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:** August 18, 2016

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

**Re:** Ordinance 33-16 – Vacating 0.069 Acres, More or Less, of Dale Drive as a Public Road in the City of Dublin, County of Franklin, State of Ohio.

## BACKGROUND

The City of Dublin (the "City") owns the property located on Dale Drive, identified as Franklin County parcel number 273-008242, as depicted in the attached Exhibit A (the "Property"). Now that the construction of the new Central Ohio Transit Authority ("COTA") Park and Ride facility is completed on this site, and pursuant to a real estate exchange agreement with COTA, the City is finalizing the transfer of the southern 0.815 acres of the Property to COTA to move a Park and Ride in the Bridge Street District. The new COTA facility at this site is scheduled to begin operation on September 5 of this year.

Section 3.02(A)(4) of the Real Estate Exchange Agreement between the City and COTA states, in pertinent part, that the City covenants and agrees "[t]o vacate, a small portion of right of way adjacent to the southwest corner of this City Parcel as deemed necessary by the mutual approval of the Parties . . . ."

As you will notice on the attached exhibit, the right-of-way line includes a notch at the southwest corner of the Property that extends well into the Property, though this 0.069-acre portion is not encumbered with any public roadway or related City improvements. As part of the previous agreement between the City and COTA, and recognizing that the notch was not needed by the City as right-of-way, the City agreed to vacate this 0.069-acre portion of excess Dale Drive right-of-way; the vacated portion would then be added to the Property prior to its transfer to COTA.

The separate ordinance to vacate the 0.069-acre portion of the right-of-way is required by Franklin County to record the vacation. It is also necessary to comply with the City's agreement with COTA and creates a consistent right-of-way line that conforms to the naturally existing landscape and development of the Property.

