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 59-14 - AN ORDINANCE AUTHORIZING THE APPROPRIATION OF A 0.052 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.009 ACRE, MORE OR LESS, STORM SEWER EASEMENT; A 0.016 ACRE, MORE OR LESS, TEMPORARY EASEMENT; AND A 0.054 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM STEPHEN H. HEINLEN AND KENDRA E. HEINLEN, FOR THE PROPERTY LOCATED AT 5300 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 Stephen H. Heinlen and Kendra E. Heinlen ("Property Owners"), located at 5300 Glick Road, identified as Delaware County Parcel No. 600-432-19-024-000.

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 in order that 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 Owners, as depicted in the map attached hereto. The City had the property interest appraised; the appraised value is detailed below.

Delaware County Parcel No. 600-432-19-024-000

Property Interest Acquiring	Description	Appraisal Value
Fee Simple Interest	0.052 acre ±	$18,120.00
Storm Sewer Easement	0.009 acre ±	$1,600.00
Temporary Easement 1	0.016 acre ±	$840.00
Temporary Easement 2	0.054 acre ±	$2,820.00
Site Improvements	Trees, Shrubs, Landscaping, etc.	$9,000.00
Damages to Residue	Excess Cost-to-Cure	$10,400.00
Total		**$42,780.00**

Recommendation

The Law Department recommends approval of Ordinance No. 59-14 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. 59-14 Passed _____, 20____

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF A 0.052 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.009 ACRE, MORE OR LESS, STORM SEWER EASEMENT; A 0.016 ACRE, MORE OR LESS, TEMPORARY EASEMENT; AND A 0.054 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM STEPHEN H. HEINLEN AND KENDRA E. HEINLEN, FOR THE PROPERTY LOCATED AT 5300 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, a storm sewer easement, and two temporary easements from Stephen H. Heinlen and Kendra E. Heinlen, as described in the Exhibits labeled "A" and depicted in the Exhibits labeled "B," all attached hereto, said property interest located in the City of Dublin, 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 Forty-Two Thousand Seven Hundred Eighty Dollars ($42,780.00) for the purpose of constructing improvements at the intersection of Dublin Road and Glick Road, a fee simple interest, a storm sewer easement, 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 10-WD
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, City of Dublin, Township of Concord, Virginia Military Survey Number 2545, being a part of a 5.560 acre tract in the name of Stephen H. & Kendra E. Heinlen (the grantor), as recorded in Deed Volume 538, Page 110, 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 3/4 inch pipe (found) at the southeasterly corner of Lot 912 of Weybridge Section 1, as recorded in Plat Book 16, Page 45, in the name of The Keiser Keystone Inheritance Trust, Susan A. Waller, Trustee, as recorded in Deed Book 1123, Page 2568, and also the southwesterly corner of a 1.600 acre tract in the name of Muirfield Association, Inc., as recorded in Deed Book 377, Page 418, said corner also being on the northerly existing right of way line of Glick Road (width varies), 30.00 feet left of Glick Road station 44+40.02;

Thence, along said existing right of way line and the southerly property line of said Muirfield Association tract, North 72 degrees 39 minutes 07 seconds East, a distance of 224.60 feet, to the southeasterly corner of said Muirfield Association tract and the grantor's southwesterly corner, said corner being 30.00 feet left of Glick Road station 46+64.92, and also being **The Point of Beginning** of the parcel herein described:

Thence, along the grantor's westerly line and the easterly line of said Muirfield Association tract, North 15 degrees 37 minutes 52 seconds West, a distance of 5.00 feet to an iron pin (set), 35.00 feet left of Glick Road station 46+65.07;

Thence, leaving said property line, through the grantor's tract, for the following three (3) calls:

1. North 72 degrees 39 minutes 07 seconds East, a distance of 213.01 feet to an iron pin (set), 35.00 feet left of Glick Road station 48+78.08;
2. North 59 degrees 58 minutes 18 seconds East, a distance of 63.78 feet to an iron pin (set), 49.00 feet left of Glick Road station 49+40.00;
3. North 30 degrees 30 minutes 53 seconds East, a distance of 29.73 feet to an iron pin (set) on the westerly existing right of way of Dublin Road, 40.00 feet left of Dublin Road station 20+65.00;

