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:** November 3, 2016

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

**Re:** Resolution 57-16
A RESOLUTION OF INTENT TO APPROPRIATE A 0.078-ACRE, MORE OR LESS, PERMANENT EASEMENT FROM 495 METRO PLACE LLC, LOCATED ON METRO PLACE SOUTH, FOR THE PUBLIC PURPOSE OF CONSTRUCTING A PUBLIC SHARED-USE PATH AND RELATED IMPROVEMENTS.

## BACKGROUND

The City of Dublin (the "City") is preparing to construct the Smiley Park shared-use path project, which will include the construction of a shared-use path and related public improvements connecting to Smiley Park (the "Project"). The City is obtaining easements from various landowners to construct the Project.

This Project requires that the City acquire a permanent easement from 495 Metro Place LLC (the "Grantor") from the property located on Metro Place South, identified as Franklin County Parcel Number 273-004289.

City staff has been in discussions with the Grantor and hopes to reach an amicable agreement for the acquisition of the easement; however, this Resolution begins the eminent domain process in the event that negotiations are unsuccessful.

## ACQUISITION

The appropriation consists of a 0.078-acre, more or less, permanent easement.

## RECOMMENDATION

Staff recommends approval of Resolution 57-16 at Council's November 7, 2016 meeting as approval of the Resolution will keep the Project moving forward.

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 57-16 Passed _____, 20____

**A RESOLUTION OF INTENT TO APPROPRIATE A 0.078-ACRE, MORE OR LESS, PERMANENT EASEMENT FROM 495 METRO PLACE LLC, LOCATED ON METRO PLACE SOUTH, FOR THE PUBLIC PURPOSE OF CONSTRUCTING A PUBLIC SHARED-USE PATH AND RELATED IMPROVEMENTS.**

**WHEREAS,** the City of Dublin (the "City") is preparing to construct the Smiley Park shared-use path project, which will include the construction of a shared-use path and related public improvements connecting to Smiley Park (the "Project"); and

**WHEREAS,** the Project requires that the City obtain a permanent easement from 495 Metro Place LLC as described in the attached Exhibit A and depicted in the attached Exhibit B, said property interest located in the City of Dublin, County of Franklin, State of Ohio.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Dublin, Delaware, Franklin, and Union Counties, State of Ohio, _____ of the elected members concurring that:

**Section 1.** Council considers it necessary and declares its intention to appropriate, for the public purpose of constructing a public shared-use path and related public improvements, a permanent easement, as described in the attached Exhibit A and depicted in the attached Exhibit B.

**Section 2.** The City Manager is hereby authorized to cause written notice of the passage of this Resolution to be served upon the owner(s) and person(s) in possession or having an interest of record in the property described in the attached Exhibit A and depicted in the attached Exhibit B, and this notice shall be served according to law.

**Section 3.** This Resolution shall take effect upon adoption in accordance with 4.04(a) of the Dublin Revised Charter.

Passed this _____day of _____, 2016.

