



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: Dana L. McDaniel, City Manager 

Date: June 18, 2015

Initiated By: Terry D. Foegler, Director of Strategic Initiatives & Special Projects
Philip K. Hartmann, Assistant Law Director

Re: Ordinance 47-15

AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.036 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.007 ACRE, MORE OR LESS, PERMANENT SANITARY SEWER EASEMENT; AND A 0.213 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM PROPERTY LOCATED ON THE SOUTH SIDE OF TULLER ROAD JUST EAST OF RIVERSIDE DRIVE, OWNED BY TULLER HENDERSON, 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 Tuller Henderson, LLC ("Tuller"). The property is located on the south sides of Tuller Road, east of Riverside Drive, and is identified as Franklin County Parcel Number 273-008244.

The City has reached an amicable settlement with Tuller. This Ordinance authorizes the settlement of the matter for Twenty-Three Thousand One Hundred Fifty Two Dollars (\$23,152.00), subject to Council's approval.

ACQUISITION

The City is acquiring a fee simple interest, a permanent sanitary sewer easement, and a temporary easement from Tuller, as depicted in the map attached to this memorandum. The fee simple interest is approximately 0.036 acres; the permanent sanitary sewer easement is approximately 0.007 acre; and the temporary easement is approximately 0.213 acres.

EVALUATION

The property was appraised by the Robert Weiler Company; the property interests were appraised at \$21,759, which is approximately \$265,000 per acre. The parties agreed to settle the matter for \$23,152, which is approximately \$282,000 per acre.

RECOMMENDATION

Staff and the Law Department recommend approval of Ordinance No. 47-15 by emergency at the July 1, 2015 Council meeting as the construction of the Project is necessary for the public health, safety and welfare, and approval of the Ordinance will keep the Project moving forward.

RECORD OF ORDINANCES

47-15

Ordinance No. _____

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.036 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.007 ACRE, MORE OR LESS, PERMANENT SANITARY SEWER EASEMENT; AND A 0.213 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM PROPERTY LOCATED ON THE SOUTH SIDE OF TULLER ROAD JUST EAST OF RIVERSIDE DRIVE, OWNED BY TULLER HENDERSON, 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 fee simple interest, a sanitary sewer easement, and temporary easement from Tuller Henderson, 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 Twenty-Three Thousand One Hundred Fifty Two Dollars (\$23,152.00); 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 0.036 acre, more or less, fee simple interest; a 0.007 acre, more or less, sanitary sewer easement; and a 0.016 acre, more or less, temporary easement, said temporary easements for two (2) years, commencing on the date construction begins, from Tuller Henderson, LLC, for the value of Twenty-Three Thousand One Hundred Fifty Two Dollars (\$23,152.00), 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

0.036 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 5.097 acre tract conveyed to Tuller Henderson, LLC by deed of record in Instrument Number 200412080279022 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 in the southerly line of that tract conveyed to The Thomas Family Limited Partnership by deeds of record in Official Record 17716E17, 17716F06, and 17716F15, the northerly line of that 1.640 acre tract conveyed to City of Dublin, Ohio by deed of record in Instrument Number 200006290128233, being the intersection of the centerline of Riverside Drive (State Route 257, width varies) with the centerline of Tuller Road (width varies);

Thence South 86° 33' 02" East, with the centerline of said Tuller Road, and with the northerly line of Lot 3 of that subdivision entitled "Lands of Chauncey McGurer", of record in Plat Book 12, Page 27 (passing a magnetic nail set at 8.76 feet and at 50.28 feet), a total distance of 65.36 feet to a point;

Thence South 03° 26' 58" West, across said Tuller Road a distance of 50.00 feet to an iron pin set at a corner common to the remainder of said original 5.097 acre tract and that 1.282 acre tract conveyed to The City of Dublin, Ohio by deed of record in Instrument Number 201212310201436, in the southerly line of that 0.081 acre tract conveyed to City of Dublin, Ohio by deed of record in Official Record 23346115, being the southerly right-of-way line of Tuller Road, the TRUE POINT OF BEGINNING;

