



To: Members of Dublin City Council
From: Dana L. McDaniel, City Manager 
Date: June 15, 2015
Initiated By: Terry D. Foegler, Director of Strategic Initiatives & Special Projects
Philip K. Hartmann, Assistant Law Director
Re: Ordinance 42-15

AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.137 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.525 ACRE, MORE OR LESS, FEE SIMPLE INTEREST FOR GREENSPACE; A 0.578 ACRE, MORE OR LESS, FEE SIMPLE INTEREST FOR GREENSPACE; AND A 0.197 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM PROPERTY LOCATED ON THE NORTH AND SOUTH SIDE OF THE NEW JOHN SHIELDS PARKWAY, EAST OF RIVERSIDE DRIVE, OWNED BY INVICTUS LAND HOLDINGS, LLC, FOR THE RIVERSIDE DRIVE REALIGNMENT AND CONSTRUCTION OF JOHN SHIELDS PARKWAY, AND DECLARING AN EMERGENCY.

BACKGROUND

The City of Dublin (the "City") is preparing to realign Riverside Drive and construct a new roadway, John Shields Parkway, as part of a series of important key area-wide roadway improvements (the "Project") planned within the Bridge Street District.

The Project requires the City to obtain property interests from Invictus Land Holdings, LLC ("Invictus"). The property is located on the north and south sides of the new John Shields Parkway, east of Riverside Drive, and is identified as Franklin County Parcel Number 273-009101.

The City has reached an amicable settlement with Invictus. This Ordinance authorizes the settlement of the matter for Three Hundred Sixty Thousand Seven Hundred Ninety One Dollars (\$360,791.00), subject to Council's approval.

ACQUISITION

The City is acquiring three fee simple interests, two of which are for greenspace, and a temporary easement from Invictus, as depicted in the map attached to this memorandum. The fee simple interests are approximately 0.137 acres; 0.525 acres; and 0.578 acres, respectively; and the temporary easement is approximately 0.197 acres.

EVALUATION

The property was appraised by the Robert Weiler Company; the property interests were appraised at \$279,708, which is approximately \$220,000 per acre. The parties agreed to settle the matter for \$360,791, which is approximately \$282,000 per acre.

RECOMMENDATION

Staff and the Law Department recommend approval of Ordinance No. 42-15 as the construction of the Project is necessary for public welfare and safety, and approval of the Ordinances will keep the Project moving forward.

RECORD OF ORDINANCES

Ordinance No. **42-15 (Amended)**

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.137 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.525 ACRE, MORE OR LESS, FEE SIMPLE INTEREST FOR GREENSPACE; A 0.578 ACRE, MORE OR LESS, FEE SIMPLE INTEREST FOR GREENSPACE; AND A 0.197 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM PROPERTY LOCATED ON THE NORTH AND SOUTH SIDE OF THE NEW JOHN SHIELDS PARKWAY, EAST OF RIVERSIDE DRIVE, OWNED BY INVICTUS LAND HOLDINGS, LLC, FOR THE RIVERSIDE DRIVE REALIGNMENT AND CONSTRUCTION OF JOHN SHIELDS PARKWAY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dublin (the "City") is preparing to realign Riverside Drive and construct a new roadway, John Shields Parkway, as part of the Bridge Street District project (the "Project"); and

WHEREAS, the Project requires that the City obtain a three fee simple interests, two of which are for greenspace, and temporary easement from Invictus Land Holdings, LLC (the "Grantor"), as described in the Exhibits labeled "A" and depicted in the Exhibits labeled "B," attached hereto, said property interest located in the City of Dublin, County of Franklin, State of Ohio; 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 interests for the sum of Three Hundred Sixty Thousand Seven Hundred Ninety One Dollars (\$360,791.00); 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 0.137 acre, more or less, fee simple interest; a 0.525 acre, more or less, fee simple interest for greenspace; a 0.578 acre, more or less, fee simple interest for greenspace; and a 0.197 acre, more or less, temporary easement, said temporary easements for two (2) years, commencing on the date construction begins, from Invictus Land Holdings, LLC, for the value of Three Hundred Sixty Thousand Seven Hundred Ninety One Dollars (\$360,791.00), said property more fully described in the Exhibits labeled "A" and depicted in the Exhibits labeled "B."