Thence, along said existing right of way line, South 15 degrees 33 minutes 44 seconds East, a distance of 9.88 feet to an iron pin (set), 40.00 feet left of Glick Road station 20+55.12;

Thence, along said existing right of way line, in a southwesterly direction, an arc distance of 46.19 feet, along the arc of a curve deflecting to the right, having a central angle of 88 degrees 12 minutes 51 seconds, a radius of 30.00 feet, and a chord that bears South 28 degrees 32 minutes 41 seconds West, a distance of 41.76 feet, to an iron pin (set) on the northerly existing right of way line of said Glick Road, 30.00 feet left of Glick Road station 49+31.75;

Thence, along said existing right of way line, South 72 degrees 39 minutes 07 seconds West, a distance of 267.13 feet to **The Point of Beginning** and containing 0.052 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 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

4/22/2014

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

April 22, 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 10-S
DESCRIPTION OF A PERMANENT
STORMSEWER AND DRAINAGE EASEMENT

A perpetual easement for the construction and maintenance of a sewer in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such does not interfere with nor impair the exercise of the easement herein granted (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, City of Dublin, Township of Concord, Virginia Military Survey Number 2545, being a part of a 5.560 acre tract in the name of Stephen H. & Kendra E. Heinlen (the grantor), as recorded in Deed Volume 538, Page 110, 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 intersection of the existing centerline of right of way of Glick Road (width varies) and the existing centerline of right of way of East Osage Drive (40' right of way), said intersection point being Dublin Road station 22+48.68;

Thence, along the existing centerline of said Dublin Road, North 15 degrees 33 minutes 44 seconds West, a distance of 36.32 feet to a point at Dublin Road station 22+85.00;

Thence, leaving said centerline, South 74 degrees 26 minutes 16 seconds West, a distance of 40.00 feet, to a point on the westerly existing right of way line of said Dublin Road, 40.00 feet left of Dublin Road station 22+85.00, and **The Point of Beginning** of the parcel herein described:

Thence, along said existing right of way line, South 15 degrees 33 minutes 44 seconds East, a distance of 20.00 feet to a point, 40.00 feet left of Dublin Road station 22+65.00;

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

1. South 74 degrees 26 minutes 16 seconds West, a distance of 20.00 feet to a point, 60.00 feet left of Dublin Road station 22+65.00;
2. North 15 degrees 33 minutes 44 seconds West, a distance of 20.00 feet to a point, 60.00 feet left of Dublin Road station 22+85.00;
3. North 74 degrees 26 minutes 16 seconds East, a distance of 20.00 feet to a point, to **The Point of Beginning** and containing 0.009 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.

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

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

January 21, 2014
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GPD Group
Glaus, Pyle, Schomer, Burns, &
DeHaven, Inc.

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

EXHIBIT A

Ver. Date: 01/21/2014

PARCEL 10-T1
DESCRIPTION OF A TEMPORARY CONSTRUCTION AND GRADING EASEMENT

Situated in the State of Ohio, County of Delaware, City of Dublin, Township of Concord, Virginia Military Survey Number 2545, being a part of a 5.560 acre tract in the name of Stephen H. & Kendra E. Heinlen (the grantor), as recorded in Deed Volume 538, Page 110, 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 285.00 feet to a point at Dublin Road station 22+85.00;

Thence, leaving said centerline, South 74 degrees 26 minutes 16 seconds West, a distance of 40.00 feet, to a point on the westerly existing right of way line of said Dublin Road, 40.00 feet left of Dublin Road station 22+85.00:

Thence, along said existing right of way line, South 15 degrees 33 minutes 44 seconds East, a distance of 20.00 feet to a point, 40.00 feet left of Dublin Road station 22+65.00, and **The Point of Beginning** of the parcel herein described:

Thence, continuing along said existing right of way line, South 15 degrees 33 minutes 44 seconds East, a distance of 95.00 feet to a point, 40.00 feet left of Dublin Road station 21+70.00;

