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: June 6, 2013

Initiated By: Sara Ott, Sr. Project Manager

Re: Ordinance 49-13 – Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.299 Acres, More or Less, present road occupied fee Simple Interest, a 0.296 Acres, More or Less, Present Road Occupied Fee Simple Interest, a 0.069 Acres, More or Less, Permanent Easement, and a 0.073 Acres, More or Less, Temporary Construction Easement from Brandway Ltd., and Declaring an Emergency.

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 the Brandway Ltd, LLC (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. After significant conversation with the property owner, and a review of the nature of the permanent storm water easement extending nearly 150′ into the property, the City Administration is recommending a lump payment of $2,000 for the necessary right of way, temporary easement and permanent easement. The City will acquire these property interests above the appraised value of $950. The acquisition is detailed below:

Property Interest Acquiring	*PROPOSED ACRES*	*APPRAISED COST*	*AGREED PURCHASE PRICE*
P.R.O. Public Road Occupied	0.299 0.296	$1 $1	
Permanent Easement	0.069	$773	

Temporary Construction and Grading Easement	0.073	$175	
Total		$ 950	$2,000

Recommendation

Ordinance 49-13 authorizes the City Manager to execute all necessary conveyance documentation to formally acquire the necessary property interests described above. Staff recommends approval of Ordinance 49-13 by emergency passage on June 10, 2013 as obtaining the property interests is necessary for the furtherance of this Project and public safety.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 49-13 Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY CONVEYANCE DOCUMENTION TO ACQUIRE A 0.299 ACRES, MORE OR LESS, PRESENT ROAD OCCUPIED FEE SIMPLE INTEREST, A 0.296 ACRES, MORE OR LESS, PRESENT ROAD OCCUPIED FEE SIMPLE INTEREST, A 0.069 ACRES, MORE OR LESS, PERMANENT EASEMENT, AND A 0.073 ACRES, MORE OR LESS TEMPORARY CONSTRUCTION EASEMENT FROM BRANDWAY LTD., AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dublin the City is preparing to construct intersection improvements at the Brand and Coffman Road intersection; and

WHEREAS, said project requires that the City obtain certain property interests within Franklin County Parcel No. 273-003672-00 owned Brandway Ltd., the Grantor of said property interests more fully described in the Exhibits labeled "A" and depicted in the Exhibits labeled "B," all attached hereto; and

WHEREAS, the City and the Grantor participated in good faith discussions and have come to mutually agreeable terms for the acquisition of the necessary property interests for the sum of Two Thousand Dollars ($2,000); and

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

WHEREAS, this project is a public emergency because the City needs to have the improvements completed as quickly as possible to relieve traffic concerns.

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 0.299 acres, more or less, of Present Road Occupied in Fee Simple, a 0.296 acres, more or less, of Present Road Occupied in Fee Simple, a 0.069 acres, more or less, Permanent Easement and a 0.073 acres, more or less, Temporary Construction Easement from Brandway Ltd. for the sum of Two Thousand Dollars ($2,000), said property interests located within Franklin County Parcel No. 273-003672-00 and as more fully described and depicted in the attached Exhibits "A" and "B."

Section 2. This ordinance is declared to be an emergency necessary for the immediate preservation of the public peace, health, safety or welfare, and for the further reason that the project is needed to immediately address traffic concerns at the intersection of Brand and Coffman Roads. This ordinance shall therefore be effective upon passage.

Passed this _____ day of _____ 2013.

_____
Mayor - Presiding Officer

ATTEST:

_____
Clerk of Council

EXHIBIT A

CIP	11-023-CIP
PARCEL	4-WD1
PROJECT	BRAND/COFFMAN
Version Date	02/18/13

PARCEL 4-WD1
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, City of Dublin, located in Virginia Military Survey Number 2543, being a part of a 59.396 acre tract in the name of Brandway, Limited, an Ohio Limited Liability Company, as described in Official Record Volume 30785, Page B15, 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 (Varies) and Brandonway Drive (60' right of way);

Thence, South 45°58'13" East, a distance of 54.94 feet, along the centerline of said Brand Road, to a magnail (set) at the most northeasterly corner of Earlington Village, Section 2, recorded in Plat Book 65, Page 14, and the **True Place of Beginning** for the parcel described herein:

Thence, South 45°57'49" East, a distance of 435.06 feet, along the southerly line of right of way dedicated to the City of Dublin by Brandon Section 1, Phase 1, recorded in Plat Book 64, Page 64, also being partially along the centerline of said road, to a magnail (set) at the most northwesterly corner of a 0.4376 acre tract in the name of the County of Franklin, as described in Official Record Volume 161, Page A20;

Thence, South 45°55'07" West, a distance of 30.02 feet, along the northwesterly line of said 0.4376 acre tract, to an iron pipe (set) at the most westerly corner of said 0.4376 acre tract;

Thence, North 45°57'49" West, a distance of 434.01 feet, through said 59.396 acre tract, to an iron pipe (set) on the easterly existing right of way line of Earlington Parkway (60' right of way);

Thence, North 43°54'52" East, a distance of 30.00 feet, along the easterly line of said Earlington Village, to the **True Place of Beginning**, containing 0.299 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 273-003672-00, with 0.299 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).

0.107 E
SPLIT
0.299 AC
OUT OF
(273)
003672

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

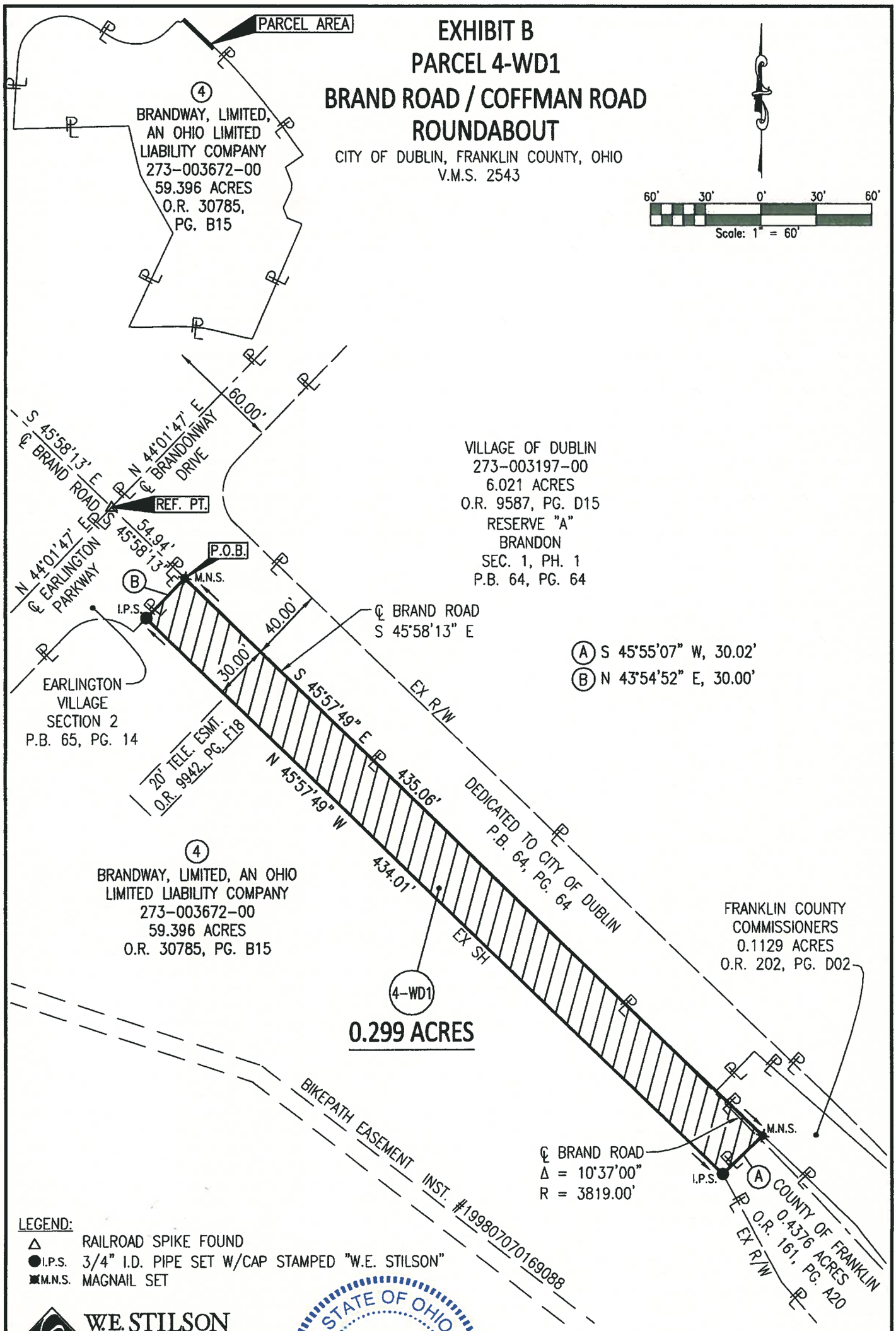
Prepared by: W.E. Stilson Consulting Group, LLC.

DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E., P.S.
BY: RJN
DATE 02-20-2013
FRANKLIN COUNTY ENGINEER

STATE OF OHIO
JOHN JEFFREY RAAB
7863
REGISTERED PROFESSIONAL SURVEYOR

EXHIBIT B
PARCEL 4-WD1
BRAND ROAD / COFFMAN ROAD ROUNDABOUT

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



LEGEND:

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

W.E. STILSON
CONSULTING GROUP

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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

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	4-WD2
PROJECT	BRAND/COFFMAN
Version Date	02/19/13

PARCEL 4-WD2
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, City of Dublin, located in Virginia Military Survey Number 2543, being a part of a 59.396 acre tract in the name of Brandway, Limited, an Ohio Limited Liability Company, as described in Official Record Volume 30785, Page B15, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at an iron pipe (set) at the most southerly corner of a 6.021 acre tract, known as "Reserve A" of Brandon Section 1, Phase 1, recorded in Plat Book 64, Page 64, in the name of the Village of Dublin, as described in Official Record Volume 9587, Page D15, said corner also being the most northerly corner of a 0.4196 acre tract in the name of Franklin County, as described in Official Record Volume 161, Page B02;

Thence, along the northeasterly line of said 0.4196 acre tract, for the following four (4) calls:

1. South 44°36'48" East, a distance of 94.16 feet;
2. South 41°26'59" East, a distance of 156.00 feet;
3. South 24°29'33" East, a distance of 129.62 feet;
4. South 53°28'55" West, a distance of 30.00 feet, to a magnail (set) in the southwesterly property line of a 12.5804 acre tract in the name of Gretchen A. Distelhorst, as described in Official Record 26330, Page C08, also being the northeasterly line of said 59.396 acre tract, the most southerly corner of said 0.4196 acre tract, and the **True Place of Beginning** for the parcel described herein:

Thence, South 36°31'05" East, a distance of 251.45 feet, along the northerly line of said 59.396 acre tract, to a magnail (set) in the centerline of Brand Road (60' right of way);

Thence, South 36°30'41" East, a distance of 126.82 feet, along said centerline, to a magnail (set) at the most northerly corner of a 0.590 acre tract in the name of the City of Dublin, Ohio, as described in Official Record 34907, Page H14;

Thence, South 56°05'45" West, a distance of 30.03 feet, leaving said centerline, along the northwesterly line of said 0.590 acre tract, to an iron pipe (set) at the northwesterly corner of a 2.573 acre tract in the name of Janine J. & Andrew P. Keeler, Trustees of the Janine J. Keeler Living Trust, as described in Instrument Number 201002050015308;

Thence, North 36°30'41" West, a distance of 125.45 feet, leaving said property line, through said 59.396 acre tract, to an iron pipe (set);

Thence, North 36°31'05" West, a distance of 301.85 feet, continuing through said 59.396 acre tract, to an iron pipe (set) at the most southerly corner of a 0.4376 acre tract in the name of the County of Franklin, as described in Official Record Volume 161, Page A20;

Thence, North 48°48'36" East, a distance of 30.10 feet, along the southeasterly line of said 0.4376 acre tract, to a magnail (set) at the most easterly corner of said 0.4376 acre tract, said corner being in the southwesterly line of said 0.4196 acre tract;

EXHIBIT A

CIP	11-023-CIP
PARCEL	4-WD2
PROJECT	BRAND/COFFMAN
Version Date	02/19/13

Thence, South 36°31'05" East, a distance of 52.85 feet, along the southwesterly line of said 0.4196 acre tract, to the **True Place of Beginning**, containing 0.296 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 273-003672-00, with 0.296 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.

