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: September 18, 2014

Initiated By: Paul A. Hammersmith, PE, Director of Engineering/City Engineer
Michael S. Sweder, PE, Civil Engineer II
Philip K. Hartmann, Assistant Law Director

Re: Ordinance 98-14 - AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.045 ACRE, MORE OR LESS, PERMANENT EASEMENT AND A 0.052 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM ADAM P. JOHNSON, FOR THE PROPERTY LOCATED AT 5851 DUBLIN ROAD FOR THE CONSTRUCTION OF A SHARED-USE PATH AS PART OF THE DUBLIN ROAD SOUTH PHASE 3 PROJECT, AND DECLARING AN EMEGENCY.

BACKGROUND

The City of Dublin ("City") is preparing to construct a shared-use path along Dublin Road (the "Project"). The City is obtaining certain permanent property interests from various landowners to construct the path, as well as also acquiring temporary easements to perform minor grading and construction.

Adam P. Johnson (the "Grantor") owns property from which the City desires a permanent easement and a temporary easement. This property is located at 5851 Dublin Road, Dublin, OH 43017 and is identified as Franklin County Parcel No. 270-000304. This property presented a unique situation because the Grantor's septic system is located in front of the residence and directly under the proposed shared-use path and stone walls. Due to the size and configuration of the Grantor's property, relocating the septic system was not a viable option.

After engaging in amicable discussions, the City has come to an agreement with the Grantor to settle the matter for Five Thousand Nine Hundred Fifty Dollars ($5,950.00). Additionally, the City has agreed to pay 100% of the costs associated with the removal of the existing septic system, as well as the design, permitting, and installation of a new discharge aeration system, which is estimated to cost Fourteen Thousand Five Hundred Dollars ($14,500.00). The City will review the cost estimate prior to the start of the work.

This settlement value includes the acquisition of the property for the appraised value of Four Thousand Five Hundred Dollars ($4,500.00), plus additional associated costs to the Grantor pursuant to the terms outlined below. Those costs include Six Hundred Fifty Dollars ($650.00) towards 1 future pump, Six Hundred Dollars ($600.00) towards 2 years of service for the new system, and Two Hundred Dollars ($200.00) towards a two-day hotel stay for the time during which Grantor's septic system will be out of service.

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 exhibit attached to this memorandum. The property interest is detailed below:

Franklin County Parcel No. 270-000304

Property Interest Acquiring	Description	Appraised Value	Per negotiation
Permanent Easement	0.045 acre ±	$2,400.00	
Temporary Easement	0.052 acre ±	$1,100.00	
Improvement Valuation	Bushes, Shrubs, etc.	$1,000.00	
N/A	Future Septic System Costs		$600.00
N/A	Future Pump		$650.00
N/A	2-Day Hotel Stay		$200.00
TOTAL		$4,500.00	**$5,950.00**

RECOMMENDATION

Ordinance No. 98-14 would authorize the City Manager to execute all necessary conveyance documentation to formally acquire the necessary property interest described above.

Staff recommends that Council dispense with the public hearing and approve Ordinance No. 98-14 by emergency at the September 22 Council meeting in order to continue moving forward with the Project.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 98-14 *Passed* _____, 20____

AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.045 ACRE, MORE OR LESS, PERMANENT EASEMENT AND A 0.052 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM ADAM P. JOHNSON, FOR THE PROPERTY LOCATED AT 5851 DUBLIN ROAD FOR THE CONSTRUCTION OF A SHARED-USE PATH AS PART OF THE DUBLIN ROAD SOUTH PHASE 3 PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dublin (the "City") is preparing to construct a shared-use path along Dublin Road (the "Project"); and

WHEREAS, said Project requires that the City obtain certain property interest within Franklin County Parcel No. 270-000304 owned by Adam P. Johnson (the "Grantor"), said property interest more fully described in the Exhibits labeled "A" and depicted in the Exhibits labeled "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 sum of Five Thousand Nine Hundred Fifty Dollars ($5,950.00); and

