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 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 58-14 - AN ORDINANCE AUTHORIZING THE APPROPRIATION OF A 0.472 ACRE, MORE OR LESS, FEE SIMPLE INTEREST, OF WHICH 0.419 ACRE, MORE OR LESS, IS PRESENT ROAD OCCUPIED; AND A 0.259 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM MARY J. WILLISTON, TRUSTEE OF THE MARY J. WILLISTON TRUST, FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DUBLIN ROAD AND GLICK 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 Mary J. Williston, Trustee of the Mary J. Williston Trust ("Property Owner"), located at the southeast corner of Dublin Road and Glick Road, identified as Delaware County Parcel No. 600-432-29-004-000.

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. 600-432-29-004-000

Property Interest Acquiring	Description	Appraisal Value
Fee Simple Interest	0.472 acre ± (of which 0.419 acre ± is P.R.O.)	$30,000.00
Temporary Easement	0.259 acre ±	$17,750.00
Site Improvements	Signs, Trees, Landscaping, etc.	$29,800.00
Total		**$77,550.00**

Recommendation

The Law Department recommends approval of Ordinance No. 58-14 by emergency at the second reading/public hearing on July 1 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. 58-14 *Passed* _____, 20____

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF A 0.472 ACRE, MORE OR LESS, FEE SIMPLE INTEREST, OF WHICH 0.419 ACRE, MORE OR LESS, IS PRESENT ROAD OCCUPIED; AND A 0.259 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM MARY J. WILLISTON, TRUSTEE OF THE MARY J. WILLISTON TRUST, FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DUBLIN ROAD AND GLICK 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 a temporary easement from Mary J. Williston, Trustee of the Mary J. Williston Trust, 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 Seventy Seven Thousand Five Hundred Fifty Dollars ($77,550.00), for the purpose of constructing improvements at the intersection of Dublin Road and Glick Road, a fee simple interest and a temporary easement 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

Ver. Date: 04/30/2014

PARCEL 4-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).

DESCRIPTION FOR CLOSING ONLY
☐ RPC Approval Required
☐ Municipal Approval Required
Delaware County Engineer
5-5-14

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 6.053 acre tract, in the name of Mary J. Williston, Trustee of the Mary J. Williston trust (the grantor), as recorded in Official Record 738, Page 2445, 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 southerly 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 southerly intersection point being Glick Road station 49+99.91 and Dublin Road station 19+97.27, said rebar (set) being South 15 degrees 33 minutes 44 seconds East, a distance of 2.73 feet from 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 and the existing centerline of right of way of Dublin Road, said northerly intersection point being station 50+00.00 on the existing centerline of right of way of Glick Road and station 20+00.00 on the existing centerline of right of way of Dublin Road;

Thence, along the existing centerline of right of way of said Dublin Road, South 16 degrees 08 minutes 22 seconds East, a distance of 22.28 feet to a magnail (set) at the northwesterly corner of the grantor's tract, said corner also being **The Point of Beginning** of the parcel herein described:

Thence, leaving said centerline along the northerly line of the grantor's tract, North 72 degrees 24 minutes 06 seconds East, a distance of 31.02 feet to a point 31.01 feet right of Dublin Road station 19+75.78, passing a 5/8 inch rebar (found) on the easterly existing right of way line of said Dublin Road, at a distance of 30.01 feet;

Thence, along the southerly existing right of way line of said Glick Road, in a easterly direction, an arc distance of 90.76 feet, along the arc of a curve deflecting to the right, having a central angle of 08 degrees 53 minutes 21 seconds, a radius of 585.00 feet, and a chord that bears North 76 degrees 50 minutes 47 seconds East, a distance of 90.67 feet, to an iron pin (set), 25.00 feet right of Glick Road station 51+25.00;

Thence, leaving said existing right of way line, through the grantor's tract, South 67 degrees 35 minutes 06 seconds West, a distance of 51.36 feet to an iron pin (set), 35.00 feet right of Glick Road station 50+72.00;

Thence, continuing through grantor's tract, South 36 degrees 56 minutes 08 seconds West, a distance of 50.67 feet to an iron pin (set) on the easterly existing right of way line of said Dublin Road, 30.00 feet right of Dublin Road station 19+35.00;

