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 /MIG

Date: June 19, 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 57-14 - AN ORDINANCE AUTHORIZING THE APPROPRIATION OF A 0.007 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.027 ACRE, MORE OR LESS, TEMPORARY EASEMENT; AND A 0.032 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM MUSCA PROPERTIES, LLC, FOR THE PROPERTY LOCATED AT 9110 DUBLIN ROAD FOR THE CONSTRUCTION OF IMPROVEMENTS AT THE INTERSECTION OF DUBLIN ROAD AND GLICK ROAD, AND DECLARING AN EMERGENCY.**

Background

The City of Dublin ("City"), the Village of Shawnee Hills, the Ohio Department of Transportation, and the Delaware County Engineer's Office (collectively, the "Project Partners") are working together to construct improvements at the intersection of Dublin Road and Glick Road (the "Project"). The Project includes construction of left turn lanes on each approach and will improve the sight distance on the north leg of the intersection by cutting down the hill by the El Vaquero restaurant. Pedestrian facilities will be added to the north side of Glick Road, west of Dublin Road, and the traffic signal will be upgraded to include such items as new mast arms, pedestrian push buttons in all four quadrants, and LED signal heads. The common goal among the Project Partners is to improve safety and efficiency for pedestrians, bicyclists, and motorists. On behalf of the Project Partners, the City will be the main point of contact as the Project progresses through the property acquisition process.

The Project requires the acquisition of property interest from Musca Properties, LLC ("Property Owner"), located at 9110 Dublin Road, identified as Delaware County Parcel No. 600-432-23-012-000.

The City is hopeful that an amicable resolution may be reached with the Property Owner; however, this Ordinance authorizes the law director's office to initiate the eminent domain process in the event that negotiations are unsuccessful.

The City is requesting emergency action on July 1 so the affected utilities can receive access to the new right-of-way for relocation purposes. Time is of the essence with this Project in order for the contractor to meet the proposed completion date of November 14, 2014.

Acquisition

The City will be acquiring only the property interest necessary for the construction of the Project from the Property Owner, as depicted in the map attached hereto. The City had the property interest appraised; the appraised value is detailed below.

Delaware County Parcel No. 600-432-23-012-000

Property Interest Acquiring	Description	Appraisal Value
Fee Simple Interest	0.007 acre ±	$10,675.00
Temporary Easement 1	0.027 acre ±	$6,175.00
Temporary Easement 2	0.032 acre ±	$7,400.00
Site Improvements	Signs, Monument, Landscaping, etc.	$35,200.00
Total		**$59,450.00**

Recommendation

The Law Department recommends approval of Ordinance No. 57-14 by emergency at the second reading/public hearing on July 1, 2014 as the construction of the Project is necessary for public welfare and safety, and approval of the Ordinance will keep the Project moving forward.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 57-14 *Passed* _____, 20____

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF A 0.007 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.027 ACRE, MORE OR LESS, TEMPORARY EASEMENT; AND A 0.032 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM MUSCA PROPERTIES, LLC, FOR THE PROPERTY LOCATED AT 9110 DUBLIN ROAD FOR THE CONSTRUCTION OF IMPROVEMENTS AT THE INTERSECTION OF DUBLIN ROAD AND GLICK ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dublin (the "City"), the Village of Shawnee Hills, the Ohio Department of Transportation, and the Delaware County Engineer's Office are working together to construct improvements at the intersection of Dublin Road and Glick Road (the "Project"); and

WHEREAS, the City will be responsible for the property acquisition necessary for the Project; and

WHEREAS, the Project requires that the City obtain a fee simple interest and two temporary easements from Musca Properties, LLC, as described in the Exhibits labeled "A" and depicted in the Exhibits labeled "B," all attached hereto, said property interest located in the Village of Shawnee Hills, County of Delaware, State of Ohio.

