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 53-12 - Authorizing the Appropriation of a 0.210 Acres, More or Less, Fee Simple Interest, of which 0.203 Acres, More or Less, is Present Road Occupied and a 0.015 Acres, More or Less, Temporary Easement from Dennis W. Richardson

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 Dennis W. Richardson (the "Grantor"). After multiple attempts to engage in negotiations with the Grantor, it appears that the City may be forced to appropriate the needed property from the Grantor.

The City remains hopeful that an amicable resolution can be reached with the Grantor; however, this Ordinance directs the Law Department to file an eminent domain action and use the City's quick take ability in the event that negotiations are unsuccessful and the Project needs to move forward.

PROPERTY TO BE APPROPRIATED:

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

Franklin County Parcel No. 270-000293-00

Parcel 7-WD (Fee Simple) (Present Road Occupied) Temporary Easement	0.210 ± acres (0.203 acres) 0.015± acres

Recommendation

Staff recommends approval of Ordinance 53-13 by emergency as the construction of the Project is immediately necessary for public safety.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 53-13 Passed _____, 20____

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF A 0.210 ACRES, MORE OR LESS, FEE SIMPLE INTEREST OF WHICH 0.203 ACRES, MORE OR LESS, IS PRESENT ROAD OCCUPIED AND A 0.015 ACRES, MORE OR LESS, TEMPORARY CONSTRUCTION EASEMENT FROM DENNIS W. RICHARDSON AND DECLARING AN EMERGENCY.

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 will require the City of Dublin to obtain a fee simple interest and a temporary easement from Dennis W. Richardson, as described and depicted in the attached Exhibits "A" and "B," said property interests located within Franklin County Parcel No. 270-000293-00 in the Township of Washington, County of Franklin, State of Ohio; 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 constructing a roundabout and accompanying facilities at the intersection of Brand and Coffman Roads, a 0.210 acres, more or less, Fee Simple Interest in Right-of-Way of which 0.0203 acres, more or less,is Present Road Occupied, and a temporary easement of an approximate 0.015 acres, more or less, from Dennis W. Richardson, Franklin County Parcel No. 270-000293-00, 5195 Brand Road, Dublin, Ohio 43017.

Section 2. Council hereby fixes the value of the interests to be appropriated at Nine Hundred Fifty Dollars ($950).

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 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	7-WD
PROJECT	BRAND/COFFMAN
Version Date	02/18/13

PARCEL 7-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, City of Dublin, located in Virginia Military Survey Number 2543, being a part of a 0.998 acre tract in the name of Dennis W. Richardson as described in Instrument Number 200701290017158, 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 196.77 feet, along the centerline of said Brand Road, to a magnail (set) at the northeasterly corner of a 0.271 acre tract in the name of the City of Dublin, Ohio, as described in Instrument Number 199710210123903, and the **True Place of Beginning** for the parcel described herein:

Thence, South 75°28'48" East, a distance of 301.26 feet, continuing along the centerline of said Brand Road, to a railroad spike (found) at the northwesterly corner of a 2.319 acre tract in the name of Jon L. & Colleen M. Reynolds, as described in Instrument Number 200708290152547 and also Instrument Number 200003010041001, passing 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, South 30°08'50" West, a distance of 43.97 feet, leaving the centerline of said Brand Road along the westerly line of said 2.319 acre tract, to an iron pipe (set);

Thence, North 60°29'31" West, a distance of 47.72 feet, leaving said property line through said 0.998 acre tract, to an iron pipe (set) on the southerly existing right of way line of said Brand Road;

Thence, North 75°28'48" West, a distance of 237.36 feet, along said existing right of way line, through said 0.998 acre tract, to an iron pipe (set) on the most southerly northeast corner of said 0.271 acre tract and the northeasterly corner of a 0.701 acre tract in the name of Matthew S. Young & Tina C. Baucher-Young, as described in Instrument Number 201204030045757;

Thence, North 03°17'10" East, a distance of 30.59 feet, along the easterly line of said 0.271 acre tract, to the **True Place of Beginning**, containing 0.210 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 270-000293-00, with 0.203 acres, more or less, being the Present Road 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".

0.107 J SPLIT 0.210 AC OUT OF (270) 000293

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, Ohio Registered Surveyor No 7863 — 2/20/13 Date