Section 2. This Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

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 _____, 2015.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

0.137 ACRE

Situated in the State of Ohio, County of Franklin, City of Dublin, lying in Quarter Township 2, Township 2, Range 19, United States Military Lands and being part of that original 30.539 acre tract conveyed to Invictus Land Holdings, LLC by deed of record in Instrument Number 200007070134979 and Lot 3 of that subdivision entitled "Lands of Chauncey McGurer", of record in Plat Book 12, Page 27 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the intersection of the centerline of Mooney Street (60 feet wide, as shown in Plat Book 115, Pages 79 and 80) with the centerline of John Shields Parkway (76 feet wide, as shown in Plat Book 115, Pages 79 and 80);

Thence South 68° 26' 48" West, with the centerline of said John Shields Parkway, a distance of 55.00 feet to a point;

Thence North 21° 33' 12" West, across the right-of-way of said John Shields Parkway, a distance of 38.00 feet to an iron pin set in the northerly right-of-way line thereof, being the TRUE POINT OF BEGINNING;

Thence South 68° 26' 48" West, with the southerly line of the remainder of said original 30.539 acre tract, said northerly right-of-way line, a distance of 257.67 feet to an iron pin set in the easterly line of that 12.884 acre tract conveyed to The City of Dublin, Ohio by deed of record in Instrument Number 201212310201439;

Thence North 15° 44' 11" West, with the line common to the remainder of said original 30.539 acre tract and said 12.884 acre tract, a distance of 56.24 feet to an iron pin set;

Thence across said original 30.539 acre tract, the following courses and distances:

North 85° 04' 35" East, a distance of 124.19 feet to an iron pin set on a point of curvature;

With the arc of a curve to the left, having a central angle of 16° 37' 46", a radius of 356.50 feet, an arc length of 103.47 feet, a chord bearing of North 76° 45' 41" East and chord distance of 103.11 feet to an iron pin set on a point of tangency; and

North 68° 26' 48" East, a distance of 36.45 feet to an iron pin set in the northerly right-of-way line of said John Shields Parkway

Thence South 23° 26' 47" West, with the southerly line of the remainder of said original 30.539 acre tract, said northerly right-of-way line, a distance of 7.78 feet to the TRUE POINT OF BEGINNING, containing 0.137 acre, more or less, of which 0.006 acres lies within a 1 foot sidewalk easement, of record in Plat Book 115, Page 79.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 73 and FRANK 74, having a bearing of South 73° 57' 18" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

This description is based on documents of record, prior plats of survey, and observed evidence located by an actual field survey.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

J.M.M.

Joshua M. Meyer
Professional Surveyor No. 8485

12-8-2014

Date



JMM:bk
0_137 ac 20130451-VS-BNDY-12.doc

0-71-0
split
0.137 acre
out of
(273)
9101





Evans, Mechwart, Hamilton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4300 Toll Free: 888.775.3448
 emht.com