Thence, along the easterly existing right of way line of said Dublin Road, South 16 degrees 08 minutes 22 seconds East, a distance of 345.00 feet to an iron pin (set), 30.00 feet right of Dublin Road station 15+90.00;

Thence, leaving said existing right of way line, through grantor's tract, for the following five (5) calls:

1. North 73 degrees 51 minutes 38 seconds East, a distance of 10.00 feet to an iron pin (set), 40.00 feet right

of Dublin Road station 15+90.00;

2. South 16 degrees 08 minutes 22 seconds East, a distance of 44.79 feet to an iron pin (set), 40.00 feet right of Dublin Road station 15+45.00;
3. South 71 degrees 27 minutes 06 seconds West, a distance of 5.00 feet to an iron pin (set) 35.00 feet right of Dublin Road station 15+45.00;
4. South 16 degrees 08 minutes 22 seconds East, a distance of 95.00 feet, to an iron pin (set) 35.00 feet right of Dublin Road station 14+50.00;
5. South 04 degrees 49 minutes 46 seconds East, a distance of 25.50 feet, to an iron pin (set) on the easterly existing right of way line of said Dublin Road, 30.00 feet right of Dublin Road station 14+25.00;

Thence, along said existing right of way line, South 16 degrees 08 minutes 22 seconds East, a distance of 58.03 feet to a 3/4 inch pipe (found) on the grantor's southerly property line, and the northerly property line of a 3.824 acre tract in the name of the City of Dublin, as recorded in Official Record 1053, Page 2334;

Thence, leaving said existing right of way line, along said property line, South 72 degrees 05 minutes 01 seconds West, a distance of 30.01 feet to a magnail (set) on the centerline of said Dublin Road, at Dublin Road station 13+66.04;

Thence, along said centerline, North 16 degrees 08 minutes 22 seconds West, a distance of 608.95 feet to **The Point of Beginning** and containing 0.472 acres, more or less, with 0.419 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

4/30/2014

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

April 30, 2014
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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 4-T
DESCRIPTION OF A TEMPORARY CONSTRUCTION AND GRADING EASEMENT FOR DRIVE CONSTRUCTION

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 6.053 acre tract in the name of Mary J. Williston, Trustee of the Mary J. Williston Trust (the grantor), as recorded in Official Record 738, Page 2445, 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 49+99.91 and Dublin Road station 19+97.27;

Thence, along the existing centerline of right of way of said Dublin Road, South 16 degrees 08 minutes 22 seconds East, a distance of 22.28 feet to the northwesterly corner of the grantor's tract;

Thence, leaving said centerline along the northerly line of the grantor's tract, North 72 degrees 24 minutes 06 seconds East, a distance of 30.01 feet to a 5/8 inch rebar (found) on the easterly existing right of way line of said Dublin Road, 30.00 feet right of Dublin Road station 19+75.95;

Thence, leaving said property line along said existing right of way line, South 16 degrees 08 minutes 22 seconds East, a distance of 40.76 feet to an iron pin (set), 30.00 feet right of Dublin Road station 19+35.00, said pin (set) also being **The Point of Beginning** of the parcel herein described:

Thence, leaving said existing right of way line, through grantor's tract, North 36 degrees 56 minutes 08 seconds East, a distance of 50.67 feet to an iron pin (set), 35.00 feet right of Glick Road station 50+72.00;

Thence, continuing through grantor's tract, North 67 degrees 35 minutes 06 seconds East, a distance of 51.36 feet to an iron pin (set) on the southerly existing right of way line of said Glick Road, 25.00 feet right of Glick Road station 51+25.00;

Thence, along said existing right of way line, in a southeasterly direction, an arc distance of 290.59 feet, along the arc of a curve deflecting to the right, having a central angle of 28 degrees 27 minutes 39 seconds, a radius of 585.00 feet, and a chord that bears South 84 degrees 23 minutes 43 seconds East, a distance of 289.26 feet, to a point 25.00 feet right of Glick Road station 54+29.78, being witnessed by a 5/8 inch rebar (found) at a bearing of South 25 degrees 43 minutes 07 seconds West, and a distance of 0.43 feet;

Thence, continuing along said existing right of way line, South 70 degrees 04 minutes 54 seconds East, a distance of 20.22 feet to a point 25.00 feet right of Glick Road station 54+50.00;

Thence, leaving said existing right of way line, through the grantor's tract, the following eleven (11) calls:

