



To: Members of Dublin City Council
From: Marsha I. Grigsby, City Manager *MIG*
Date: August 22, 2013

Initiated By: Sara Ott, Sr. Project Manager

Re: Ordinance 75-13 - Authorizing the Appropriation of 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 Brandway Ltd., (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 is still 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 maps attached hereto:

Franklin County Parcel No. 273-003672-00

Parcel 4-WD1 (Fee Simple) (Present Road Occupied)	0.299 ± acres (0.299 acres)
Parcel 4-WD2 (Fee Simple) (Present Road Occupied)	0.296± acres (0.296 acres)
Parcel 4-S (Perm. Easement)	0.069± acres
Parcel 4-T (Temp. Easement)	0.073 ± acres

Recommendation

Staff recommends Council dispense with the public hearing and approve Ordinance 75-13 by emergency as the construction of the Project is immediately necessary for public safety.

RECORD OF ORDINANCES

75-13

Ordinance No. _____

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF 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 owned Brandway Ltd. by 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, 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 Road, a 0.299 acres, more or less, of Present Road Occupied in Fee Simple; 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., said property interests located within Franklin County Parcel No. 273-003672 and as more fully described and depicted in the attached Exhibits "A" and "B."

Section 2. Council hereby fixes the value of the interests to be appropriated at Nine Hundred Fifty dollars (\$950.00), which sum, in the event negotiations are unsuccessful, shall be deposited with the Franklin County Court of Common Pleas.

Section 3. Council finds that the appropriation is necessary for the construction of intersection improvements at the Brand and Coffman Road intersection 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 4-WD1
PROJECT BRAND/COFFMAN
Version Date 02/18/13

Page 1 of 1
11-023-CIP
4-WD1
BRAND/COFFMAN
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;

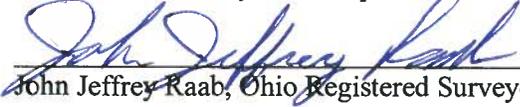
Thence, North 45°57'49" West, a distance of 434.01 feet, through said 59.396 acre tract, to an iron pipe (set) on the easterly existing right of way line of Earlington Parkway (60' right of way);

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).

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 Date 2/20/13
Prepared by: W.E. Stilson Consulting Group, LLC.



0.107 E
SPLIT
0.299 AC
OUT OF
(273)
003672

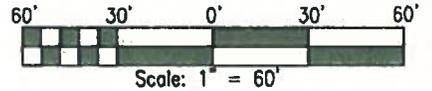
PARCEL AREA

EXHIBIT B

PARCEL 4-WD1

BRAND ROAD / COFFMAN ROAD ROUNDBABOUT

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



④
BRANDWAY, LIMITED,
AN OHIO LIMITED
LIABILITY COMPANY
273-003672-00
59.396 ACRES
O.R. 30785,
PG. B15

VILLAGE OF DUBLIN
273-003197-00
6.021 ACRES
O.R. 9587, PG. D15
RESERVE "A"
BRANDON
SEC. 1, PH. 1
P.B. 64, PG. 64

- Ⓐ S 45°55'07" W, 30.02'
- Ⓑ N 43°54'52" E, 30.00'

EARLINGTON
VILLAGE
SECTION 2
P.B. 65, PG. 14

④
BRANDWAY, LIMITED, AN OHIO
LIMITED LIABILITY COMPANY
273-003672-00
59.396 ACRES
O.R. 30785, PG. B15

FRANKLIN COUNTY
COMMISSIONERS
0.1129 ACRES
O.R. 202, PG. D02

4-WD1
0.299 ACRES

LEGEND:

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



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355 E. CAMPUS VIEW BLVD
COLUMBUS, OH 43235
(614) 847-4670



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).