SURVEY OF ACREAGE PARCEL

QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 19

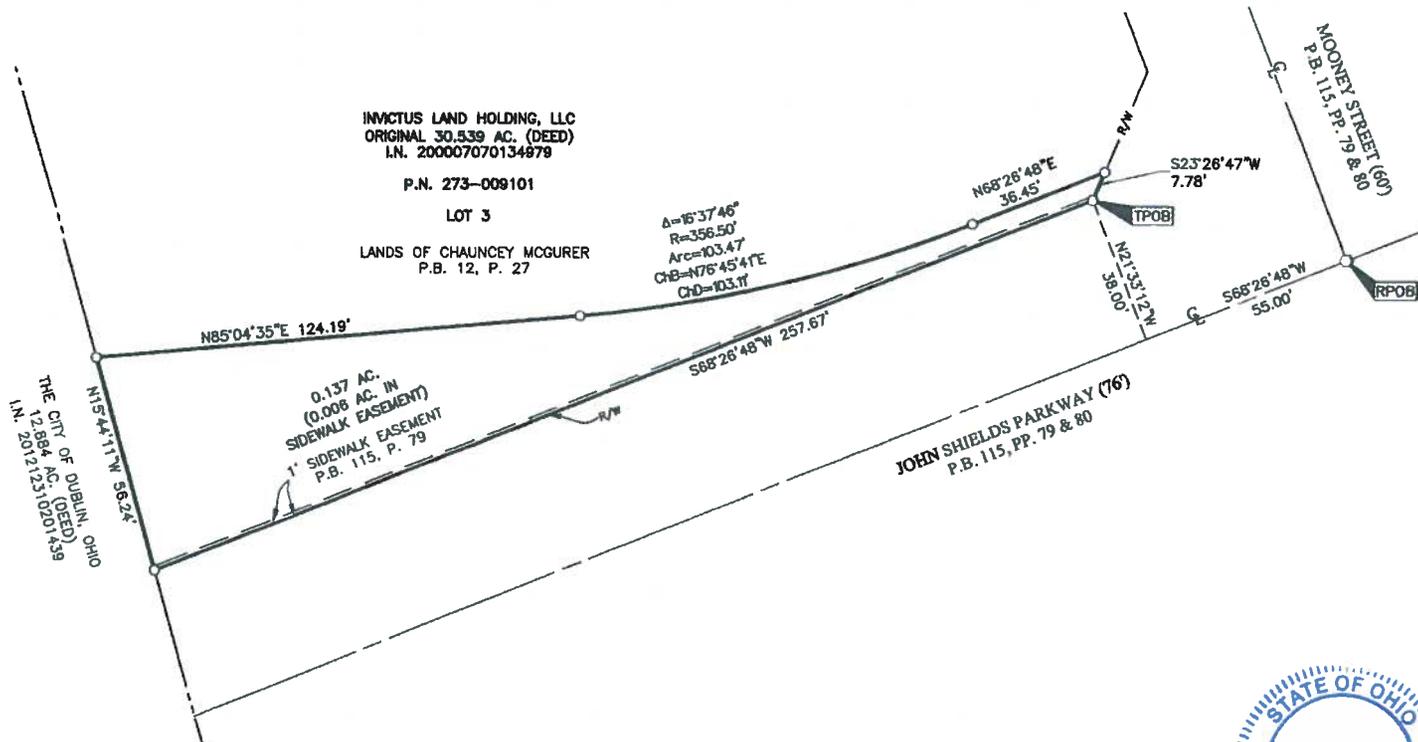
UNITED STATES MILITARY LANDS

CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO

Date: December 8, 2014

Scale: 1" = 30'

Job No: 2013-0451



- = STONE FND.
- = MON. FND.
- = I.P. FND.
- = I.P. SET
- = MAG. NAIL FND.
- = MAG. NAIL SET
- ▲ = R.R. SPK. FND.
- △ = R.R. SPK. SET
- = P.K. NAIL FND.

I.P. Set are 13/16" I.D. iron pipe with cap inscribed EMHT INC



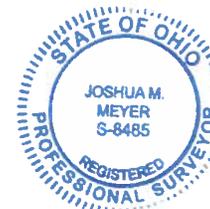
GRAPHIC SCALE (in feet)

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

BASIS OF BEARINGS:

The Bearings shown hereon are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 73 and FRANK 74, having a bearing of South 73° 57' 18" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.