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 considers it necessary and declares its authorization to appropriate for the appraised value of Fifty Nine Thousand Four Hundred Fifty Dollars ($59,450.00), for the purpose of constructing improvements at the intersection of Dublin Road and Glick Road, a fee simple interest and two temporary easements as described in the Exhibits labeled "A" and depicted in the Exhibits labeled "B," all attached hereto.

Section 2. The City Law Director's office is hereby authorized to file a petition for appropriation in the county Court of common Pleas should it become necessary.

Section 3. 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. The Ordinance shall therefore take effect immediately upon passage.

Passed this _____day of _____, 2014.

_____
Mayor – Presiding Officer

ATTEST:

_____
Clerk of Council

EXHIBIT A

PARCEL 6-WDV
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).

Situated in the State of Ohio, County of Delaware, Village of Shawnee Hills, Township of Concord, Virginia Military Survey Number 2545, being part of a 1.543 acre tract, in the name of Musca Properties, LLC, an Ohio Limited Liability Company (the grantor), as recorded in Official Record 399, Page 62, all references being to those of record in the Recorder's Office, Delaware County, Ohio, and being more particular described as follows:

Commencing, for reference, at a 5/8 inch rebar (set) inside of a monument box at the northerly intersection of the existing centerline of right of way of Glick Road (width varies) and the existing centerline of right of way of Dublin Road (width varies), said northerly intersection point being Glick Road station 50+00.00 and Dublin Road station 20+00.00, said rebar (set) being North 15 degrees 33 minutes 44 seconds West, a distance of 2.73 feet from a 5/8 inch rebar (set) inside of a monument box at the southerly intersection of the existing centerline of right of way of Glick Road and the existing centerline of right of way of Dublin Road, said southerly intersection being Glick Road station 19+97.27 and Dublin Road station 49+99.91;

Thence, along the existing centerline of said Dublin Road, North 15 degrees 33 minutes 44 seconds West, a distance of 36.35 feet to a point, at Dublin Road station 20+36.35;

Thence, leaving said centerline, North 74 degrees 26 minutes 16 seconds East, a distance of 40.00 feet to an iron pin (set) at the intersection of the easterly existing right of way line of said Dublin Road and the northerly existing right of way line of said Glick Road, said intersection being 35.00 feet left of Glick Road station 50+40.67, and also being **The Point of Beginning** of the parcel herein described:

Thence, along the easterly existing right of way line of said Dublin Road, North 15 degrees 33 minutes 44 seconds West, a distance of 39.54 feet to an iron pin (set), 40.00 feet right of Dublin Road station 20+75.89;

Thence, leaving said existing right of way line, through the grantor's tract, in a southeasterly direction, an arc distance of 61.20 feet, along the arc of a curve deflecting to the left, having a central angle of 87 degrees 39 minutes 30 seconds , a radius of 40.00 feet, and a chord that bears South 59 degrees 23 minutes 29 seconds East, a distance of 55.40 feet, to an iron pin (set) on the northerly existing right of way line of said Glick Road, 35.00 feet left of Glick Road station 50+76.97;

Thence, along the northerly existing right of way line of said Glick Road, in a southwesterly direction, an arc distance of 38.38 feet, along the arc of a curve deflecting to the left, having a central angle of 03 degrees 24 minutes 32 seconds, a radius of 645.00 feet, and a chord that bears South 75 degrees 04 minutes 30 seconds West, a distance of 38.37 feet, to **The Point of Beginning** and containing 0.007 acres, more or less, with 0.000 acres, more or less, being within the Present Roadway Occupied (P.R.O.).

The bearings in the above description are based on the bearing between Delaware County Engineer's Monuments "97-006" & "97-142" being North 72 degrees 52 minutes 25 seconds East, as measured on the Ohio State Plane Coordinate System, South Zone, 2007 adjustment.

All iron pins set are 5/8"x30" rebar, capped with a yellow id stamped "Mullaney P.S. 7900".

All references being to those of record in the Recorder's Office, Delaware County, Ohio.