JOHN JEFFREY RAAB, P.S. 7863 DATE

EXHIBIT A

	Page 1 of 2
	11-023-CIP
CIP	4-WD2
PARCEL	BRAND/COFFMAN
PROJECT	02/19/13
Version Date	

**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

Page 2 of 2
11-023-CIP
CIP
PARCEL 4-WD2
PROJECT BRAND/COFFMAN
Version Date 02/19/13

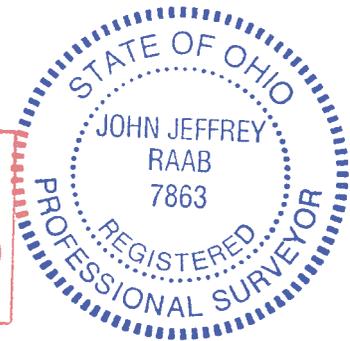
Thence, South 36°31'05" East, a distance of 52.85 feet, along the southwesterly line of said 0.4196 acre tract, to the **True Place of Beginning**, containing 0.296 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 273-003672-00, with 0.296 acres, more or less, being the Present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


John Jeffrey Raab, Ohio Registered Surveyor No 7863
Prepared by: W.E. Stilson Consulting Group, LLC.
Date 2/20/13

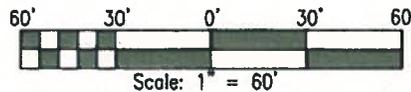


0-107-E
SPLIT
0.296 AC
OUT OF
(273)
003672

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

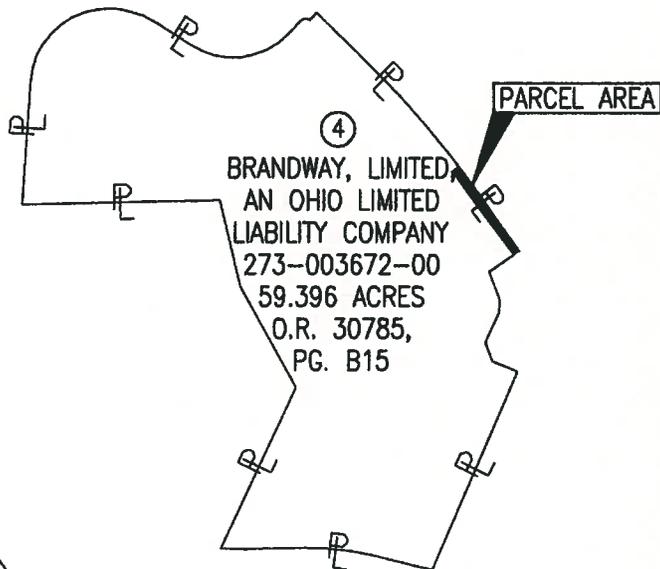
CITY OF DUBLIN, FRANKLIN COUNTY, OHIO
 V.M.S. 2543

VILLAGE OF DUBLIN
 273-003197-00
 6.021 ACRES
 O.R. 9587, PG. D15
 RESERVE "A"
 BRANDON
 SEC. 1, PH. 1
 P.B. 64, PG. 64



LEGEND:

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



①
 GRETCHEN A. DISTELHORST
 270-000257-00
 12.5804 ACRES
 O.R. 26330, PG. C08

④
 BRANDWAY, LIMITED, AN OHIO
 LIMITED LIABILITY COMPANY
 273-003672-00
 59.396 ACRES
 O.R. 30785, PG. B15

⑤
 JANINE J. & ANDREW P.
 KEELER, TRUSTEES OF THE
 JANINE J. KEELER LIVING TRUST
 273-001707-00
 2.573 ACRES
 INST. #201002050015308

BIKEPATH EASEMENT
 INST. #199807070169088

- ① S 53°28'55" W, 30.00'
- ② S 36°31'05" E, 52.85'
- ③ N 48°48'36" E, 30.10'

0.296 ACRES

4-WD2



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 COLUMBUS, OH 43235
 (614) 847-4670

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).

