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: May 3, 2018

Initiated By: Paul A. Hammersmith, P.E., Director of Engineering / City Engineer
Jean-Ellen Willis, P.E., Engineering Manager – Transportation
Phillip K. Hartmann, Assistant Law Director

Re: **Ordinance 38-18 - Acquisition of Right-of-Way and Easements Tuttle Crossing Boulevard Extension and Avery Road Improvements (13-013-CIP) - Gage Crossing II, LLC**

Background

The City of Dublin ("City") intends to construct the Tuttle Crossing Boulevard Extension and Avery Road Improvements project (the "Project"), which is an extension of Tuttle Crossing Boulevard from its current terminus at Wilcox Road to Avery Road, and includes improvements along Avery Road, Wilcox Road, Rings Road, Cara Road, and Cara Court, as shown in the attached Figure 1, Project Overview Map. In the 2018-2022 Capital Improvements Program (CIP), site acquisition is programmed in 2017-2018 and utility relocation, construction, and landscaping programmed in 2019. The construction is expected to span two years and may be delayed, as described below.

The Project includes the construction of a four-lane boulevard with curb and gutter, shared-use path, sidewalk, street lights, a multi-use tunnel, and landscaping. Currently, the Project is planned to be funded through service payments from the Rings/Frantz Tax Increment Financing district (TIF), an advance from the General Fund, City of Columbus contribution of $2,800,000, private developer contributions of $492,800, and a $7,000,000 grant through the Mid-Ohio Regional Planning Commission (MORPC) attributable funding. However, a $3,800,000 gap in funding still exists. Coordination is occurring with MORPC to understand if there is a balance between additional regional funding, and delaying their contribution. This could result in a better funding scenario for construction in years 2020-2021.

The Project requires the acquisition of property interests from multiple property owners on Tuttle Crossing Boulevard, Avery Road, Wilcox Road, Rings Road, Cara Road, and Cara Court.

Acquisition

The property acquisition consists of the following property interests from the named property owners, which for the acquisition will be donated, as depicted in the map attached hereto:

Property Owner	Property Interests and Acreage	Auditor Parcel ID Number	Acquisition Price
Gage Crossing II, LLC (Parcel 14A - East side of Avery Road approx. 1500 feet south of Cara Road)	0.007 acre R/W, 0.068 acre Standard Highway Easement, 0.363 acre Channel Easement, 0.012 Sewer Easement	010-297198	Donated

The acquisition consists of fee simple interest for public right-of-way, without limitation of existing access rights. The details regarding the property acquisition are as follows:

Gage Crossing II, LLC: The City, having participated in good faith discussions with the Grantor through the development process which led to the execution of an Infrastructure Agreement, requested a donation of the needed property interests. As a result, Council adopted Ordinance No. 03-18 at their February 12, 2018 meeting, which authorized the City Manager to execute the Infrastructure Agreement. In the Infrastructure Agreement, Paragraph 5 requires the Grantor (Gage Crossing II, LLC) to donate, at no cost, all of these property interests. The property is located on the east side of Avery Road, approximately 1500-feet south of Cara Road, and is referred to as Parcel 14A in the Project.

The Ordinance authorizes the City Manager to execute all necessary conveyance documents and contracts to formally acquire the necessary property interest from the property owners.

The remaining properties involved with the project will involve separate legislation to appropriate the necessary property interests.

Recommendation

Staff recommends adoption of Ordinance No. 38-18 at the second reading/public hearing on May 21, 2018, as this ordinance authorizes the City Manager to execute all necessary conveyance and contract documents to formally accept the necessary property interest described above.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 38-18 *Passed* _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AND ACCEPT NECESSARY CONVEYANCE DOCUMENTS AND CONTRACTS TO ACQUIRE A 0.007-ACRE FEE SIMPLE WARRANTY DEED FOR RIGHT-OF-WAY; A 0.068-ACRE STANDARD HIGHWAY EASEMENT; A 0.363-ACRE CHANNEL EASEMENT; AND A 0.012-ACRE SEWER EASEMENT FROM GAGE CROSSING II, LLC, LOCATED AT 5314 AVERY ROAD APPROXIMATELY 1500 FEET SOUTH OF CARA ROAD FOR THE PUBLIC PURPOSE OF CONSTRUCTING A NEW ROADWAY WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE.

WHEREAS, the City of Dublin (the "City") is preparing to construct the Tuttle Crossing Boulevard Extension and Avery Road Improvements project (the "Project"); and

WHEREAS, the Project requires that the City obtain a fee simple warranty deed for public right-of-way, without limitation of existing access rights, a standard highway easement, a channel easement, and a sewer easement from the parcel identified as Franklin County parcel number 010-297198-00, owned by Gage Crossing II, LLC (the "Grantor"), as described in the attached Exhibits A and depicted in the attached Exhibits B; and

WHEREAS, the City, through its acquisition agent for the Project, and the Grantor participated in good faith discussions and the Grantor has agreed to donate the necessary property interest at no cost to the City; and

WHEREAS, the City desires to execute and accept necessary documents to complete the transaction between the City and the Grantors.

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

Section 1. The City Manager is hereby authorized to execute and accept all necessary documents to acquire a 0.007-acre fee simple warranty deed for public right-of-way, without limitation of existing access rights; a 0.068-acre standard highway easement; a 0.363-acre channel easement; and a 0.012-acre sewer easement from Gage Crossing II, LLC, said property interest located within the parcel identified as Franklin County parcel number 010-297198-00, and more fully described and depicted in the attached Exhibits A and B.

Section 2. 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 without further legislation being required.

Section 3. This Ordinance shall take effect in accordance with 4.04(b) of the Dublin Revised Charter.

Passed this _____day of _____, 2018.

_____
Mayor – Presiding Officer

ATTEST:

_____
Clerk of Council

11
Angelo J. Dallas

16
Ilija Karanfilov and
Danise Karanfilov

15 City of Dublin

14B
Gage Crossing LLC

14A
Gage Crossing II LLC

14
City of Columbus

11
Angelo J. Dallas

13
Edwards Avery Road LLC

LEGEND

City of Dublin Corp Limit

Proposed Right-of-Way

Permanent Easement

Temporary Easement

Channel Easement

03-013-CIP
Tuttle Crossing Boulevard Extension and Avery Road Widening, Phase 1

City of Dublin
OHIO, USA

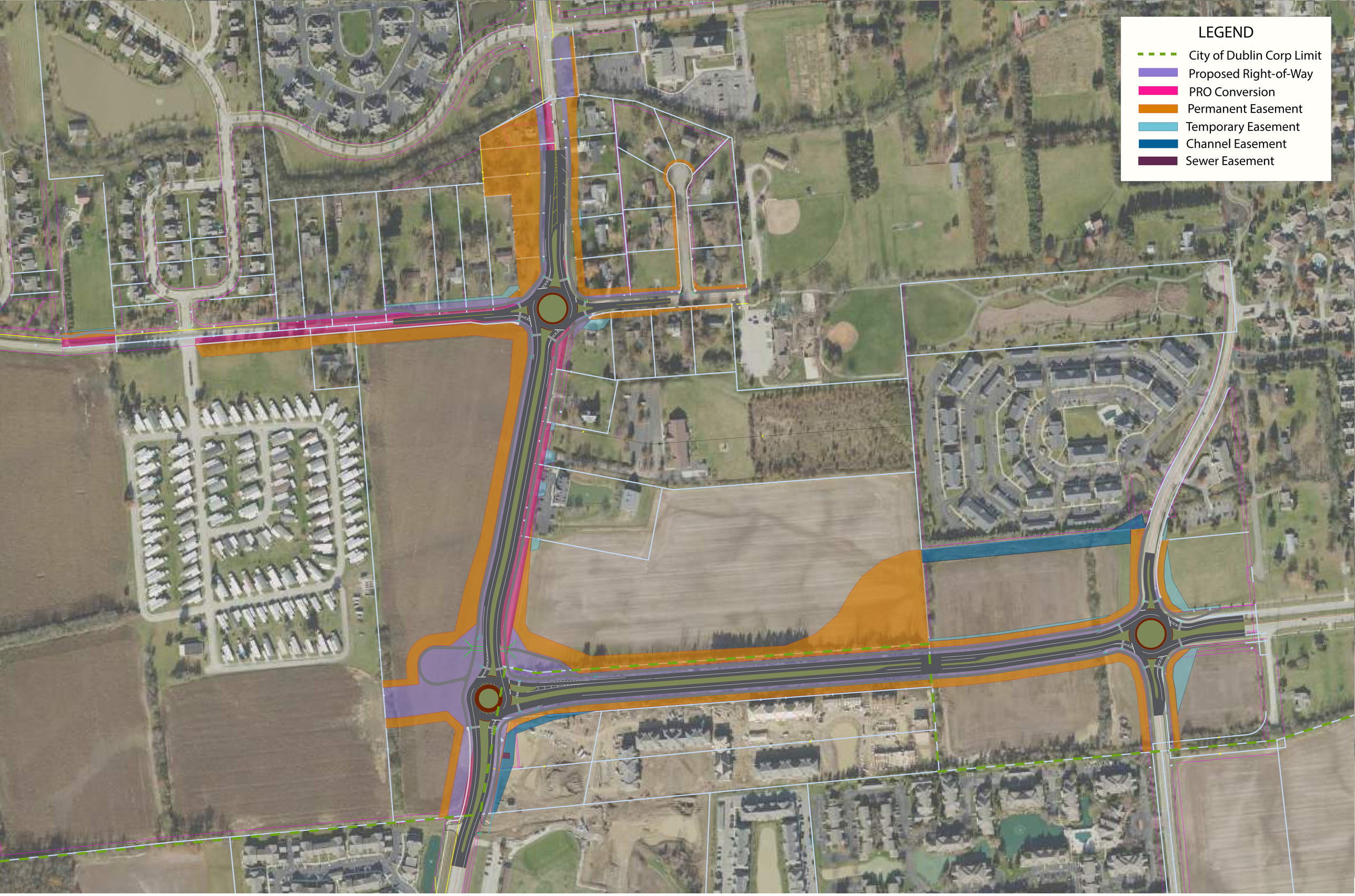

Figure 1: Project Overview Map
13-013-CIP Tuttle Crossing Boulevard Extension and Avery Road Widening Project, Phase 1

EXHIBIT A

LPA RX 851 WD

Rev. 06/09

Ver. Date 05/03/2017

PID 99815

PARCEL 14A-WD
TUTTLE CROSSING BOULEVARD AND AVERY ROAD IMPROVEMENTS
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF DUBLIN, OHIO, LOCATED IN FRANKLIN COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Columbus, and being located in Virginia Military Survey Number 3004, and being part of that 2.717 acre tract described in a deed to **Gage Crossing II LLC**, of record in Instrument Number 201702220024905, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, being a parcel on the right side of the proposed centerline of construction for Avery Road, being on the right side of the proposed centerline of construction for Tuttle Crossing Boulevard, both as delineated on the centerline plat for Tuttle Crossing Boulevard and Avery Road Improvements, of record in Plat Book _____, Page _____, said parcel being more particularly bounded and described as follows:

Commencing for reference at Franklin County Geodetic Survey monument number 1934, said monument being at the intersection of the existing centerline of right-of-way for Rings Road and the existing centerline of right-of-way for Avery Road (south), and said monument being 46.11 feet right of Avery Road proposed centerline of construction Station 126+41.19;

Thence **South 10 degrees 44 minutes 47 seconds West**, along the existing centerline of right-of-way for Avery Road, a distance of **1,538.44 feet** to a MAG nail set at the northwest corner of that 0.674 acre tract described in a deed to City of Columbus, Ohio, of record in Instrument Number 201403100033684, being the southwest corner of that 6.057 acre tract described in a deed to City of Dublin, Ohio, of record in Instrument Number 200605190097737, said MAG nail being on the southeast line of that 22.624 acre tract described in deed to Angelo J. Dallas, or his successor, as Trustee under the Angelo J. Dallas Trust Agreement dated May 17, 1996 (One-half Interest), of record in Instrument Number 199804100085905, and Dolores D'Amico, Valerie M. Scheel and Jodelle M. D'Amico, as Trustees under the Dolores D'Amico Family Trust (aka Dolores D'Amico Trust) dated February 13, 2002 (One-half Interest), of record in Instrument Number 200407130162385, and said MAG nail being 6.00 feet right of Avery Road propose centerline of construction Station 111+00.92;

Thence **South 79 degrees 15 minutes 13 seconds East**, along the northeast line of said 0.674 acre tract and along the southwest line of said 6.057 acre tract, a distance of **60.34 feet** to a northeast corner of said 0.674 acre tract, being a southwest corner of said 6.057 acre tract, (reference a 3/4" iron pipe bearing North 85 degrees 47 minutes 25 seconds East at a distance of 0.81 feet), said point being 66.29 feet right of Avery Road proposed centerline of construction Station 110+98.45;

Thence **North 85 degrees 47 minutes 25 seconds East**, along a northwest line of said 0.674 acre tract and along a southeast line of said 6.057 acre tract, a distance of **20.35 feet** to an iron pin set at the northeast corner of said 0.674 acre tract, being the northwest corner of said 2.717 acre tract, said iron pin being 86.15 feet right of Avery Road proposed centerline of construction Station 111+02.89, and said iron pin being the **TRUE POINT OF BEGINNING** for this description;

Thence **North 85 degrees 47 minutes 25 seconds East**, along the north line of said 2.717 acre tract and along the southeast line of said 6.057 acre tract, a distance of **47.69 feet** to an iron pin set, said iron pin being 62.85 feet right of Tuttle Crossing Boulevard proposed centerline of construction Station 205+23.12;

Thence **South 71 degrees 10 minutes 53 seconds West**, across said 2.717 acre tract, a distance of **52.98 feet** to an iron pin set on the northwest line of said 2.717 acre tract, being on the southeast line of said 0.674 acre tract, said iron pin being 85.58 feet right of Avery Road proposed centerline of construction Station 110+89.07;

Thence **North 10 degrees 44 minutes 47 seconds East**, along the northwest line of said 2.717 acre tract and along the southeast line of said 0.674 acre tract, a distance of **13.83 feet** to the **TRUE POINT OF BEGINNING** for this description.