Subject to any and all easements, rights of way, conditions and restrictions of record, all legal highways, zoning ordinances, rules and regulations.

This description was prepared based on an actual field survey by GPD Group dba Glaus, Pyle, Schomer, Burns, & DeHaven, Inc. performed under the direct supervision of Steven L. Mullaney, Registered Surveyor #7900, in December, 2013.

STATE OF OHIO
STEVEN L. MULLANEY 7900 REGISTERED
SURVEYOR

Glaus, Pyle, Schomer, Burns, & DeHaven, Inc.
dba GPD Group

8/19/2014

Steven L. Mullaney, P.S.
Professional Surveyor No. 7900

February 14, 2014
I:\Cad\PRODUCTION\PROJECTS\10917.00 Dublin - Dublin & Glick\ROW\legal\06-WDV.docx

GPD Group
Glaus, Pyle, Schomer, Burns, &
DeHaven, Inc.

1801 Watermark Drive, Suite 150
Columbus, Ohio 43215
Phone: 614-210-0751 / Fax: 614-210-0752

EXHIBIT A

Ver. Date: 01/21/2014

PARCEL 6-T1
DESCRIPTION OF A TEMPORARY
CONSTRUCTION AND GRADING EASEMENT

Situated in the State of Ohio, County of Delaware, Village of Shawnee Hills, Township of Concord, Virginia Military Survey Number 2545, being part of a 1.543 acre tract, in the name of Musca Properties, LLC, an Ohio Limited Liability Company (the grantor), as recorded in Official Record 399, Page 62, all references being to those of record in the Recorder's Office, Delaware County, Ohio, and being more particular described as follows:

Commencing, for reference, at the intersection of the existing centerline of right of way of Glick Road (width varies) and the existing centerline of right of way of Dublin Road (width varies), said intersection point being Glick Road station 50+00.00 and Dublin Road station 20+00.00;

Thence, along the existing centerline of said Dublin Road, North 15 degrees 33 minutes 44 seconds West, a distance of 36.35 feet to a point, at Dublin Road station 20+36.35;

Thence, leaving said centerline, North 74 degrees 26 minutes 16 seconds East, a distance of 40.00 feet to a point at the intersection of the easterly existing right of way line of said Dublin Road and the northerly existing right of way line of said Glick Road, said intersection being 35.00 feet left of Glick Road station 50+40.67;

Thence, along the easterly existing right of way line of said Dublin Road, North 15 degrees 33 minutes 44 seconds West, a distance of 39.54 feet to an iron pin (set), 40.00 feet right of Dublin Road station 20+75.89, and **The Point of Beginning** of the parcel herein described:

Thence, continuing along said existing right of way line, North 15 degrees 33 minutes 44 seconds West, a distance of 34.11 feet to a point, 40.00 feet right of Dublin Road station 21+10.00;

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

1. South 28 degrees 05 minutes 28 seconds East, a distance of 46.10 feet to a point, 50.00 feet right of Dublin Road station 20+65.00;
2. South 57 degrees 10 minutes 07 seconds East, a distance of 31.85 feet to a point, 40.00 feet right of Glick Road station 50+70.00;
3. A northeasterly direction, an arc distance of 132.92 feet, along the arc of a curve deflecting to the right, having a central angle of 11 degrees 43 minutes 00 seconds , a radius of 650.00 feet, and a chord that bears North 81 degrees 59 minutes 00 seconds East, a distance of 132.69 feet, to a point on the northerly existing right of way line of said Glick Road, 40.00 feet left of Glick Road station 51+94.74;

Thence, along said existing right of way line, South 68 degrees 40 minutes 09 seconds West, a distance of 15.75 feet to a point, 35.00 feet left of Glick Road station 51+80.67;

Thence, continuing along said existing right of way line, in a southwesterly direction, an arc distance of 109.66 feet, along the arc of a curve deflecting to the left, having a central angle of 09 degrees 44 minutes 27 seconds, a radius of 645.00 feet, and a chord that bears South 81 degrees 38 minutes 59 seconds West, a distance of 109.53 feet, to an iron pin (set), 35.00 feet left of Glick Road station 50+76.97;