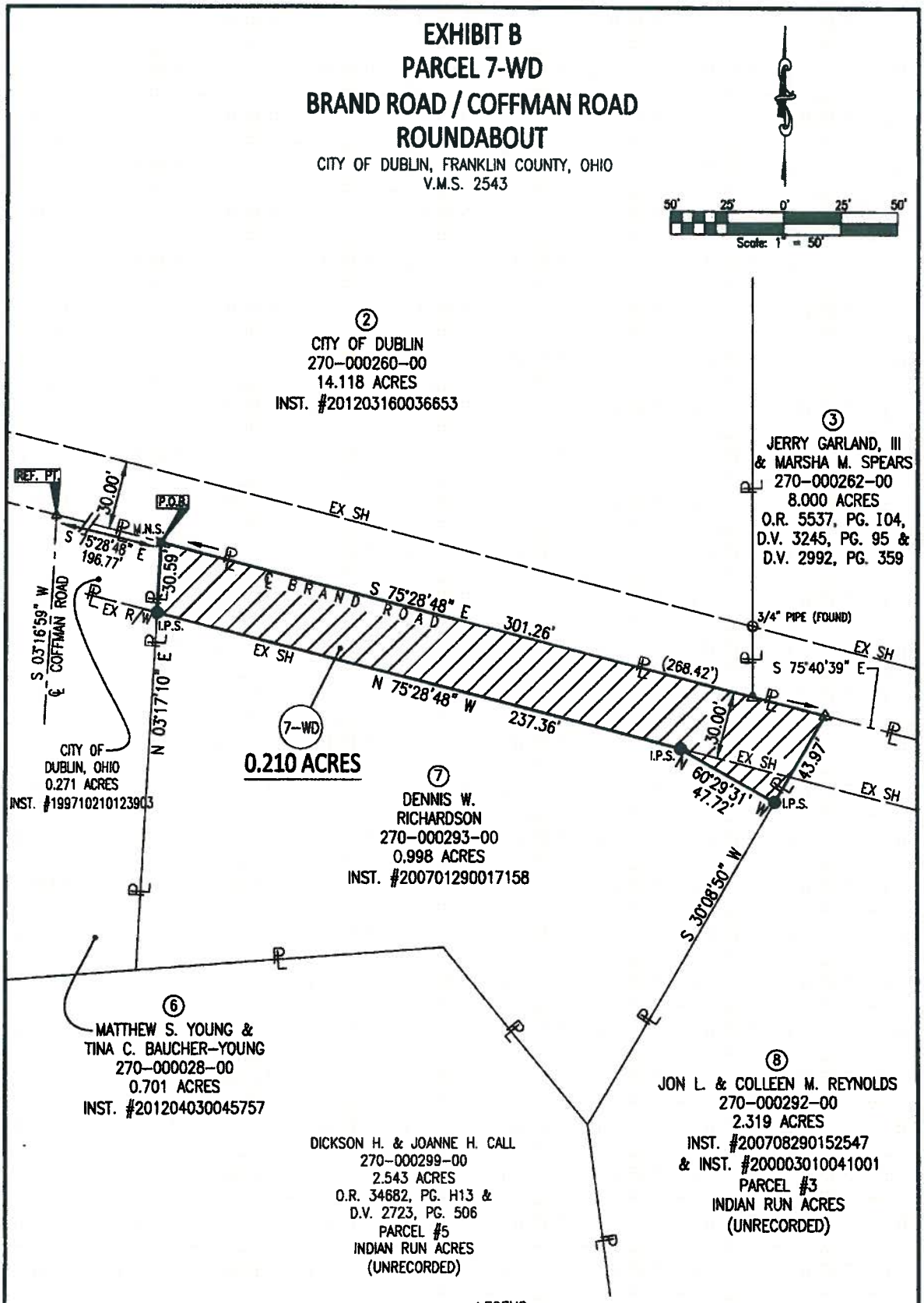
Prepared by: W.E. Stilson Consulting Group, LLC.

STATE OF OHIO
JOHN JEFFREY RAAB
7863
REGISTERED
PROFESSIONAL SURVEYOR

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

EXHIBIT B
PARCEL 7-WD
BRAND ROAD / COFFMAN ROAD ROUNDABOUT

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



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).

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 2/22/16

EXHIBIT A

CIP	11-023-CIP
PARCEL	7-T
PROJECT	BRAND/COFFMAN
Version Date	02/18/13

PARCEL 7-T
DESCRIPTION OF A TEMPORARY EASEMENT
FOR GRADING

Situated in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey Number 2543, being a part of a 0.998 acre tract in the name of Dennis W. Richardson as described in Instrument Number 200701290017158, 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), and the northwesterly corner of a 0.271 acre tract in the name of the City of Dublin, as described in Instrument Number 199710210123903;

Thence, South 75°28'48" East, a distance of 196.77 feet, along the centerline of said Brand Road, to the northeasterly corner of said 0.271 acre tract, said corner being on the southerly line of a 14.118 acre tract in the name of the City of Dublin, Ohio, as described in Instrument Number 201203160036653;

Thence, South 03°17'10" West, a distance of 30.59 feet, leaving the centerline of said Brand Road along the easterly line of said 0.271 acre tract, to the southeasterly corner of said 0.271 acre tract, also being the northeasterly corner of a 0.701 acre tract in the name of Matthew S. Young & Tina C. Baucher-Young, as described in Instrument Number 201204030045747, and on the southerly existing right of way line of said Brand Road;

Thence, South 75°28'48" East, a distance of 198.69 feet, along the southerly existing right of way line of said Brand Road, through said 0.998 acre tract, to the **True Place of Beginning** for the parcel described herein:

Thence, South 75°28'48" East, a distance of 38.67 feet, along the southerly existing right of way line of said Brand Road, continuing through said 0.998 acre tract;

Thence, South 60°29'31" East, a distance of 47.72 feet, leaving said existing right of way line, continuing though said 0.998 acre tract, to the westerly line of a 2.319 acre tract in the name of Jon L. & Colleen M. Reynolds, as described in Instrument Number 200708290152547 and also Instrument Number 200003010041001;

Thence, South 30°08'50" West, a distance of 10.00 feet, along the westerly line of said 2.319 acre tract;

Thence, North 60°29'31" West, a distance of 84.96 feet, leaving said property line, through said 0.998 acre tract, to the **True Place of Beginning**, containing 0.015 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 270-000293-00.