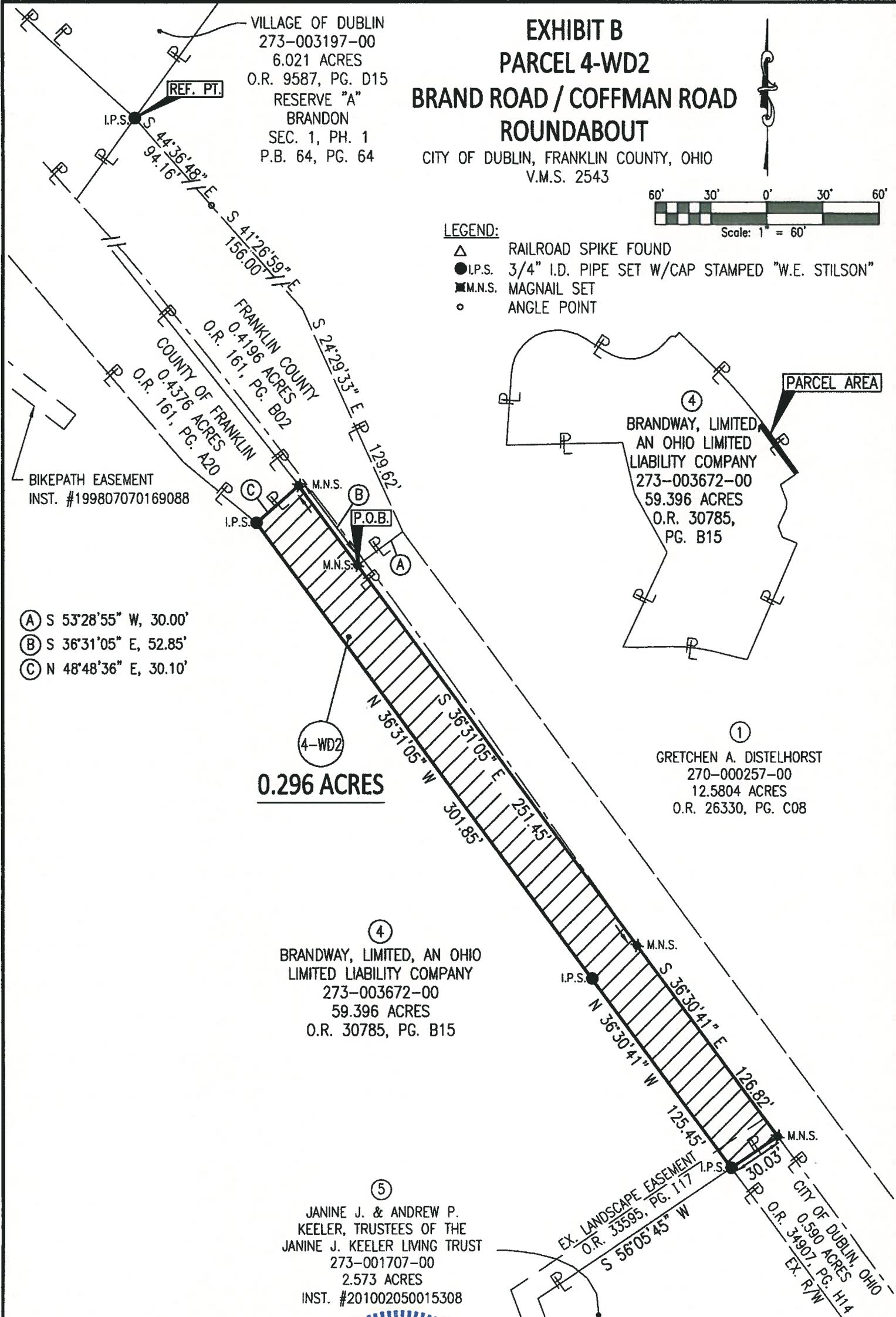


EXHIBIT A

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

Page 1 of 1
11-023-CIP
4-S
BRAND/COFFMAN
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:

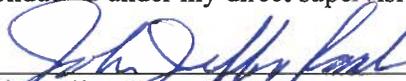
1. South 54°52'23" West, a distance of 150.00 feet;
2. North 36°30'44" West, a distance of 20.00 feet;
3. North 54°52'23" East, a distance of 150.00 feet, to the southerly existing right of way line of Brand Road (60' right of way);

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, Ohio Registered Surveyor No 7863 Date 2/20/13
Prepared by: W.E. Stilson Consulting Group, LLC.