WHEREAS, the City has agreed to pay for 100% of the costs associated with the removal of the existing septic tank, and the design, permitting, and installation of a new discharge aeration system, estimated to cost approximately Fourteen Thousand Five Hundred Dollars ($14,500.00); and

WHEREAS, the City will review and approve the cost estimate provided by the contractor prior to the beginning of the work on the discharge aeration system; 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 0.045 acre, more or less, permanent easement, as well as a 0.052 acre, more or less, temporary easement for two (2) years, commencing on the date construction begins, from Adam P. Johnson, for the sum of Five Thousand Nine Hundred Fifty Dollars ($5,950.00), said property interest located within Franklin County Parcel No. 270-000304, and more fully described and depicted in the attached Exhibits "A" and "B."

Section 2. The City Manager is hereby authorized to pay for 100% of the costs associated with the removal of Grantor's existing septic tank, and the design, permitting, and installation of a new discharge aeration system.

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

CIP	08-009
PARCEL	20-P
PROJECT	DUBLIN MUP
Version Date	11/01/13

PARCEL 20-P
DUBLIN ROAD SOUTH MULTI-USE PATH
PERPETUAL EASEMENT
FOR UTILITIES, GRADING, and a MULTI-USE PATH

Situate in the State of Ohio, County of Franklin, Washington Township, located in Virginia Military Survey 2419, being a part of that 0.957 acre tract as conveyed to Adam P. Johnson, by deed of record in Instrument Number 201204030045766, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin found marking the southeast corner of Lot 7 of LEPPERT SUBDIVISION as recorded in Plat Book 27, Page 13 in the existing westerly right-of-way line of Dublin Road, and in the northerly line of said Johnson 0.957 acre tract being 40.00 feet left of centerline station 142+87.16;

Thence South 83 deg. 44 min. 25 sec. East, a distance of 10.00 feet along the existing westerly right-of-way line of Dublin Road, and along the northerly line of said Johnson 0.957 acre tract, to an angle point in the existing westerly right-of-way line of Dublin Road, being 30.00 feet left of centerline station 142+87.02;

Thence South 05 deg. 26 min. 35 sec. West, a distance of 143.53 feet, along the existing westerly right-of-way line of Dublin Road, to the intersection with the existing northerly right-of-way line of Rings Road, being 30.00 feet left of centerline station 141+43.49;

Thence South 84 deg. 34 min. 21 sec. West, a distance of 20.37 feet along the existing northerly right-of-way line of Rings Road to a point being 50.00 feet left of centerline station 141+41.57;

Thence the following three (3) courses and distances across said Johnson 0.957 acre tract;

1. Thence North 05 deg. 26 min. 35 sec. East, a distance of 50.35 feet to a point being 50.00 feet left of centerline station 141+90.00;

2. Thence South 84 deg. 33 min. 05 sec. East, a distance of 10.00 feet to a point being 40.00 feet left of centerline station 141+90.00;

3. Thence North 05 deg. 26 min. 35 sec. East, a distance of 97.16 feet to the **Point of Beginning**, containing 0.045 acres, more or less.

Of the above described area, 0.045 acres are contained within Franklin County Auditor's Parcel 270-000304.

EXHIBIT A

CIP	08-009
PARCEL	20-P
PROJECT	DUBLIN MUP
Version Date	11/01/13

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (86), using the bearing of South 20 deg. 27 min. 34 sec. West, as derived from a GPS survey in 2008 occupying Franklin County Geodetic Control Monuments "FRANK 73" and "FCGS 6642 RESET".

This description was prepared by Steven E. Rader, registered surveyor 7191, and is based upon a field survey for the City of Dublin, Ohio, in 2008 by Stantec Consulting Services, Inc., under the direction of said surveyor.

Grantor claims title by the instrument of record in Instrument Number 201204030045766, of the Recorder's Office, Franklin County, Ohio.