1. South 73 degrees 20 minutes 48 seconds West, a distance of 25.17 feet to a point 40.00 feet right of Glick Road station 54+29.78;
2. North 76 degrees 50 minutes 23 seconds West, a distance of 168.19 feet to a point 35.00 feet right of Glick Road station 52+50.00;
3. Thence, in a southwesterly direction, an arc distance of 141.39 feet, along the arc of a curve deflecting to the left, having a central angle of 14 degrees 05 minutes 21 seconds , a radius of 575.00 feet, and a chord that bears South 85 degrees 59 minutes 15 seconds West, a distance of 141.04 feet, to a point 35.00 feet left of Glick Road station 51+00.00;
4. South 49 degrees 16 minutes 59 seconds West, a distance of 31.69 feet to a point 50.00 feet right of Glick Road station 50+70.00;
5. South 31 degrees 06 minutes 49 seconds West, a distance of 44.98 feet to a point 35.00 feet right of Dublin Road station 19+20.00;
6. South 16 degrees 08 minutes 22 seconds East, a distance of 120.00 feet to a point 35.00 feet right of Dublin Road station 18+00.00;
7. North 73 degrees 51 minutes 38 seconds East, a distance of 10.00 feet to a point 45.00 feet right of Dublin Road station 18+00.00;
8. South 16 degrees 08 minutes 22 seconds East, a distance of 300.00 feet to a point 45.00 feet right of Dublin Road station 15+00.00;
9. North 73 degrees 51 minutes 38 seconds East, a distance of 5.00 feet to a point 50.00 feet right of Dublin Road station 15+00.00;
10. South 16 degrees 08 minutes 22 seconds East, a distance of 100.00 feet to a point 50.00 feet right of Dublin Road station 14+00.00;
11. South 73 degrees 51 minutes 38 seconds West, a distance of 20.00 feet to a point on the easterly existing right of way line of said Dublin Road, 30.00 feet right of Dublin Road station 14+00.00;

Thence, along said existing right of way line, North 16 degrees 08 minutes 22 seconds West, a distance of 25.00 feet to an iron pin (set), 30.00 feet right of Dublin Road station 14+25.00;

Thence, leaving said existing right of way line, through the grantor's tract, for the following five (5) calls:

1. North 04 degrees 49 minutes 46 seconds West, a distance of 25.50 feet, to an iron pin (set), 35.00 feet right of Dublin Road station 14+50.00;
2. North 16 degrees 08 minutes 22 seconds West, a distance of 95.00 feet, to an iron pin (set), 35.00 feet right of Dublin Road station 15+45.00;
3. North 71 degrees 27 minutes 06 seconds East, a distance of 5.00 feet, to an iron pin (set), 40.00 feet right of Dublin Road station 15+45.00;
4. North 16 degrees 08 minutes 22 seconds West, a distance of 44.79 feet, to an iron pin (set), 40.00 feet right of Dublin Road station 15+90.00;
5. South 73 degrees 51 minutes 38 seconds West, a distance of 10.00 feet to an iron pin (set) on the easterly existing right of way line of said Dublin Road, 30.00 feet right of Dublin Road station 15+90.00;

Thence, along said existing right of way line, North 16 degrees 08 minutes 22 seconds West, a distance of 345.00 feet to **The Point of Beginning** and containing 0.259 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

4/30/2014

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

April 30, 2014
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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 B
PARCEL 4-WDV
DUBLIN ROAD & GLICK ROAD INTERSECTION IMPROVEMENTS