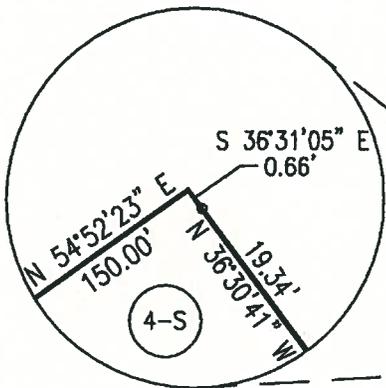
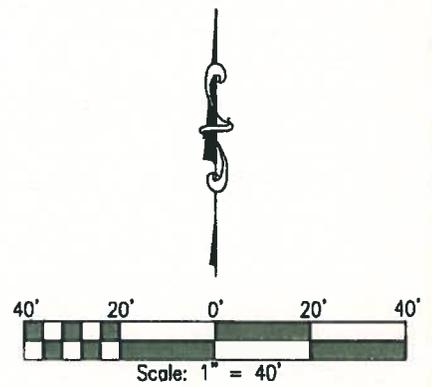


**EXHIBIT B
PARCEL 4-S
BRAND ROAD / COFFMAN ROAD
ROUNDBABOUT**

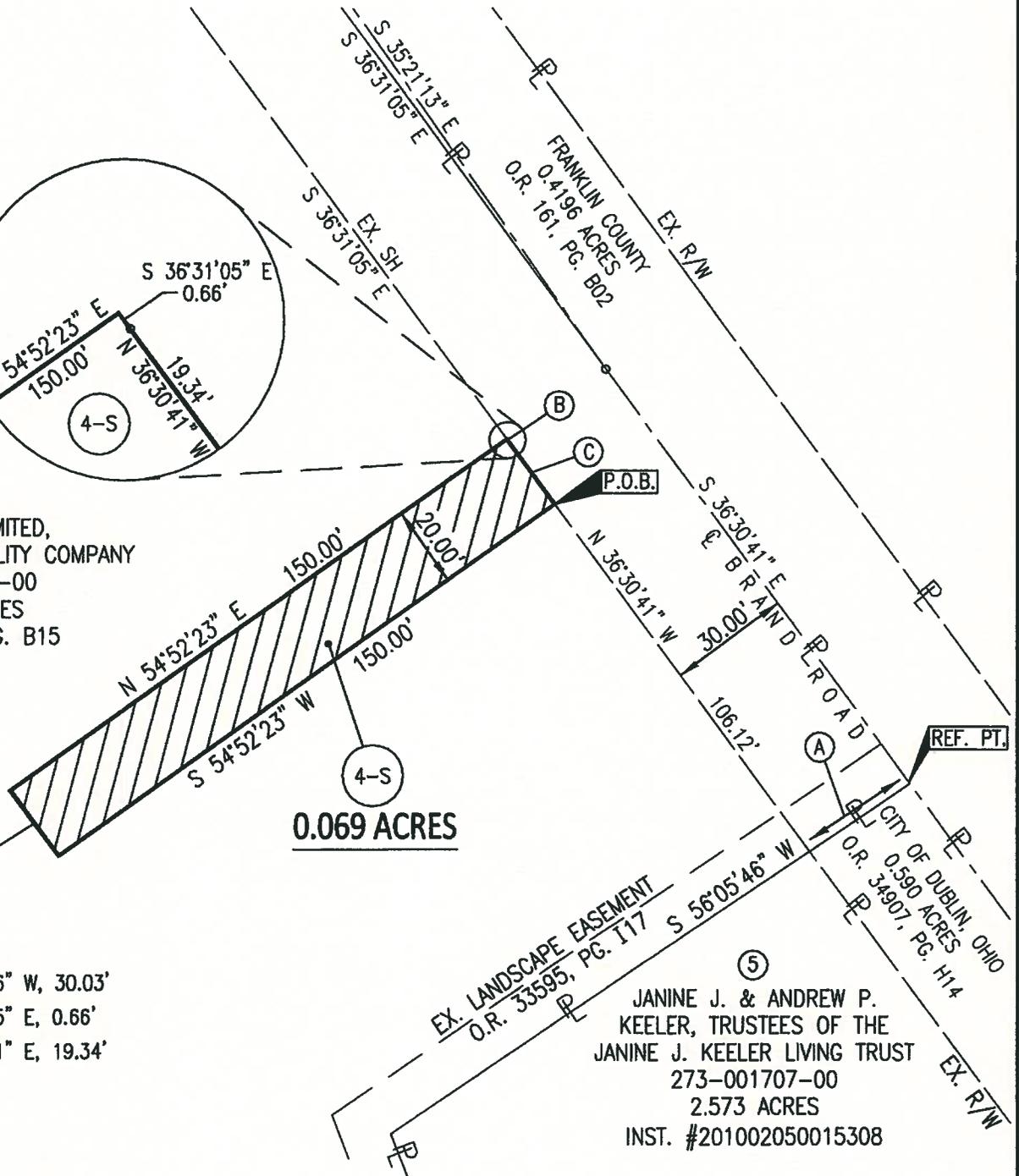
CITY OF DUBLIN, FRANKLIN COUNTY, OHIO
V.M.S. 2543