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

1. South 74 degrees 26 minutes 16 seconds West, a distance of 5.00 feet to a point, 45.00 feet left of Dublin Road station 21+70.00;
2. North 15 degrees 33 minutes 44 seconds West, a distance of 80.00 feet to a point, 45.00 feet left of Dublin Road station 22+50.00;
3. South 74 degrees 26 minutes 16 seconds West, a distance of 15.00 feet to a point, 60.00 feet left of Dublin Road station 22+50.00;
4. North 15 degrees 33 minutes 44 seconds West, a distance of 15.00 feet to a point, 60.00 feet left of Dublin Road station 22+65.00;
5. North 74 degrees 26 minutes 16 seconds East, a distance of 20.00 feet to the **The Point of Beginning** and containing 0.016 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 January, 2014.

STATE OF OHIO
STEVEN L. MULLANEY
SURVEYOR

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

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

January 21, 2014
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DeHaven, Inc.

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

EXHIBIT A

PARCEL 10-T2
DESCRIPTION OF A TEMPORARY
CONSTRUCTION AND GRADING EASEMENT
FOR DRIVE CONSTRUCTION

Situated in the State of Ohio, County of Delaware, City of Dublin, Township of Concord, Virginia Military Survey Number 2545, being a part of a 5.560 acre tract in the name of Stephen H. & Kendra E. Heinlen (the grantor), as recorded in Deed Volume 538, Page 110, 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 3/4 inch pipe (found) at the southeasterly corner of Lot 912 of Weybridge Section 1, as recorded in Plat Book 16, Page 45, in the name of The Keiser Keystone Inheritance Trust, Susan A. Waller, Trustee, as recorded in Deed Book 1123, Page 2568, and also the southwesterly corner of a 1.600 acre tract in the name of Muirfield Association, Inc., as recorded in Deed Book 377, Page 418, said corner also being on the northerly existing right of way line of Glick Road (width varies), 30.00 feet left of Glick Road station 44+40.02;

Thence, along said existing right of way line and the southerly property line of said Muirfield Association tract, North 72 degrees 39 minutes 07 seconds East, a distance of 224.60 feet, to the southeasterly corner of said Muirfield Association tract and the grantor's southwesterly corner, said corner being 30.00 feet left of Glick Road station 46+64.92;

Thence, along the grantor's westerly line and the easterly line of said Muirfield Association tract, North 15 degrees 37 minutes 52 seconds West, a distance of 5.00 feet to an iron pin (set), 35.00 feet left of Glick Road station 46+65.07, and also being The **Point of Beginning** of the parcel herein described:

Thence, continuing along said property line, North 15 degrees 37 minutes 52 seconds West, a distance of 10.00 feet to a point, 45.00 feet left of Glick Road station 46+65.07;

Thence, leaving said property line, through the grantor's tract, for the following three (3) calls:

1. North 72 degrees 39 minutes 07 seconds East, a distance of 257.15 feet to a point, 45.00 feet left of Glick Road station 49+22.22;
2. South 59 degrees 58 minutes 18 seconds West, a distance of 45.55 feet to an iron pin (set), 35.00 feet left of Glick Road station 48+78.08;
3. South 72 degrees 39 minutes 07 seconds West, a distance of 213.01 feet to the **The Point of Beginning** and containing 0.054 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.

