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 26, 2015

Initiated By: Megan O'Callaghan, PE, Public Service Director
Philip K. Hartmann, Assistant Law Director

Re: Ordinance 48-15 - AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.037 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.006 ACRE, MORE OR LESS, PERMANENT UTILITY EASEMENT; AND A 0.047 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM PROPERTY LOCATED AT 4555 W. DUBLIN GRANVILLE ROAD OWNED BY WENDY'S INTERNATIONAL, LLC (SUCCESSOR IN INTEREST TO WENDY'S INTERNATIONAL, INC. BY CONVERSION), TO CONSTRUCT A ROUNDABOUT AT THE INTERSECTION STATE ROUTE 161 AND RIVERSIDE DRIVE AND REALIGN RIVERSIDE DRIVE, AND DECLARING AN EMERGENCY.

BACKGROUND

The City of Dublin ("City") is preparing to improve the intersection of State Route 161 and Riverside Drive (the "Project"). The Project provides for the construction of a multi-lane roundabout with appropriate pedestrian and bicycle facilities. The southbound bypass lane will be retained and a shared use path will be incorporated in the underpass area to provide a north/south connection adjacent to the river. The project also builds a shared use path connection on the east side of Riverside Drive between the intersection and Martin Road.

The Project requires that the City obtain a fee simple interest, permanent utility easement, and a temporary easement from Wendy's International, LLC (successor in interest to Wendy's International, Inc. by conversion) (the "Grantor"). The property is located at 4555 W. Dublin Granville Road, and is identified as Franklin County Parcel Number 273-012462-80 (Parcel Number 273-012462-90 represents an abatement on the property). The subject property is an out parcel that is improved with a Wendy's restaurant.

The City has reached an amicable settlement with the Grantor. The Ordinance authorizes the settlement of the matter for Sixty-Five Thousand Four Hundred Eighty One Dollars ($65,481.00).

ACQUISITION

The City is acquiring a fee simple interest, a permanent utility easement, and a temporary easement from the Grantor as depicted in the exhibits attached hereto. The fee simple interest is approximately 0.037 acres, the permanent utility easement is approximately 0.006 acres, and the temporary easement is approximately 0.320 acres.

EVALUATION

The property was appraised by the Robert Weiler Company; the property interests were appraised at $65,481.00. The parties agreed to settle the matter for the appraised value.

RECOMMENDATION

Complete General Construction Company intends to begin constructing a waterline that is necessary for the construction of the Project in mid-to-late August, 2015. Prior to construction of the waterline, the City must obtain a permit from the Ohio Environmental Protection Agency (OEPA), which could take between 30 to 60 days. In order to begin the permit process, the City must execute and record the 0.006 acre permanent utility easement. As such, waiting until the August 10, 2015 meeting to approve the Ordinance would put the City at risk for incurring a delay claim from Complete General Construction Company.

Accordingly, staff recommends Council dispense with the public hearing and approve Ordinance No. 48-15 by emergency at the July 1 City Council meeting.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 48-15 Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.037 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.006 ACRE, MORE OR LESS, PERMANENT UTILITY EASEMENT; AND A 0.047 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM PROPERTY LOCATED AT 4555 W. DUBLIN GRANVILLE ROAD OWNED BY WENDY'S INTERNATIONAL, LLC (SUCCESSOR IN INTEREST TO WENDY'S INTERNATIONAL, INC. BY CONVERSION), TO CONSTRUCT A ROUNDABOUT AT THE INTERSECTION STATE ROUTE 161 AND RIVERSIDE DRIVE AND REALIGN RIVERSIDE DRIVE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dublin (the "City") is preparing to construct a multi-lane roundabout with appropriate pedestrian facilities at the intersection of State Route 161 and Riverside Drive (the "Project"); and

WHEREAS, the Project requires that the City obtain a fee simple interest, permanent utility easement, and a temporary easement from Wendy's International, LLC (successor in interest to Wendy's International, Inc. by conversion) (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 Sixty-Five Thousand Four Hundred Eighty One Dollars ($65,481.00); 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 0.037 acre, more or less, fee simple interest, a 0.006, more or less, permanent utility easement, and a 0.047 acre, more or less, temporary easement, said temporary easements for two (2) years, commencing on the date construction begins, from Wendy's International, LLC (successor in interest to Wendy's International, Inc. by conversion), for the value of Sixty-Five Thousand Four Hundred Eighty One Dollars ($65,481.00), 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