EASEMENT AREA



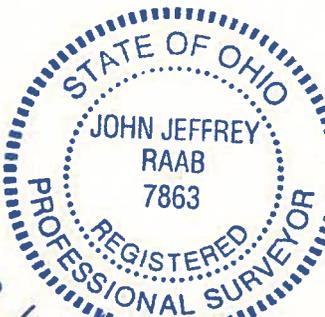
④
BRANDWAY, LIMITED,
AN OHIO LIMITED LIABILITY COMPANY
273-003672-00
59.396 ACRES
O.R. 30785, PG. B15



- Ⓐ 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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COLUMBUS, OH 43235
(614) 847-4670



LEGEND:
○ 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).

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

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).

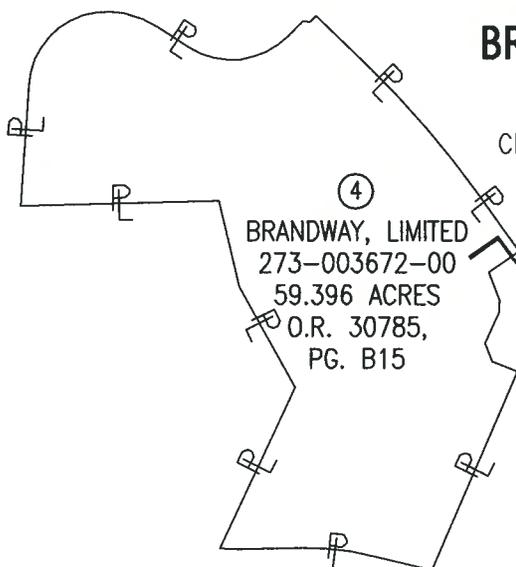
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John Jeffrey Raab, Ohio Registered Surveyor No 7863 Date 2/20/13
Prepared by: W.E. Stilson Consulting Group, LLC.



