

**To:** Members of Dublin City Council

**From:** Dana L. McDaniel, City Manager

**Date:** June 8, 2017

**Initiated By:** Terry Foegler, Director of Strategic Initiatives/Special Projects  
Angel Mumma, Director of Finance  
Phillip Hartmann, Assistant Law Director

**Re:** Ordinance Nos. 38-17 and 39-17 relating to the extension of Bridge Park Avenue

## Background

The developer of the Bridge Park project, Crawford Hoying Development Partners, has presented a proposal to the City of Dublin wherein the developer would construct and extend an important segment of Bridge Park Avenue in exchange for four parcels of real estate currently owned or controlled by the City of Dublin. Ordinance No. 38-17 authorizes the City Manager to enter into a "Real Estate Transfer Agreement and an Infrastructure Agreement" with Crawford Hoying, which together establish the terms and conditions under which this exchange and the construction of Bridge Park Avenue segment would occur. Two of the four parcels require the vacation of existing right-of-way, thus creating the need for Ordinance No. 39-17.

The Bridge Street District Street Network Plan provides for a grid network of roadways that will substantially increase the levels of roadway connectivity within the Bridge Street District. The Plan classifies a series of important internal streets as "District Connector Streets" (DCS), which play a vital role enhancing internal District circulation and connectivity to the many planned "Neighborhood Streets," which form the primary grid. The recently completed section of John Shields Parkways is an example of one such District Connector Street, as is a current segment of roadway to its south within the Bridge Park project known as "Bridge Park Avenue." It is the extension of Bridge Park Avenue from its current terminus at Dale Drive eastwardly to existing Shamrock Boulevard that is the roadway improvement contemplated within the Real Estate Transfer Agreement and the Infrastructure Agreement authorized by Ordinance No. 38-17.

## Summary of Agreements

Ordinance No. 38-17 authorizes the City Manager to execute two separate but interrelated agreements. The "Real Estate Transfer Agreement" establishes the terms and conditions under which four parcels of land would be transferred from the City of Dublin to Crawford Hoying and the design and pricing for the Bridge Park Avenue segment.

**The Real Estate:** The First parcel (identified as "B" on the attached Exhibit 1) is the site of the former Wendy's restaurant and located at the southeast corner of SR 161 and Riverside Drive (for which Crawford Hoying already has a first purchase option established within the Bridge Park Development Agreement). This site includes approximately one acre and, because of the access limitations posed by its adjacency to the roundabout, it needs to secure a vehicular access from an adjacent parcel upon any redevelopment of the site. The agreement makes provision to require the securing of the needed access easement. The City purchased the former Wendy's site (both building and land) in 2013 for \$2.0 million, to provide the additional right-of-way needed for the

construction of the SR 161 and Riverside Drive roundabout (the appraisals acknowledged the significant negative impacts the new roadway improvement would have on any residual land). The restaurant building has been demolished, the roundabout has been built, and the residual land area has been reduced from 2.37 acres (1.92 minus the present road occupied) to approximately one acre.

The second transfer parcel ("A" on the attached Exhibit 1) includes an approximately 2.0 acres residual from a larger 4.57 acres tract purchased by the City in 2016 (owned by the Dale Drive Properties). The purchase was undertaken in order to accommodate the new COTA Park and Ride site on Dale Drive, to provide the right-of-way needed for the now completed extension of Dale Drive (for its connection north to Tuller Road), as well as to provide the right-of-way needed for the future extension of Bridge Park Avenue from Dale Drive to the east. The City acquired the 4.57 acre site as a result of a settlement agreement for \$1.2 million. After the City's rights-of-way and the COTA Park and Ride sites are removed from this tract, the approximate 2.0 acre residual parcel would front the south side of Bridge Park Avenue, at the southeast corner of its intersection with Dale Drive. This portion of the Dale Drive Properties' parcel has some additional limitations posed by utilities and drainage swales located thereon.

The other two parcels consist all or in part of dedicated right-of-way, and would only be developable if assembled and made part of a larger adjacent tract(s). These therefore require that the existing right-of-way be formally vacated by the City before the underlying ownership can be transferred. Parcel C (see Exhibit 1) is a .3 acre island located at the southeast corner of the intersection of SR 161 and Dale Drive, and is bounded on its south by Sharp Lane (which serves as a frontage access road along the south side of SR 161 in this area). A Crawford Hoying affiliate owns the abutting Shoppes at River Ridge property. This island of land was purchased by the City in the 1990s as part of the larger SR 161 reconstruction project and the costs are not known. The final parcel, identified as Parcel D on the attached Exhibit 1, is a .39 acre residual of land adjacent to Sycamore Ridge Apartments that resulted from the creation of the new "T" intersection at Tuller Ridge Drive and Dale Drive when the Dale-Tuller connector was constructed in 2015. The .39 acre tract was purchased by the City in 2015 for \$120,079 as a negotiated settlement of appropriation (and the value of negative impacts on the remaining parent tract were a part of this negotiated price). The property to the immediate west of this site (on the other side of Dale Drive) is owned by a Crawford Hoying affiliate.

