



To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager *mgc*

Date: June 27, 2014

Initiated By: Paul A. Hammersmith, PE, Director of Engineering/City Engineer
Jean-Ellen M. Willis, PE, Engineering Manager – Transportation
Philip K. Hartmann, Assistant Law Director

Re: **ORDINANCE 54-14 - AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.040 ACRE, MORE OR LESS, FEE SIMPLE INTEREST FROM JAMES G. CLYMER, FOR THE PROPERTY LOCATED AT 7379 SAWMILL ROAD FOR THE CONSTRUCTION OF IMPROVEMENTS AT THE INTERSECTION OF SAWMILL ROAD AND HARD ROAD, AND DECLARING AN EMERGENCY.**

Background

The City of Dublin ("City") is preparing to construct intersection improvements at the intersection of Sawmill Road and Hard Road (the "Project"). The Project consists of the widening and resurfacing of 0.32 miles of Sawmill Road and 0.17 miles of Hard Road. The Project includes the addition of curb and gutter, sidewalk, and share-use path. In order to construct the Project, the City must obtain property interests from various landowners located within the City in order to construct this Project.

James G. Clymer ("Grantor") owns one of the properties from which the City must obtain a fee simple interest for the construction of the Project. The property is located at 7379 Sawmill Road and identified as Franklin County Parcel No. 273-008405.

After engaging in amicable negotiations, the City has come to an agreement with the Grantor to acquire the necessary property interest, pursuant to the terms outlined in this memorandum. This Ordinance authorizes the settlement of the matter for Nine Thousand Five Hundred Dollars (\$9,500.00)

Acquisition

The City will be acquiring from the Grantor only the property interest necessary for the construction of the Project, as presented in the legal description and depiction attached to this memorandum. The City will be acquiring this property interest for slightly above its appraised value, based on the Property Owner's counter offer. The property acquisition consists of the following property interests from James G. Clymer, as depicted in the exhibits attached hereto:

Franklin County Parcel No. 273-008405

Property Interest Acquiring	Description	Appraised Value	Settlement Value
Fee Simple Interest	0.040 acre ±	\$6,800.00	
Site Improvements	Lawn and Concrete Drive	\$1,180.00	
Total		\$7,980.00	\$9,500

In the interest of keeping the Project moving forward, the City believes it is prudent to accept the Grantor's counter offer and continue moving forward with the Project.

Recommendation

Ordinance No. 54-14 would authorize the City Manager to execute all necessary conveyance documentation to formally acquire the necessary property interest described above.

The Law Department recommends approval of Ordinance No. 54-14 by emergency at the second reading/public hearing on July 1, 2014 as the approval of the Ordinance will keep the Project moving forward.

RECORD OF ORDINANCES

54-14

Ordinance No. _____

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.040 ACRE, MORE OR LESS, FEE SIMPLE INTEREST FROM JAMES G. CLYMER, FOR THE PROPERTY LOCATED AT 7379 SAWMILL ROAD FOR THE CONSTRUCTION OF IMPROVEMENTS AT THE INTERSECTION OF SAWMILL ROAD AND HARD ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dublin (the "City") is preparing to construct improvements at the intersection of Sawmill Road and Hard Road (the "Project"); and

WHEREAS, the Project requires that the City obtain a fee simple interest from James G. Clymer within Franklin County Parcel No. 273-008405, as described in the attached Exhibit "A" and depicted in the attached Exhibit "B," said property interest located in the City of Dublin, County of Franklin, State of Ohio; 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 interest for the sum of Nine Thousand Five Hundred Dollars (\$9,500.00); 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 0.040 acre, more or less, fee simple interest from James G. Clymer, for the sum of Nine Thousand Five Hundred Dollars (\$9,500.00), said property interest located within Franklin County Parcel No. 273-008405, and as more fully described in the attached Exhibit "A" and depicted in attached Exhibit "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 obtaining the property interest is necessary for the advancement of this Project. This ordinance shall therefore take effect immediately upon passage.