City of Dublin

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

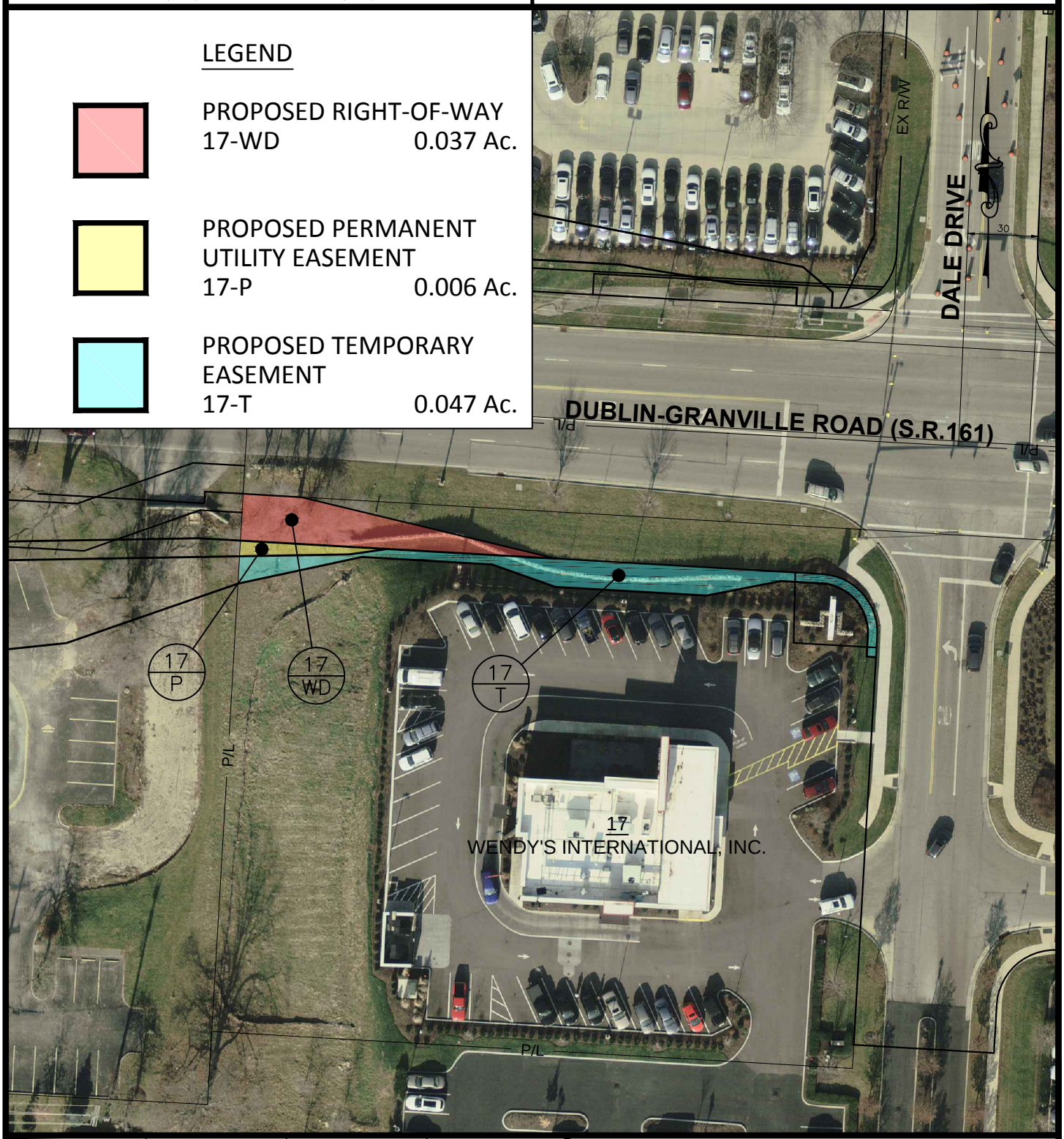
SR 161 / RIVERSIDE DRIVE ROUNDBAOUT
WENDY'S INTERNATIONAL, INC.
PID: 273-012462

LEGEND

PROPOSED RIGHT-OF-WAY
17-WD 0.037 Ac.

PROPOSED PERMANENT UTILITY EASEMENT
17-P 0.006 Ac.

PROPOSED TEMPORARY EASEMENT
17-T 0.047 Ac.