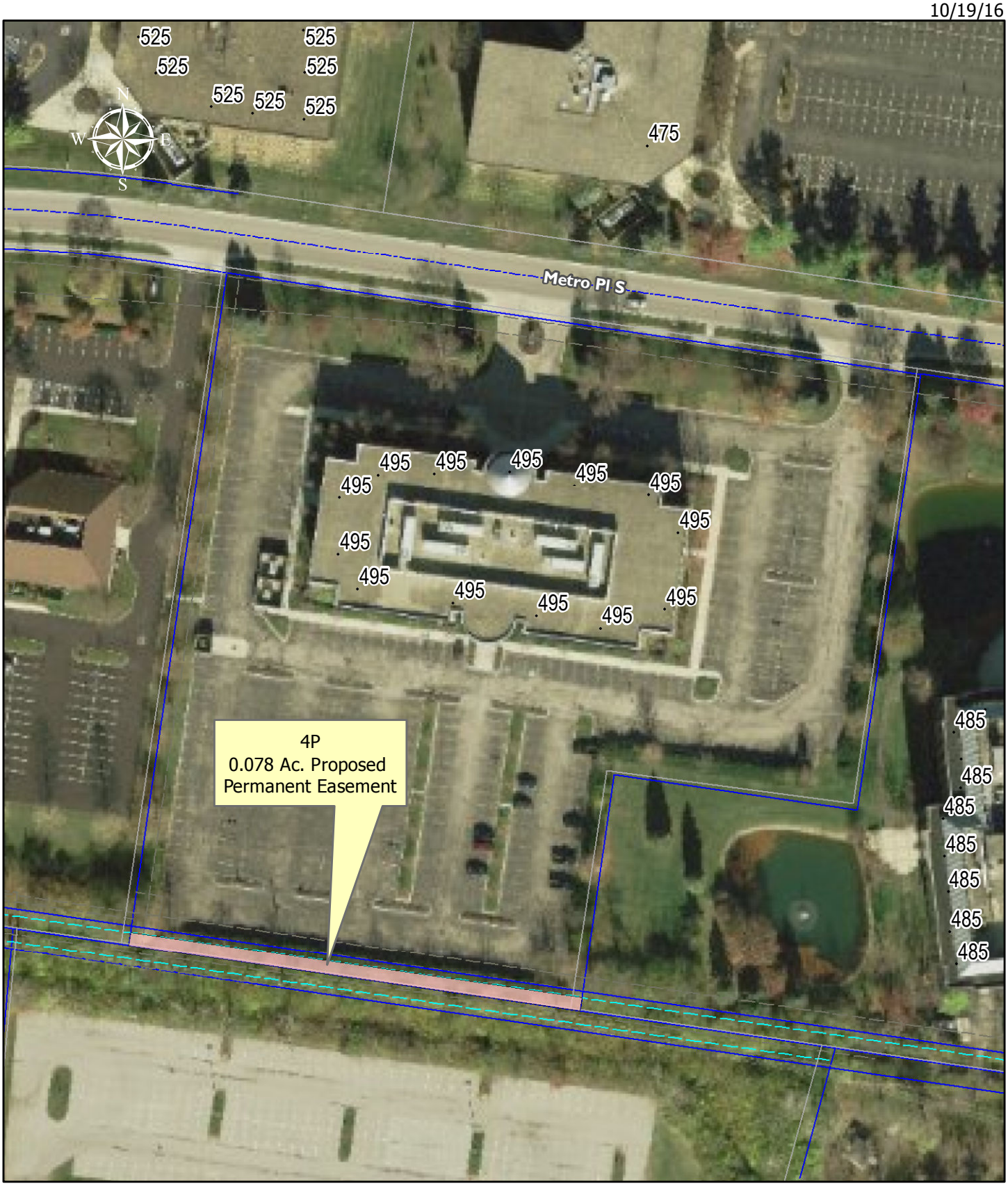
_____
Mayor – Presiding Officer

ATTEST:

_____
Clerk of Council

# Permanent Easement for Shared-Use Path, Utilities, Storm Drainage and Grading

10/19/16




City of Dublin
OHIO, USA

495 Metro Place, LLC
495 Metro Place South
Dublin, OH 43017

PID: 273-004289

0 50 100 200
Feet

**Parcel 4P**

**Exhibit A**
Permanent Easement
for
Shared-Use Path, Utilities, Storm Drainage, and Grading

Situated in the State of Ohio, County of Franklin, City of Dublin, and being a part of a 5.382 acre tract conveyed to **495 Metro Place LLC** by Instrument #200807140107611, all records herein are from the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

**Beginning** at a 5/8" diameter pin with a cap that reads "7911PS" on the southwest corner of said 5.382 acre tract;

Thence, North 08°18'14" East, a distance of 10.00 feet along the west line of said 5.382 acre tract to a point;

Thence, South 81°42'32" East, a distance of 341.43 feet crossing and to the east line of said 5.382 acre treact;

Thence, South 08°18'14" West, a distance of 10.00 feet along the east line and to the south line of said 5.382 acre tract;

Thence, North 81°42'32" West, a distance of 341.43 feet along the south line of said 5.382 acre tract to the **Point of Beginning** containing **0.078 acres**, more or less, subject to legal highways, easements, leases and restriction of record and of records in the respective utility offices.

The bearings described herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network.

The described tract is a part of Auditor's Tax Parcel Number 273-004289-00 and is based on Instrument #200807140107611.

I hereby certify this description was based field survey conducted by CW Design Group, LLC under my guidance in May 2016 and to the best of my knowledge depicts the boundary lines.

