

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager *MIG*

Date: October 9, 2014

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

Re: ORDINANCE 102-14 - AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.182 ACRE, MORE OR LESS, PERMANENT EASEMENT; AND A 0.191 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM MILLENNIUM OFFICE COMPLEX, LLC, AT THE PROPERTY LOCATED ON FRANTZ ROAD, FOR THE RELOCATION OF OVERHEAD UTILITIES UNDERGROUND ALONG FRANTZ ROAD, AND DECLARING AN EMERGENCY.

BACKGROUND

The City of Dublin (the "City") will be relocating overhead electric and telecommunications utility lines underground along Frantz Road, between Rings Road and Metro Place South (the "Project"). The Project will be funded by the Pizzuti TIF. The bid award is anticipated to be on the Council agenda on December 8, 2014. Construction will take place through the winter months, with completion expected by the end of May 2015.

Millennium Office Complex, LLC (the "Grantor") owns property from which the City desires a permanent easement and a temporary easement. This property is identified as Franklin County Parcel Nos. 273-003158 and 273-003159.

After engaging in amicable negotiations, the City has come to an agreement with the Grantor to acquire the necessary property interest pursuant to the terms outlined in this memorandum. This Ordinance authorizes the acquisition of the necessary property interest for the value of Forty Eight Thousand Dollars (\$48,000.00).

ACQUISITION

The City will be acquiring from the Grantor only the property interest necessary for the construction of the Project as depicted in the legal description and depiction attached to this memorandum. The City will be acquiring the property interest for slightly above its appraised value in order to continue moving forward with the Project. The acquisition is detailed below:

Franklin County Parcel Nos. 273-003158 & 273-003159

Property Interest Acquiring	Description	Appraised Value	As Negotiated
Permanent Easement	0.182 acre ±	\$27,300.00	
Temporary Easement	0.191 acre ±	\$4,775.00	
Improvement Valuation	Trees, Lawn, etc.	\$11,275.00	
Total		\$43,350.00	\$48,000.00

RECOMMENDATION

Ordinance No. 102-14 would authorize the City Manager to execute all necessary conveyance documentation to formally acquire the necessary property interest described above.

Staff recommends Council dispense with the public hearing and approve Ordinance No. 102-14 by emergency action in order to continue moving forward with the Project.

RECORD OF ORDINANCES

Ordinance No. 102-14

Passed _____, 20____

AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.182 ACRE, MORE OR LESS, PERMANENT EASEMENT; A 0.191 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM MILLENNIUM OFFICE COMPLEX, LLC, AT THE PROPERTY LOCATED ON FRANTZ ROAD, FOR THE RELOCATION OF OVERHEAD UTILITIES UNDERGROUND ALONG FRANTZ ROAD; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dublin (the "City") will be relocating overhead electric and telecommunications utility lines underground along Frantz Road, between Rings Road and Metro Place South (the "Project"); and

WHEREAS, said Project requires that the City obtain certain property interest within Franklin County Parcel Nos. 273-003158 and 273-003159 owned by Millennium Office Complex, LLC, (the "Grantor"), said property interest more fully described and depicted in the Exhibit labeled "A," 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 easements for the value of Forty Eight Thousand Dollars (\$48,000.00); 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 0.182 acre, more or less, permanent easement, and a 0.191 acre, more or less, temporary easement for twelve (12) months, commencing on the date construction begins, from Millennium Office Complex, LLC, for the value of Forty Eight Thousand Dollars (\$48,000.00), said property interest located within Franklin County Parcel Nos. 273-003158 and 273-003159, and as more fully described and depicted in the attached Exhibit "A."

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. This Ordinance shall therefore take effect immediately upon passage.