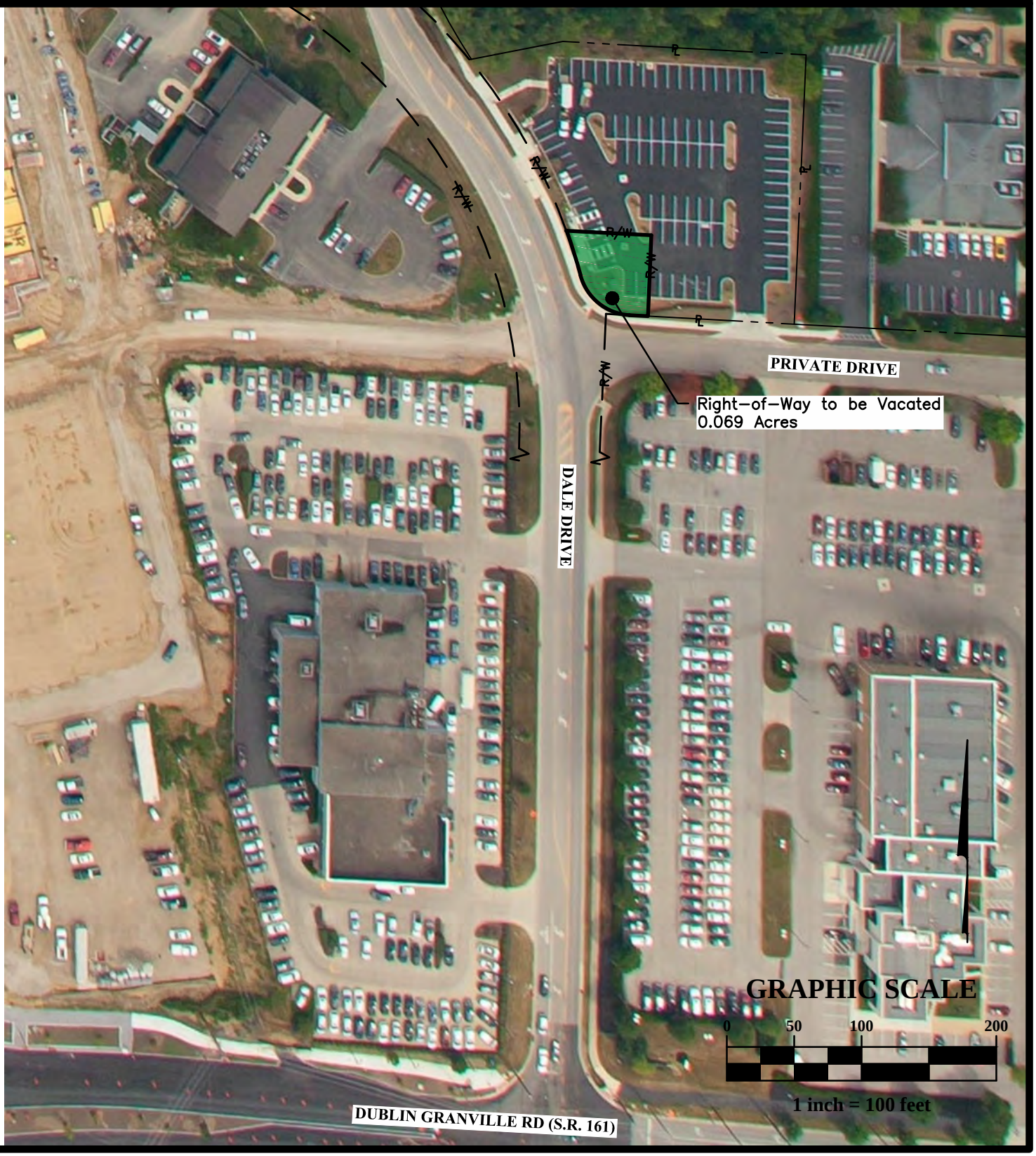
## RECOMMENDATION

Staff recommends approval of Ordinance 33-16 at the second reading/public hearing on September 12, 2016.

EMH&T
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

# CITY OF DUBLIN, FRANKLIN COUNTY, OHIO
## EXHIBIT
## FOR
# DALE DRIVE COTA PARK & RIDE
## RIGHT-OF-WAY

| DATE: August 17, 2016 | JOB NO. 2014-0588 | SCALE: As Noted |
|---|---|---|

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EMH&T
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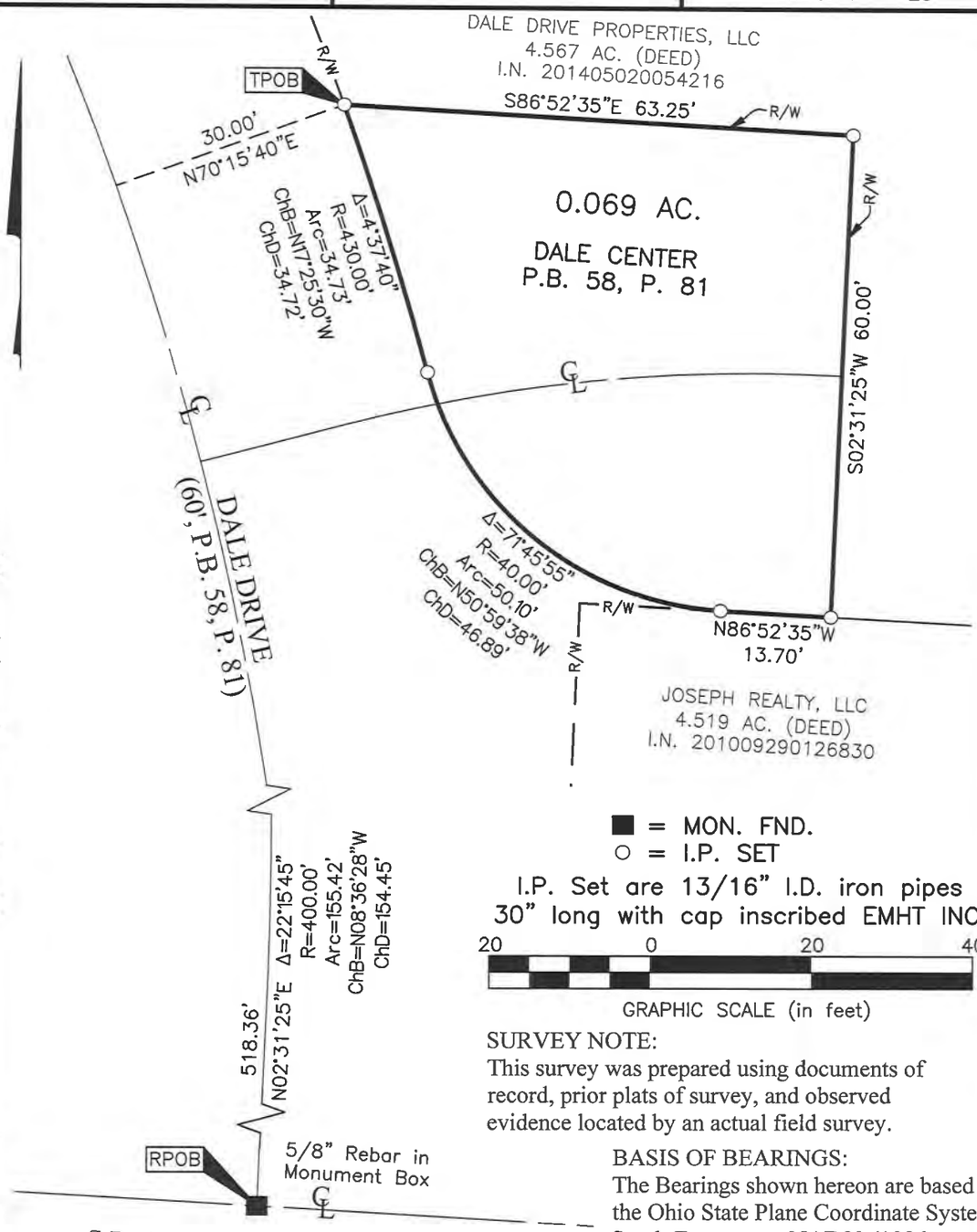
# SURVEY OF ACREAGE PARCEL

## QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 19
## UNITED STATES MILITARY LANDS
## CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO

| Date: October 20, 2015 | Job No. 2014-0588 | Scale: 1" = 20' |
|---|---|---|




■ = MON. FND.
○ = I.P. SET

I.P. Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.

20 0 20 40
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.

STATE OF OHIO
JOSHUA M. MEYER
S-8485
REGISTERED
PROFESSIONAL SURVEYOR

By _____ 10-20-2015
Joshua M. Meyer — Date
Professional Surveyor No. 8485

J:\20140588\DWG\04SHEETS\BOUNDARY\20140588-VS-BNDY-01.DWG plotted by KING, BRANDON on 10/20/2015 10:10:18 AM last saved by BKING on 10/20/2015 10:09:46 AM
Xrefs:

**0.069 ACRE**

Situated in the State of Ohio, County of Franklin, City of Dublin, lying in Quarter Township 3, Township 2, Range 19, United States Military Lands, and being part of Dale Drive (60 feet wide, as dedicated in Plat Book 58, Page 81), (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 5/8 inch rebar found in a monument box at the intersection of the centerline of Survey, Construction and Right-of-way of State Route 161 (right-of-way width varies) as shown on Right-of-way Plan FRA-161-4.77, on file with the Ohio Department of Transportation, District 6, Delaware Ohio, with the centerline of Dale Drive (60 foot right-of-way width) as dedicated in Plat Book 58, Pages 81 and 82;

Thence North 02° 31' 25" East, with the centerline of said Dale Drive, a distance of 518.36 feet to a point of curvature;

Thence continuing with said centerline, with a curve to the left, having a central angle of 22° 15' 45", a radius of 400.00 feet, an arc length of 155.42 feet, and a chord that bears North 08° 36' 28" West, a chord distance of 154.45 feet to a point;

Thence North 70° 15' 40" East, across said Dale Drive, a distance of 30.00 feet to an iron pin set on the arc of a curve, in the easterly right-of-way line thereof, a southwesterly corner of that 4.567 acre tract conveyed to Dale Drive Properties, LLC by deed of record in Instrument Number 201405020054216, being the TRUE POINT OF BEGINNING;

Thence South 86° 52' 35" East, with the existing right-of-way line of said Dale Drive, with a southerly line of said 4.567 acre tract, a distance of 63.25 feet to an iron pin set;

Thence South 02° 31' 25" West, continuing with said existing right-of-way line, with a westerly line of said 4.567 acre tract, a distance of 60.00 feet to an iron pin set in the northerly line of that 4.519 acre tract conveyed to Joseph Realty, LLC by deed of record in Instrument Number 201009290126830;