DRAWN	CHECKED	DATE	JOB NO.
MSS	–	06/24/15	13-014-CIP

SCALE: 1" = 60'
0' 30' 60'

CITY OF DUBLIN, OHIO
DESCRIPTION OF A 0.037 ACRE RIGHT-OF-WAY PARCEL
ACQUIRED FROM WENDY'S INTERNATIONAL, INC.

Situated in the State of Ohio, County of Franklin, City of Dublin, being located in Quarter Township 3, Township 2, Range 19, United States Military Lands, and being a part of that 1.355 acre parcel described in a deed to **Wendy's International, Inc.**, of record in Instrument Number 201306100095691, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a 5/8" iron pin found in a monument box assembly located at the intersection of Dale Drive (as established in Plat Book 58, page 81) and the centerline for Dublin-Granville Road (State Route 161) as shown on the 1934 right-of-way plans for S.H. 48 Dublin Br. & Appr. and on the 1944 right-of-way plans for S.H. 558, Sec. A;

Thence **North 86 degrees 42 minutes 05 seconds West**, along said centerline of Dublin-Granville Road, along the north line of that 2.519 acre tract described in a deed to City of Dublin, of record in Instrument Number 199911150285244, a distance of **303.94 feet** to the northwest corner of said 2.519 acre tract;

Thence **South 03 degrees 20 minutes 28 seconds West**, along the west line of said 2.519 acre tract, (passing at a distance of 2.95 feet the original centerline of said Dublin-Granville Road and the northeast corner of a 2.37 acre parcel described in a deed to City of Dublin, Ohio, of record in Instrument Number 201401100003943), a total distance of **40.00 feet** to a point on the existing south right-of-way line for said Dublin-Granville Road, being the northwest corner of said 1.355 acre parcel, being the southwest corner of said 2.519 acre parcel, (reference a 1 inch iron pipe found with an EMH&T cap south 0.38 feet and west 0.13 feet from said point), said point being the **TRUE POINT OF BEGINNING** for this description;

Thence **South 86 degrees 42 minutes 05 seconds East**, along the existing right-of-way line for said Dublin-Granville Road, along a north line of said 1.355 acre parcel, and along the south line of said 2.519 acre parcel, a distance of **24.94 feet** to a northerly corner of said 1.355 acre parcel, being a southerly corner of said 2.519 acre parcel, (reference a 1 inch iron pipe found with an EMH&T cap north 0.11 feet and west 0.09 feet from said point);

Thence **South 76 degrees 23 minutes 47 seconds East**, continuing along the existing south right-of-way line for said Dublin-Granville Road, along a north line of said 1.355 acre parcel, along a south line of said 2.519 acre parcel, a distance of **111.80 feet** to a northerly corner of said 1.355 acre parcel, being a southerly corner of said 2.519 acre parcel, (reference a 1 inch iron pipe found with an EMH&T cap north 0.10 feet and 0.08 feet west of said point);

Thence **North 86 degrees 42 minutes 05 seconds West**, across said 1.355 acre parcel, a distance of **134.95 feet** to an iron pin set on the west line of said 1.355 acre parcel, being on the east line of said 2.37 acre parcel;

Thence **North 03 degrees 20 minutes 28 seconds East**, along the west line of said 1.355 acre parcel, along the east line of said 2.37 acre parcel a distance of **20.00 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total area of **0.037 acres**, of which 0.000 acres lies within the present road occupied, within Franklin County Auditor's parcel number 273-012462.

The bearings herein are based on the Ohio State Plane Coordinate System (South Zone) as per NAD 83 (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.

Iron pins set are 5/8 inch diameter by 30 inch long rebar with caps stamped "Structurepoint-PS 8438".

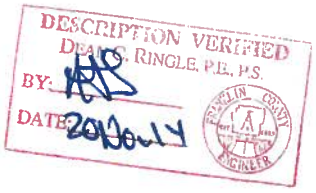
This description was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438 on November 12, 2014 based on an actual survey performed in the field by American Structurepoint, Inc. and is true and correct to the best of my knowledge.

American Structurepoint, Inc.

