



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 /MKC

Date: June 27, 2014

Initiated By: Paul A. Hammersmith, PE, Director of Engineering/City Engineer
Kenneth B. Richardson, PE, Engineering Manager - Design
Philip K. Hartmann, Assistant Law Director

Re: ORDINANCE 67-14 - AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.005 ACRE, MORE OR LESS, PERMANENT EASEMENT FROM DAVID M. BREITMAYER, AT THE PROPERTY LOCATED AT 7845 NASSAU LOOP, FOR THE CONSTRUCTION OF A PEDESTRIAN BRIDGE AS PART OF THE MUIRFIELD DRIVE/NORTH FORK INDIAN RUN PEDESTRIAN BRIDGES PROJECT, AND DECLARING AN EMERGENCY.

Background

The City of Dublin (the "City") is constructing bike lanes, a shared-use path, and pedestrian bridges along Muirfield Drive as part of the Muirfield Drive Bike Lanes Project (the "Project").

David M. Breitmayer (the "Grantor") owns property from which the City desires a permanent easement for the construction of the pedestrian bridge. This property is located at 7845 Nassau Loop and is identified as Franklin County Parcel No. 273-005229.

After engaging in amicable discussions, the City has come to an agreement with the Grantor to acquire the property pursuant to the terms outlined in this memorandum. This Ordinance authorizes the settlement of the matter for the appraised value of Six Hundred Twenty-Five Dollars (\$625.00).

Acquisition

The City will be acquiring from the Grantor only the property interest necessary for purposes of the Project, as depicted in the legal description and depiction attached to this memorandum. The property interest is detailed below.

Franklin County Parcel No. 273-005229

Property Interest Acquiring	Description	Appraised Value
Permanent Easement	0.005 acre ±	\$625.00
Total		\$625.00

Recommendation

Ordinance No. 67-14 would authorize the City Manager to execute all necessary conveyance documentation to formally acquire the necessary property interest described above.

The Law Department recommends that Council dispense with the public hearing and approve Ordinance 67-14 by emergency at the July 1, 2014 Council meeting in order to finalize settlement with David M. Breitmayer and continue moving forward with the Project.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

67-14

Ordinance No. _____

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.005 ACRE, MORE OR LESS, PERMANENT EASEMENT FROM DAVID M. BREITMAYER, AT THE PROPERTY LOCATED AT 7845 NASSAU LOOP, FOR THE CONSTRUCTION OF A PEDESTRIAN BRIDGE AS PART OF THE MUIRFIELD DRIVE/NORTH FORK INDIAN RUN PEDESTRIAN BRIDGES PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dublin (the "City") is constructing bike lanes, a shared-use path, and pedestrian bridges along Muirfield Drive as part of the Muirfield Drive Bike Lanes Project (the "Project"); and

WHEREAS, said Project requires that the City obtain a permanent easement from David M. Breitmayer (the "Grantor") at 7845 Nassau Loop, identified as Franklin County Parcel No. 273-005229, said property interest more fully described in Exhibit "A" and depicted in Exhibit "B," all attached hereto; 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 appraised value of Six Hundred Twenty-Five Dollars (\$625.00); 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 0.005 acre, more or less, permanent easement from David M. Breitmayer for the appraised value of Six Hundred Twenty-Five Dollars (\$625.00), said property interest located within Franklin County Parcel No. 273-005229, 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. The ordinance shall therefore take effect immediately upon passage.

Passed this _____ day of _____, 2014.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

Parcel #273-005229
Permanent Easement for
Shared-Use Path, Utilities, Storm Drainage, and Grading
0.005 acres

Situated in the State of Ohio, County of Franklin, City of Dublin, being in Virginia Military Survey Number 2544 and being Lot 1871 of the Muirfield Greene Subdivision as delineated in Plat Book 71, Page 13 and conveyed to David M. Breitmayer in Instrument Number 200907200105677, all records herein are from the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at 3/4" diameter iron pipe with a cap that reads "BDM" at the intersection of the east Right of Way of Muirfield Drive (variable Right of Way width - Plat Book 51, Page 17) and the southerly property line of said Lot 1871, said point being the **Point of Beginning**;