Thence North 86° 52' 35" West, continuing with said existing right-of-way line, with said northerly line, a distance of 13.70 feet to an iron pin set at a point of curvature;

Thence across said Dale Drive, with the arc of a curve to the right, having a central angle of 71° 45' 55", a radius of 40.00 feet, an arc length of 50.10 feet, a chord bearing of North 50° 59' 38" West and chord distance of 46.89 feet to an iron pin set at a point of reverse curvature;

Thence continuing across said Dale Drive, with the arc of a curve to the left, having a central angle of 04° 37' 40", a radius of 430.00 feet, an arc length of 34.73 feet, a chord bearing of North 17° 25' 30" West and chord distance of 34.72 feet to the TRUE POINT OF BEGINNING, containing 0.069 acre, more or less, of which all 0.069 acre lies within the present right-of-way of Dale Drive.

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 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.

0-69-A
New Entry
0.069
acre
Adj to
(273)
8242

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Registered Surveyor Number 8485 in April 2013 and April 2014.

STATE OF OHIO
JOSHUA M. MEYER
S-8485
REGISTERED
PROFESSIONAL SURVEYOR

EVANS, MECHWART, HAMBLETON & TILTON, INC.

10-20-2015

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:bk
0_069 ac 20140588-VS-BNDY-01.doc

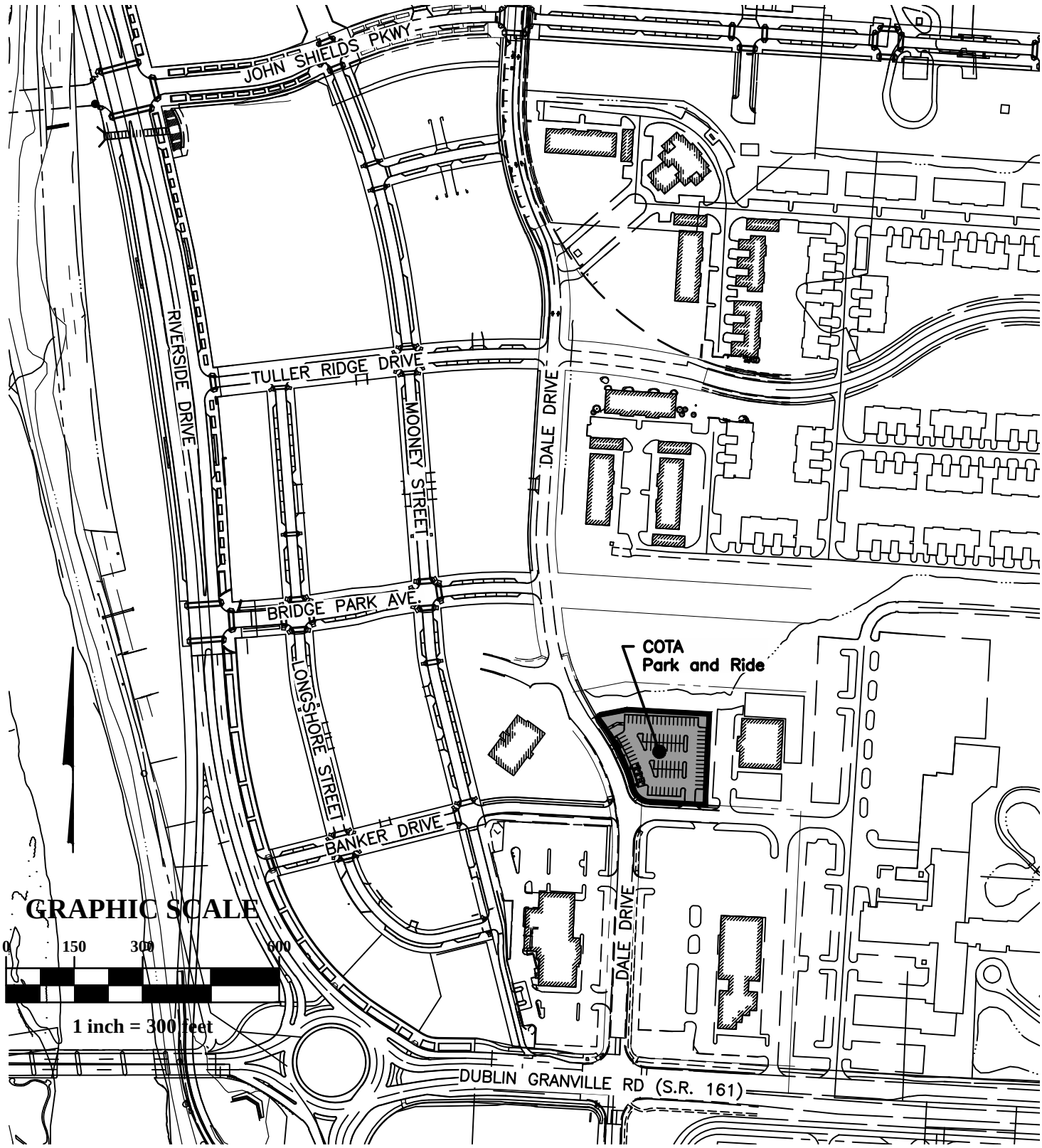
DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E., P.S.
BY: [signature]
DATE: 21 Oct 15
FRANKLIN COUNTY ENGINEER