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

STATE OF OHIO
STEVEN E. RADER 7191
REGISTERED PROFESSIONAL SURVEYOR

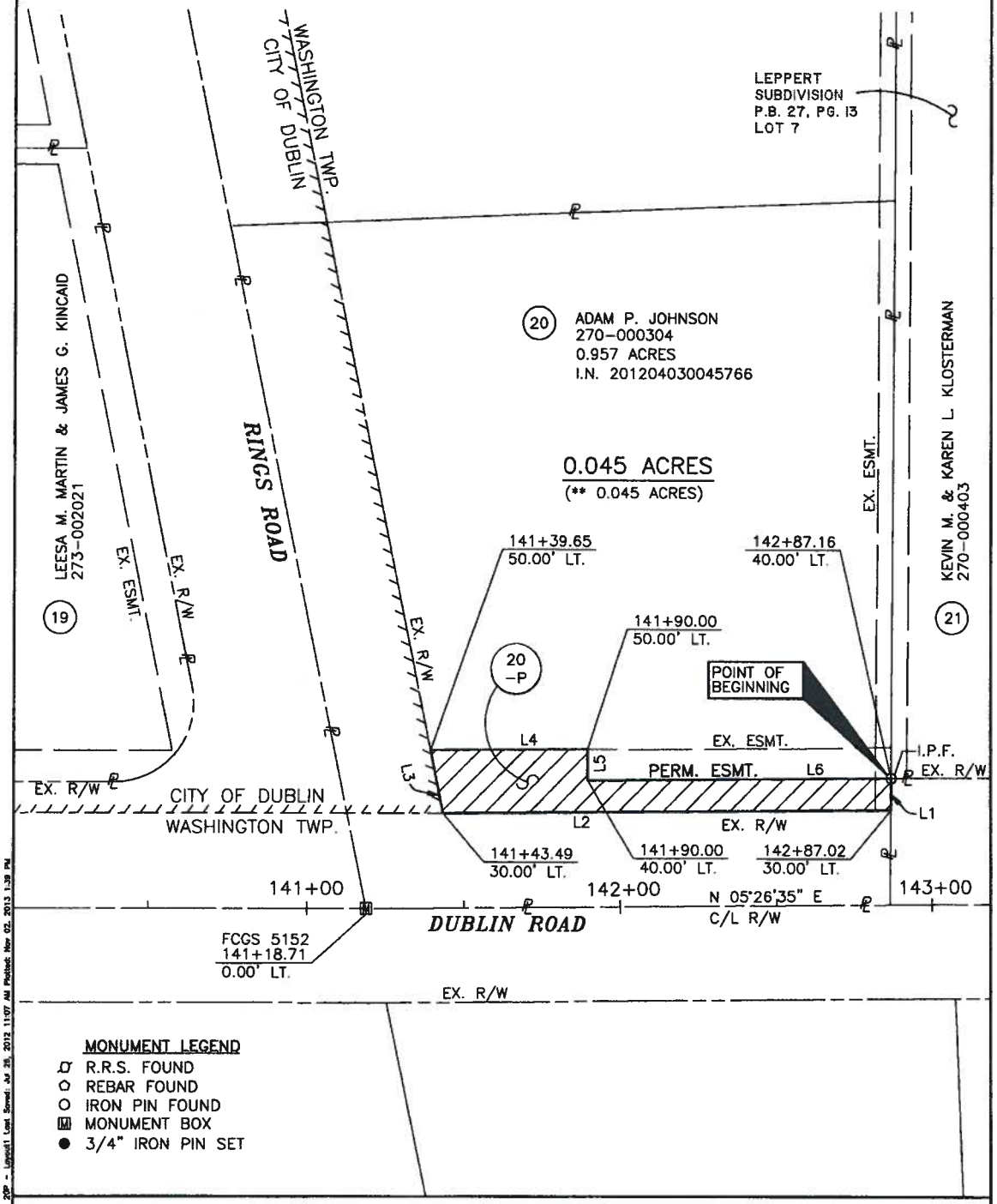
STANTEC CONSULTING SERVICES, INC.