2/20/13

John Jeffrey Raab, Ohio Registered Surveyor No 7863 Date

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

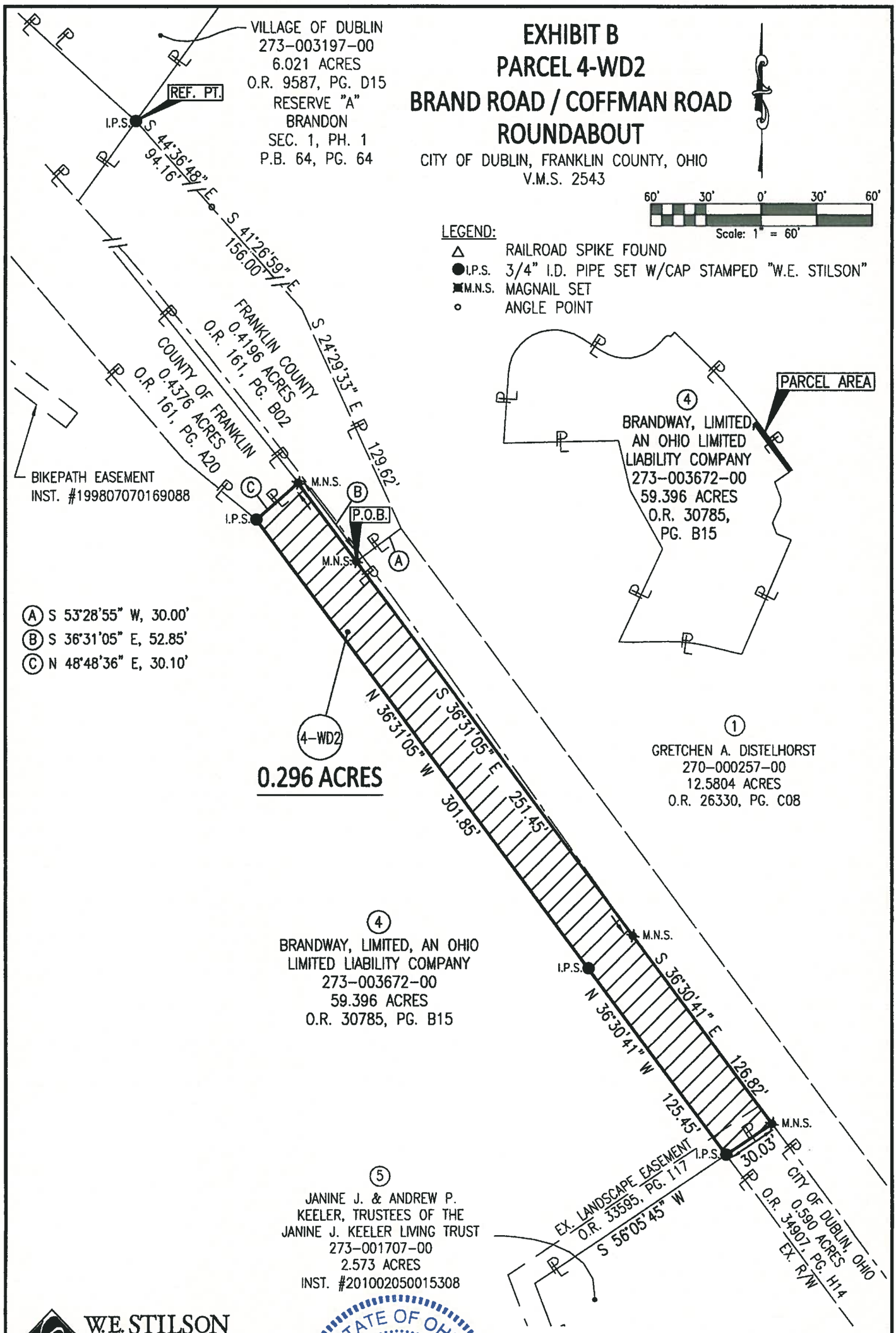
DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E., P.S.
BY: RJN
DATE 02.20.2013
FRANKLIN COUNTY ENGINEER

STATE OF OHIO
JOHN JEFFREY RAAB
7863
REGISTERED
PROFESSIONAL SURVEYOR

0.107-E
SPLIT
0.296 AC
OUT OF
(273)
003672

EXHIBIT B
PARCEL 4-WD2
BRAND ROAD / COFFMAN ROAD ROUNDABOUT

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



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STATE OF OHIO
JOHN JEFFREY RAAB
7863
REGISTERED
PROFESSIONAL SURVEYOR