Passed this _____ day of _____, 2014.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

EXHIBIT A

RX 250 WD

Page 1 of 3

Rev. 06/09

Ver. Date 02/02/13

PID 93892

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

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Dublin, located in Quarter Township 2, Township-2-North, Range-19-West, United States Military Lands, being a part of that 3.092 acre tract as conveyed to James G. Clymer by deed of record in Instrument Numbers 201006010067149 and 200406240146368, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the left side of the Centerline of Construction of Sawmill Road, as delineated upon the FRA-SAWMILL/HARD INTERSECTION IMPROVEMENT Right-of-Way Plan on file with the City of Dublin.

Beginning for Reference at Franklin County Monument #7772 at the intersection of the existing Right-of-Way Centerline of Hard Road (County Road 61) with the existing Construction Centerline of Sawmill Road (County Road 70), being 0.00 feet left of Sawmill Road Station 200+00.00;

Thence South 02 degrees 34 minutes 54 seconds West, a distance of 592.77 feet along the Construction Centerline of Sawmill Road to the northeast corner of that 0.180 acre tract as conveyed to the Franklin County Commissioners by deed of record in Official Record 9953 G12, being 0.00 feet left of Sawmill Road Station 194+07.23;

Thence North 89 degrees 50 minutes 39 seconds West, a distance of 40.04 feet along the northerly line of said Franklin County 0.180 acre tract to the northeast corner of said Clymer 3.092 acre tract in the existing westerly Right-of-Way line of Sawmill Road, being 40.00 feet left of Sawmill Road Station 194+05.54, and being the **Point of True Beginning**;

EXHIBIT A

Page 2 of 3

RX 250 WD

Rev. 06/09

Thence South 02 degrees 34 minutes 54 seconds West, a distance of 115.54 feet, along the easterly line of said Clymer 3.092 acre tract, parallel to the existing Construction Centerline of Sawmill Road, and along the existing westerly Right-of-Way line of Sawmill Road, to an iron pin set being 40.00 feet left of Sawmill Road Station 192+90.00;

Thence North 87 degrees 25 minutes 06 seconds West, a distance of 15.00 feet, across said Clymer 3.092 acre tract, and along the proposed westerly Right-of-Way line of Sawmill Road, to an iron pin set at an angle point in the proposed westerly Right-of-Way line of Sawmill Road, being 55.00 feet left of Sawmill Road Station 192+90.00;

Thence North 02 degrees 34 minutes 54 seconds East, a distance of 114.90 feet, across said Clymer 3.092 acre tract, parallel to the existing Construction Centerline of Sawmill Road, and along the proposed westerly Right-of-Way line of Sawmill Road, to an iron pin set at the intersection with the northerly line of said Clymer 3.092 acre tract, being 55.00 feet left of Sawmill Road Station 194+04.90;

Thence South 89 degrees 50 minutes 39 seconds East, a distance of 15.01 feet, along the northerly line of said Clymer 3.092 acre tract, and along the southerly line of that 16.725 acre Lot 3 as conveyed to LTF Real Estate Company Inc. by deed of record in Instrument Number 200603240055552 and as shown on the Plat for EMERALD PHASE 5B as recorded in Plat Book 110, Page 47, to the Point of True Beginning, containing 0.040 acres, more or less, of which the Present Road Occupies 0.000 acres, more or less.

Of the above described area, 0.040 acres are contained within Franklin County Auditor's Parcel 273-008405.

All Iron Pins Set are ¼ inches in diameter by 30 inches long with a 2 inch aluminum cap bearing the name "ODOT R/W" and "STANTEC".

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 83, (1986 Adjustment) from a field survey using G.P.S. methods from Franklin County Monuments FRANK 74, FRANK 174, FCGS 7772, FCGS 6651, FCGS 2232, and FRANK 2218 Reset performed in September 2004 by R.D. Zande and Associates and January 2013 by Stantec Consulting Services, Inc.

EXHIBIT A

RX 250 WD

Page 3 of 3

Rev. 06/09

Grantor claims title by the instrument of record in Instrument Numbers 201006010067149 and 200406240146368, records of the Recorder's Office, Franklin County, Ohio.

A drawing of this description is attached hereto and made part thereof.