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

STATE OF OHIO
STEVEN L. MULLANEY 7900 REGISTERED SURVEYOR

4/22/2019

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

April 22, 2014
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GPD GROUP
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Columbus, OH 43215
614.210.0751 Fax 614.210.0725
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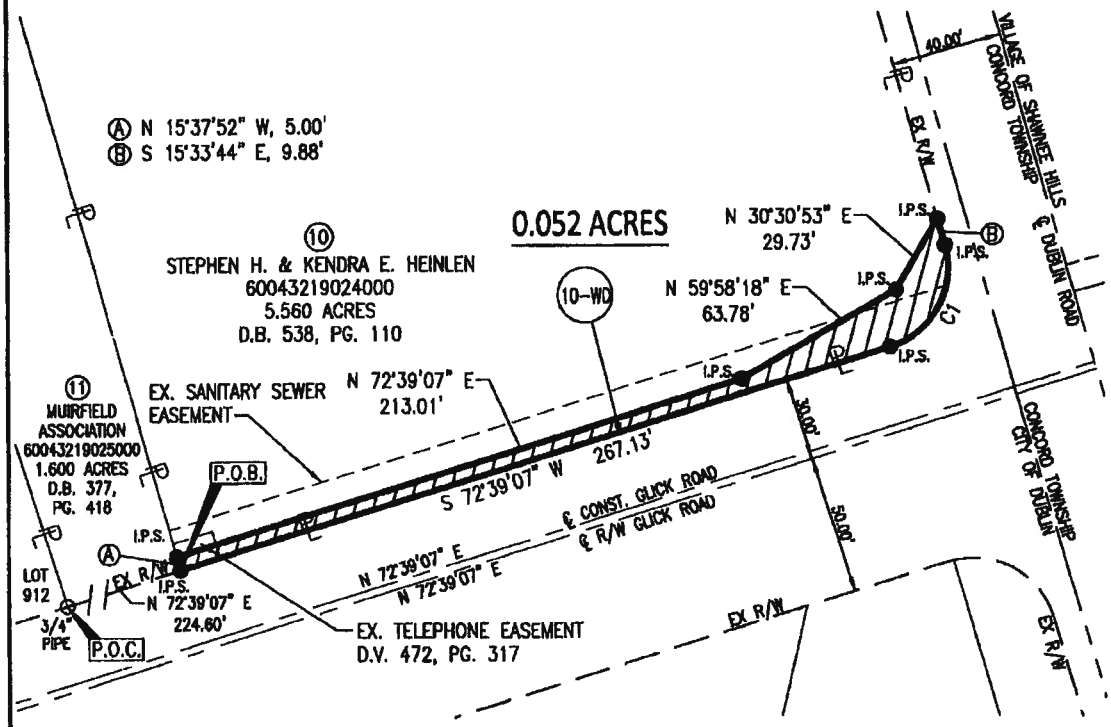
EXHIBIT B
PARCEL 10-WD
DUBLIN ROAD & GLICK ROAD INTERSECTION IMPROVEMENTS

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

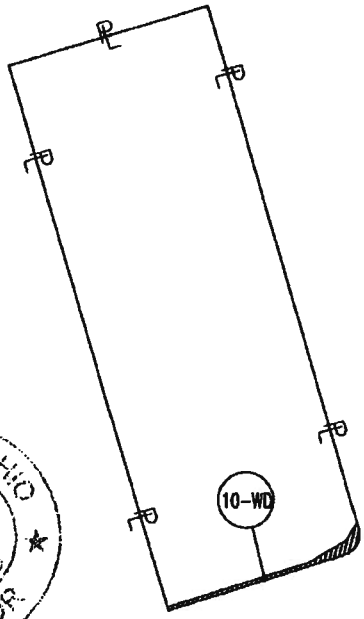
50' 25' 0' 25' 50'
Scale: 1" = 50'

C1
Δ = 88°12'51" RT.
R = 30.00'
L = 46.19'
Ch Brg = S28°32'41"W
Ch = 41.76'



LEGEND:
●I.P.S. 5/8" REBAR WITH CAP STAMPED "MULLANEY P.S. 7900"

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.