Brian P. Bingham
Registered Professional Surveyor No. 8438

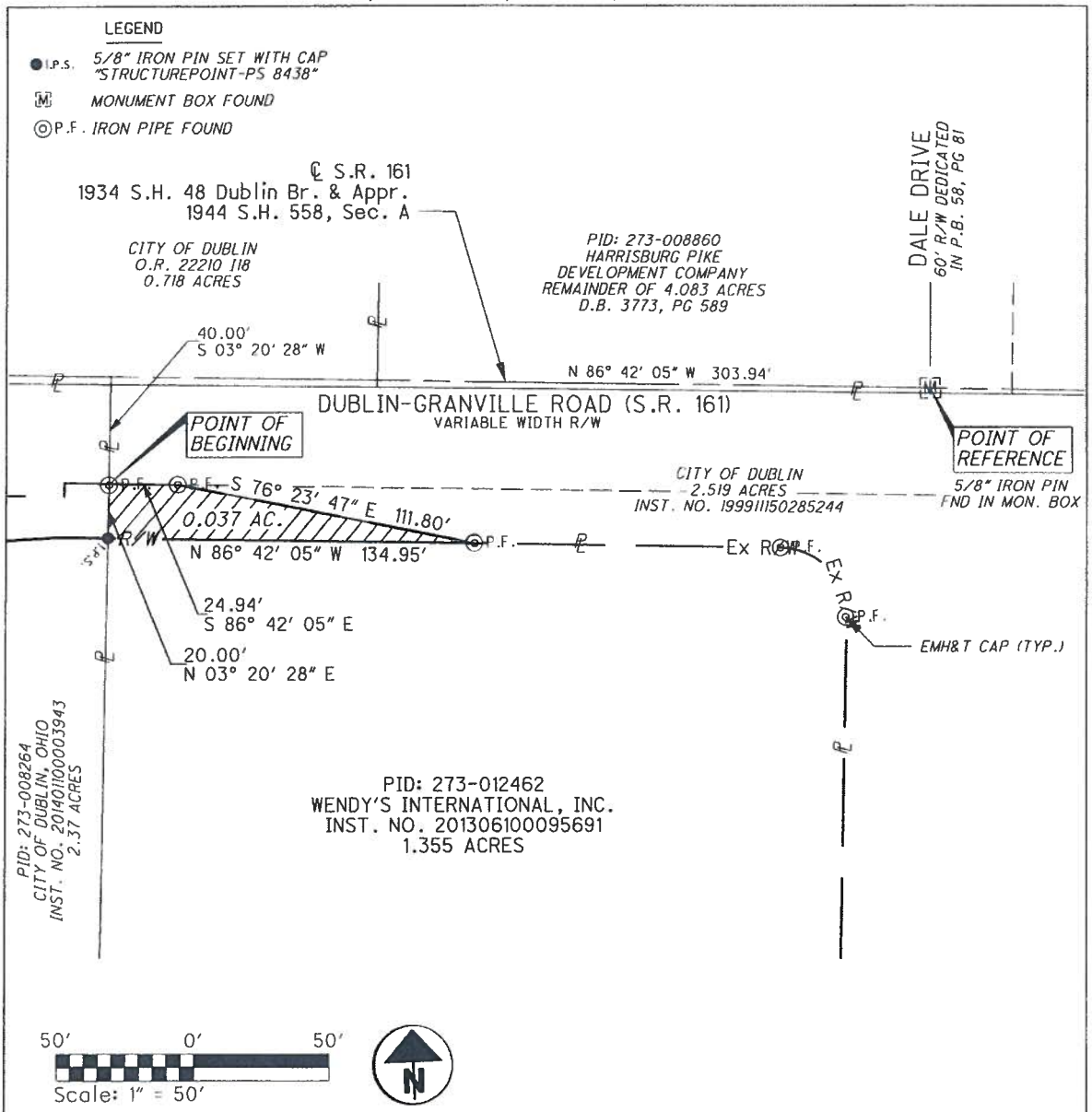
11/20/2014
Date

0-69-A
Split
0.037 acre
out of
(273)
12462



PROJ. NO: 2007.00175 DRAWN BY: BPB CHECKED BY: MTL PAGE 1 OF 1	AMERICAN STRUCTUREPOINT INC. 2550 CORPORATE EXCHANGE DR, STE 300 COLUMBUS, OH 43231 TEL 614.901.2235 FAX 614.901.2236 www.structurepoint.com	EXHIBIT "B" 0.037 ACRES RIGHT-OF-WAY ACQUIRED FROM WENDY'S INTERNATIONAL DUBLIN, OHIO

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF DUBLIN, LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 19, UNITED STATES MILITARY LANDS.