**Bridge Park Avenue Extension:** In December 2014, Dublin City Council authorized the purchase of 2.282 acres of land from Wendy's International for the future extension of Bridge Park Avenue along the northern property line of Wendy's corporate headquarters. Although not a part of the current land exchange with Crawford Hoying, the purchase of this strip of land by the City from Wendy's International, and the acquisition from Dale Drive Properties to its west, had assembled all of the additional right-of-way needed for the future extension of Bridge Park Avenue from Dale Drive to Shamrock Boulevard (see Exhibit 1). This missing section of roadway is an important segment of this District Connector Street within the Bridge Street District because once constructed, this extension will provide another important east-west roadway through the full extent of the eastern portion of the Bridge Street District. It will provide direct, signalized connectivity to both Riverside Drive and Sawmill Road. Again, it is the construction of this extension of Bridge Park Avenue that Crawford Hoying is proposing to perform in exchange for the four City-owned parcels as highlighted on Exhibit 1.

Like the Dale Drive-Tuller Drive connector referred to above, it is important to note that under the terms of these agreements, the proposed Bridge Park Avenue roadway would be built to an "interim" level of finish. Effectively, this means the improvement would include a two-lane asphalt roadway, with a surface drainage system and a multipurpose path and temporary lighting. The on-street parking with permeable pavers, granite curbs, brick sidewalks, a dedicated cycle track, formal landscape beds and Bridge Street District lighting fixtures would not be included in the initial construction. The roadway design, however, is being undertaken in anticipation of these desired permanent level improvements so that as little reconstruction as possible will be needed when the full build out of the roadway is triggered in the future. It is anticipated that these final enhancements would occur in conjunction with (and likely at least funded in part by the TIF proceeds from) a future private development project fronting this roadway. In any event, the initial improvements will provide important enhancements to the vehicular, pedestrian and bicycle connectivity and access for the area.

From the developer's (Crawford Hoying's) perspective, they approached the City about the possibility of the proposed land for improvements exchange not only for the four parcels of land (two of which have very limited development potential), but because they view the added accessibility to its Bridge Park project as being significantly enhanced by the proposed roadway extension.

**Financial Considerations:** The construction drawings for the Bridge Park Avenue extension are complete, pending City approval. The estimated hard construction cost for the project is \$1,715,000, with a total estimated cost of \$2,192,550, including design fees and contingency. Under the terms of the agreements authorized by Ordinance No. 38-17, Crawford Hoying assumes all of the risk for construction cost escalation, other than for those items the City might choose to add to the scope of the construction. The developer agrees to perform all of the agreed upon design and construction work in exchange for title to the four parcels depicted in Exhibit 1.

The Administration and legal staff believe that the value of the land parcels being exchanged for the improvement is less than the cost of designing and constructing this important roadway connection (and therefore less than the value of the proposed roadway improvement). Only two of the sites have meaningful near term development potential. For the two sites that do have development potential, the former Wendy's restaurant site had a land value of \$784,000 per acre at the time of its acquisition in 2013 by the City; however, the site's development potential has been significantly impaired by both its reduction in size and the severe access limitation that now exists due to the new roundabout. It is clear, for example, the site is no longer suitable for a traditional fast food restaurant site, which was an attribute that helped establish its previous high per acre value. Although purchased as part of a settlement agreement, the value of Parcel A, the two acre residual of the Dale Drive Properties, based upon the per acre allocation of the City's actual purchase price, would be approximately \$525,000.

The other two right-of-way affected parcels are not developable by themselves (and would likely have very little market value), and reflect far more speculative purchases by the developer. The former Sycamore Ridge residual was purchased for \$120,000, although damage to the remaining apartment project site figured into that final compensation. As noted earlier, we have no readily accessible record of the purchase cost of parcel D, but again, due to its lack of current development potential would likely have a low fair market value.

Although we believe it overvalues the current market value for two of the parcels, the total purchase price of the three recently acquired parcels would reflect a City cost as follows:

Parcel A Dale Drive Properties	\$525,000
Parcel B Former Wendy's restaurant	\$784,000
Parcel C ROW Shoppes River Ridge (1990s)	
Parcel D ROW Sycamore Ridge Apt.	\$120,000
<b>TOTAL</b>	<b>\$1,429,000</b>

Just considering the full cost of the three recent City acquired properties (as opposed to their actual market value), and assigning some modest value to the Parcel C right-of-way, it seems clear that the cost of the proposed Bridge Park Avenue extension is significantly greater than the value of these four parcels (which are currently idle City land assets). Additionally, the Bridge Park Avenue roadway extension provides a meaningful enhancement to the overall roadway connectivity and circulation within this portion of the District, and does not utilize any of the City's financial resources in order to implement this beneficial public improvement. The agreements generally follow the normal City provisions, which require provisions such as competitive bidding and the payment of prevailing wages, but specify that the developer deposit the project's construction funds with the City of Dublin (at the time of land transfer), with those funds being released by the City as progress payments toward completed construction.