PROPERTY BOUNDARY
NOT TO SCALE

STATE OF OHIO
STEVEN L. MULLANEY
7900
REGISTERED
SURVEYOR

4/22/2014
STEVEN L. MULLANEY, P.S. 7900 DATE

GPD GROUP.
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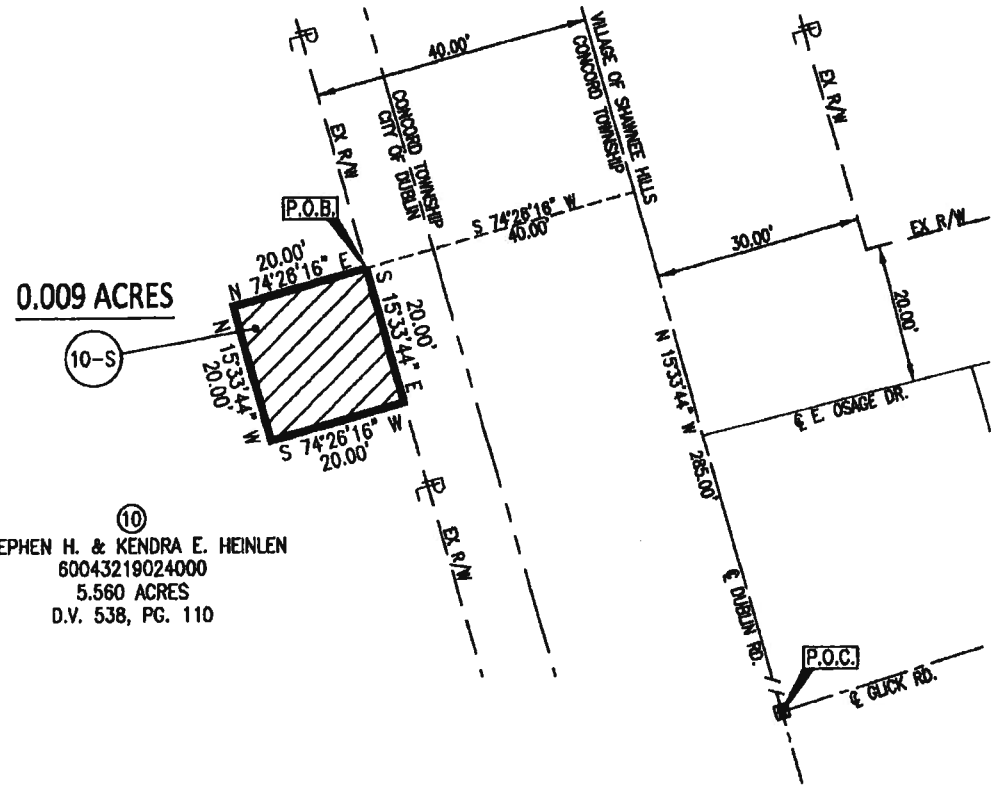
EXHIBIT B
PARCEL 10-S
DUBLIN ROAD & GLICK ROAD INTERSECTION IMPROVEMENTS