Thence South 86° 33' 02" East, with the line common to the remainder of said original 5.097 acre tract and said 0.081 acre tract, said southerly right-of-way line, a distance of 15.37 feet to an iron pin set;

Thence South 02° 25' 58" West, across said original 5.097 acre tract, a distance of 64.29 feet to an iron pin set on a point of curvature;

Thence continuing across said original 5.097 acre tract, with the arc of a curve to the left, having a central angle of 02° 49' 18", a radius of 1932.00 feet, an arc length of 95.14 feet, a chord bearing of South 01° 45' 56" West and chord distance of 95.13 feet to an iron pin set in the easterly line of said 1.282 acre tract;

Thence with the line common to the remainder of said original 5.097 and 1.282 acre tracts, with the arc of a curve to the right, having a central angle of 10° 54' 06", a radius of 845.00 feet, an arc length of 160.78 feet, a chord bearing of North 03° 27' 28" West and chord distance of 160.54 feet to the TRUE POINT OF BEGINNING, containing 0.036 acre, more or less.

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 Meyer

11-21-2014

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:bk
0_036 ac 20141033-VS-BNDY-03.doc

0-71-D
Split
0.036 acre
out of
(273)
8244





Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43034
 Phone: 614.775.4500 Fax: 614.775.3443
 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: November 21, 2014

Job No. 2014-1033

Scale: 1" = 30'

THE THOMAS FAMILY LIMITED PARTNERSHIP
 O.R. 17716E17
 O.R. 17716F06
 O.R. 17716F15

CITY OF DUBLIN, OHIO
 1.640 AC. (DEED)
 I.N. 200006290128233

RIVERSIDE DRIVE
 S.R. 257 (WIDTH VARIES)

TULLER ROAD
 (Width Varies)

THE CITY OF DUBLIN
 0.331 AC. (DEED)
 O.R. 12116G18

CITY OF DUBLIN, OHIO
 0.081 AC. (DEED)
 O.R. 23346I15

TULLER HENDERSON, LLC
 ORIGINAL 5.097 AC. (DEED)
 I.N. 200412080279022

P.N. 273-008244

LOT 3
 LANDS OF CHAUNCEY MCGURER
 P.B. 12, P. 27

THE CITY OF DUBLIN, OHIO
 1.282 AC. (DEED)
 I.N. 201212310201436

$\Delta=10^{\circ}54'06''$
 $R=845.00'$
 $ChB=103^{\circ}27'28''W$
 $ChD=180.54'$

0.036 AC.

$S02^{\circ}25'58''W$
 64.29'

$\Delta=2^{\circ}49'18''$
 $R=832.00'$
 $ChB=501^{\circ}45'56''W$
 $ChD=85.13'$

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.

- = 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



By J. M. Meyer
 Joshua M. Meyer
 Professional Surveyor No. 8485

11-21-2014
 Date

A:\2014\1033\DWG\WORKSHEETS\BOUNDARY\20141033-05-BOUND-01.DWG plotted by MEYER, JOSH on 11/24/2014 2:32:17 PM last saved by MEYER, JOSH on 11/24/2014 2:06:56 PM

**SANITARY SEWER EASEMENT
0.007 ACRE**

Situated in the State of Ohio, County of Franklin, City of Dublin, lying in Quarter Township 2, Range 19, United States Military Lands, being a strip of land on, over and across that 5.097 acre tract conveyed to Tuller Henderson, LLC by deed of record in Instrument Number 200412080279022, (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 northerly common corner of said 5.097 acre tract and that 1.282 acre tract conveyed to the City of Dublin, Ohio by deed of record in Instrument Number 201212310201436, in the southerly line of that 0.081 acre tract conveyed to the City of Dublin, Ohio by deed of record in Official Record 23346115, being in the southerly right-of-way line of Tuller Road;