Passed this _____ day of _____, 2014.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

EXHIBIT A

**PARCEL 3-P
PERMANENT UTILITY, GRADING, AND DRAINAGE EASEMENT
FROM
MILLENIUM OFFICE COMPLEX, LLC**

Situate in the State of Ohio, County of Franklin, City of Dublin, and being located in Virginia Military Survey No. 2419, and being a part of the 8.337 acre tract conveyed to Millenium Office Complex, LLC (hereafter referred to as "Grantor") by General Warranty Deed recorded as Instrument No. 201003310038420 in the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

COMMENCING at the Southeast corner of Reserve D in METROCENTER, the plat of which is recorded in Plat Book 55, pages 8 and 9, also at the intersection of the North line of a 1.699 acre tract conveyed to Haworth Realty Company by General Warranty Deed recorded as Instrument No. 199908050197415 in the Recorder's Office, Franklin County, Ohio and the West Standard Highway Easement Right of Way line of Frantz Road as recorded in Deed Book 3106, page 164, in the Franklin County Recorder's Office;

THENCE with the said West Standard Highway Easement Right of Way line of Frantz Road and through the land of Haworth Realty Company, South 10° 10' 14" East for a distance of 277.53 feet to the Northeast corner of Grantor's land, and the Northwest corner of lands conveyed to the Village of Dublin as described in Official Record 7343, page E10, and being the **TRUE POINT OF BEGINNING**;

THENCE on the West Right of Way line of Frantz Road as conveyed to the said Village of Dublin the following three (3) courses:

- 1) South 10° 10' 14" East for a distance of 0.45 feet;
- 2) South 14° 18' 59" East for a distance of 169.06 feet;
- 3) South 15° 09' 39" East for a distance of 180.33 feet to the Southeast corner of the Grantor's land, and the Southwest corner of the said Village of Dublin lands;

THENCE with the South line of the Grantor's land, South 89° 32' 13" West for a distance of 273.04 feet;

THENCE through the Grantor's land for the following five (5) courses:

- 1) North 00° 27' 47" West for a distance of 10.00 feet;
- 2) North 89° 32' 13" East for a distance of 240.07 feet;
- 3) North 30° 45' 06" East for a distance of 19.99 feet;
- 4) North 15° 09' 39" West for a distance of 148.50 feet;
- 5) North 14° 18' 59" West for a distance of 171.77 feet to the North line of the Grantor's land;

THENCE with the North line of the Grantor's land, North 83° 49' 06" East for a distance of 15.19 feet **BACK TO THE TRUE POINT OF BEGINNING**.

The above described parcel contains 0.182 acres. North based on GPS observations taken on project control.

Parcel 3-P

This description was prepared in November 2013 under the direct supervision of William C. LeRoy, P.S., Ohio License Number 7664, and is based upon surveys performed by Burgess & Niple, Inc. beginning in October 2010.

Burgess & Niple, Inc.