Steven E Rader 11/03/13

Registered Surveyor No. 7191 Date

** PORTION OF THE PROPOSED EASEMENT LYING WITHIN AN EXISTING EASEMENT

EXHIBIT B



MONUMENT LEGEND

- R.R.S. FOUND
- REBAR FOUND
- IRON PIN FOUND
- MONUMENT BOX
- 3/4" IRON PIN SET

NUMBER	DIRECTION	DISTANCE
L1	S 83°44'25" E	10.00'
L2	S 05°26'35" W	143.53'
L3	S 84°34'21" W	20.37'
L4	N 05°26'35" E	50.35'
L5	S 84°33'05" E	10.00'
L6	N 05°26'35" E	97.16'

BASIS OF BEARINGS

THE PROJECT BEARING DATUM IS BASED UPON STATE PLANE GRID BEARINGS FROM THE OHIO COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (86), USING THE BEARING OF S 20°27'34" W AS DERIVED FROM A GPS SURVEY OCCUPYING FRANKLIN COUNTY ENGINEER'S STATIONS "FRANK 73", AND "FCGS 6642 RESET".

STATE OF OHIO
STEVEN E. RADER 7191
REGISTERED PROFESSIONAL SURVEYOR

PARCEL 20-P
DUBLIN ROAD SOUTH
MULTI-USE PATH
WASHINGTON TWP., FRANKLIN COUNTY, OHIO

0 40 80
SCALE IN FEET

Prepared By

Stantec Consulting Services, Inc.
1500 Lake Shore Drive, Suite 100
Columbus, Ohio 43204
Phone: (614) 486-4383

Stantec

Steven E Rader
Registered Surveyor #7191

11/3/13
Date

RADER, STEVE U:\173608738\design\plan_set\Right of Way\EXHIBITS\20P.dwg 20P - Layout1 Last Saved: Jul 26, 2012 11:07 AM Plotted: Nov 02, 2013 1:39 PM

EXHIBIT A

CIP	08-009
PARCEL	20-T
PROJECT	DUBLIN MUP
Version Date	07/26/12

PARCEL 20-T
DUBLIN ROAD SOUTH MULTI-USE PATH
TEMPORARY EASEMENT
TO PERFORM MINOR GRADING and RECONSTRUCT A DRIVE

Situate in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey 2419, being a part of that 0.957 acre tract as conveyed to Adam P. Johnson, by deed of record in Instrument Number 201204030045766, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin found marking the southeast corner of Lot 7 of LEPPERT SUBDIVISION as recorded in Plat Book 27, Page 13, at an angle point in the existing westerly right-of-way line of Dublin Road, and in the northerly line of said Johnson 0.957 acre tract being 40.00 feet left of centerline station 142+87.16;

Thence the following three (3) courses and distances across said Johnson 0.957 acre tract, and along the westerly lines of the proposed permanent easement;

1. Thence South 05 deg. 26 min. 35 sec. West, a distance of 97.16 feet to a point being 40.00 feet left of centerline station 141+90.00;

2. Thence North 84 deg. 33 min. 25 sec. West, a distance of 10.00 feet to a point being 50.00 feet left of centerline station 141+90.00;

3. Thence South 05 deg. 26 min. 35 sec. West, a distance of 50.35 feet, to the intersection with the existing northerly right-of-way line of Rings Road, being 50.00 feet left of centerline station 141+39.65;

Thence South 84 deg. 34 min. 21 sec. West, a distance of 5.09 feet along the existing northerly right-of-way line of Rings Road to a point being 55.00 feet left of centerline station 141+38.69;

Thence North 05 deg. 26 min. 35 sec. East, a distance of 116.31 feet across said Johnson 0.957 acre tract, to a point being 55.00 feet left of centerline station 142+55.00;

Thence North 57 deg. 59 min. 31 sec. West, a distance of 22.36 feet across said Johnson 0.957 acre tract, to a point being 75.00 feet left of centerline station 142+65.00;

Thence North 05 deg. 26 min. 35 sec. East, a distance of 22.66 feet across said Johnson 0.957 acre tract, to a point in the northerly line of said Johnson 0.957 acre tract, being 75.00 feet left of centerline station 142+87.66;

Thence South 83 deg. 44 min. 25 sec. East, a distance of 35.00 feet along the northerly line of said Johnson 0.957 acre tract to the **Point of Beginning**, containing 0.052 acres, more or less.