By Joshua M. Meyer 12-8-2014
 Joshua M. Meyer
 Professional Surveyor No. 8485
 Date

A:\2013\0451\EMHT\04510451\04510451-VS-BNDY-12.DWG plotted by EMHT, 12/08/2014 4:10:58 PM last saved by BNDY on 12/08/2014 3:57:09 PM

GREENSPACE EASEMENT
0.525 ACRE

Situated in the State of Ohio, County of Franklin, City of Dublin, lying in Quarter Township 2, Township 2, Range 19, United States Military District, being on, over, and across the original 30.539 acre tract conveyed to Invictus Land Holding, LLC by deed of record in Instrument Number 200007070134979, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the intersection of the southerly right-of-way line of John Shields Parkway (76 foot width) as dedicated in Plat Book 115, Pages 79 and 80 and an easterly line of that 12.884 acre tract conveyed to The City of Dublin, Ohio by deed of record in Instrument Number 201212310201439;

thence North 68° 26' 48" East, with said southerly right-of-way line a distance of 262.31 feet to a point;

thence across said original 30.539 acre tract, the following courses and distances:

South 65° 03' 55" East, a distance of 36.26 feet to a point on a curve;

with a curve to the right, having a central angle of 06° 37' 31", a radius of 467.50 feet, an arc length of 54.06 feet, and a chord that bears South 15° 15' 54" East, a chord distance of 54.03 feet to a point of non-tangency;

South 68° 26' 48" West, a distance of 290.62 feet to a point in the easterly line of said 12.884 acre tract;

thence with said easterly line, the following courses and distances:

with a curve to the left, having a central angle of 02° 01' 48", a radius of 1755.00 feet, an arc length of 62.18 feet, and a chord that bears North 14° 43' 17" West, a chord distance of 62.18 feet to a point of tangency;

North 15° 44' 11" West, a distance of 18.36 feet to the POINT OF BEGINNING and containing 0.525 acre, more or less.



JMM
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EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

5-29-2013

Date

GREENSPACE EASEMENT
0.525 ACRE

Situated in the State of Ohio, County of Franklin, City of Dublin, lying in Quarter Township 2, Township 2, Range 19, United States Military District, being on, over, and across the original 30.539 acre tract conveyed to Invictus Land Holding, LLC by deed of record in Instrument Number 200007070134979, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the intersection of the southerly right-of-way line of John Shields Parkway (76 foot width) as dedicated in Plat Book 115, Pages 79 and 80 and an easterly line of that 12.884 acre tract conveyed to The City of Dublin, Ohio by deed of record in Instrument Number 201212310201439;

thence North 68° 26' 48" East, with said southerly right-of-way line a distance of 262.31 feet to a point;

thence across said original 30.539 acre tract, the following courses and distances:

South 65° 03' 55" East, a distance of 36.26 feet to a point on a curve;

with a curve to the right, having a central angle of 06° 37' 31", a radius of 467.50 feet, an arc length of 54.06 feet, and a chord that bears South 15° 15' 54" East, a chord distance of 54.03 feet to a point of non-tangency;

South 68° 26' 48" West, a distance of 290.62 feet to a point in the easterly line of said 12.884 acre tract;

thence with said easterly line, the following courses and distances:

with a curve to the left, having a central angle of 02° 01' 48", a radius of 1755.00 feet, an arc length of 62.18 feet, and a chord that bears North 14° 43' 17" West, a chord distance of 62.18 feet to a point of tangency;

North 15° 44' 11" West, a distance of 18.36 feet to the POINT OF BEGINNING and containing 0.525 acre, more or less.