EXHIBIT A

LPA RX 871 SH

Rev. 06/09

Ver. Date 10/24/2017

PID 99815

PARCEL 14A-SH
TUTTLE CROSSING BOULEVARD AND AVERY ROAD IMPROVEMENTS
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF DUBLIN, OHIO, LOCATED IN FRANKLIN COUNTY, OHIO

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Dublin, Ohio, Located In Franklin County, Ohio, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Columbus, and being located in Virginia Military Survey Number 3004, and being part of that 2.717 acre tract described in a deed to **Gage Crossing II LLC**, of record in Instrument Number 201702220024905, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, being a parcel on the right side of the proposed centerline of construction for Avery Road, being on the right side of the proposed centerline of construction for Tuttle Crossing Boulevard, both as delineated on the centerline plat for Tuttle Crossing Boulevard and Avery Road Improvements, of record in Plat Book _____, Page _____, said parcel being more particularly bounded and described as follows:

Commencing for reference at an iron pin set at the northwest corner of said 2.717 acre tract, being the northeast corner of that 0.674 acre tract described in a deed to City of Columbus, Ohio, of record in Instrument Number 201703100033684, being on the south line of that 6.507 acre tract described in a deed to City of Dublin, Ohio, of record in Instrument Number 200605190097737, said iron pin being 86.15 feet right of Avery Road proposed centerline of construction Station 111+02.89;

Thence **North 85 degrees 47 minutes 25 seconds East**, along the north line of said 2.717 acre tract and along the south line of said 6.057 acre tract, a distance of **47.69 feet** to an iron pin set at the east corner of a proposed right-of-way parcel for Tuttle Crossing Boulevard, said iron pin being 62.85 feet right of Tuttle Boulevard proposed centerline of construction Station 205+23.12, and said iron pin also being the **TRUE POINT OF BEGINNING** for this description;

EXHIBIT A

LPA RX 871 SH

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Thence **North 85 degrees 47 minutes 25 seconds East**, continuing along the north line of said 2.717 acre tract and continuing along the south line of said 6.057 acre tract, a distance of **95.08 feet** to an iron pin set, said iron pin being 75.34 feet right of Tuttle Boulevard proposed centerline of construction Station 206+11.85;

Thence **South 70 degrees 59 minutes 30 seconds West**, across said 2.717 acre tract, a distance of **113.70 feet** to an iron pin set, said iron pin being 124.54 feet right of Avery Road proposed centerline of construction Station 110+81.72;

Thence **South 53 degrees 32 minutes 25 seconds West**, continuing across said 2.717 acre tract, a distance of **57.74 feet** to an iron pin set on the west line of said 2.717 acre tract, being on the east line of said 0.674 acre tract, said iron pin being 78.28 feet right of Avery Road proposed centerline of construction Station 110+23.44;

Thence **North 10 degrees 44 minutes 47 seconds East**, along the west line of said 2.717 acre tract and along the east line of said 0.674 acre tract, a distance of **48.12 feet** to an iron pin set at the southwest corner of said proposed right-of-way parcel, said iron pin being 85.58 feet right of Avery Road proposed centerline of construction Station 110+89.07;

Thence **North 71 degrees 10 minutes 53 seconds East**, across said 2.717 acre tract and along the south line of said proposed right-of-way parcel, a distance of **52.98 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above described standard highway easement contains a total area of **0.068 acres** located within Franklin County Auditor's parcel number 010-297198.

The bearings described herein are based on Grid North as referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

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

The above described standard highway easement was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438 on October 24, 2017, is based on an actual survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

B. P. B.

Brian P. Bingham, PS
Registered Professional Surveyor No. 8438

STATE OF OHIO
BRIAN P. BINGHAM
8438
REGISTERED
PROFESSIONAL SURVEYOR

11/3/2017
Date

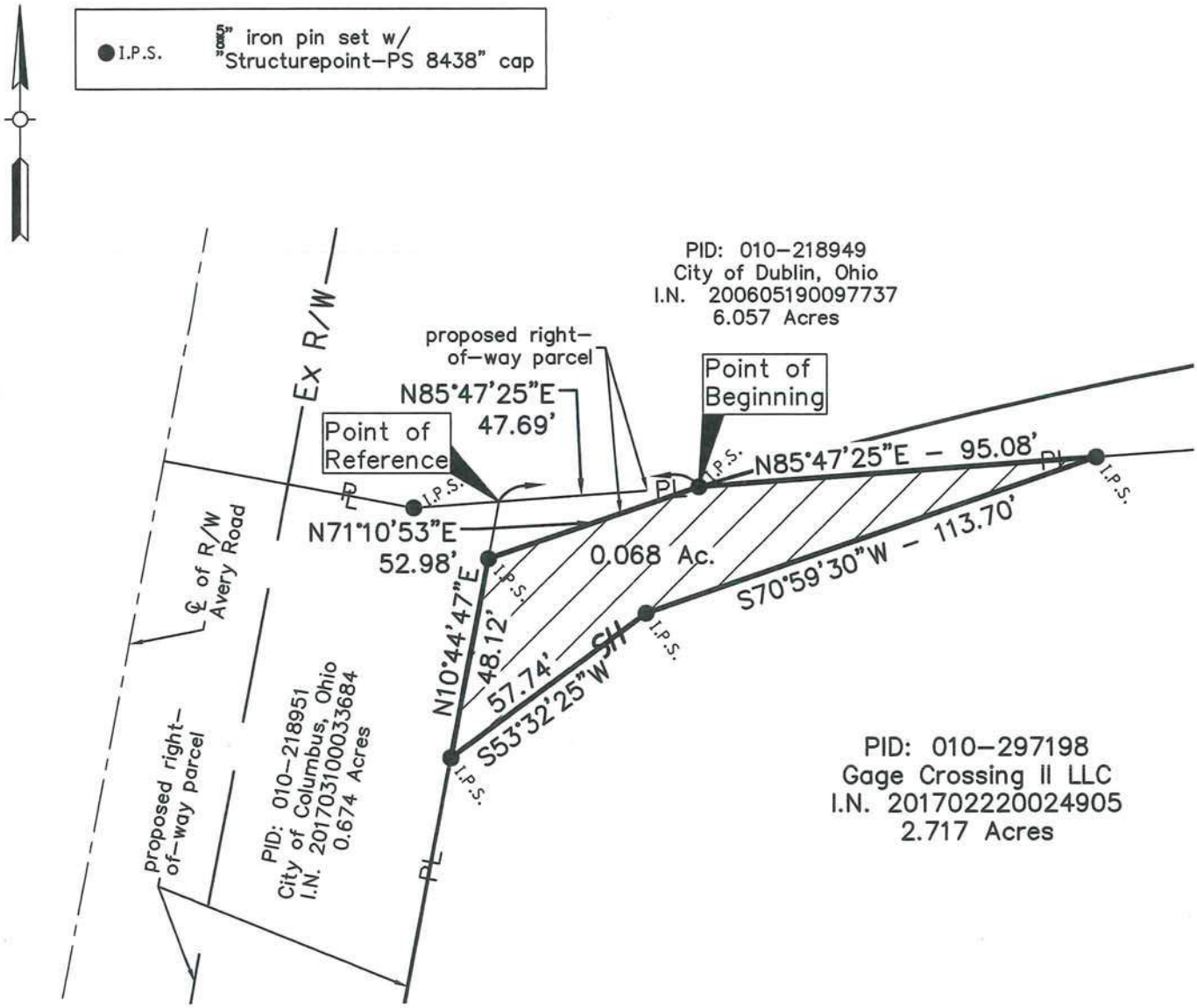
DESCRIPTION VERIFIED
CORNELL R. ROBERTSON, P.E., P.S.
BY: AJS
DATE: 03 Nov 17