**Other Considerations:** Another term of the Infrastructure Agreement provides for the renaming to Bridge Park Avenue of those two existing segments of roadways, which will connect with the new Bridge Park Avenue extension at its eastern terminus. Those roadway segments (as identified on Exhibit 1) include portions of Shamrock Boulevard and Village Parkway. No abutting property addresses would be impacted by this name change, and it would improve way finding in this area to utilize a single name for this roadway from Riverside Drive to Sawmill Road. If the current street names remained in place, the continuous roadway would have three different names in Dublin, and a fourth name (Federated Boulevard) on the west side of Sawmill Road.

### **Recommendation**

The Administration recommends that, after holding a public hearing and a second reading at its June 26, 2017 meeting, City Council approve both Ordinances 38-17 and 39-17, authorizing the execution of both the Real Estate Transfer Agreement and Infrastructure Agreement, which establish the terms and conditions for a needed extension of Bridge Park Avenue and for the transfers of four real estate parcels as contemplated therein, as well as authorizing the necessary vacation of rights-of-way needed to accomplish these real estate transfers.

The agreements facilitating the proposed extension of Bridge Park Avenue from Dale Drive to Shamrock Boulevard will, if implemented;

- provide an important missing segment of a Bridge Street District "Connector Street," thereby enhancing vehicular, pedestrian, and bicycle accessibility within the District;
- enable the roadway improvement at no monetary cost to the City of Dublin by converting several idle City-owned real estate assets to needed public infrastructure;
- result in the funding and the construction of a valuable roadway improvement project, the cost of which exceeds the value of City-owned land assets being transferred.

**AN ORDINANCE VACATING 0.30 ACRES, MORE OR LESS, OF A PORTION OF A PUBLIC STREET LOCATED EAST OF DALE DRIVE AND SOUTH OF SR 161 AND 0.39 ACRES, MORE OR LESS, OF A PORTION OF A PUBLIC STREET LOCATED NORTH OF TULLER RIDGE DRIVE AND OF NEW DALE DRIVE IN THE CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO**

**WHEREAS**, the City of Dublin (the "City") owns 0.30 acres, more or less, and 0.39 acres, more or less, as described and depicted in Exhibit "A" and Exhibit "B" that is no longer needed for use as a publicly dedicated street; and

**WHEREAS**, Crawford Hoying Development Partners LLC (the "Developer") owns property in the immediate vicinity thereto and desires to enter into a Real Estate Land Transfer Agreement and an Infrastructure Agreement (the "Agreements") with the City to build Bridge Park Drive from Dale Drive to Village Parkway in exchange for, *inter alia*, the described real property herein; and

**WHEREAS**, the 0.30 acres, more or less, was dedicated to the City pursuant to the " plat in , Plat Book , Page OR via instrument no. recorded in the Franklin County Recorder's Office; and

**WHEREAS**, the 0.39 acres, more or less, was dedicated to the City pursuant to the " plat in , Plat Book , Page OR via instrument no. recorded in the Franklin County Recorder's Office; 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 the Agreements and for purposes of recording 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 the herein described 0.30 and 0.39 acres, more or less, and hereby determines that the vacation of a portion of these streets 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 0.39 acres, more or less, portion of Tuller Ridge Drive, and that such vacation will not be detrimental to the public health, safety, or welfare.

Section 2. The 0.39 acre, more or less, which is a portion of Tuller Ridge Drive right-of-way and is located just west and in the immediate vicinity of property owned by the Developer, 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 Developer hereby owns Franklin County Parcel No. No. 273-012471 consisting of acres, more or less and the 0.039-acre vacated portion, shall have its own new Parcel No. as established by the Franklin County or as otherwise may be accomplished.

Section 4. The 0.30 acre, more or less, which is a portion of Sharp Lane right-of-way and is located just north and in the immediate vicinity of property owned by the Developer, 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 5. The Developer hereby owns Franklin County Parcel No. 273-008269 consisting of 12.685 acres, more or less, and the 0.030-acre vacated portion, shall have

its own new Parcel No. \_\_\_\_\_ as established by the Franklin County as otherwise may be accomplished.

Section 6. The Clerk of Council is directed to notify the Auditor of Franklin County of said vacation by forwarding a copy of this Ordinance.

Section 7. 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.

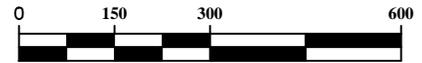
Section 8. This Ordinance shall take effect in accordance with 4.04(b) of the Dublin Revised Charter.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor – Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of Council



Horizontal: 1 inch = 300 feet

0.39 AC

0.27 AC

### Right of Way Areas To Be Vacated

# EMHT

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