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

GPD GROUP.
Glaus, Pyle, Schomer, Burns & DeHaven, Inc.
1801 Watermark Drive, Suite 150
Columbus, OH 43215
614.210.0751 Fax 614.210.0725
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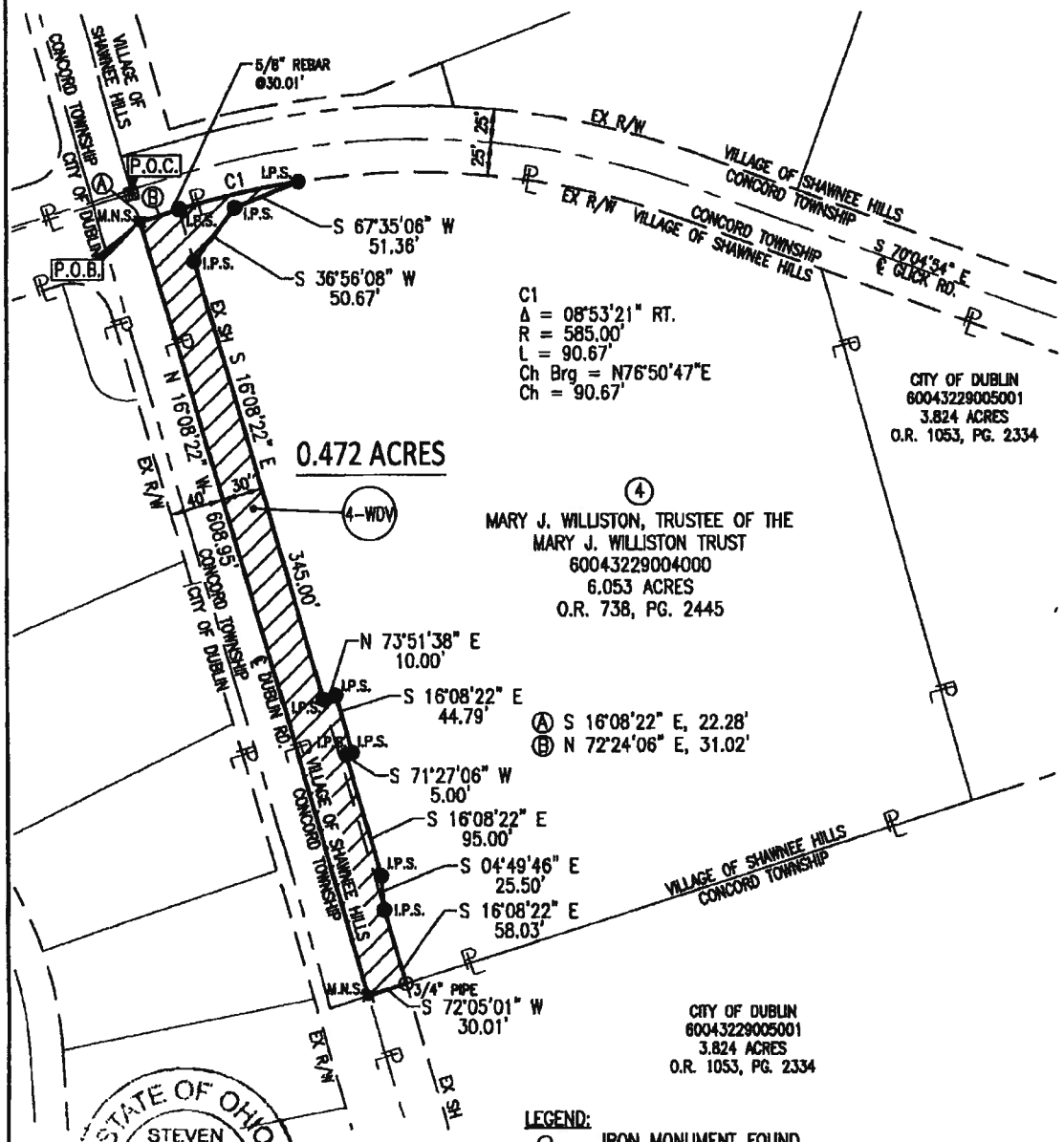
Scale: 1" = 100'



STATE OF OHIO
STEVEN L. MULLANEY 7900 REGISTERED SURVEYOR

STEVEN L. MULLANEY, P.S. 7900 DATE

LEGEND:

- ○ IRON MONUMENT FOUND
- ● I.P.S. 5/8" REBAR WITH CAP STAMPED "MULLANEY P.S. 7900"
- M.N.S. MAGNAIL SET
- ▣ 5/8" X 30" REBAR INSIDE OF MONUMENT BOX

BASIS OF BEARINGS:
THE BEARINGS FOR THIS SURVEY ARE BASED THE BEARING BETWEEN DELAWARE COUNTY ENGINEER'S MONUMENTS "97-008" & "97-142" BEING N 72°52'25" E, AS MEASURED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, 2007 ADJUSTMENT.

10-006-CIP

DUBLIN ROAD AND GLICK ROAD

INTERSECTION IMPROVEMENTS
SHOPPING CENTER

City of Dublin

SHEET 1 OF 1