EMH&T
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

CITY OF DUBLIN, FRANKLIN COUNTY, OHIO

# EXHIBIT
FOR
# DALE DRIVE COTA PARK AND RIDE
## LOCATION MAP

| DATE: August 17, 2016 | JOB NO. 2014-0588 | SCALE: As Noted |
|---|---|---|

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# RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

*Ordinance No.* 33-16 *Passed* _____, 20____

**AN ORDINANCE VACATING 0.069 ACRES, MORE OR LESS, OF DALE DRIVE AS A PUBLIC ROAD IN THE CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO.**

**WHEREAS,** the City of Dublin (the "City") owns 4.57 acres of property located on Dale Drive, which is identified as Franklin County Parcel No. 273-008242 (the "Property"), and it is necessary to vacate a portion of Dale Drive to facilitate development of the Bridge Street District; and

**WHEREAS,** the City pursuant to Ordinance 40-15 entered into a real estate exchange agreement (the "Agreement") with Central Ohio Transit Authority to move the COTA Park and Ride; and

**WHEREAS,** the City in the Agreement agreed to exchange 0.815 acres from the southern portion of the Property and additionally to vacate a 0.069-acre portion of Dale Drive right of way, which is described in the attached Exhibit A and depicted in the attached Exhibit B, and is located at the southwest corner of the Property; and

**WHEREAS**, this portion of Dale Drive was dedicated to the City pursuant to the "Dale Center" plat in 1981, Plat Book 58, Page 81; and

**WHEREAS**, the County requires a separate City ordinance specific to the vacation in order to record the vacation; and

**WHEREAS**, Ohio Revised Code Section 723.04 enables municipalities to vacate streets or any part thereof where such vacation will not be detrimental to the general interest; and

**WHEREAS**, in order to effectuate a term of the Agreement and for purposes of recording the vacation with the Franklin County Recorder's Office, the City seeks to pass this Ordinance; and

**WHEREAS**, Council is satisfied that there is good cause for the vacation of this portion of Dale Drive and hereby determines that the vacation of the 0.069-acre portion of Dale Drive will not be detrimental to the general public interest.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

**Section 1.** Council hereby declares that good cause exists for the vacation of this portion of Dale Drive, and that such vacation will not be detrimental to the public health, safety, or welfare.

**Section 2.** The 0.069 acres, more or less, of existing Dale Drive right-of-way located at the southwest corner of the property owned by the City of Dublin, in the City of Dublin, County of Franklin, State of Ohio, and more fully described and depicted in the attached Exhibits A and B is hereby vacated.

**Section 3.** The City of Dublin hereby retains the entire 0.069-acre vacated portion, which shall merge into Franklin County Parcel No. 273-008242.

**Section 4.** The Clerk of Council is directed to notify the Auditor of Franklin County of said vacation by forwarding a copy of this Ordinance.

**Section 5.** 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 take any other actions as may be appropriate to implement this Ordinance.

**Section 6.** This Ordinance shall take effect in accordance with 4.04(b) of the Dublin Revised Charter.

Passed this _____day of _____, 2016.

_____
Mayor – Presiding Officer

ATTEST:

_____
Clerk of Council