Thence, leaving said existing right of way line, through the grantor's tract, in a northwesterly direction, an arc distance of 61.20 along the arc of a curve deflecting to the right, having a central angle of 87 degrees 39 minutes 30

seconds , a radius of 40.00 feet, and a chord that bears North 59 degrees 23 minutes 29 seconds West, a distance of 55.40 feet, to **The Point of Beginning** and containing 0.027 acres, more or less.

The bearings in the above description are based on the bearing between Delaware County Engineer's Monuments "97-006" & "97-142" being North 72 degrees 52 minutes 25 seconds East, as measured on the Ohio State Plane Coordinate System, South Zone, 2007 adjustment.

All references being to those of record in the Recorder's Office, Delaware County, Ohio.

Subject to any and all easements, rights of way, conditions and restrictions of record, all legal highways, zoning ordinances, rules and regulations.

This description was prepared based on an actual field survey by GPD Group dba Glaus, Pyle, Schomer, Burns, & DeHaven, Inc. performed under the direct supervision of Steven L. Mullaney, Registered Surveyor #7900, in December, 2013.

STATE OF OHIO
STEVEN L MULLANEY 7900 REGISTERED
SURVEYOR

Glaus, Pyle, Schomer, Burns, & DeHaven, Inc.
dba GPD Group

1/31/2014

Steven L. Mullaney, P.S.
Professional Surveyor No. 7900

January 21, 2014
I:\Cad\PRODUCTION\PROJECTS\10917.00 Dublin - Dublin & Glick\ROW\legal\06-T1.docx

GPD Group
Glaus, Pyle, Schomer, Burns, & DeHaven, Inc.

1801 Watermark Drive, Suite 150
Columbus, Ohio 43215
Phone: 614-210-0751 / Fax: 614-210-0752

EXHIBIT A

PARCEL 6-T2
DESCRIPTION OF A TEMPORARY
CONSTRUCTION AND GRADING EASEMENT

Situated in the State of Ohio, County of Delaware, Village of Shawnee Hills, Township of Concord, Virginia Military Survey Number 2545, being part of a 1.543 acre tract, in the name of Musca Properties, LLC, an Ohio Limited Liability Company (the grantor), as recorded in Official Record 399, Page 62, all references being to those of record in the Recorder's Office, Delaware County, Ohio, and being more particular described as follows:

Commencing, for reference, at the intersection of the existing centerline of right of way of Glick Road (width varies) and the existing centerline of right of way of Dublin Road (width varies), said intersection point being Glick Road station 50+00.00 and Dublin Road station 20+00.00;

Thence, along the existing centerline of said Dublin Road, North 15 degrees 33 minutes 44 seconds West, a distance of 36.35 feet to a point, at Dublin Road station 20+36.35;

Thence, leaving said centerline, North 74 degrees 26 minutes 16 seconds East, a distance of 40.00 feet to a point at the intersection of the easterly existing right of way line of said Dublin Road and the northerly existing right of way line of said Glick Road, said intersection being 35.00 feet left of Glick Road station 50+40.67;

Thence, along the easterly existing right of way line of said Dublin Road, North 15 degrees 33 minutes 44 seconds West, a distance of 134.65 feet to a point, 40.00 feet right of Dublin Road station 21+71.00, and **The Point of Beginning** of the parcel herein described:

Thence, continuing along said existing right of way line, North 15 degrees 33 minutes 44 seconds West, a distance of 56.61 feet, to the grantor's northwesterly corner and the southwesterly corner of a 0.373 acre tract in the name of Larry F. & Catherine A. Burchfield, as recorded in Deed Volume 624, Page 692, recorder's office, said corner being 40.00 feet right of Dublin Road station 22+27.61, and being witnessed by a 5/8 inch rebar (found) at a bearing of South 46 degrees 35 minutes 31 seconds East, and a distance of 0.03 feet;