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

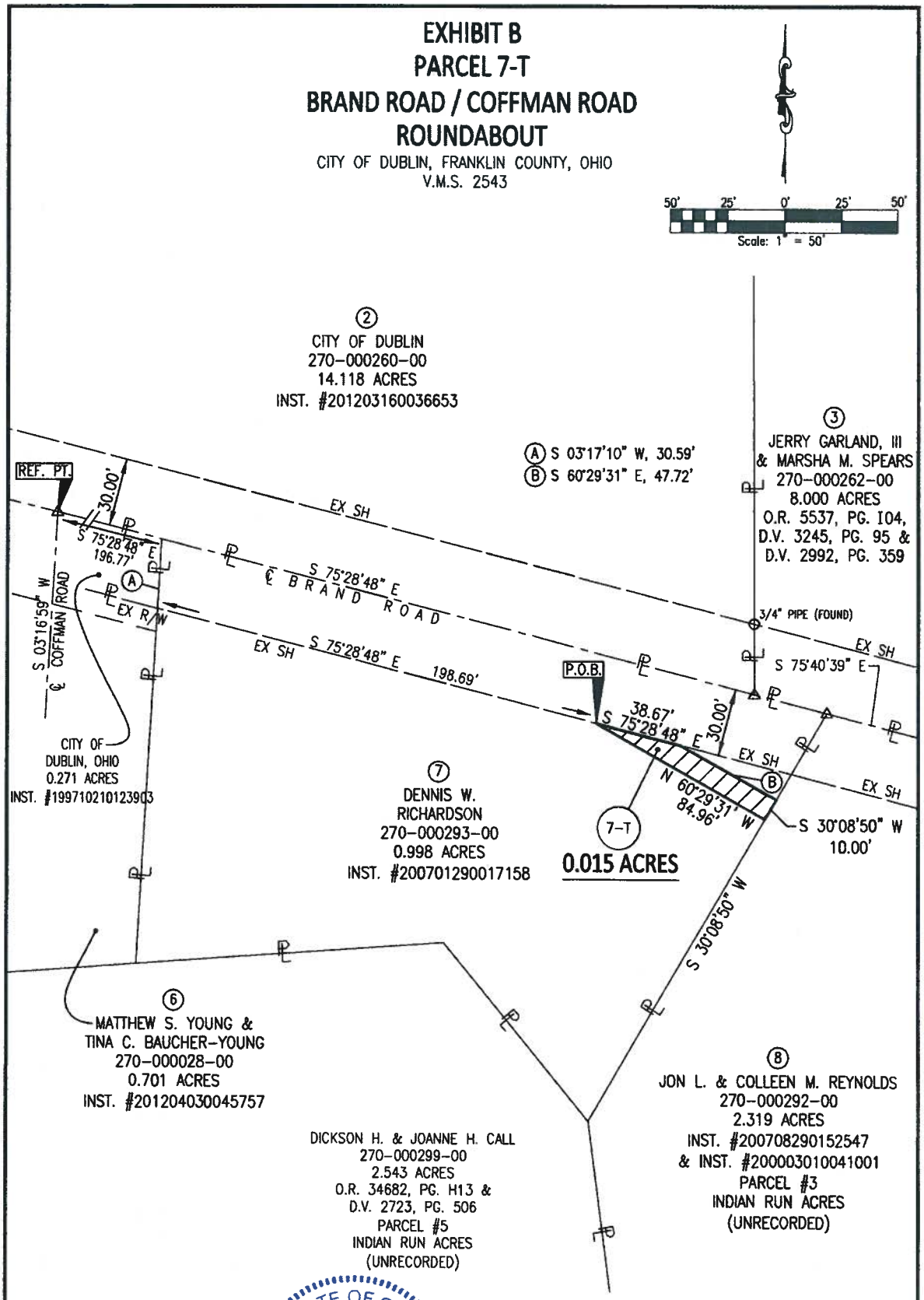
John Jeffrey Raab, Ohio Registered Surveyor No 7863 Date

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

STATE OF OHIO
JOHN JEFFREY RAAB
7863
REGISTERED PROFESSIONAL SURVEYOR

EXHIBIT B
PARCEL 7-T
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

2/20/13

JOHN JEFFREY RAAB, P.S. 7863 DATE

LEGEND:
△ RAILROAD SPIKE FOUND
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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).