BASIS OF BEARING:

THE BEARINGS HEREIN ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM SOUTH ZONE AS PER NAD 83 (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.

I HEREBY CERTIFY THAT:
THIS DRAWING REPRESENTS THE RESULTS OF AN ACTUAL FIELD SURVEY OF THE PREMISES PERFORMED BY AMERICAN STRUCTUREPOINT, INC. IN MARCH-APRIL OF 2013. THIS DRAWING IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STATE OF OHIO
BRIAN P. BINGHAM
8438
REGISTERED
PROFESSIONAL SURVEYOR

BRIAN P. BINGHAM, P.S. NO. 8438
AMERICAN STRUCTUREPOINT, INC.

11/20/2014
DATE

CITY OF DUBLIN, OHIO
DESCRIPTION OF A 0.006 ACRE UTILITY EASEMENT
ACQUIRED FROM WENDY'S INTERNATIONAL, INC.

Situated in the State of Ohio, County of Franklin, City of Dublin, being located in Quarter Township 3, Township 2, Range 19, United States Military Lands, and being a part of that 1.355 acre parcel described in a deed to **Wendy's International, Inc.**, of record in Instrument Number 201306100095691, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at an iron pin set at the intersection of the proposed south right-of-way line for Dublin-Granville Road (State Route 161) and the west line of said 1.355 acre parcel, being on the east line of a 2.37 acre parcel described in a deed to City of Dublin, Ohio, of record in Instrument Number 201401100003943;

Thence across said 1.355 acre parcel along the following three (3) described courses:

1. **South 86 degrees 42 minutes 05 seconds East**, along the proposed south right-of-way line for said Dublin-Granville Road, a distance of **62.84 feet** to a point;

2. **South 82 degrees 02 minutes 53 seconds West**, a distance of **16.29 feet** to a point;

3. **South 89 degrees 00 minutes 29 seconds West**, a distance of **47.01 feet** to a point on the west line of said 1.355 acre parcel, being on the east line of said 2.37 acre parcel;

Thence **North 03 degrees 20 minutes 28 seconds East**, along the west line of said 1.355 acre parcel, along the east line of said 2.37 acre parcel a distance of **6.69 feet** to the **POINT OF BEGINNING**.

The above description contains **0.006 acres** within Franklin County Auditor's parcel number 273-012462.

The bearings herein are based on the Ohio State Plane Coordinate System (South Zone) as per NAD 83 (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.

Iron pins set are 5/8 inch diameter by 30 inch long rebar with caps stamped "Structurepoint-PS 8438".

This description was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438 on February 11, 2015 based on an actual survey performed in the field by American Structurepoint, Inc. and is true and correct to the best of my knowledge.