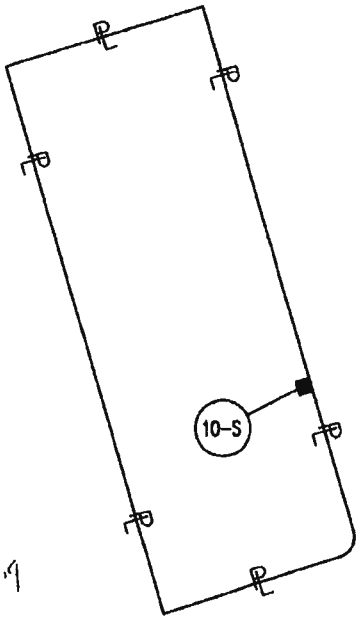
CONCORD TOWNSHIP, V.M.S. 2545,
CITY OF DUBLIN,
DELAWARE COUNTY, OHIO

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



LEGEND:
■ 5/8" X 30" REBAR INSIDE OF MONUMENT BOX

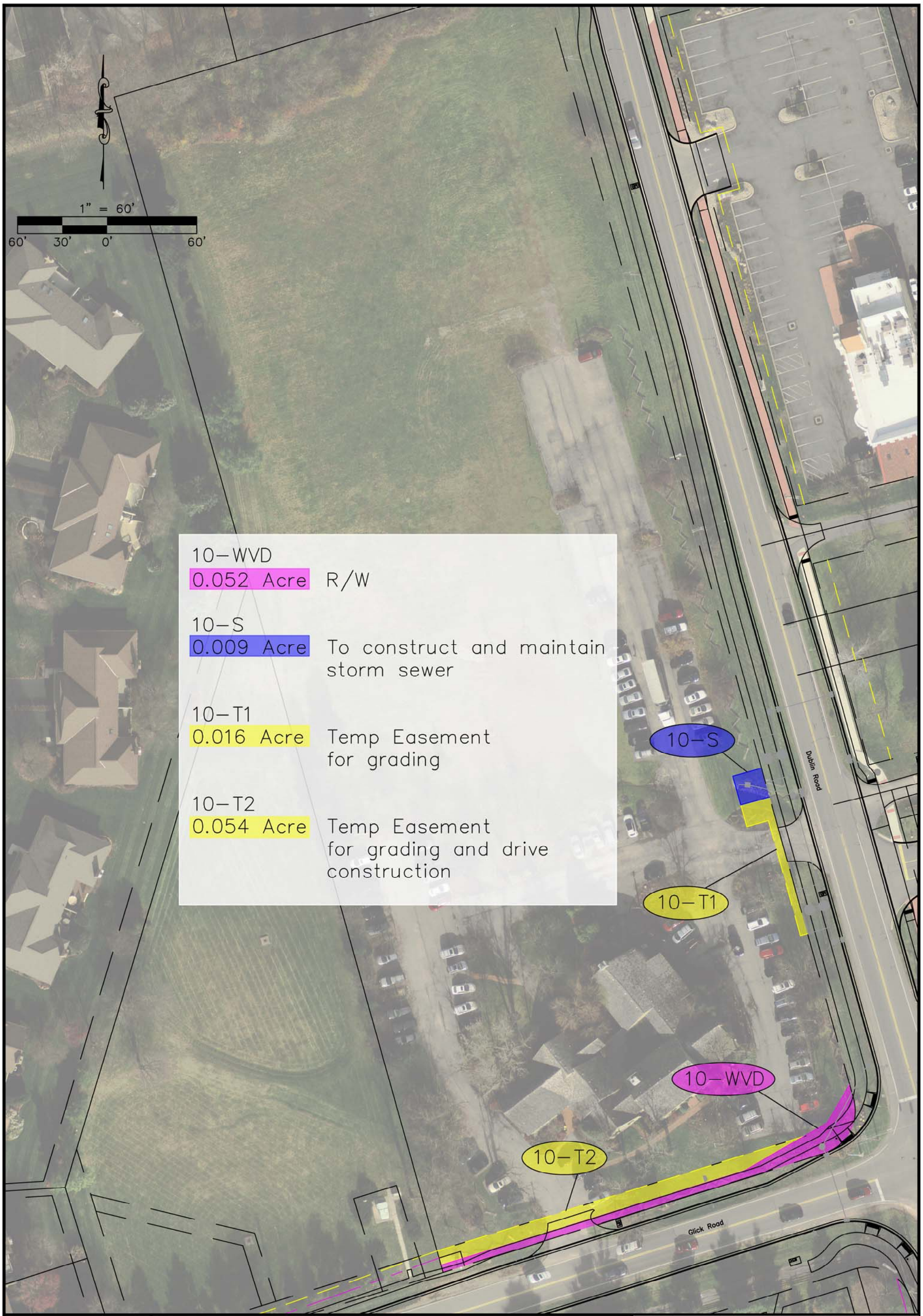
BASIS OF BEARINGS:
THE BEARINGS FOR THIS SURVEY ARE BASED THE BEARINGS BETWEEN DELAWARE COUNTY ENGINEER'S MONUMENTS "97-006" & "97-142" BEING N 72°52'25" E, AS MEASURED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, 2007 ADJUSTMENT.



PROPERTY BOUNDARY
NOT TO SCALE

STATE OF OHIO
SURVEYOR

STEVEN L. MULLANEY, P.S. 7900 DATE



10-006-CIP

DUBLIN ROAD AND GLICK ROAD

INTERSECTION IMPROVEMENTS
MORGAN HOUSE PROPOERTY

City of Dublin

SHEET 1 OF 1