Thence, leaving said existing right of way line, along said property line, North 75 degrees 58 minutes 04 seconds East, a distance of 25.01 feet to a point 65.00 feet right of Dublin Road station 22+26.94;

Thence, leaving said property line, through the grantor's tract, South 15 degrees 33 minutes 44 seconds East, a distance of 55.94 feet to a point, 65.00 feet right of Dublin Road station 21+71.00;

Thence, continuing through the grantor's tract, South 74 degrees 26 minutes 16 seconds West, a distance of 25.00 feet to **The Point of Beginning** and containing 0.032 acres, more or less.

The bearings in the above description are based on the bearing between Delaware County Engineer's Monuments "97-006" & "97-142" being North 72 degrees 52 minutes 25 seconds East, as measured on the Ohio State Plane Coordinate System, South Zone, 2007 adjustment.

All references being to those of record in the Recorder's Office, Delaware County, Ohio.

Subject to any and all easements, rights of way, conditions and restrictions of record, all legal highways, zoning ordinances, rules and regulations.

This description was prepared based on an actual field survey by GPD Group dba Glaus, Pyle, Schomer, Burns, & DeHaven, Inc. performed under the direct supervision of Steven L. Mullaney, Registered Surveyor #7900, in December, 2013.

STATE OF OHIO
STEVEN L. MULLANEY 7900 REGISTERED SURVEYOR

Glaus, Pyle, Schomer, Burns, & DeHaven, Inc.
dba GPD Group

1/31/2019

Steven L. Mullaney, P.S.
Professional Surveyor No. 7900

January 21, 2014
I:\Cad\PRODUCTION\PROJECTS\10917.00 Dublin - Dublin & Glick\ROW\legal\06-T2.docx

GPD Group
Glaus, Pyle, Schomer, Burns, & DeHaven, Inc.

1801 Watermark Drive, Suite 150
Columbus, Ohio 43215
Phone: 614-210-0751 / Fax: 614-210-0752

GPD GROUP®
Glaus, Pyle, Schomer, Burns & DeHaven, Inc.
1801 Watermark Drive, Suite 150
Columbus, OH 43215
614.210.0751 Fax 614.210.0725
Copyright; Glaus, Pyle, Schomer, Burns & DeHaven, Inc. 2013

