JEFFREY
RAAB
7863
REGISTERED
PROFESSIONAL SURVEYOR

EXHIBIT B
PARCEL 3-T1
BRAND ROAD / COFFMAN ROAD ROUNDABOUT

WASHINGTON TOWNSHIP, V.M.S. 2543,
CITY OF DUBLIN, FRANKLIN COUNTY, OHIO



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STATE OF OHIO
JOHN JEFFREY RAAB
7863
REGISTERED
PROFESSIONAL SURVEYOR

JOHN JEFFREY RAAB, P.S. 7863 DATE

LEGEND:

△ RAILROAD SPIKE FOUND
○ IRON MONUMENT FOUND

BASIS OF BEARINGS:
THE BEARINGS FOR THIS SURVEY ARE BASED ON THE BEARING BETWEEN FRANKLIN COUNTY ENGINEER'S STATIONS "MCNEAL" AND "FCGS 6648" BEING S 15°07'52" E, AS MEASURED USING GPS METHODS AND THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (1986 ADJUSTMENT).

EXHIBIT A

CIP	11-023-CIP
PARCEL	3-T2
PROJECT	BRAND/COFFMAN
Version Date	02/18/13

PARCEL 3-T2
DESCRIPTION OF A TEMPORARY EASEMENT
FOR GRADING

Situated in the State of Ohio, County of Franklin, Washington Township, City of Dublin, located in Virginia Military Survey Number 2543, being a part of a 8.000 acre tract in the name of Jerry Garland, III and Marsha M. Spears, as described in Official Record Volume 5537, Page I04, Deed Volume 3245, Page 95 and Deed Volume 2992, Page 359, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

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Thence, South 75°28'48" East, a distance of 465.19 feet, along the centerline of said Brand Road, to a railroad spike (found) at the southeasterly corner of a 14.118 acre tract in the name of the City of Dublin, as described in Instrument Number 201203160036653;

Thence, North 00°10'25" West, a distance of 46.52 feet, leaving said centerline, along the easterly line of said 14.118 acre tract, to an iron pipe (set), passing a capped 3/4" I.D. pipe (found), with a yellow cap stamped "W.E. Stilson", at a distance of 31.01 feet;

Thence, leaving said property line, through said 8.000 acre tract, for the following three (3) calls:

1. South 75°28'48" East, a distance of 35.63 feet;
2. North 15°41'32" East, a distance of 10.00 feet;
3. South 75°35'30" East, a distance of 20.00 feet, to the **True Place of Beginning** for the easement described herein:

Thence, continuing through said 8.000 acre tract, for the following four (4) calls:

1. South 75°40'39" East, a distance of 120.58 feet
2. South 14°19'21" West, a distance of 10.00 feet;
3. North 75°40'39" West, a distance of 120.82 feet;
4. North 15°41'32" East, a distance of 10.00 feet to the **True Place of Beginning**, containing 0.028 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 270-000262-00.

The bearings for this description are based on the bearing between Franklin County Engineer's stations "MCNEAL" and "FCGS 6648" being South 15°07'52" East, as measured using GPS methods and the Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment).

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John Jeffrey Raab 2/20/13

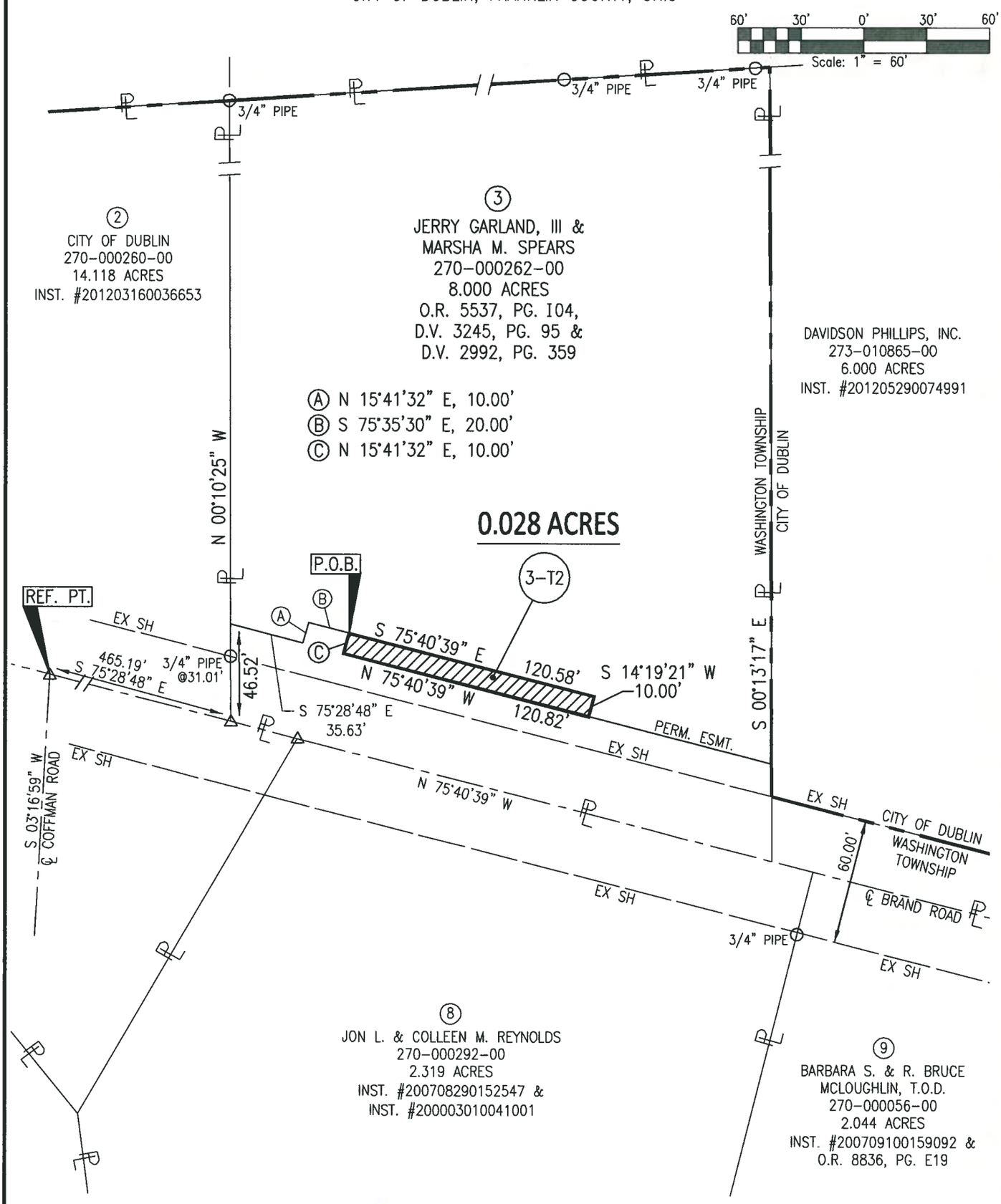
John Jeffrey Raab, Ohio Registered Surveyor No 7863 Date

Prepared by: W.E. Stilson Consulting Group, LLC.

STATE OF OHIO
JOHN JEFFREY RAAB
7863
REGISTERED
PROFESSIONAL SURVEYOR

EXHIBIT B
PARCEL 3-T2
BRAND ROAD / COFFMAN ROAD ROUNDABOUT

WASHINGTON TOWNSHIP, V.M.S. 2543,
CITY OF DUBLIN, FRANKLIN COUNTY, OHIO



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REGISTERED PROFESSIONAL SURVEYOR

2/20/13

JOHN JEFFREY RAAB, P.S. 7863 DATE

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