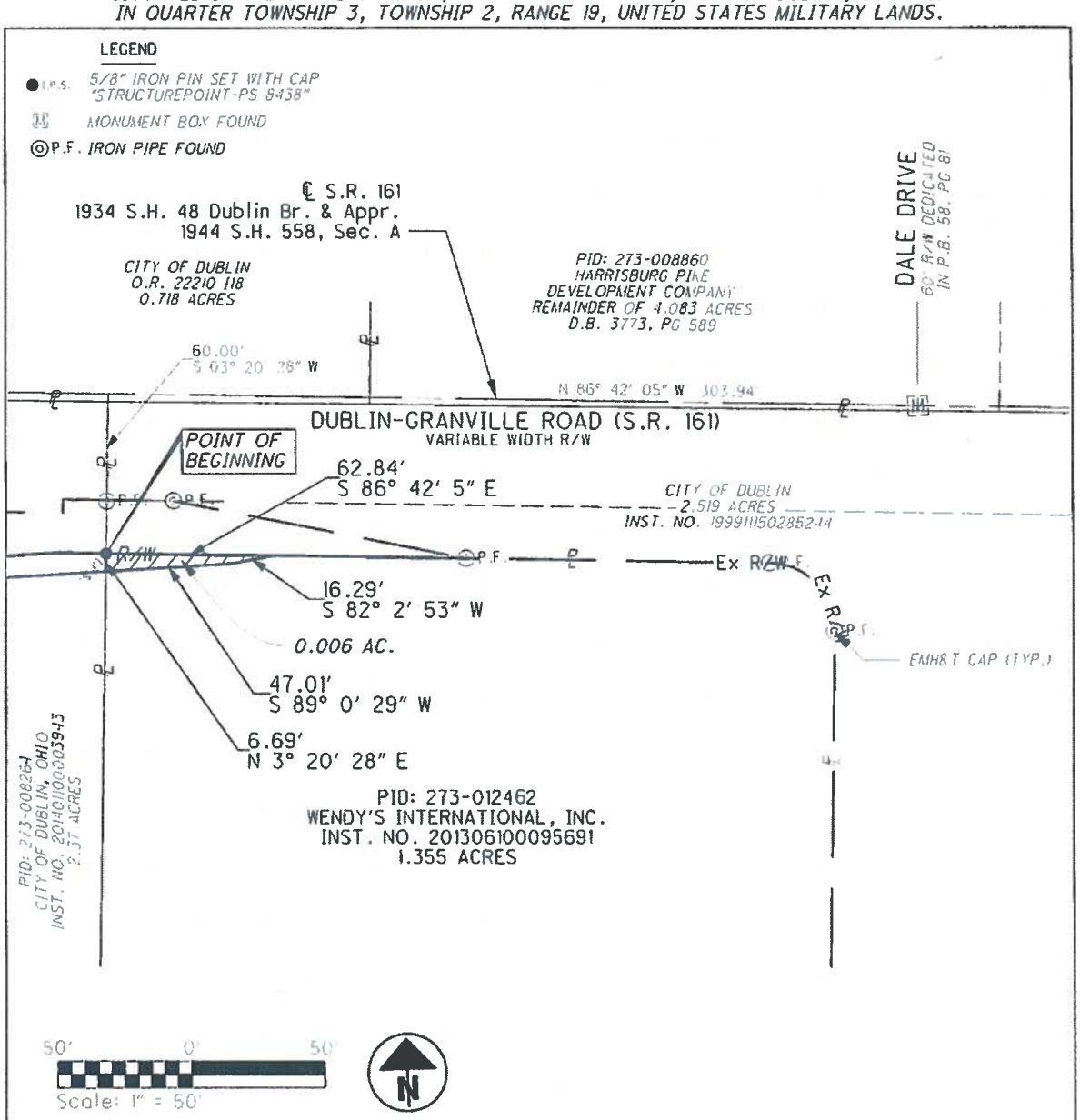
American Structurepoint, Inc.

Brian P. Bingham
Registered Professional Surveyor No. 8438

2/11/2015
Date

PROJ. NO: 2007.00175 DRAWN BY: BPB CHECKED BY: MTL PAGE 1 OF 1	AMERICAN STRUCTUREPOINT INC 2550 CORPORATE EXCHANGE DR, STE 300 COLUMBUS, OH 43231 TEL 614.901.2235 FAX 614.901.2236 www.structurepoint.com	EXHIBIT "B" 0.006 ACRES UTILITY EASEMENT ACQUIRED FROM WENDY'S INTERNATIONAL DUBLIN, OHIO

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF DUBLIN, LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 19, UNITED STATES MILITARY LANDS.



BASIS OF BEARING:

THE BEARINGS HEREIN ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM SOUTH ZONE AS PER NAD 83 (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.

I HEREBY CERTIFY THAT:
THIS DRAWING REPRESENTS THE RESULTS OF AN ACTUAL FIELD SURVEY OF THE PREMISES PERFORMED BY AMERICAN STRUCTUREPOINT, INC. IN MARCH-APRIL OF 2013. THIS DRAWING IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STATE OF OHIO
BRIAN P. BINGHAM
8438
REGISTERED
PROFESSIONAL SURVEYOR

2/4/2015
BRIAN P. BINGHAM, P.S. NO. 8438 — DATE
AMERICAN STRUCTUREPOINT, INC.

CITY OF DUBLIN, OHIO
DESCRIPTION OF A 0.047 ACRE TEMPORARY EASEMENT
ACQUIRED FROM WENDY'S INTERNATIONAL, INC.