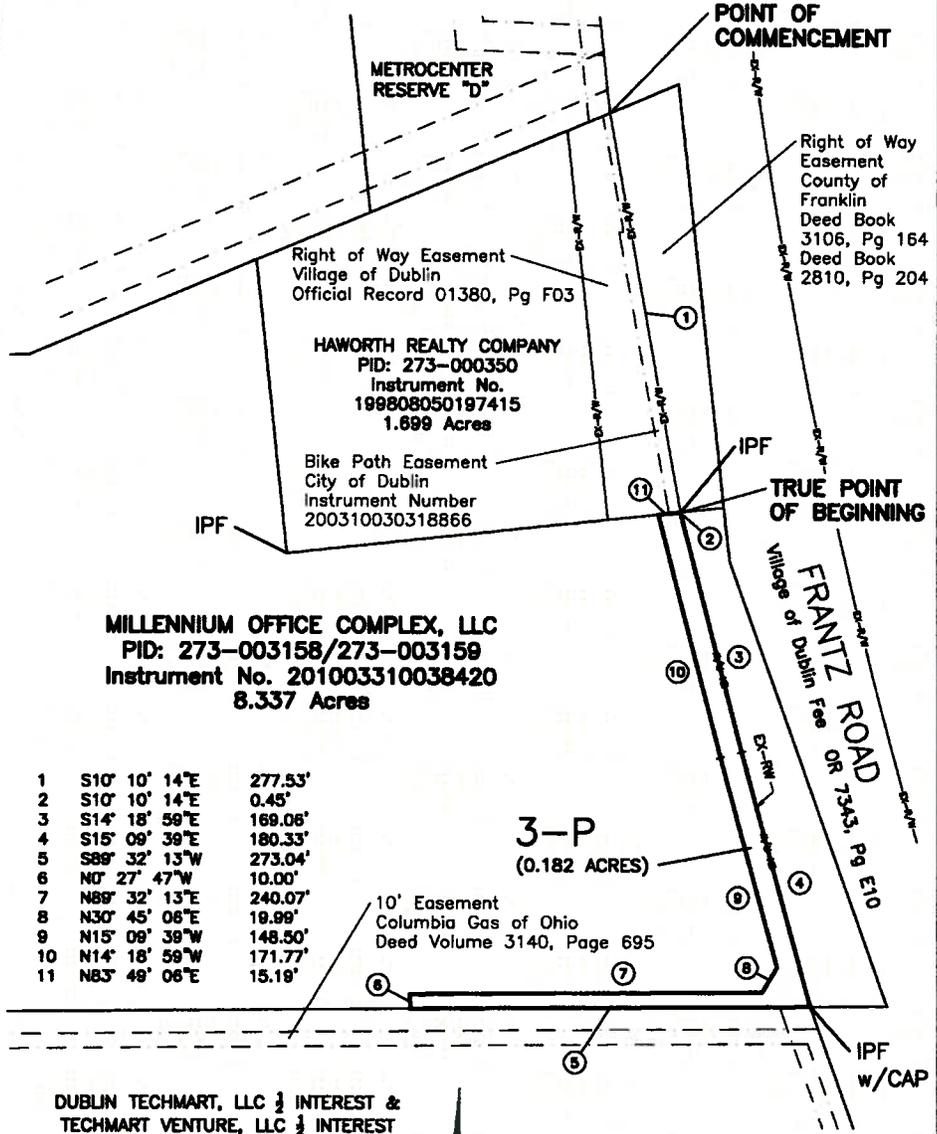
William C. LeRoy,
Registered Professional Surveyor No. 7664



12-23-2013
Date

**EXHIBIT A
PARCEL 3-P**

State of Ohio, Franklin County, City of Dublin,
VMS No. 2419



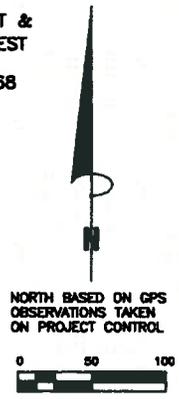
1	S10° 10' 14"E	277.53'
2	S10° 10' 14"E	0.45'
3	S14° 18' 59"E	169.06'
4	S15° 09' 39"E	180.33'
5	S89° 32' 13"W	273.04'
6	N0° 27' 47"W	10.00'
7	N89° 32' 13"E	240.07'
8	N30° 45' 06"E	19.99'
9	N15° 09' 39"W	148.50'
10	N14° 18' 59"W	171.77'
11	N83° 49' 06"E	15.19'

DUBLIN TECHMART, LLC $\frac{1}{2}$ INTEREST &
TECHMART VENTURE, LLC $\frac{1}{2}$ INTEREST
PID: 273-003095
Instrument No. 200409160217068
13.666 Acres

ACREAGE BREAKDOWN
0.182 ACRES GROSS
0.00 ACRES (PRIOR EASEMENT OCCUPIED)



12-23-2013



Burgess & Niple 5085 Reed Road, Columbus, Ohio 43220 (614) 469-2080		
Survey for: CITY OF DUBLIN		
Millennium Office Complex, LLC SURVEY OF 0.182 Acres		
Dwg: WHW	Chk: WCL	12-17-13
Scale: SHOWN	Sht: 1 / 1	PR50708

EXHIBIT A

**PARCEL 3-T
TEMPORARY GRADING AND CONSTRUCTION EASEMENT
FROM MILLENIUM OFFICE COMPLEX, LLC**

Situate in the State of Ohio, County of Franklin, City of Dublin, and being located in Virginia Military Survey No. 2419, and being a part of the 8.337 acre tract conveyed to Millenium Office Complex, LLC (hereafter referred to as "Grantor") by General Warranty Deed recorded as Instrument No. 201003310038420 in the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