Of the above described area, 0.052 acres are contained within Franklin County Auditor's Parcel 270-000304.

EXHIBIT A

CIP	08-009
PARCEL	20-T
PROJECT	DUBLIN MUP
Version Date	07/26/12

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (86), as established from a GPS survey in 2008, occupying Franklin County Geodetic Control Monuments "FRANK 73" and "FCGS 6642 RESET".

This description was prepared by Steven E. Rader, registered surveyor 7191, and is based upon a field survey for the City of Dublin, Ohio, in 2008 by Stantec Consulting Services, Inc., under the direction of said surveyor.

Grantor claims title by the instrument of record in Instrument Number 201204030045766, of the Recorder's Office, Franklin County, Ohio.

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

STATE OF OHIO
STEVEN E. RADER 7191
REGISTERED PROFESSIONAL SURVEYOR

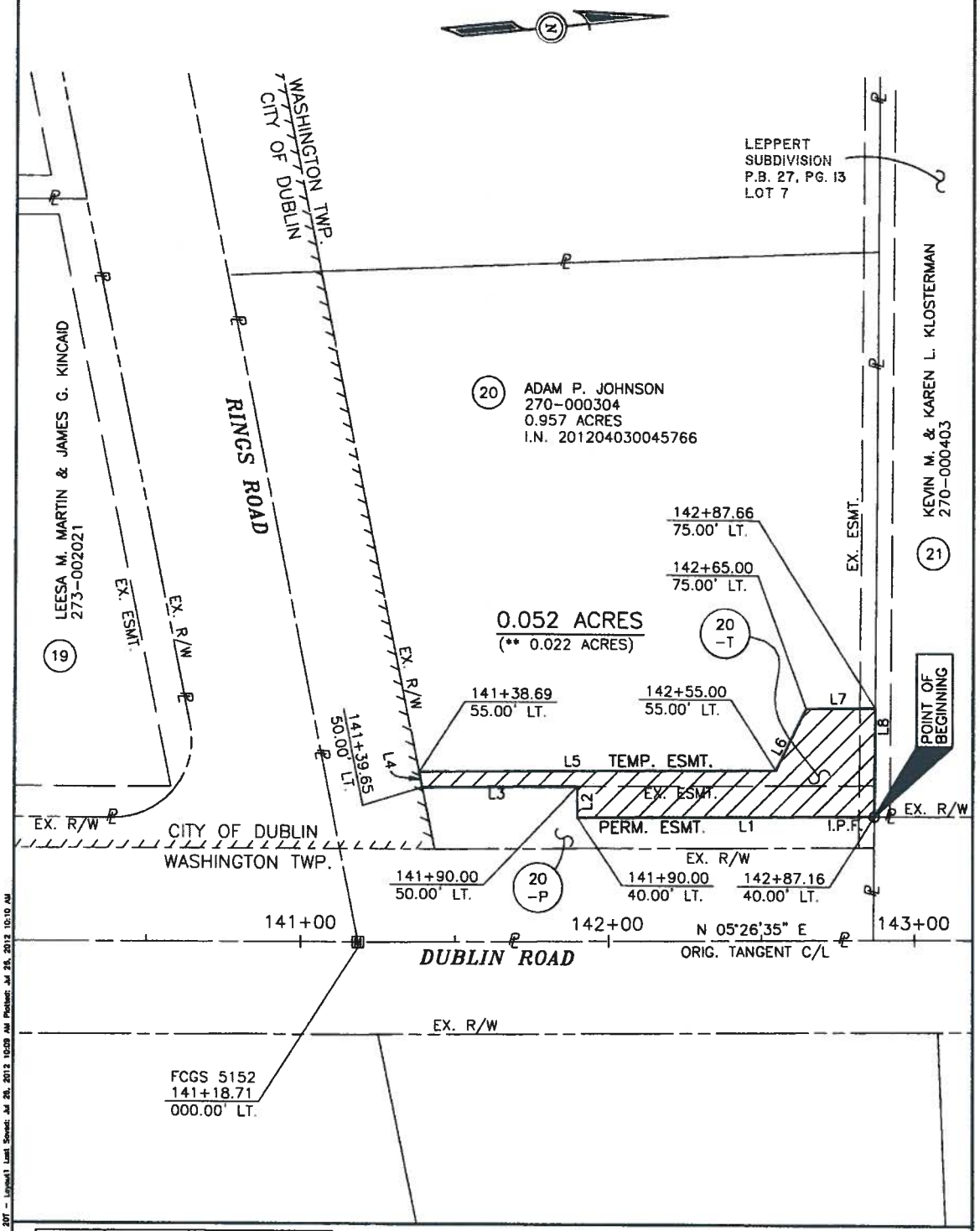
STANTEC CONSULTING SERVICES, INC.