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

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	4-S
PROJECT	BRAND/COFFMAN
Version Date	02/18/13

PARCEL 4-S
DESCRIPTION OF A PERMANENT
STORMWATER AND DRAINAGE EASEMENT

Situated in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey Number 2543, being a part of a 59.396 acre tract in the name of Brandway, Limited, an Ohio Limited Liability Company, as described in Official Record Volume 30785, Page B15, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at the most easterly corner of said 59.396 acre tract, said corner being in the centerline of Brand Road, also being the most northerly corner of a 0.590 acre tract in the name of the City of Dublin, Ohio, as recorded in Official Record Volume 34907, Page H14;

Thence, South 56°05'46" West, a distance of 30.03 feet, along the northwesterly line of said 0.590 acre tract, to the southerly existing right of way line of Brand Road (60' right of way), at the most northerly corner of a 2.573 acre tract in the name of Janine J. & Andrew P. Keeler, Trustees of the Janine J. Keeler Living Trust, as described in Instrument Number 201002050015308;

Thence, North 36°30'41" West, a distance of 106.12 feet, along said existing right of way line, through said 59.396, to the **True Place of Beginning** for the easement described herein:

Thence, leaving said existing right of way line, through said 59.396 acre tract, for the following three (3) calls:

1. South 54°52'23" West, a distance of 150.00 feet;
2. North 36°30'44" West, a distance of 20.00 feet;
3. North 54°52'23" East, a distance of 150.00 feet, to the southerly existing right of way line of Brand Road (60' right of way);

Thence, South 36°31'05" East, a distance of 0.66 feet, along said existing right of way line;

Thence, South 36°30'41" East, a distance of 19.34 feet, along said existing right of way line, to the **True Place of Beginning**, containing 0.069 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 273-003672-00.

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.

John Jeffrey Raab 2/20/13

John Jeffrey Raab, Ohio Registered Surveyor No 7863 Date

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

T.N.N.

DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E., P.S.
BY: RW
DATE 02-20-2013

STATE OF OHIO
JOHN JEFFREY RAAB
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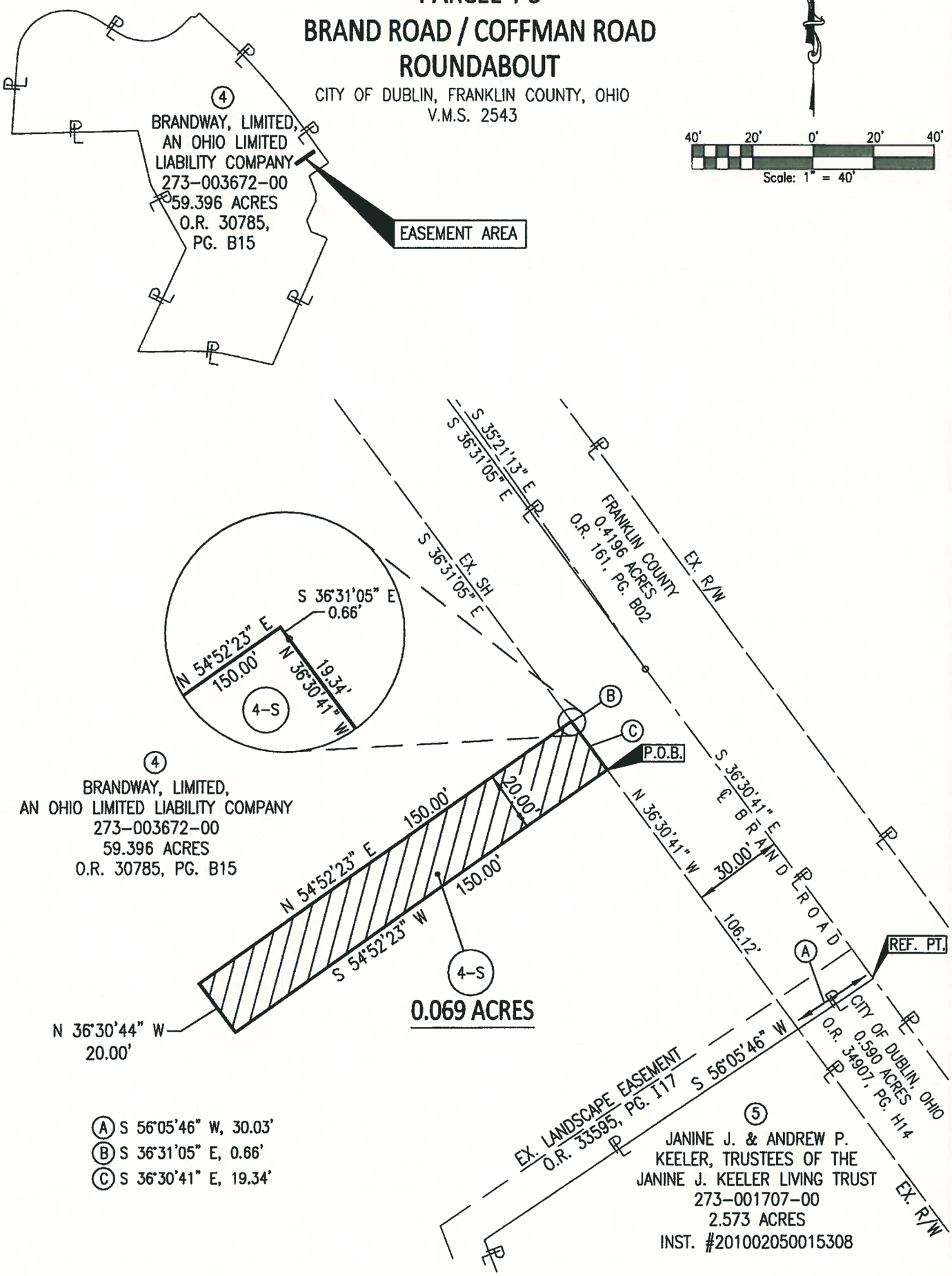
PROFESSIONAL SURVEYOR