Thence South $86^{\circ} 33' 02''$ East, with the line common to said 0.081 and 5.097 acre tracts, being in said southerly right-of-way line, a distance of 17.27 feet to a point;

with the arc of a curve to the left, having a central angle of $03^{\circ} 59' 28''$, a radius of 1932.00 feet, an arc length of 134.58 feet, a chord bearing of South $03^{\circ} 05' 14''$ West and chord distance of 134.56 feet to the TRUE POINT OF BEGINNING;

Thence across said 5.097 acre tract, the following courses and distances:

South $89^{\circ} 12' 18''$ East, a distance of 14.97 feet to a point;

South $00^{\circ} 47' 42''$ West, a distance of 20.00 feet to a point;

North $89^{\circ} 12' 18''$ West, a distance of 14.97 feet to a point; and

with the arc of a curve to the right, having a central angle of $00^{\circ} 35' 35''$, a radius of 1932.00 feet, an arc length of 20.00 feet, a chord bearing of North $00^{\circ} 47' 42''$ East and chord distance of 20.00 feet to the TRUE POINT OF BEGINNING, containing 0.007 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

3-5-2015

Joshua M. Meyer
Professional Surveyor No. 8485

Date



SANITARY SEWER EASEMENT

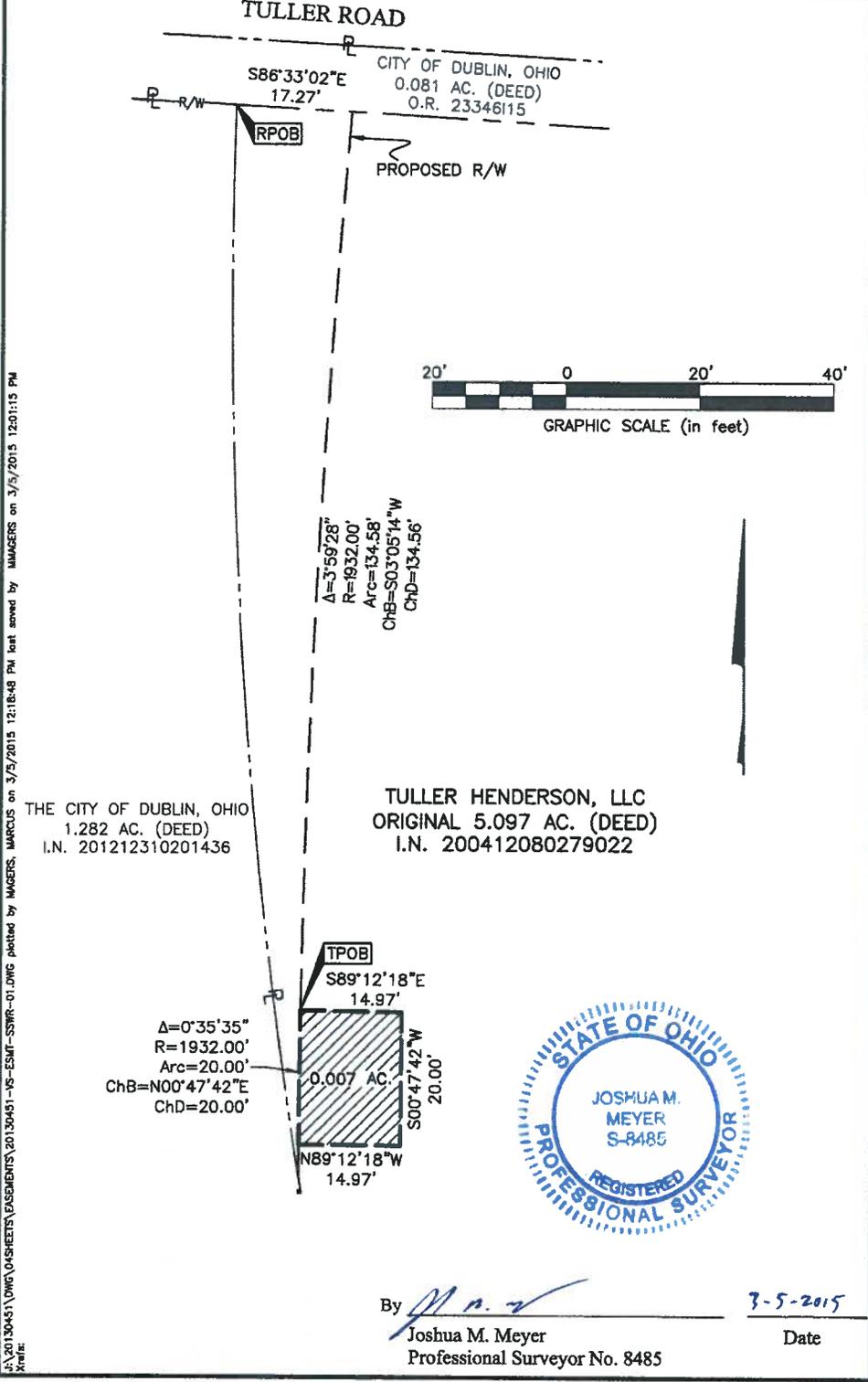
QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 19
UNITED STATES MILITARY LANDS
CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO

Date: March 5, 2015

Job No. 2013-0451

Scale: 1" = 20'

J:\2013\0451\DWG\04SHEETS\EASEMENTS\20130451-NS-ESMT-SSWR-01.DWG plotted by MAGERS on 3/5/2015 12:18:48 PM last saved by MAGERS on 3/5/2015 12:01:15 PM Xref:



**TEMPORARY EASEMENT
0.213 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 5.097 acre tract conveyed to Tuller Henderson, LLC by deed of record in Instrument Number 200412080279022 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 northwesterly corner of the remainder of said original 5.097 acre tract, a northeasterly corner of that 1.282 acre tract conveyed to The City of Dublin, Ohio by deed of record in Instrument Number 201212310201436, being in the southerly right-of-way line of Tuller Road (width varies);

Thence South 86° 33' 02" East, with the northerly line of the remainder of said original 5.097 acre tract, said southerly right-of-way line, a distance 15.37 feet to the TRUE POINT OF BEGINNING;

Thence South 86° 33' 02" East, continuing with said northerly line, said southerly right-of-way line, a distance of 27.19 feet to a point;

Thence South 02° 11' 32" East, across said original 5.097 acre tract, a distance of 343.00 feet to a point in the easterly line of said 1.282 acre tract;

Thence North 15° 44' 11" West, with the line common to the remainder of said original 5.097 acre tract and said 1.282 acre tract, a distance of 90.13 feet to a point of curvature;

Thence continuing with said common line, with the arc of a curve to the right, having a central angle of 06° 49' 40", a radius of 845.00 feet, an arc length of 100.70 feet, a chord bearing of North 12° 19' 21" West and chord distance of 100.64 feet to a point on the arc of a curve;

Thence across said original 5.097 acre tract, with the arc of a curve to the right, having a central angle of 02° 49' 18", a radius of 1932.00 feet, an arc length of 95.14 feet, a chord bearing of North 01° 45' 56" East and chord distance of 95.13 feet to a point of tangency;

Thence North 02° 25' 58" East, continuing across said original 5.097 acre tract, a distance of 64.29 feet to the TRUE POINT OF BEGINNING, containing 0.213 acre, more or less.