Thence, with a curve to the right, a radius of 2075.00 feet, an arc length of 40.05 feet, a delta of 01°06'21", a chord bearing of North 35°16'19" East and a chord distance of 40.05 feet, along the east Right of Way of said Muirfield Drive to a point;

Thence crossing said Lot 1871 the following two courses:

1. South 54°10'31" East, a distance of 5.00 feet to a point;
2. South 35°16'16" West, a distance of 40.00 feet to southerly property line of said Lot 1871;

Thence, North 54°45'02" West, a distance of 5.00 feet, along the southerly property line of said Lot 1871 to the **Point of Beginning**, containing 0.005 acres, more or less, subject to legal highways, easements, leases and restriction of record and of records in the respective utility offices.

The bearings described herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network.

The described 0.005 acre tract is a part of Auditor's Tax Parcel Number 273-005229 and is based on Instrument Number 200907200105677, Official Record 9039, Page F04, Plat Book 71, Page 13 and Plat Book 51, Page 17.

I hereby certify this description was based field survey conducted by CW Design Group, LLC under my guidance in April 2014 and to the best of my knowledge depicts the boundary lines.

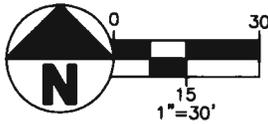
CW Design Group, LLC



Charles A. Wagner - Professional Surveyor 8091

05.08.2014
Date





SYMBOL LEGEND

- ⊙ P.F. IRON PIPE FOUND
- ⊙ PERMANENT EASEMENT 0.005 ACRES

MUIRFIELD DRIVE (R/W VARIES)
 DEDICATION PLAT EXTENSION OF
 MUIRFIELD DRIVE AND EASEMENTS
 PB 51, PG 17 (FRA CO)

S54°10'31"E 5.00'
 RADIUS=2075.00'
 ARC LENGTH=40.05'
 DELTA=001°06'21"
 CHORD BEARING=N35°16'19"E
 CHORD DISTANCE=40.05'
 R/W 40.00'

POINT OF BEGINNING
 3/4" BDM
 N54°45'02"W 5.00'

DAVID M BREITMAYER
 INSTRUMENT
 #200907200105677
 LOT 1871
 273-005229

3/4" BDM
 P.F. NO BUILD 50'
 3/4"

EASEMENT
 PB 51, PG 17
 EASEMENT
 PB 71, PG 14

WILLIAM R STAPLETON
 & DEBORAH L STAPLETON
 INSTRUMENT
 #201311270197229
 LOT 1872
 273-005231

3/4" P.F.
 R/W
 10'
MUIRFIELD GREENE
 PB 71, PG 13
 MUIRFIELD ASSOCIATION, INC.
 O.R. 9039, PG F04
 2.648 ACRES
 273-003210

VIRGINIA MILITARY NUMBER 2544
 CITY OF DUBLIN
 COUNTY OF FRANKLIN
 STATE OF OHIO

BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS PLAT ARE BASED ON
 THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH
 ZONE, NAD83 (CORS).

HEREBY CERTIFY THIS PLAT WAS BASED FIELD SURVEY
 CONDUCTED BY CW DESIGN GROUP, LLC UNDER MY
 GUIDANCE IN APRIL 2014 AND TO THE BEST OF MY
 KNOWLEDGE DEPICTS THE BOUNDARY LINES.

Charles A. Wagner

05/08/2014
DATE

CHARLES A. WAGNER, PS-8091
CW DESIGN GROUP, LLC



[cw design group] D:\CWDC\Project\2013\130042\Drawing\Parcel03P.dwg May 08, 2014 11:08am

CW Design Group
 ENGINEERS | SURVEYORS
 PHONE: 614-846-9279
 972 Linkfield Drive
 Worthington, Ohio 43085

PARCEL #273-005229
 PERMANENT PATH, GRADING,
 FOR SHARED-USE PATH, UTILITIES, STORM
 DRAINAGE, AND GRADING

13-0042

 05/06/2014