COMMENCING at the Southeast corner of Reserve D in METROCENTER, the plat of which is recorded in Plat Book 55, pages 8 and 9, also at the intersection of the North line of a 1.699 acre tract conveyed to Haworth Realty Company by General Warranty Deed recorded as Instrument No. 199908050197415 in the Recorder's Office, Franklin County, Ohio and the West Standard Highway Easement Right of Way line of Frantz Road as recorded in Deed Book 3106, page 164, in the Franklin County Recorder's Office;

THENCE with the said West Standard Highway Easement Right of Way line of Frantz Road and through the lands of Haworth Realty Company, **South 10° 10' 14" East** for a distance of **277.53** feet to the Northeast corner of Grantor's land, and the Northwest corner of lands conveyed to the Village of Dublin as described in Official Record 7343, page E10;

THENCE with the North line of the Grantor's land, **South 83° 49' 06" West** for a distance of **15.19** feet to **THE TRUE POINT OF BEGINNING** of the herein conveyed easement;

THENCE through the Grantor's land the following thirteen (13) courses:

- 1) **South 14° 18' 59" East** for a distance of **171.77** feet;
- 2) **South 15° 09' 39" East** for a distance of **148.50** feet;
- 3) **South 30° 45' 06" West** for a distance of **19.99** feet;
- 4) **South 89° 32' 13" West** for a distance of **180.26** feet;
- 5) **North 00° 27' 47" West** for a distance of **10.00** feet;
- 6) **North 89° 32' 13" East** for a distance of **168.78** feet;
- 7) **North 30° 45' 06" East** for a distance of **11.03** feet;
- 8) **North 15° 09' 39" West** for a distance of **100.35** feet;
- 9) **South 74° 50' 21" West** for a distance of **15.00** feet;
- 10) **North 15° 09' 39" West** for a distance of **42.02** feet;
- 11) **North 14° 18' 59" West** for a distance of **62.98** feet;
- 12) **North 75° 41' 01" East** for a distance of **15.00** feet;
- 13) **North 14° 18' 59" West** for a distance of **111.15** feet to the North line of the Grantor's land;

THENCE with the North line of the Grantor's land, **North 83° 49' 06" East** for a distance of **15.15** feet **BACK TO THE TRUE POINT OF BEGINNING**.

The above described parcel contains 0.191 acres. North based on GPS observations taken on project control.

Parcel 3-T

This description was prepared in November 2013 under the direct supervision of William C. LeRoy, P.S., Ohio License Number 7664, and is based upon surveys performed by Burgess & Niple, Inc. beginning in October 2010.

Burgess & Niple, Inc.