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0_213 ac 20141033-VS-ESMT-TEMP-01.doc

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

11-21-2014

Date



Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5320 New Albany Road, Columbus, OH 43254
 Phone: 614.771.4300 Fax: 614.775.3448
 emht.com

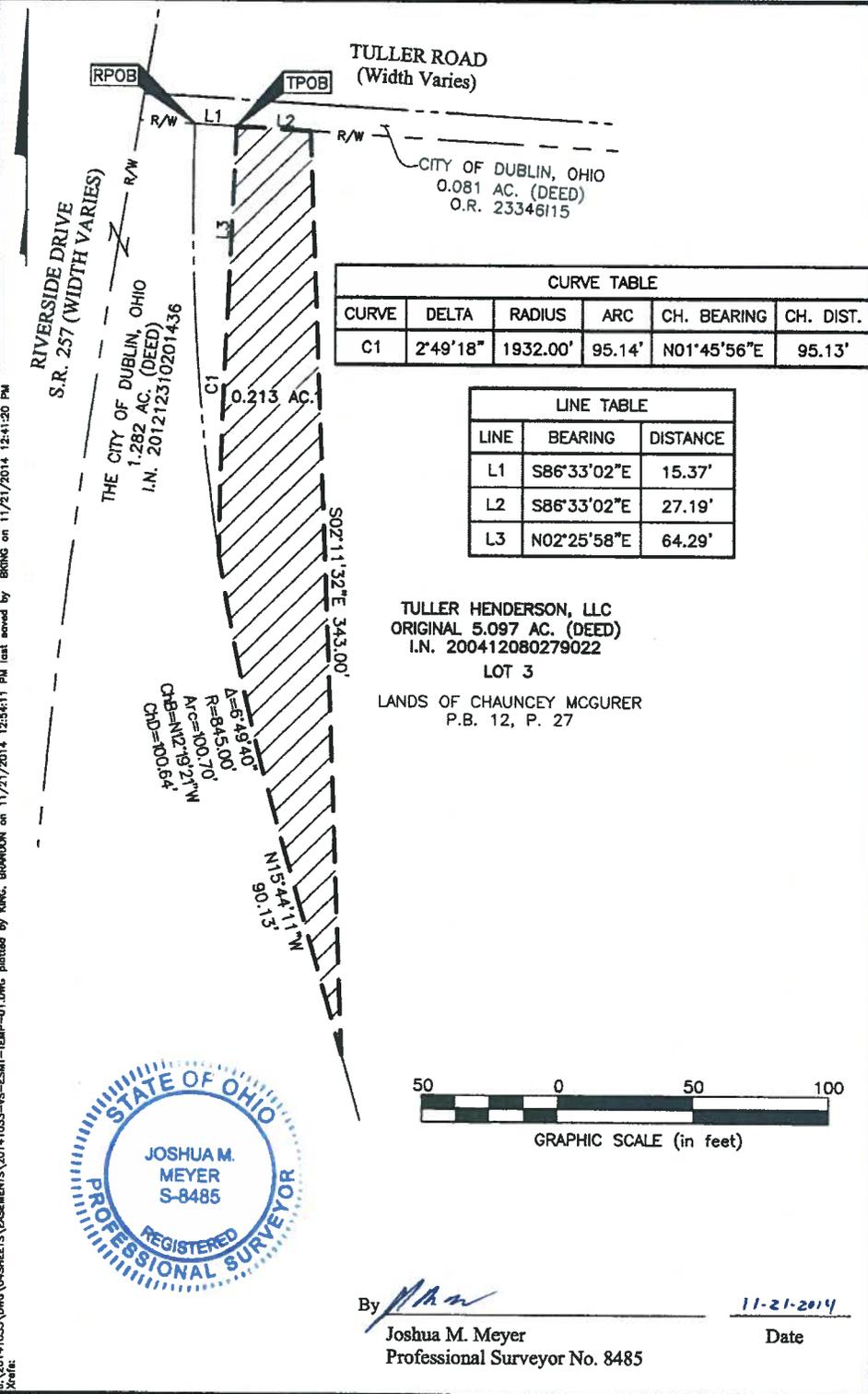
TEMPORARY EASEMENT

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

Date: November 21, 2014

Job No. 2014-1033

Scale: 1" = 50'



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By Joshua M. Meyer Date 11-21-2014
 Joshua M. Meyer Professional Surveyor No. 8485