EXHIBIT B
PARCEL 4-S
BRAND ROAD / COFFMAN ROAD ROUNDABOUT

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



Ⓐ S 56°05'46" W, 30.03'
Ⓑ S 36°31'05" E, 0.66'
Ⓒ S 36°30'41" E, 19.34'

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7863
REGISTERED PROFESSIONAL SURVEYOR

2/20/13

JOHN JEFFREY RAAB, P.S. 7863 DATE

LEGEND:
o ANGLE POINT

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	4-T
PROJECT	BRAND/COFFMAN
Version Date	02/18/13

PARCEL 4-T
DESCRIPTION OF A TEMPORARY EASEMENT
FOR GRADING AND STORM SEWER CONSTRUCTION

Situated in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey Number 2543, being a part of a 59.396 acre tract in the name of Brandway, Limited., an Ohio Limited Liability Company, as described in Official Record Volume 30785, Page B15, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at the most easterly corner of said 59.396 acre tract, said corner being in the centerline of Brand Road, also being the most northerly corner of a 0.590 acre tract in the name of the City of Dublin, Ohio, as recorded in Official Record Volume 34907, Page H14;

Thence, South 56°05'46" West, a distance of 30.03 feet, along the northwesterly line of said 0.590 acre tract, to the southerly existing right of way line of Brand Road (60' right of way), at the most northerly corner of a 2.573 acre tract in the name of Janine J. & Andrew P. Keeler, Trustees of the Janine J. Keeler Living Trust, as described in Instrument Number 201002050015308, and the **True Place of Beginning** for the easement described herein:

Thence, South 56°05'46" West, a distance of 10.01 feet, along the westerly line of said 2.573 acre tract;

Thence, leaving said property line, through said 59.396 acre tract, for the following four (4) calls:

1. North 36°30'41" West, a distance of 90.90 feet, parallel with and 10.00 feet perpendicular to the southerly existing right of way line of said Brand Road;
2. South 54°52'23" West, a distance of 140.36 feet;
3. North 35°07'37" West, a distance of 15.00 feet;
4. North 54°52'23" East, a distance of 150.00 feet, to the southerly existing right of way line of said Brand Road;

Thence, South 36°30'41" East, a distance of 106.12 feet, continuing through said 59.396 acre tract, along said existing right of way line, to the **True Place of Beginning**, containing 0.073 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 273-003672-00.