JMM
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EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

5-29-2013

Date



Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

GREENSPACE EXHIBIT

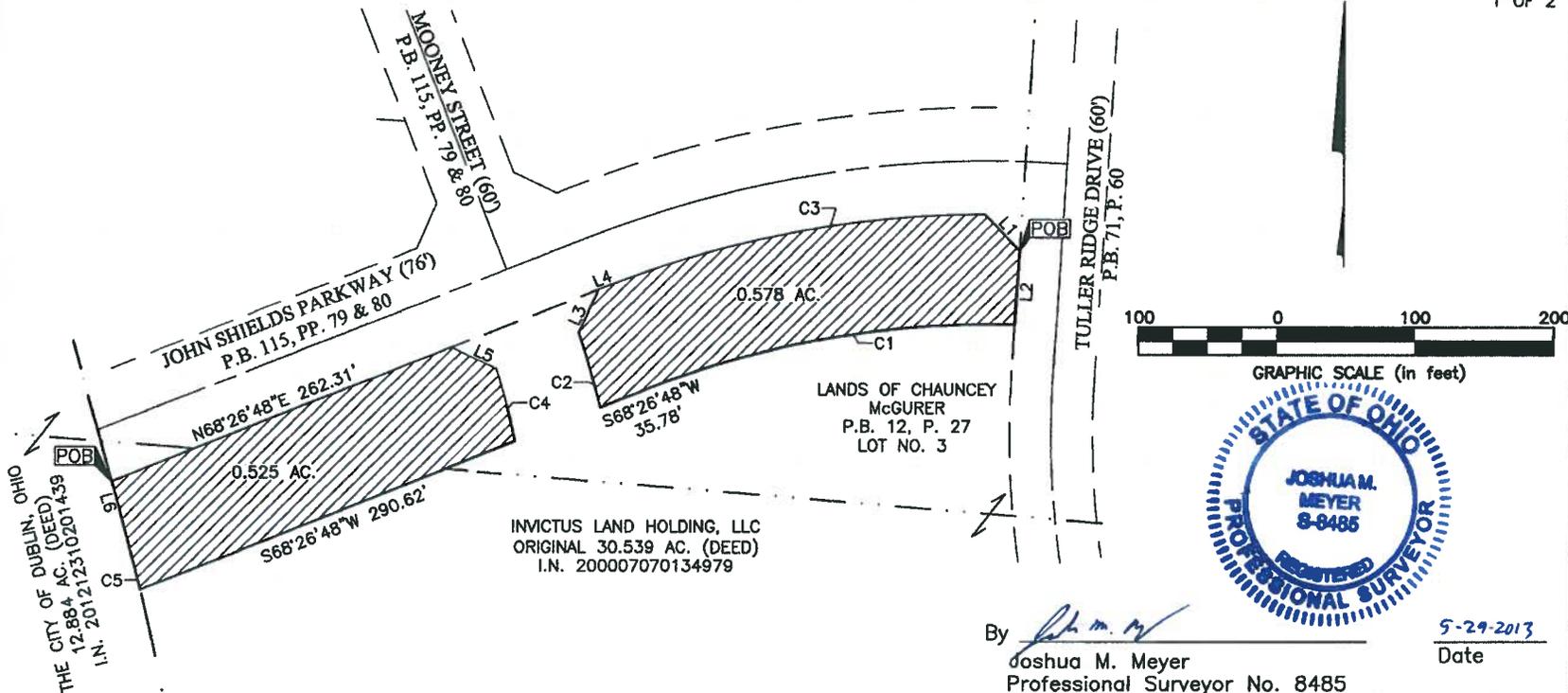
QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 19
 UNITED STATES MILITARY DISTRICT
 CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO

Date: May 29, 2013

Scale: 1" = 100'

Job No. 2013-0451

1 OF 2



J:\20130451\DWG\04SHEETS\EASEMENTS\20130451-VS-ESMT-01.DWG plotted by GEIGER, STEVEN on 5/30/2013 8:52:53 AM last saved by SGEIGER on 5/30/2013 8:51:59 AM
 Krefz: (0451) evaluation failed



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GREENSPACE EXHIBIT
 QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 19
 UNITED STATES MILITARY DISTRICT
 CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO

Date: May 29, 2013

Scale: N/A

Job No. 2013-0451

2 OF 2

| Line Table | | |
|-------------|-------------|--------|
| Line Number | Direction | Length |
| L1 | S43°27'20"E | 36.51' |
| L2 | S03°26'58"W | 53.79' |
| L3 | N24°37'39"E | 34.62' |
| L4 | N68°26'48"E | 5.52' |
| L5 | S65°03'55"E | 36.26' |
| L6 | N15°44'11"W | 18.36' |

| CURVE TABLE | | | | | |
|-------------|-----------|----------|---------|---------------|----------------|
| CURVE NO. | DELTA | RADIUS | LENGTH | CHORD BEARING | CHORD DISTANCE |
| C1 | 22°59'23" | 681.50' | 273.45' | S 79°56'30" W | 271.62' |
| C2 | 6°03'30" | 532.50' | 56.31' | N 16°09'45" W | 56.28' |
| C3 | 21°11'34" | 761.50' | 281.67' | N 79°02'35" E | 280.06' |
| C4 | 6°37'31" | 467.50' | 54.06' | S 15°15'54" E | 54.03' |
| C5 | 2°01'48" | 1755.00' | 62.18' | N 14°43'17" W | 62.18' |

**TEMPORARY EASEMENT
0.197 ACRE**

Situated in the State of Ohio, County of Franklin, City of Dublin, lying in Quarter Township 2, Township 2, Range 19, United States Military Lands and being on, over, and across that original 30.539 acre tract conveyed to Invictus Land Holdings, LLC by deed of record in Instrument Number 200007070134979 and Lot 3 of that subdivision entitled "Lands of Chauncey McGurer", of record in Plat Book 12, Page 27 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the southwesterly corner of the remainder of said original 30.539 acre tract, being the northwesterly terminus of John Shields Parkway (76 feet wide, as shown in Plat Book 115, Pages 79 and 80) and in the easterly line of that 12.884 acre tract conveyed to The City of Dublin, Ohio by deed of record in Instrument Number 201212310201439;

Thence North 15° 44' 11" West, with the line common to the remainder of said original 30.539 acre tract and said 12.884 acre tract, a distance of 56.24 feet to the TRUE POINT OF BEGINNING;

Thence North 15° 44' 11" West, continuing with said common line, a distance of 24.99 feet to a point;

Thence North 79° 57' 26" East, across the remainder of said original 30.539 acre tract, a distance of 280.00 feet to a point in the westerly right-of-way line of Mooney Street (60 feet wide, as shown in Plat Book 115, Pages 79 and 80);

Thence South 23° 26' 47" West, with the northerly right-of-way line of said John Shields Parkway, a distance of 27.58 feet to a point;

Thence across the remainder of said original 30.539 acre tract, the following courses and distances:

South 68° 26' 48" West, a distance of 36.45 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 16° 37' 46", a radius of 356.50 feet, an arc length of 103.47 feet, a chord bearing of South 76° 45' 41" West and chord distance of 103.11 feet to a point of tangency; and

South 85° 04' 35" West, a distance of 124.19 feet to the TRUE POINT OF BEGINNING, containing 0.197 acre, more or less.