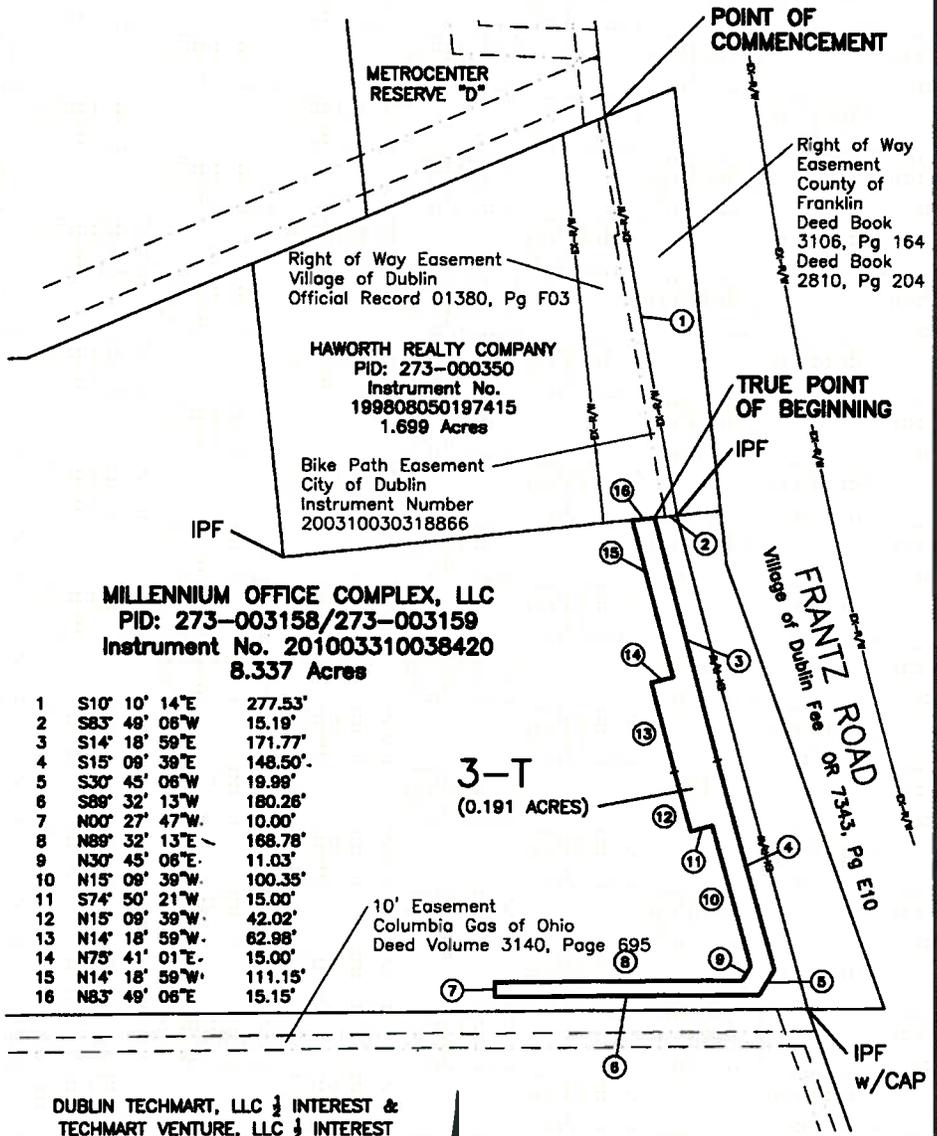
William C. LeRoy,
Registered Professional Surveyor No. 7664



12-23-2013
Date

**EXHIBIT A
PARCEL 3-T**

State of Ohio, Franklin County, City of Dublin,
VMS No. 2419



Right of Way Easement
Village of Dublin
Official Record 01380, Pg F03

HAWORTH REALTY COMPANY
PID: 273-000350
Instrument No.
199808050197415
1.699 Acres

Bike Path Easement
City of Dublin
Instrument Number
200310030318866

IPF

MILLENNIUM OFFICE COMPLEX, LLC
PID: 273-003158/273-003159
Instrument No. 201003310038420
8.337 Acres

1	S10° 10' 14"E	277.53'
2	S83° 49' 06"W	15.19'
3	S14° 18' 59"E	171.77'
4	S15° 09' 39"E	148.50'
5	S30° 45' 08"W	19.98'
6	S88° 32' 13"W	180.28'
7	N00° 27' 47"W	10.00'
8	N89° 32' 13"E	168.78'
9	N30° 45' 08"E	11.03'
10	N15° 09' 39"W	100.35'
11	S74° 50' 21"W	15.00'
12	N15° 09' 39"W	42.02'
13	N14° 18' 59"W	82.98'
14	N75° 41' 01"E	15.00'
15	N14° 18' 59"W	111.15'
16	N83° 49' 06"E	15.15'

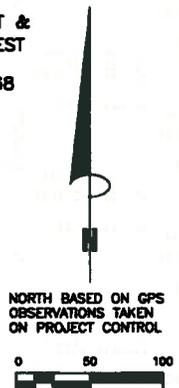
3-T
(0.191 ACRES)

10' Easement
Columbia Gas of Ohio
Deed Volume 3140, Page 695

DUBLIN TECHMART, LLC ½ INTEREST &
TECHMART VENTURE, LLC ½ INTEREST
PID: 273-003095
Instrument No. 200409160217068
13.666 Acres



12-23-2013



Burgess & Niple 5085 Reed Road, Columbus, Ohio 43220 (614) 459-8060		
Survey for: CITY OF DUBLIN		
Millennium Office Complex, LLC SURVEY OF 0.191 Acres		
Dwg: WHW	Chk: WCL	12-17-13
Scale: SHOWN	Sht: 1 / 1	PR50708