0-110-K
Reduce Assessed
Acreage Only
0.068 acre Highway Easement
out of
(010) 297198

City of Dublin, Ohio	AMERICAN STRUCTUREPOINT INC. 2250 Corporate Exchange Drive | Suite 300 Columbus, Ohio 43231 TEL 614.901.2235 | FAX 614.901.2236 www.structurepoint.com	Tuttle Crossing Boulevard Ext. and Avery Road Improvements	Exhibit "B" 0.068 Ac. Standard Highway Easement	Scale: 1" = 40'	Parcel 14A-SH Sheet 1 of 1
				Drawn By: JBY	
				Checked By: BPB	
				Date: 10/24/2017	
				Job No.: 2012.00760	

Situated in the State of Ohio
County of Franklin, City of Dublin
Virginia Military Survey No. 3004

0 20' 40'
SCALE: 1"=40'



Basis of bearing:
Bearings shown hereon are based on grid north as referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and NGS OPUS solution.

I hereby certify that:
This drawing represents the results of an actual field survey of the premises performed by American Structurepoint. Inc., and is true and correct to the best of my knowledge and belief.

11/3/2017

Brian P. Bingham, P.S. No. 8438 — Date
American Structurepoint, Inc.

STATE OF OHIO
BRIAN P. BINGHAM
8438
REGISTERED
PROFESSIONAL SURVEYOR

PLOT DATE: 10/26/2017 10:46 AM
PLOT SCALE: 1:1 EDIT DATE: 10/26/2017 EDITED BY: JYOUMANS DRAWING FILE: O:\2012\00760\C. Design\FRA\00760\Row\Exhibits\Parcel 14A-SH.dwg

Exhibit B

EXHIBIT A

LPA RX 879 CH

Rev. 06/09

Ver. Date 10/24/2017

PID 99815

PARCEL 14A-CH
TUTTLE CROSSING BOULEVARD AND AVERY ROAD IMPROVEMENTS
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A CHANNEL
IN THE NAME AND FOR THE USE OF THE
CITY OF DUBLIN, OHIO, LOCATED IN FRANKLIN COUNTY, OHIO

A perpetual easement for the construction and maintenance of a perpetual watercourse, ditch, channel or other drainage facility upon the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Columbus, and being located in Virginia Military Survey Number 3004, and being part of that 2.717 acre tract described in a deed to **Gage Crossing II LLC**, of record in Instrument Number 201702220024905, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, being a parcel on the right side of the proposed centerline of construction for Avery Road, being on the right side of the proposed centerline of construction for Tuttle Crossing Boulevard, both as delineated on the centerline plat for Tuttle Crossing Boulevard and Avery Road Improvements, of record in Plat Book _____, Page _____, said parcel being more particularly bounded and described as follows:

Commencing for reference at an iron pin set at the northwest corner of said 2.717 acre tract, being the northeast corner of that 0.674 acre tract described in a deed to City of Columbus, Ohio, of record in Instrument Number 201703100033684, being on the south line of that 6.507 acre tract described in a deed to City of Dublin, Ohio, of record in Instrument Number 200605190097737, said iron pin being 86.15 feet right of Avery Road proposed centerline of construction Station 111+02.89;

Thence **North 85 degrees 47 minutes 25 seconds East**, along the north line of said 2.717 acre tract and along the south line of said 6.057 acre tract, a distance of **142.77 feet** to a point, said point being 75.34 feet right of Tuttle Crossing Boulevard proposed centerline of construction Station 206+11.85, and said point also being the **TRUE POINT OF BEGINNING** for this description;

Thence **North 85 degrees 47 minutes 25 seconds East**, continuing along the north line of said 2.717 acre tract and continuing along the south line of said 6.057 acre tract, a distance of **175.88 feet** to a point, said point being 86.00 feet right of Tuttle Crossing Boulevard proposed centerline of construction Station 207+97.72;

Thence across said 2.171 acre tract along the following four (4) described courses:

EXHIBIT A

LPA RX 879 CH

1. **South 77 degrees 24 minutes 59 seconds West**, a distance of **171.36 feet** to a point, said point being 100.90 feet right of Tuttle Crossing Boulevard proposed centerline of construction Station 206+15.24;

2. **South 69 degrees 23 minutes 09 seconds West**, a distance of **137.08 feet** to a point, said point being 111.90 feet right of Avery Road proposed centerline of construction Station 110+20.69;

3. **South 04 degrees 36 minutes 15 seconds West**, a distance of **111.05 feet** to a point, said point being 103.63 feet right of Avery Road proposed centerline of construction Station 109+24.64;

4. **South 19 degrees 36 minutes 49 seconds West**, a distance of **190.17 feet** to a point on the south line of said 2.717 acre tract, being on the north line of that 30.000 acre tract described in a deed to Edwards Avery Road, LLC, of record in Instrument Number 201701060003068, said point being 75.33 feet right of Avery Road proposed centerline of construction Station 107+57.48;

Thence **South 84 degrees 39 minutes 28 seconds West**, along the south line of said 2.71 acre tract, and along the north line of said 30.000 acre tract, a distance of **16.67 feet** to a point at the southwest corner of said 2.717 acre tract, being the southeast corner of said 0.674 acre tract, said point being 60.04 feet right of Avery Road proposed centerline of construction Station 107+51.41;

Thence **North 10 degrees 44 minutes 47 seconds East**, along the west line of said 2.717 acre tract, and along the east line of said 0.674 acre tract, a distance of **205.03 feet** to a point at the southwest corner of a proposed sewer easement, said point being 60.20 feet right of Avery Road proposed centerline of construction Station 109+40.79;

Thence across said 2.71 acre tract along the following three (3) described courses:

1. **South 87 degrees 47 minutes 42 seconds East**, along the south line of said proposed sewer easement, a distance of **28.00 feet** to a point at the southeast corner of said proposed sewer easement, said point being 88.20 feet right of Avery Road proposed centerline of construction Station 109+41.12;

2. **North 02 degrees 12 minutes 18 seconds East**, along the east line of said proposed sewer easement and along a line perpendicular to the previous course, a distance of **20.00 feet** to a point at the northeast corner of said proposed sewer easement, said point being 88.20 feet right of Avery Road proposed centerline of construction Station 109+58.88;

3. **North 87 degrees 47 minutes 42 seconds West**, along the north line of said proposed sewer easement and along a line perpendicular to the previous course, a distance of **25.00 feet** to a point on the west line of said 2.717 acre tract, being on the east line 0.674 acre tract, said point being the northwest corner of said proposed sewer easement, and said point being 63.20 feet right of Avery Road proposed centerline of construction Station 109+59.17;

EXHIBIT A

LPA RX 879 CH

Rev. 06/09

Thence **North 10 degrees 44 minutes 47 seconds East**, along the west line of said 2.717 acre tract and along the east line of said 0.674 acre tract, a distance of **72.70 feet** to a point at the southwest corner of a proposed standard highway easement, said point being 78.28 feet right of Avery Road proposed centerline of construction Station 110+23.44;

Thence **North 53 degrees 32 minutes 25 seconds East**, across said 2.717 acre tract and along a south line of said proposed standard highway easement, a distance of **57.74 feet** to a point, said point being 124.54 feet right of Avery Road proposed centerline of construction Station 110+81.72;

Thence **North 70 degrees 59 minutes 30 seconds East**, continuing across said 2.717 acre tract and continuing along the south line of said proposed standard highway easement, a distance of **113.70** feet to the **TRUE POINT OF BEGINNING** for this description.