Steven E. Rader 7/26/2012

Registered Surveyor No. 7191 Date

** PORTION OF THE PROPOSED EASEMENT LYING WITHIN AN EXISTING EASEMENT

EXHIBIT B



NUMBER	DIRECTION	DISTANCE
L1	S 05°26'35" W	97.16'
L2	N 84°33'25" W	10.00'
L3	S 05°26'35" W	50.35'
L4	S 84°34'21" W	5.09'
L5	N 05°26'35" E	116.31'
L6	N 57°59'31" W	22.36'
L7	N 05°26'35" E	22.66'
L8	S 83°44'25" E	35.00'

MONUMENT LEGEND

- R.R.S. FOUND
- REBAR FOUND
- IRON PIN FOUND
- MONUMENT BOX
- 3/4" IRON PIN SET

PARCEL 20-T
DUBLIN ROAD SOUTH
MULTI-USE PATH
WASHINGTON TWP., FRANKLIN COUNTY, OHIO

0 40 80
SCALE IN FEET

Prepared By

Stantec Consulting Services, Inc.
1500 Lake Shore Drive, Suite 100
Columbus, Ohio 43204
Phone: (614) 486-4383

STATE OF OHIO
STEVEN E. RADER
7191
REGISTERED PROFESSIONAL SURVEYOR

Stantec

Registered Surveyor #7191

7/26/2012
Date

BASIS OF BEARINGS

THE PROJECT BEARING DATUM IS BASED UPON STATE PLANE GRID BEARINGS FROM THE OHIO COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (86), AS MEASURED USING G.P.S. METHODS THROUGH THE FRANKLIN COUNTY ENGINEER'S STATIONS "FRANK 73", AND "FCGS 6642 RESET".

RADER, STEVE U:\173608735\design\plan_set\Right of Way\EXHIBITS\20T.dwg 20T - Layout1 Last Saved: Jul 26, 2012 10:09 AM Plotted: Jul 26, 2012 10:10 AM

