City of Dublin

Office of the City Manager
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Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager

Date: October 10, 2013

Initiated By: Terry Foegler, Director of Strategic Initiatives/Special Projects

Re: Ordinance No. 78-13 – Purchase of 4.4 Acre Parcel to Establish River Fronting Parkland

Summary

During the weekend of September 28, 2013, the Administration became aware that an approximate 4.4-acre parcel of land on the east side of Dublin Road, located along the west side of the Scioto, had come on the market for sale (see attached). The City Manager executed a purchase agreement on October 3, 2013 for the acquisition of this property by the City of Dublin, subject to an action by Dublin City Council authorizing said purchase. The Purchase price would be $725,000 ($24,000 less than the asking price) and allows the current owner to continue to occupy the existing house located on the site for one year from the date of closing. This price is supported by preliminary appraisal information.

The subject site is owned by Mr. John Kilbury and is located primarily within the unincorporated "island" of properties along the east side of Dublin Road, south of I-270. It also includes all of the scenic Indian Run stream bed located between the Scioto River and Dublin Road. Previous goals of City Council and recent Bridge Street District River Corridor Planning efforts have reinforced the need and desirability of the City to provide additional public park space along the Scioto River. The Administration believes the site provides an extraordinary opportunity to advance the vision for a substantial river park along both sides of the Scioto River in this area. Late in 2012, the City of Dublin acquired over 12 acres of land on the east side of the Scioto River, directly opposite the Kilbury site. Recently completed surveys of our residents have clearly established river fronting park land as among our community's highest park priorities.

The Director of Parks and Open Space and other key staff have inspected the site and believe it would be a critical and contributing piece of an integrated park system along our scenic waterways in this area. In addition to its extensive Scioto River frontage, Indian Run stream bed, and its Dublin Road frontage, the site also possesses both high quality scenic character and accessible land areas. In addition, it appears likely that the site will help address a major challenge associated with providing construction equipment access for the planned Scioto River pedestrian bridge.

Ordinance No. 78-13 is scheduled for a first reading at the October 14, 2013 Council meeting. The Administration will complete its due diligence on this property (appraisal, Phase 1 environmental reviews, etc.) before Council would take action to approve the proposed authorizing ordinance on October 28, 2013. Staff will request passage by emergency at the second reading/public hearing in order to close on this acquisition shortly thereafter.

Recommendation

Subject to the completion of our due diligence, the Administration recommends Council approve Ordinance 78-13 by emergency action at the October 28, 2013 Council meeting.

DUBLIN RD
Washington Township
6716
RIVERSIDE DR
20
INDIAN RUN DR
Kilbury Property
4.388 Acres
280' +/-
190
432' +/-
21
600' +/-
N HIGH ST
Indian Run
100
City of Dublin
N
0
100
200
Feet
77

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 78-13 *Passed* _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTATION TO ACQUIRE 4.39 ACRES, MORE OR LESS, FEE SIMPLE INTEREST FROM JOHN H. KILBURY

WHEREAS, John H. Kilbury (the "Seller") is the owner of two parcels of property, Nos. 273-000049 and 270-000248, consisting of 4.39 acres, more or less, east of High Street, North of Dublin-Granville Road and located adjacent to the Scioto River (the "Property") attached hereto as Exhibit "A"; and

WHEREAS, City Council established a goal to acquire parkland along the Scioto River, and the Bridge Street District Vision Planning supports the use of this property for park purposes, thus supporting the acquisition of these two parcels from Seller to be held by Purchaser as public parkland, said property described in the legal descriptions attached hereto as Exhibit "A"; and

WHEREAS, the City agrees to purchase the Property described in Exhibit "A," and Seller agrees to sell the Property to Purchaser pursuant to the terms of the Real Estate Purchase Agreement ("REPA") attached hereto as Exhibit "B"; and

WHEREAS, the City and the Seller participated in good faith discussions and have come to mutually agreeable terms for the acquisition of the necessary property interests for Seven Hundred Twenty-Five Thousand Dollars ($725,000); and

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

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, in the name and on behalf of the City, the REPA in substantially the form as attached Exhibit "A" and all necessary conveyance documentation to acquire an approximate 4.39 acres, more or less, from John H. Kilbury for the sum of Seven Hundred Twenty-Five Thousand Dollars ($725,000), said property interests located within Franklin County Parcel Nos. 273-000049 and 270-000248. The REPA is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager on behalf of the City, all of which shall be conclusively evidenced by the signing of the REPA or amendments thereto.

Section 2. 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

EXHIBIT A

LEGAL DESCRIPTION
FRANKLIN COUNTY TAX PARCEL NOS. 273-000049 & 270-000248
~~6799 Dublin Road~~ and 190 North High Street

Situated in the County of Franklin, State of Ohio and in the City of Dublin:

Being a part of Lot Number Five (5) of the partition of the Albert Chapman Estate Subdivision as shown in Complete Record Volume 102, page 136, Franklin County, Ohio, Common Pleas Court, situated in Virginia Military Survey No. 2542, described as follows:

Being that part of said Lot Number Five (5) lying south of a line established by projecting the south boundary line of Lot Number Six (6) of the Partition of the Albert Chapman Estate in an easterly direction S. 84° 33' E. across said Lot No. 5 to the eastern boundary line of said Lot No. 5, containing six (6) acres of land more or less.

Excepting from the above described real estate the following described tract of land:

Beginning at a spike in the center of the Dublin-Bellepoint Road, at the southwest corner of land of Donna M. Frambes; thence with the south line of Frambes Land East, 538 ft. to the west bank of the Scioto River, passing an iron pin on line at 31.9 ft. and another iron pin on like at 528 ft.; thence Southerly, along the bank of the River 121 ft. to a point in a line 121 ft. south of and parallel to the south line of the Donna Frambes' Land; thence with said line West, 542 ft. to a point in the Dublin-Bellepoint Road, passing an iron pin on line at 10 ft. and another iron pin on line at 510.1 ft.; thence N. 2° 50 W. along the Dublin-Bellepoint Road 121 ft. to the place of beginning, containing 1 1/2 acres. (The aforesaid tract being that conveyed by Evelyn H. Schnee and V.H. Schnee to D.M. McKirtick, filed for record July 6, 1949, recorded in D.B. 1504, Page 190, Recorder of Franklin County, Ohio.)

Parcel numbers: 270-000248 and 273-000049
Address: 190 North High Street, Dublin, Ohio and 6799 Dublin Road, Dublin, Ohio
Prior Instrument Reference: D.B. 3548, page 475
John H. Kilbury

ORDINANCE 78-13 (KILBURY):

THE RELATED LEASE AGREEMENT WILL BE PROVIDED ON THE DAIS ON MONDAY EVENING. LEGAL STAFF IS WORKING ON THE FINAL REVISIONS.