Situated in the State of Ohio, County of Franklin, City of Dublin, being located in Quarter Township 3, Township 2, Range 19, United States Military Lands, and being a part of that 1.355 acre parcel described in a deed to **Wendy's International, Inc.**, of record in Instrument Number 201306100095691, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at the northwest corner of said 1.355 acre parcel, being located on the existing south right-of-way line for Dublin-Granville Road (S.R. 161), and being the southwest corner of a 2.519 acre parcel described in a deed to City of Dublin, of record in Instrument Number 199911150285244, and being on the east line of a 2.37 acre parcel described in a deed to City of Dublin, Ohio, of record in Instrument Number 201401100003943;

Thence **South 03 degrees 20 minutes 28 seconds West**, along the west line of said 1.355 acre parcel, along the east line of said 2.37 acre parcel, (passing at a distance of 20.00 feet an iron pin set on the proposed south right-of-way line for said Dublin-Granville Road), a total distance of **26.69 feet** to a point on the south line of a proposed utility easement, said point being the **TRUE POINT OF BEGINNING** for this description;

Thence **North 89 degrees 00 minutes 29 seconds East**, across said 1.355 acre parcel, along the south line of said proposed utility easement, a distance of **47.01 feet** to a point;

Thence **North 82 degrees 02 minutes 53 seconds East**, continuing across said 1.355 acre parcel, continuing along the south line of said proposed utility easement, a distance of **16.29 feet** to a point on the proposed south right-of-way line for said Dublin-Granville Road;

Thence **South 86 degrees 42 minutes 05 seconds East**, continuing across said 1.355 acre parcel, along the proposed south right-of-way line for said Dublin-Granville Road, (passing at a distance of 72.11 feet a north corner of said 1.355 acre parcel, being a south corner of said 2.519 acre parcel, and being on the existing south right-of-way line for said Dublin-Granville Road, and continuing along the existing south right-of-way line for said Dublin-Granville Road and the north line of said 1.355 acre parcel), a total distance of **186.15 feet** to a point of curvature;

Thence along the arc of a curve to the right, along the existing south right of way line for said Dublin-Granville Road, along a northeast line of said 1.355 acre parcel , along a southwest line of said 2.519 acre parcel, said curve having a radius of **25.00 feet**, a central angle of **90 degrees 00 minutes 00 seconds** and an arc length of **39.27 feet** to a point of tangency, said curve being subtended by a long chord having a bearing **South 41 degrees 42 minutes 05 seconds East** and a length of **35.36 feet**;

Thence **South 03 degrees 17 minutes 55 seconds West**, along the existing west right-of-way line for Dale Drive, along the east line of said 1.355 acre parcel, along the west line of said 2.159 acre parcel, a distance of **9.15 feet** to a point;

Thence across said 1.355 acre parcel along the following nine (9) described courses:

1. **North 86 degrees 42 minutes 05 seconds West**, a distance of **4.00 feet** to a point;

2. **North 03 degrees 17 minutes 55 seconds East**, a distance of **9.15 feet** to a point of curvature:

3. Along the arc of a curve to the left, said curve having a radius of **21.00 feet**, a central angle of **90 degrees 00 minutes 00 seconds** and an arc length of **32.99 feet** to a point of tangency, said curve being subtended by a long chord having a bearing of **North 41 degrees 42 minutes 05 seconds West** and a length of **29.70 feet**;

4. **North 86 degrees 42 minutes 05 seconds West**, a distance of **17.56 feet** to a point;

5. **South 78 degrees 56 minutes 34 seconds West**, a distance of **32.27 feet** to a point;

6. **North 86 degrees 42 minutes 05 seconds West**, a distance of **64.73 feet** to a point;

7. **North 70 degrees 31 minutes 38 seconds West**, a distance of **28.72 feet** to a point;

8. **North 86 degrees 42 minutes 05 seconds West**, a distance of **55.58 feet** to a point;

9. **South 77 degrees 52 minutes 11 seconds West**, a distance of **54.25 feet** to a point on the west line of said 1.355 acre parcel, being on the east line of said 2.37 acre parcel;

Thence **North 03 degrees 20 minutes 28 seconds East**, along the west line of said 1.355 acre parcel, along the east line of said 2.37 acre parcel, a distance of **11.74 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total area of **0.047 acres**, of which 0.000 acres lies within the present road occupied, within Franklin County Auditor's parcel number 273-012462.

The bearings herein are based on the Ohio State Plane Coordinate System (South Zone) as per NAD 83 (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.

Iron pins set are 5/8 inch diameter by 30 inch long rebar with caps stamped "Structurepoint-PS 8438".

This description was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438 on April 23, 2015 based on an actual survey performed in the field by American Structurepoint, Inc. and is true and correct to the best of my knowledge.

American Structurepoint, Inc.

_____ _____

Brian P. Bingham
Registered Professional Surveyor No. 8438

Date