The above described channel easement contains a total area of **0.363 acres** located within Franklin County Auditor's parcel number 010-297198.

The bearings described herein are based on Grid North as referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

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

The above described channel easement was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438 on October 24, 2017, is based on an actual survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

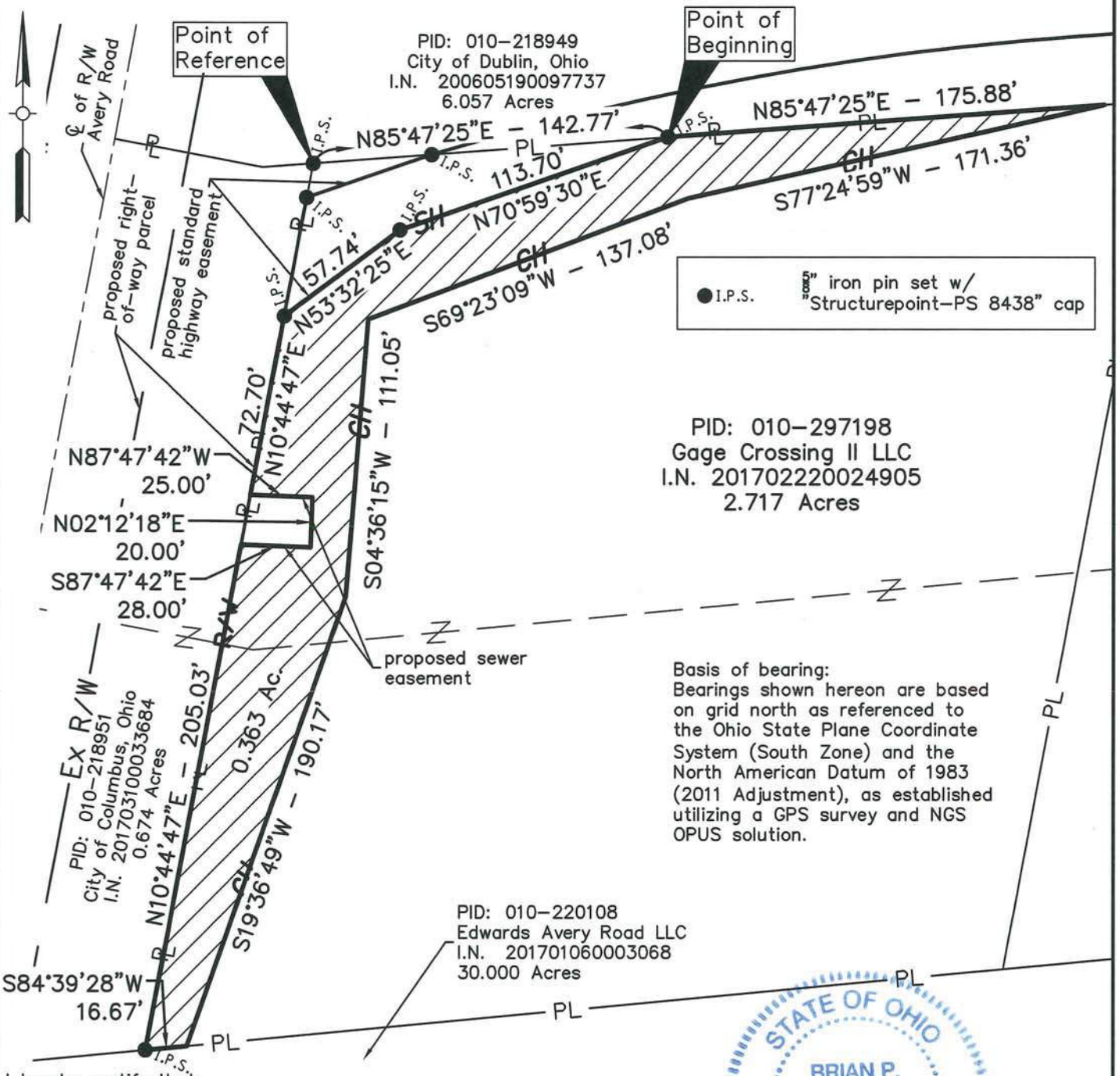
Brian P. Bingham, PS
Registered Professional Surveyor No. 8438

11/3/2017
Date

City of Dublin, Ohio	AMERICAN STRUCTUREPOINT INC. 2250 Corporate Exchange Drive | Suite 300 Columbus, Ohio 43231 TEL 614.901.2235 | FAX 614.901.2236 www.structurepoint.com	Tuttle Crossing Boulevard Ext. and Avery Road Improvements	Exhibit "B" 0.363 Ac. Channel Easement	Scale: 1" = 60' / Drawn By: JBY / Checked By: BPB / Date: 10/24/2017 / Job No.: 2012.00760	Parcel 14A-CH Sheet 1 of 1

Situated in the State of Ohio
County of Franklin, City of Dublin
Virginia Military Survey No. 3004

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



Basis of bearing:
Bearings shown hereon are based on grid north as referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and NGS OPUS solution.

I hereby certify that:
This drawing represents the results of an actual field survey of the premises performed by American Structurepoint. Inc., and is true and correct to the best of my knowledge and belief.

Brian P. Bingham, P.S. No. 8438
American Structurepoint, Inc.

10/3/2017
Date

STATE OF OHIO
BRIAN P. BINGHAM
8438
REGISTERED
PROFESSIONAL SURVEYOR

PLOT DATE: 10/27/2017 7:35 AM
PLOT SCALE: 1:1 EDIT DATE: 10/25/2017 EDITED BY: JYOUMANS DRAWING FILE: O:\2012\2012760\6. Design\ERA\01660RowExhibits\Parcel 14A-CH.dwg

Exhibit B

EXHIBIT A

LPA RX 877 S

Rev. 06/09

Ver. Date 10/24/2017

PID 99815

PARCEL 14A-S
TUTTLE CROSSING BOULEVARD AND AVERY ROAD IMPROVEMENTS
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER
IN THE NAME AND FOR THE USE OF THE
CITY OF DUBLIN, OHIO, LOCATED IN FRANKLIN COUNTY, OHIO

A perpetual easement for the construction and maintenance of a sewer in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Columbus, and being located in Virginia Military Survey Number 3004, and being part of that 2.717 acre tract described in a deed to **Gage Crossing II LLC**, of record in Instrument Number 201702220024905, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, being a parcel on the right side of the proposed centerline of construction for Avery Road, being on the right side of the proposed centerline of construction for Tuttle Crossing Boulevard, both as delineated on the centerline plat for Tuttle Crossing Boulevard and Avery Road Improvements, of record in Plat Book _____, Page _____, said parcel being more particularly bounded and described as follows:

Commencing for reference at an iron pin set at the northwest corner of said 2.717 acre tract, being the northeast corner of that 0.674 acre tract described in a deed to City of Columbus, Ohio, of record in Instrument Number 201703100033684, being on the south line of that 6.507 acre tract described in a deed to City of Dublin, Ohio, of record in Instrument Number 200605190097737, said point being 86.15 feet right of Avery Road proposed centerline of construction Station 111+02.89;

Thence **South 10 degrees 44 minutes 47 seconds West**, along the west line of said 2.717 acre tract and along the east line of said 0.674 acre tract, a distance of **134.65 feet** to a point, said point being 63.20 feet right of Avery Road proposed centerline of construction Station 109+59.17, and said point being the **TRUE POINT OF BEGINNING** for this description;

EXHIBIT A

LPA RX 877 S

Rev. 06/09

Thence across said 2.717 acre tract along the following three (3) described courses:

1. **South 87 degrees 47 minutes 42 seconds East**, a distance of **25.00 feet** to a point, said point being 88.20 feet right of Avery Road proposed centerline of construction Station 109+58.88;

2. **South 02 degrees 12 minutes 18 seconds West**, along a line perpendicular to the previous course, a distance of **20.00 feet** to a point, said point being 88.20 feet right of Avery Road proposed centerline of construction Station 109+41.12;

3. **North 87 degrees 47 minutes 42 seconds West**, along a line perpendicular to the previous course, a distance of **28.00 feet** to a point on the west line of said 2.717 acre tract, being on the east line of said 0.674 acre tract, said point being 60.20 feet right of Avery Road proposed centerline of construction Station 109+40.79;

Thence **North 10 degrees 44 minutes 47 seconds East**, along the west line of said 2.717 acre tract, and along the east line of said 0.674 acre tract, a distance of **20.22 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above described sewer easement contains a total area of **0.012 acres** located within Franklin County Auditor's parcel number 010-297198.

The bearings described herein are based on Grid North as referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

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

The above described sewer easement was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438 on October 24, 2017, is based on an actual survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

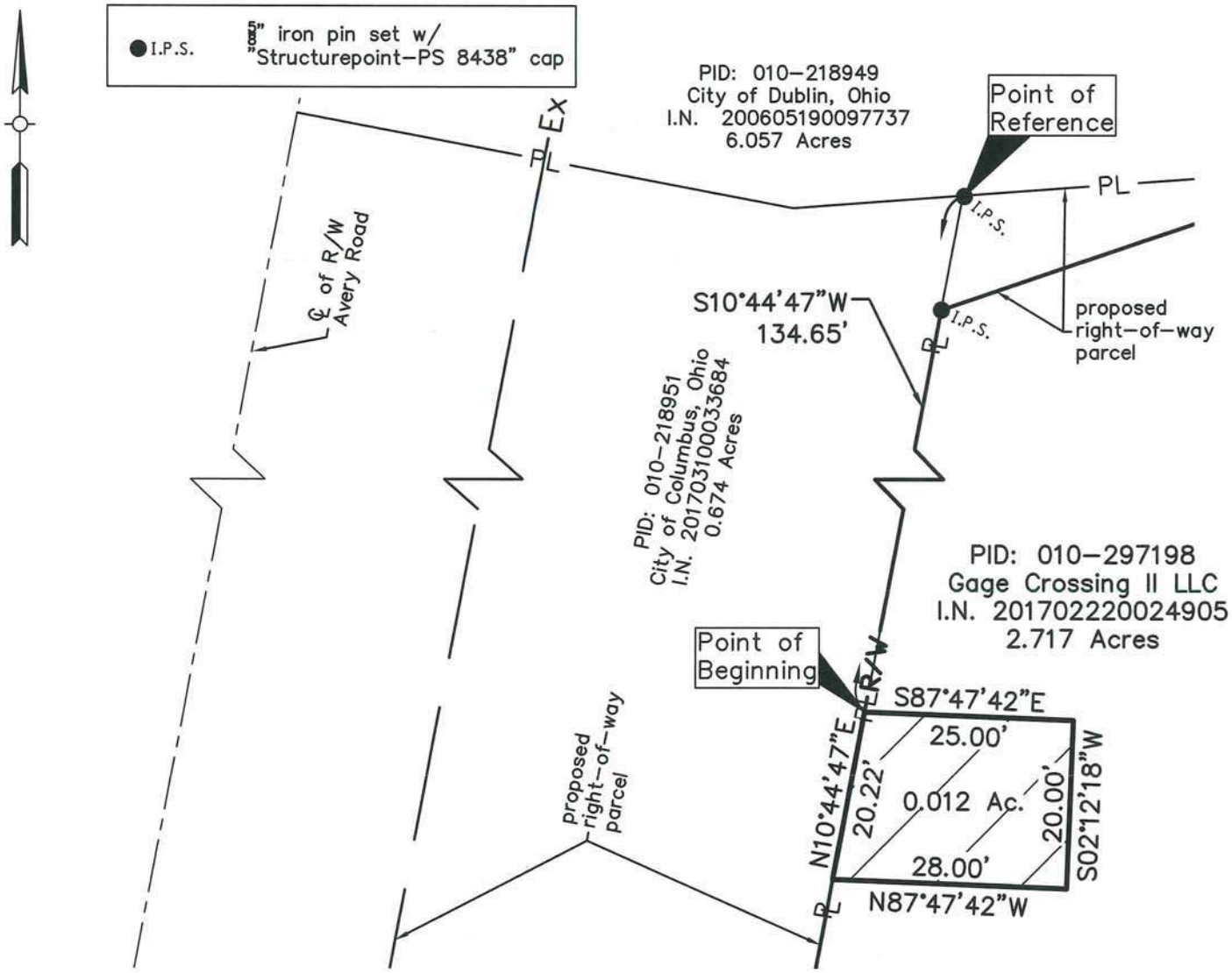
American Structurepoint, Inc.

Brian P. Bingham, PS
Registered Professional Surveyor No. 8438

11/3/2017
Date

City of Dublin, Ohio	AMERICAN STRUCTUREPOINT INC. 2250 Corporate Exchange Drive | Suite 300 Columbus, Ohio 43231 TEL 614.901.2235 | FAX 614.901.2236 www.structurepoint.com	Tuttle Crossing Boulevard Ext. and Avery Road Improvements	Exhibit "B" 0.012 Ac. Sewer Easement	Scale: 1" = 20' Drawn By: JBY Checked By: BPB Date: 10/24/2017 Job No.: 2012.00760	Parcel 14A-S Sheet 1 of 1

Situated in the State of Ohio
County of Franklin, City of Dublin
Virginia Military Survey No. 3004



Basis of bearing:
Bearings shown hereon are based on grid north as referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and NGS OPUS solution.

I hereby certify that:
This drawing represents the results of an actual field survey of the premises performed by American Structurepoint. Inc., and is true and correct to the best of my knowledge and belief.

11/3/2017

Brian P. Bingham, P.S. No. 8438 Date
American Structurepoint, Inc.