JMM:bk
0_197 ac 201409 CWS, ESM PTEMP-02.doc

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

11-21-2014

Date

EMHT

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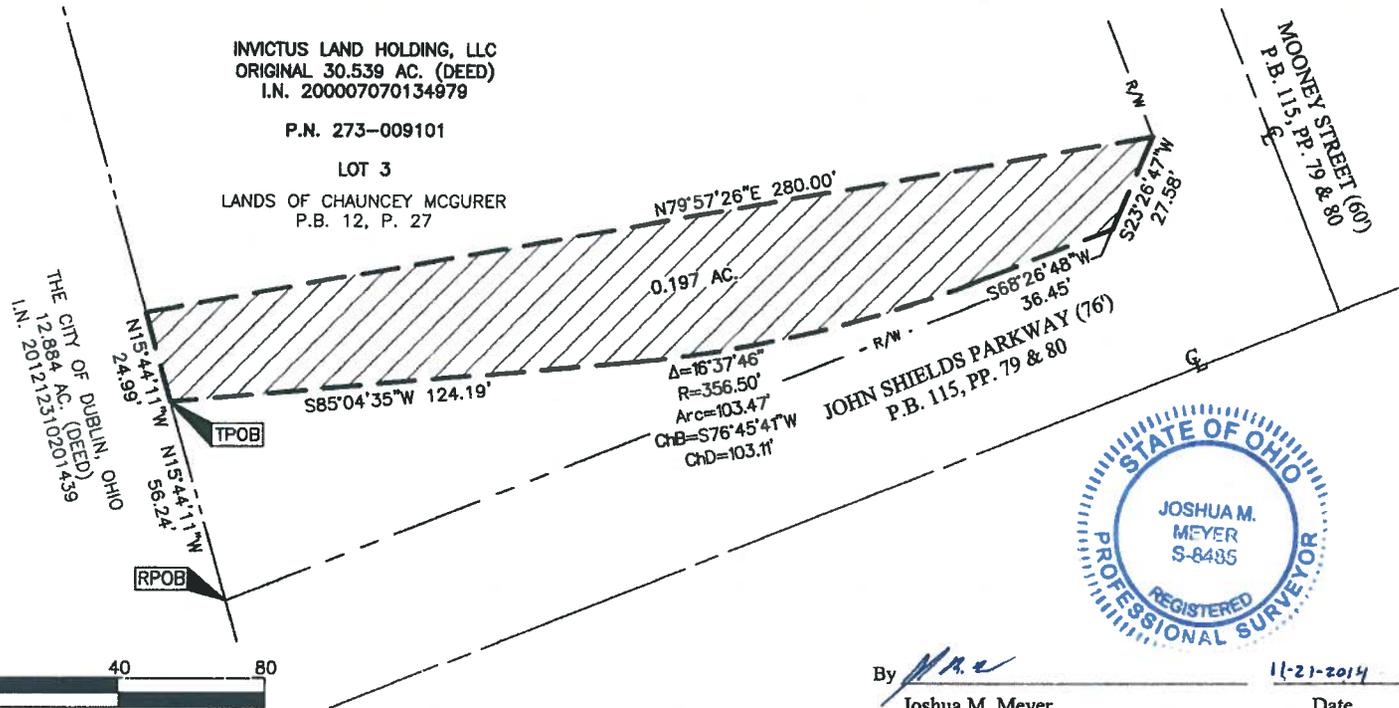
TEMPORARY EASEMENT

QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 19
UNITED STATES MILITARY LANDS
CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO

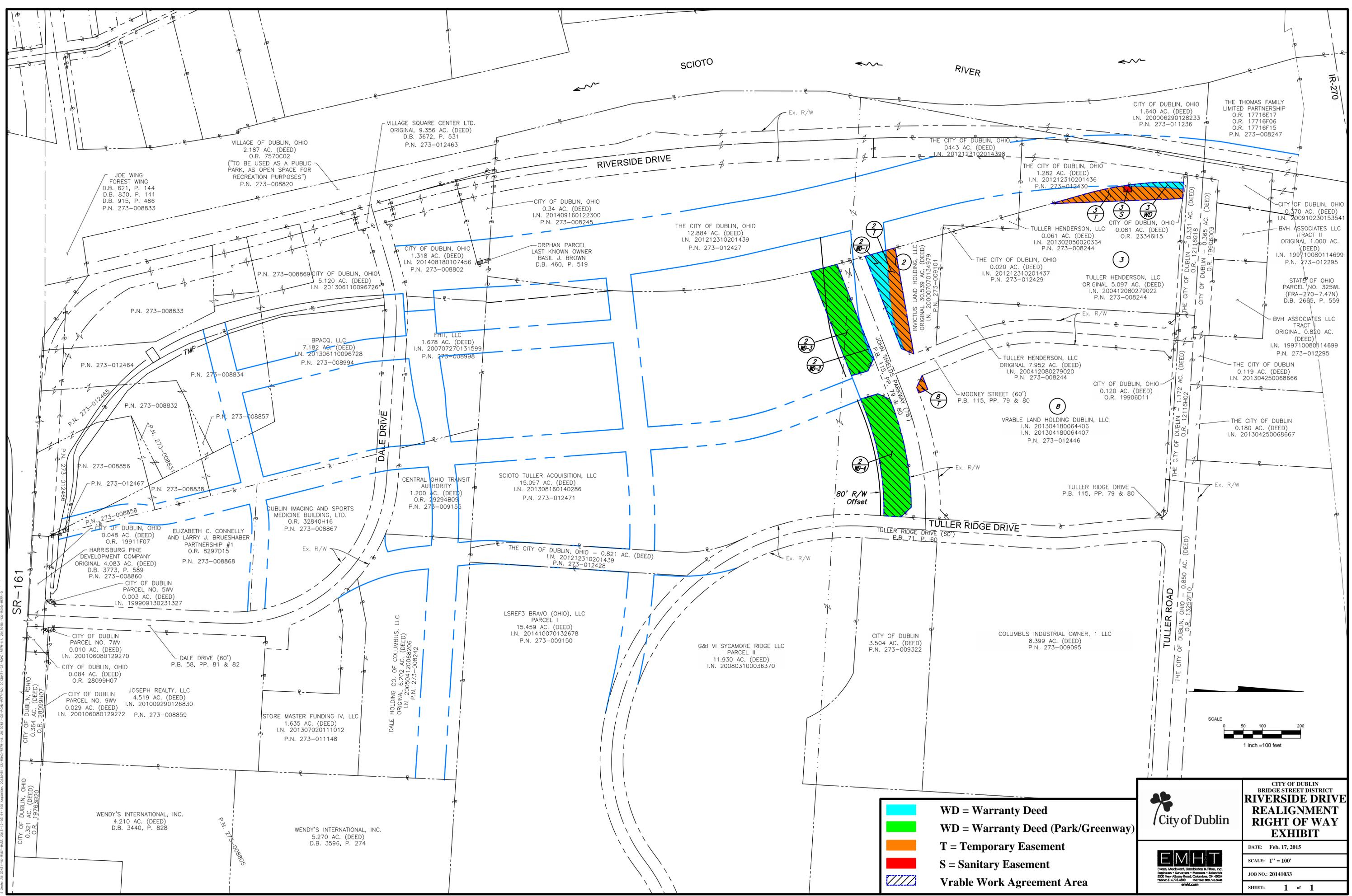
Date: November 21, 2014

Scale: 1" = 40'

Job No. 2014-1033



GRAPHIC SCALE (in feet)



| | |
|--|-------------------------------------------|
| | WD = Warranty Deed |
| | WD = Warranty Deed (Park/Greenway) |
| | T = Temporary Easement |
| | S = Sanitary Easement |
| | Vrable Work Agreement Area |

| | |
|--|---------------------------------------------------------------------------------------------------------------------------------------------|
| | CITY OF DUBLIN RIVERSIDE DISTRICT RIVERSIDE DRIVE REALIGNMENT RIGHT OF WAY EXHIBIT |
| | DATE: Feb. 17, 2015 SCALE: 1" = 100' JOB NO: 20141033 SHEET: 1 of 1 |



2/17/2015 9:43 AM, Project: 20141033, Title: City of Dublin, Ohio - Riverside Drive Realignment Right of Way Exhibit, Scale: 1" = 100', Date: 2/17/2015 9:43 AM, User: jgibson