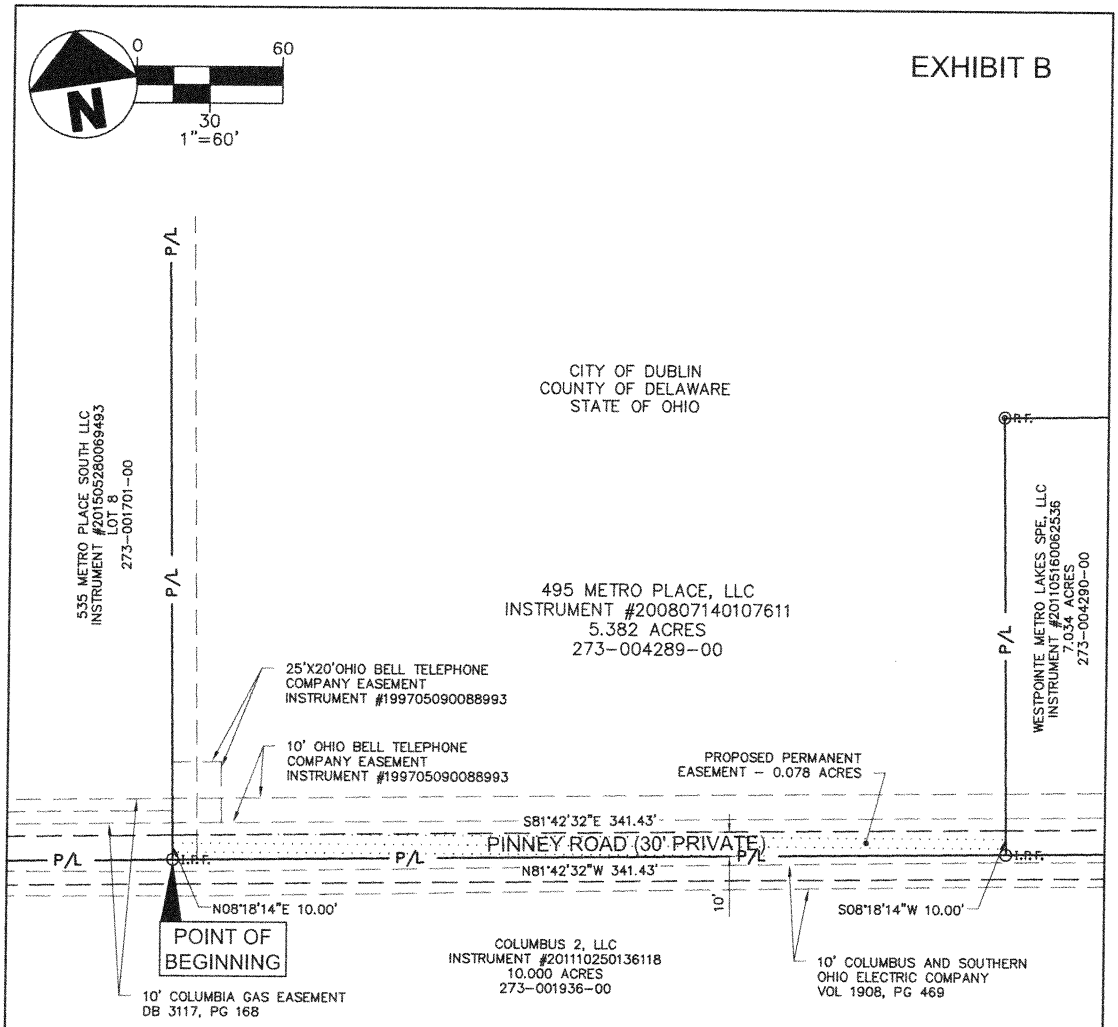
CW Design Group, LLC

Charles A. Wagner - Professional Surveyor 8091

08/09/2016
Date

STATE OF OHIO
CHARLES A WAGNER 8-8091
REGISTERED
PROFESSIONAL SURVEYOR

EXHIBIT B




BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS PLAT ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (2011).

HEREBY CERTIFY THIS PLAT WAS BASED FIELD SURVEY CONDUCTED BY CW DESIGN GROUP, LLC UNDER MY GUIDANCE IN MAY 2016 AND TO THE BEST OF MY KNOWLEDGE DEPICTS THE BOUNDARY LINES.

08/09/2016
DATE

CHARLES A. WAGNER, PS-8091
CW DESIGN GROUP, LLC

STATE OF OHIO
CHARLES A. WAGNER
S-8091
REGISTERED
PROFESSIONAL SURVEYOR


CW Design Group
ENGINEERS | SURVEYORS
PHONE: 614-846-9279
972 Linkfield Drive
Worthington, Ohio 43085


# PARCEL 4P

## PERMENANT EASEMENT FOR SHARED-USE PATH, UTILITIES, STORM DRAINAGE AND GRADING

15-0021

1/1

[cw design group] D:\CWDG\Project\2015\150021\Drawing\Parcel04P.dwg August 09, 2016 4:59pm