STATE OF OHIO
BRIAN P. BINGHAM
8438
REGISTERED
PROFESSIONAL SURVEYOR

PLOT DATE: 10/27/2017 7:29 AM
PLOT SCALE: 1:1 EDIT DATE: 10/27/2017 EDITED BY: JYOUMANS DRAWING FILE: Q:\2012\00760\C. Design\FRA\00760\Rov\Exhibits\Parcel 14A-S.dwg

Exhibit B

INFRASTRUCTURE AGREEMENT
FOR THE
GAGE CROSSING DEVELOPMENT

This Infrastructure Agreement (the "*Agreement*") dated 14 March 2018 ~~2017~~, by and between the **CITY OF DUBLIN, OHIO** ("*Dublin*"), a municipal corporation duly organized and validly existing under the Constitution and laws of the State of Ohio (the "*State*") and its Charter and **GAGE CROSSING LLC** ("*Developer*" and collectively with Dublin, the "*Parties*"), a foreign limited liability company authorized to conduct business in the State of Ohio, witnesseth:

WHEREAS, the Developer is presently engaged in the improvement of certain land and is desirous of contributing to public street infrastructure and related public facilities to service the apartments located in a development known as Gage Crossing (the "*Development*");

WHEREAS, the Developer has commissioned a traffic impact study, titled "5300 Avery Road Site Traffic Study Update", prepared by EMH&T and dated August 2016, most recently revised November 4, 2016 ("*TIS*") for the Development, that has been reviewed and accepted by Dublin and the other municipal and county agencies having jurisdiction; and

WHEREAS, the Parties agree to enter into this Agreement relating to the contribution to certain transportation improvements to the surrounding roadway network to mitigate the impact of the additional traffic generated by the Development; and

WHEREAS, the traffic impacts used in this Agreement to calculate cost contributions were developed based on the TIS prepared for the Development, and the Tuttle Crossing Boulevard extension and Avery Road widening project;

NOW THEREFORE, the Parties covenant, agree and obligate themselves as follows:

1. The Developer agrees to contribute $31,089 for the left turn lane from Tuttle Crossing Boulevard into the site as identified in the TIS. This improvement shall be constructed by Dublin as part of the Tuttle Crossing Boulevard extension and Avery Road widening project. This contribution shall be paid to Dublin contemporaneously with the execution of this Agreement.

2. The Developer agrees to contribute $11,897, in lieu of constructing a sidewalk along Avery Road site frontage. This improvement shall be constructed by Dublin as part of the Tuttle Crossing Boulevard extension and Avery Road widening project. This contribution shall be paid to Dublin contemporaneously with the execution of this Agreement.

3. The Developer agrees to construct two driveways and driveway aprons from the Development to intersect Tuttle Crossing Boulevard, as identified in the TIS (the "Driveways"). The Driveways shall be constructed by the Developer. The western driveway is restricted to right-in and right-out only turning movements. The eastern driveway is required to be centered on the eastern Development parcel line.

4. The Parties agree that the Development will access Tuttle Crossing Boulevard, via the aforementioned driveways, through land owned by Dublin, subject to the approval of the City Engineer. Dublin and the Developer agree to enter into access and sidewalk easements in a form similar to the attached Exhibit "A".

5. The Developer agrees to donate, at no cost, all permanent right-of-way, shared highway easement, sewer easement, and channel easement needed from the Development site for the necessary improvements of the Tuttle Crossing Boulevard extension and Avery Road widening project, as referenced in Exhibit B. The channel easement will be vacated after the associated drainage is accommodated, to the satisfaction of the City Engineer, by the private development site.

6. The Developer will submit detailed plans and specifications, for the Driveways to be installed by the Developer to Dublin for their review and approval. No work shall begin until such time that Dublin has granted the appropriate approval of the plans and specifications for the Driveways.

7. The Developer shall repair, replace, or correct all or any part of the Driveways within the public right-of-way adjacent to the Development and referenced in Paragraph 3 that have been improperly installed or which have been proven faulty. Dublin will provide written notice to the Developer of any needed repairs or replacements and the Developer shall complete said repairs and replacements within a reasonable amount of time, weather permitting.

8. Indemnification and Hold Harmless. The Developer agrees to defend, indemnify, protect and hold harmless Dublin, their elected officials, officers, employees, agents, and volunteers from and against any liability for all actions, claims, losses, damages, costs and/or expenses (including reasonable attorney's fees) to the extent that such actions, claims, losses, damages, costs and/or expenses arise out or are in any way caused by the performance or non-performance of this Agreement, either directly or indirectly, irrespective of whether such actions, claims, losses, damages, costs and/or expenses are caused by the acts, omissions or conduct of the Developer or its employees, agents and representatives.

9. Notices. Except as otherwise specifically set forth in this Agreement, notices, demands, requests, consents or approvals given, required or permitted to be given hereunder shall be in writing and shall be deemed sufficiently given if actually received or if hand-delivered or sent by recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other Parties at the addresses set forth in this Agreement or any addendum to or counterpart of this Agreement, or to such other addresses as the recipients shall have previously notified the sender of in writing, and shall be deemed received upon actual receipt, unless sent by certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused. A duplicate copy of each notice, certificate, request or other communication given hereunder to the Parties shall be given also to the others. The Parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices, certificate, requests or other communications shall be sent.

   (a) As to Dublin:

   City of Dublin, Ohio
   Attention: Director of Engineering
   5800 Shier-Rings Road
   Dublin, Ohio 43016-7295

   (b) As to Developer:

   Gage Crossing LLC
   Attention: Rowland S. Giller III
   470 Olde Worthington Road, Suite 100
   Westerville, OH 43082

10. Extent of Provisions Regarding the Parties; No Personal Liability. No representation, warranty, covenant, agreement, obligation or stipulation contained in this Agreement shall be deemed to constitute a representation, warranty, covenant, agreement, obligation or stipulation of any present or future official, member, officer, agent or employee of the Parties in an individual capacity, and to the extent authorized and permitted by applicable law, no official executing or approving the Parties' participation in this Agreement shall be liable personally under this Agreement or be subject to any personal liability or accountability by reason of the issuance thereof.

11. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the Parties, and their respective permitted successors and assigns. The Parties will observe and perform faithfully at all times all covenants, agreements and obligations under this Agreement. This Agreement may be amended only by a writing signed by authorized representatives of all Parties.

12. Governing Law/Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without giving effect to the principles thereof relating to conflicts or choice of laws.

DATE OF AGREEMENT: 14 March 2018

IN WITNESS WHEREOF, Dublin and the Developer have caused this Agreement to be executed in their respective names by their duly authorized representatives, all as of the date written above.

Developer:
Gage Crossing LLC

By: Metro Development LLC

By: _____
Donald R. Kenney, Manager

_____

City of Dublin, Ohio

_____ 14 March 2018
Signature Date
Dana L. McDaniel, City Manager

Approved as to form:

_____
Signature Date
Jennifer D. Readler, Law Director

DATE OF AGREEMENT:_____

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 03-18 Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INFRASTRUCTURE AGREEMENT WITH GAGE CROSSING II, LLC, FOR THE GAGE CROSSING DEVELOPMENT

WHEREAS, Gage Crossing II, LLC ("the Developer") is presently engaged in the improvement of certain land and is desirous of contributing to public street infrastructure and related public facilities to service the apartments located in a development known as Gage Crossing (the "Development"); and

WHEREAS, the Developer has commissioned a traffic impact study, titled "5300 Avery Road Site Traffic Study Update", prepared by EMH&T and dated August 2016, most recently revised November 4, 2016 ("*TIS*") for the Development, that has been reviewed and accepted by Dublin and the other municipal and county agencies having jurisdiction; and

WHEREAS, the Parties agree to enter into this Agreement relating to the contribution to certain transportation improvements to the surrounding roadway network to mitigate the impact of the additional traffic generated by the Development; and

WHEREAS, the traffic impacts used in this Agreement to calculate cost contributions were developed based on the TIS prepared for the Development, and the Tuttle Crossing Boulevard extension and Avery Road widening project.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, Delaware, Franklin, and Union Counties, State of Ohio, 7 of the elected members concurring, that:

Section 1. The City Manager is hereby authorized to execute the attached Infrastructure Agreement with Gage Crossing II, LLC for the Gage Crossing development, in substantially the same form as attached, with changes not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the City Manager. The approval of changes thereto by those officials, and their character as not being substantially adverse to the City, shall be evidenced conclusively by their execution thereof.