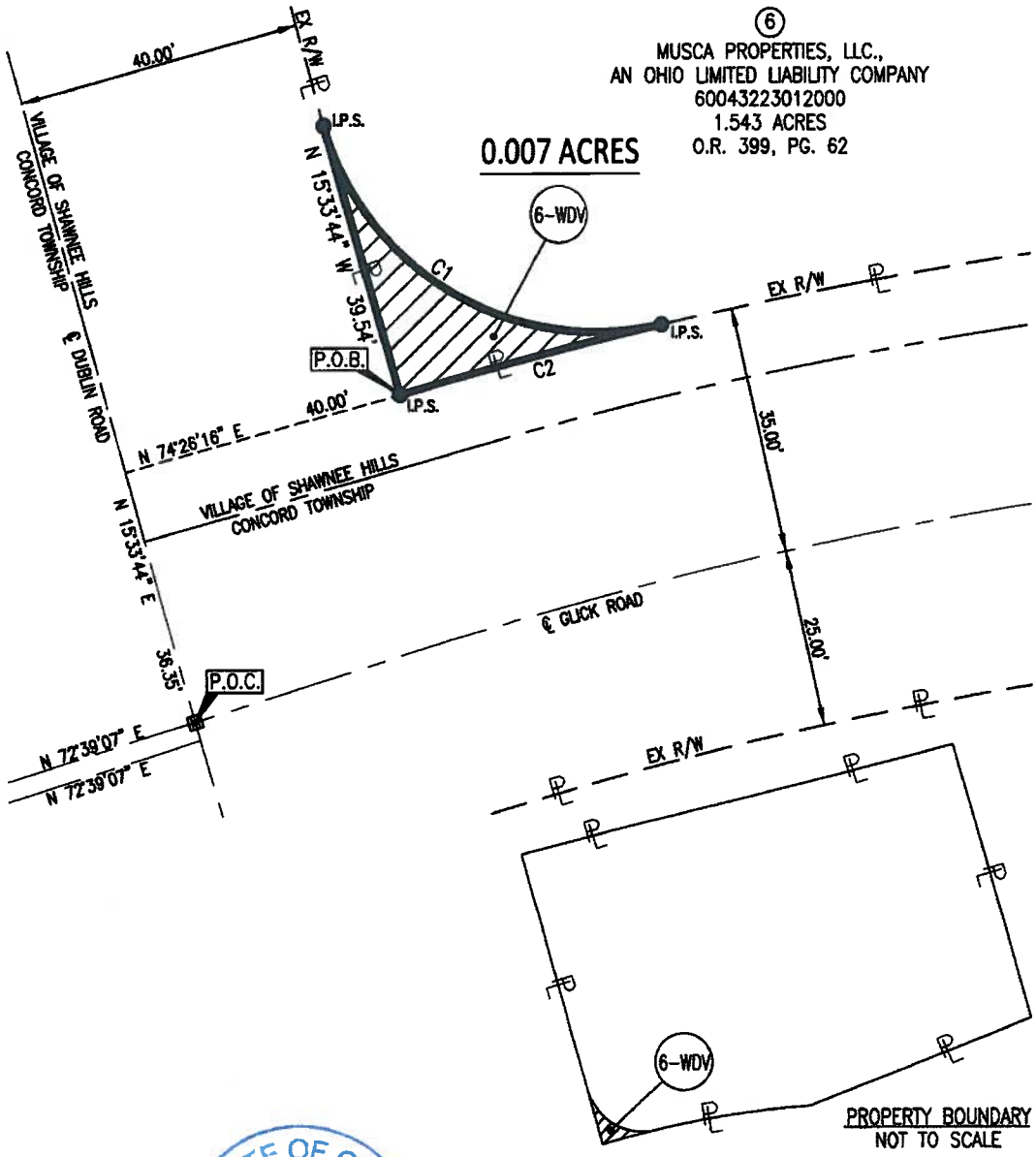
EXHIBIT B
PARCEL 6-WDV
DUBLIN ROAD & GLICK ROAD INTERSECTION IMPROVEMENTS

CONCORD TOWNSHIP, V.M.S. 2545,
VILLAGE OF SHAWNEE HILLS,
DELAWARE COUNTY, OHIO

20' 10' 0' 10' 20'
Scale: 1" = 20'

C1
Δ = 87°39'30" LT.
R = 40.00'
L = 61.20'
Ch Brg = S59°23'29"E
Ch = 55.40'

C2
Δ = 03°24'32" LT.
R = 645.00'
L = 38.38'
Ch Brg = S75°04'30"W
Ch = 38.37'