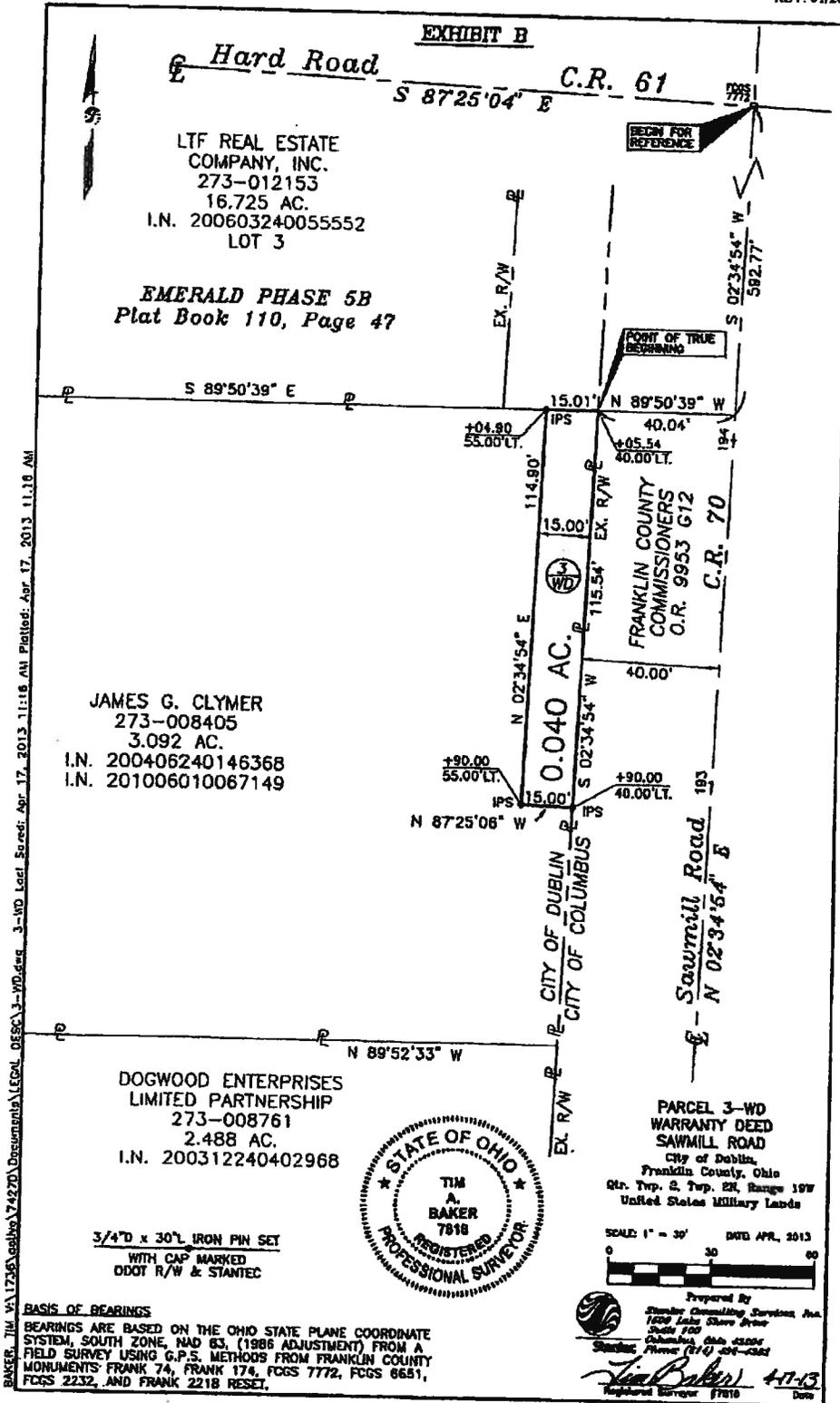


STANTEC CONSULTING SERVICES, INC.

Tim Baker 4-17-13
 Registered Surveyor No. 7818 Date

0-71-C
 Split
 0.040 Acre
 out of
 (273)
 8405







City of Dublin

06-003-CIP
Sawmill Road and Hard Road
Intersection Improvements
Clymer Property