City of Dublin

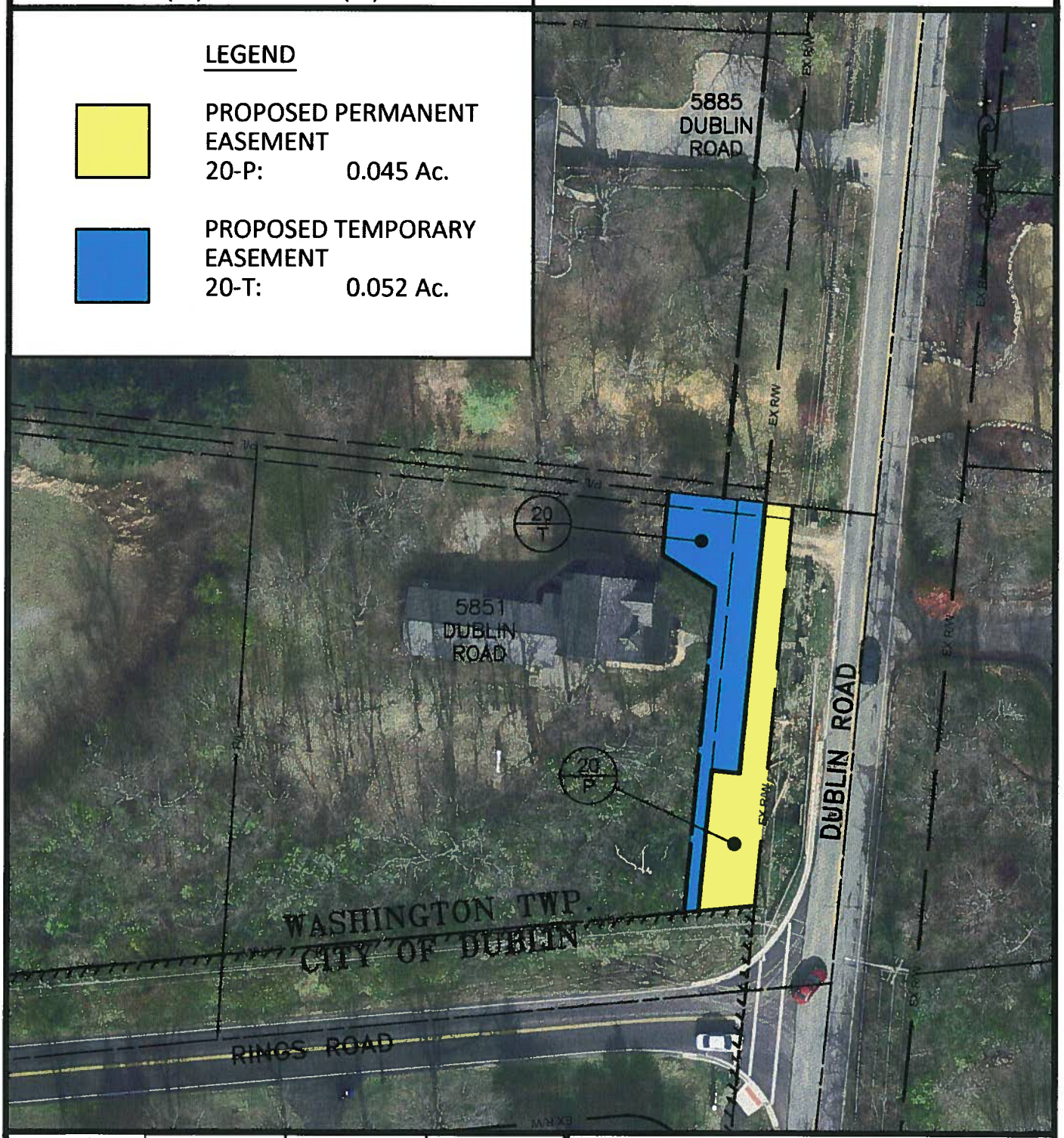
5800 Shier-Rings Road • Dublin, Ohio 43016-1236
Phone (614)410-4600 • Fax (614)410-4699

DUBLIN ROAD SOUTH SHARED-USE PATH 5851 DUBLIN ROAD DUBLIN, OHIO 43017

LEGEND

PROPOSED PERMANENT EASEMENT
20-P: 0.045 Ac.

PROPOSED TEMPORARY EASEMENT
20-T: 0.052 Ac.



DRAWN	CHECKED	DATE	JOB NO.
MSS	--	07/31/14	08-009.3-CIP

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