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

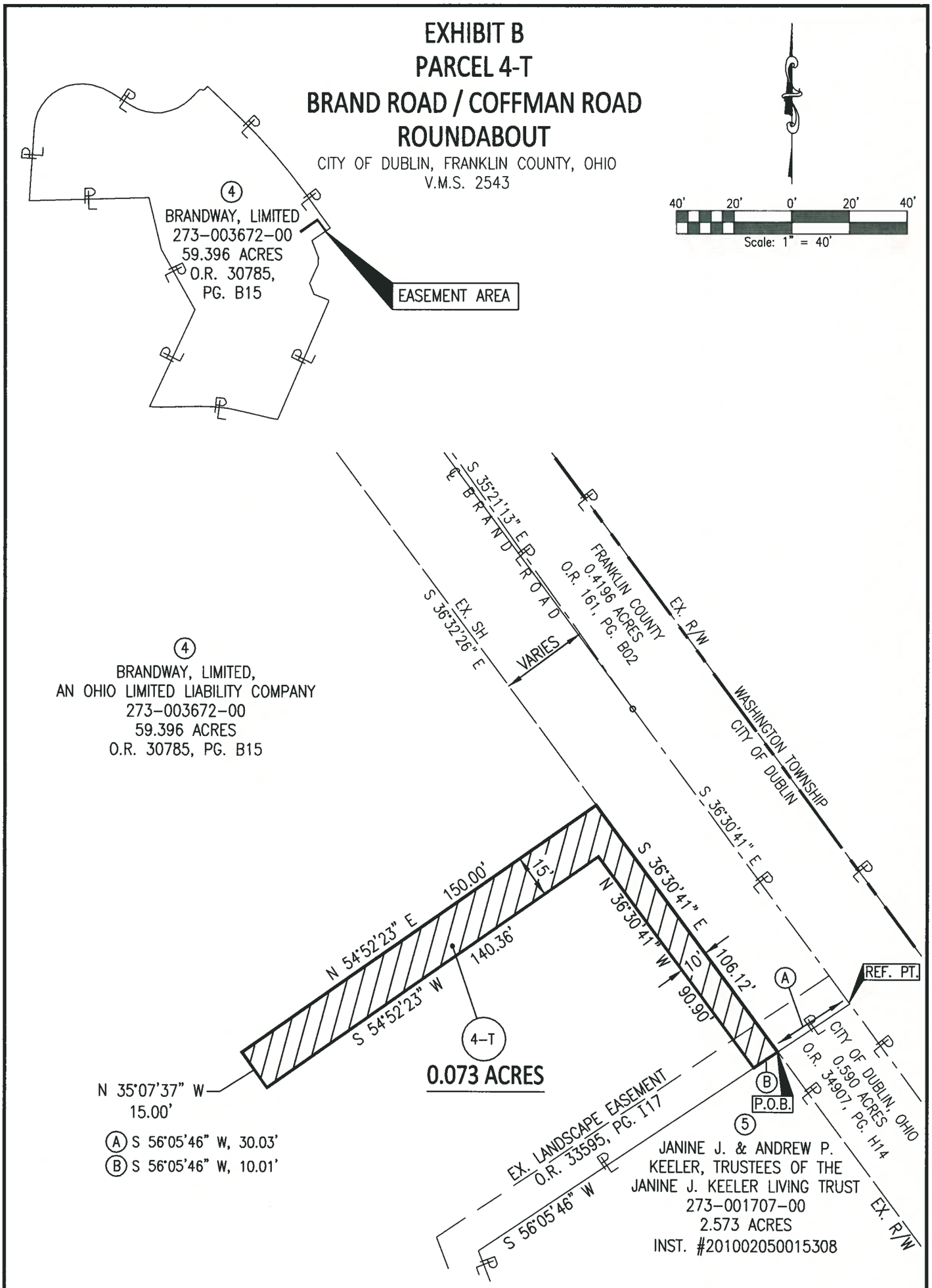
John Jeffrey Raab, Ohio Registered Surveyor No 7863 Date

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

STATE OF OHIO
JOHN JEFFREY
RAAB
7863
REGISTERED
PROFESSIONAL SURVEYOR

EXHIBIT B
PARCEL 4-T
BRAND ROAD / COFFMAN ROAD ROUNDABOUT

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



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o ANGLE POINT

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