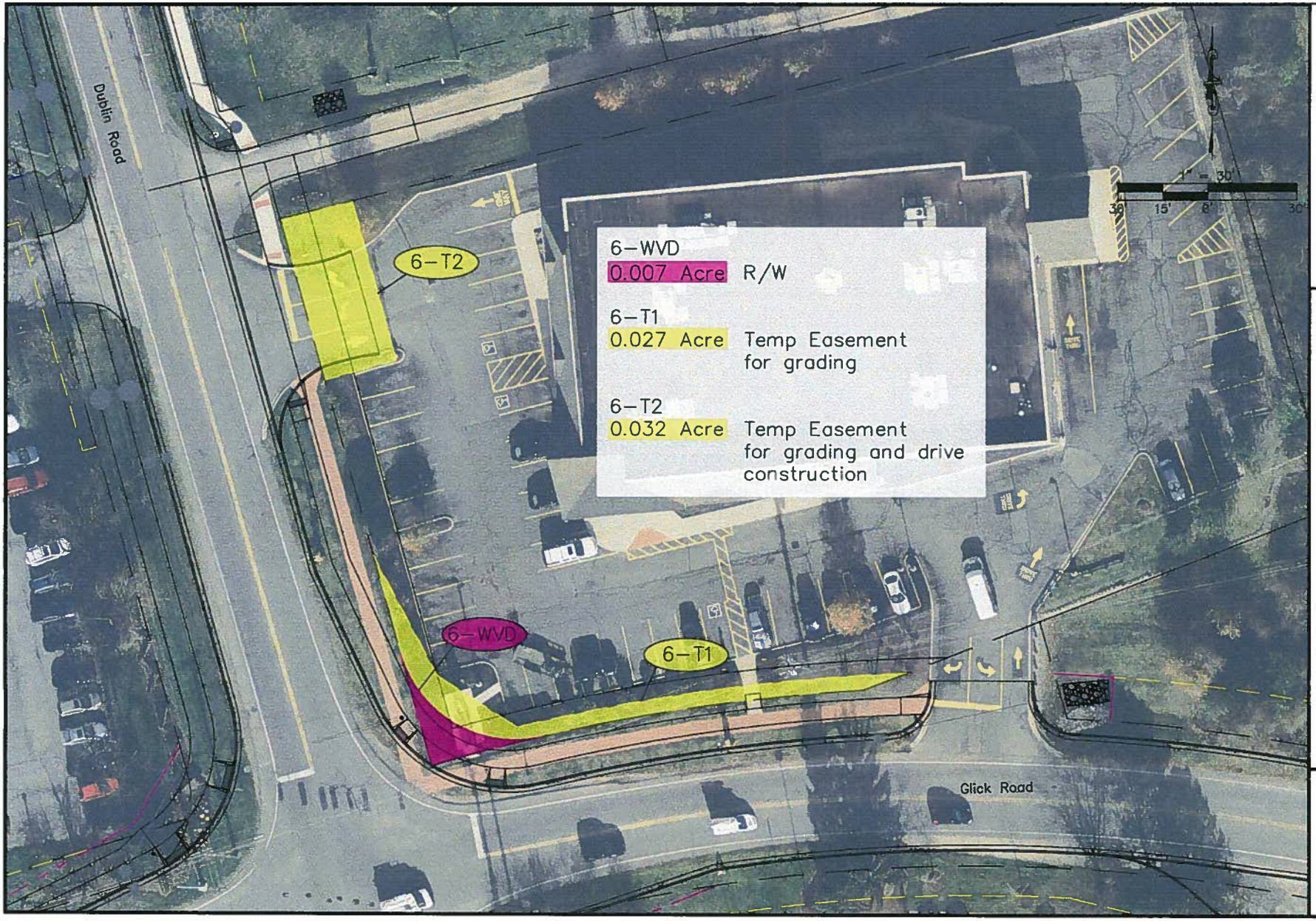


STATE OF OHIO
STEVEN L. MULLANEY 7900 REGISTERED SURVEYOR

1/15/2014
STEVEN L. MULLANEY, P.S. 7900 DATE

LEGEND:
● I.P.S. 5/8" REBAR WITH CAP STAMPED "MULLANEY P.S. 7900"
▣ 5/8" X 30" REBAR INSIDE OF MONUMENT BOX

BASIS OF BEARINGS:
THE BEARINGS FOR THIS SURVEY ARE BASED THE BEARINGS BETWEEN DELAWARE COUNTY ENGINEER'S MONUMENTS "97-006" & "97-142" BEING N 72°52'25" E, AS MEASURED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, 2007 ADJUSTMENT.



City of Dublin

10-006-CIP

DUBLIN ROAD AND GLICK ROAD

INTERSECTION IMPROVEMENTS

WALGREENS PROPOERTY

SHEET

1

OF

1