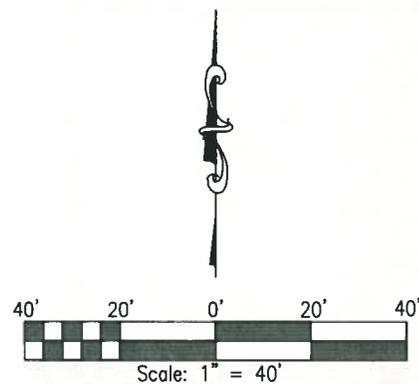
**EXHIBIT B
PARCEL 4-T
BRAND ROAD / COFFMAN ROAD
ROUNDBABOUT**

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

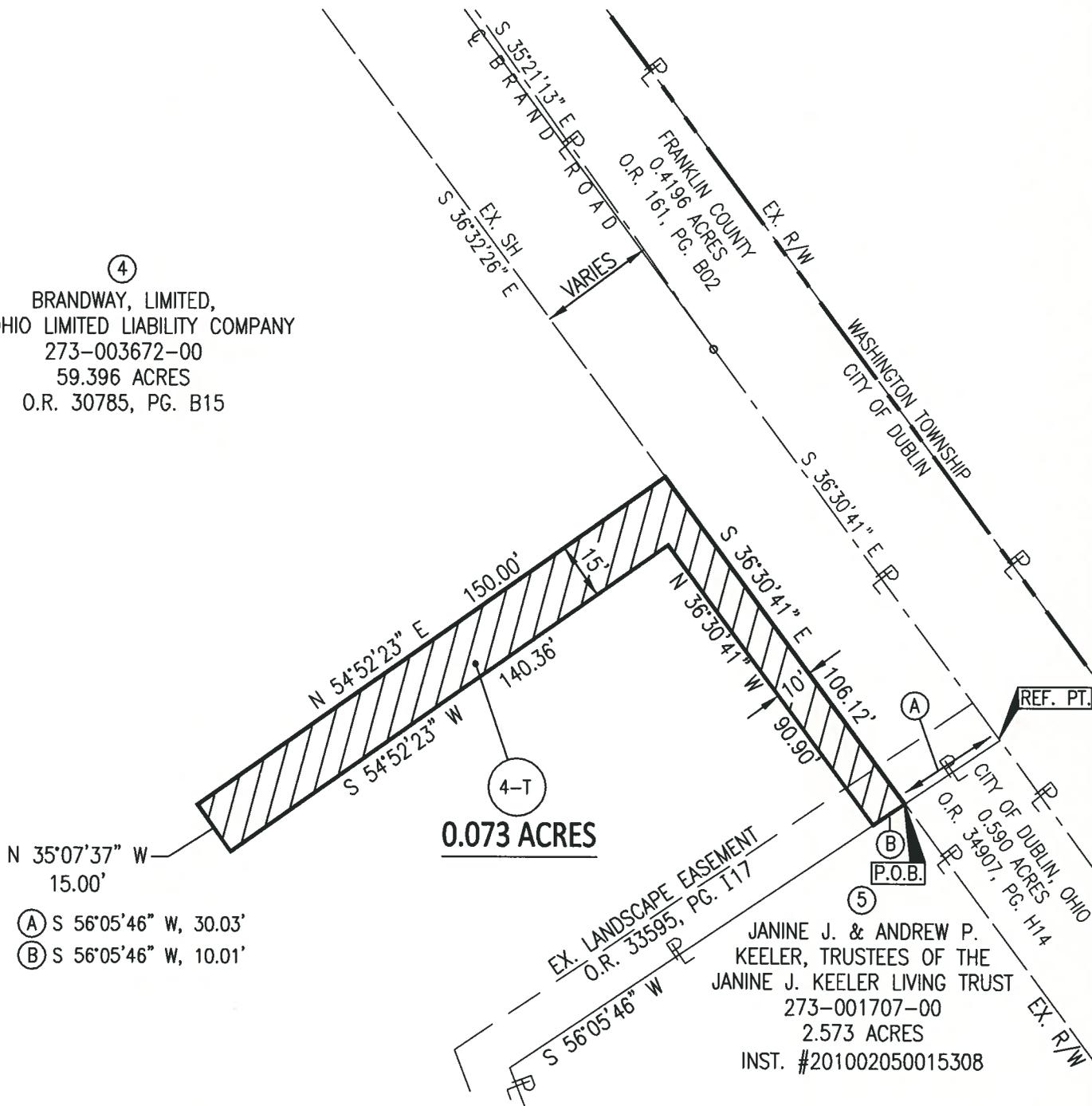


④
BRANDWAY, LIMITED
273-003672-00
59.396 ACRES
O.R. 30785,
PG. B15

EASEMENT AREA



④
BRANDWAY, LIMITED,
AN OHIO LIMITED LIABILITY COMPANY
273-003672-00
59.396 ACRES
O.R. 30785, PG. B15



0.073 ACRES

⑤
JANINE J. & ANDREW P.
KEELER, TRUSTEES OF THE
JANINE J. KEELER LIVING TRUST
273-001707-00
2.573 ACRES
INST. #201002050015308



W.E. STILSON
CONSULTING GROUP

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



LEGEND:
○ 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).

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