Section 2. This Ordinance shall take effect upon the earliest date permitted by law.

Passed this 12th day of February, 2018.

Mayor – Presiding Officer

ATTEST:

Judith K. Gral
Acting Clerk of Council

EXHIBIT A

LPA RX 851 WD

Rev. 06/09

The above described right-of-way parcel contains a total area of **0.007 acres** (0 acres lies within the present road occupied) located within Franklin County Auditor's parcel number 010-297198.

The bearings described herein are based on Grid North as referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

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

The above described right-of-way parcel was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438 on May 3, 2017, is based on an actual survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

Brian P. Bingham, PS
Registered Professional Surveyor No. 8438

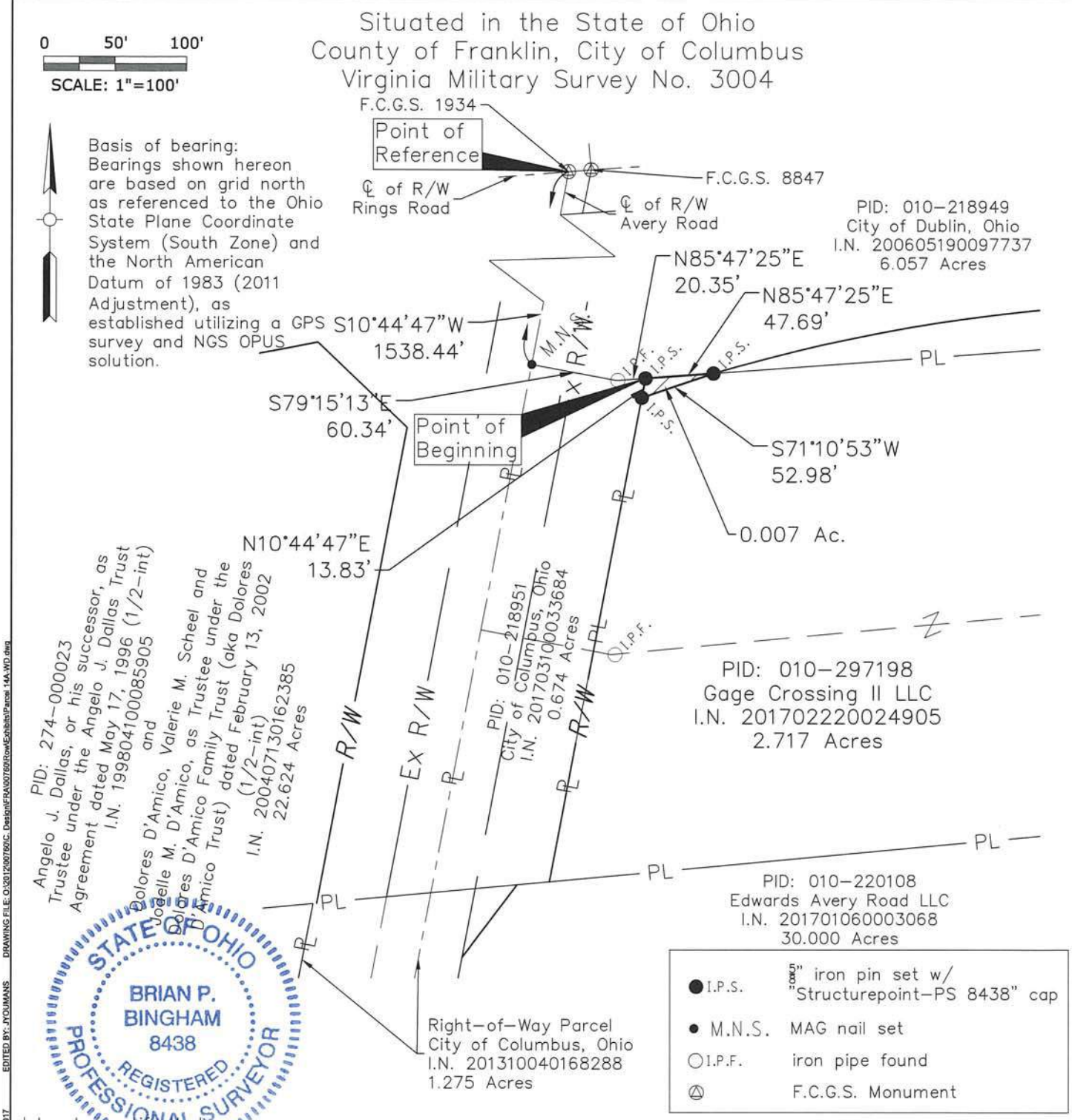
STATE OF OHIO
BRIAN P. BINGHAM
8438
REGISTERED
PROFESSIONAL SURVEYOR

9/7/2017
Date

0-110-K
Split
0.007 acre
out of
(010)
297198

DESCRIPTION VERIFIED
CORNELL R. ROBERTSON, P.E., P.S.
BY:
DATE: 07Sep17

City of Dublin, Ohio	AMERICAN STRUCTUREPOINT INC. 2250 Corporate Exchange Drive | Suite 300 Columbus, Ohio 43231 TEL 614.901.2235 | FAX 614.901.2236 www.structurepoint.com	Tuttle Crossing Boulevard Ext. and Avery Road Improvements	Exhibit "B" 0.007 Ac. Warranty Deed	Scale: 1" = 100' Drawn By: JBY Checked By: BPB Date: 2/3/2017 Job No.: 2012.00760	Parcel 14A-WD Sheet 1 of 1



I hereby certify that:
This drawing represents the results of an actual field survey of the premises performed by American Structurepoint. Inc., and is true and correct to the best of my knowledge and belief.

9/7/2017

Brian P. Bingham, P.S. No. 8438 — Date
American Structurepoint, Inc.

PLOT DATE: 9/8/2017 7:18 AM
PLOT SCALE: 1:1 EDIT DATE: 8/9/2017 EDITED BY: JYOUMANS DRAWING FILE: O:\2012\00760\C. Design\FRA\00760\RowExhibits\Parcel 14A-WD.dwg

Exhibit B

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 03-18 *Passed* _____, *20*____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INFRASTRUCTURE AGREEMENT WITH GAGE CROSSING II, LLC, FOR THE GAGE CROSSING DEVELOPMENT

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NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, Delaware, Franklin, and Union Counties, State of Ohio, 7 of the elected members concurring, that:

Section 1. The City Manager is hereby authorized to execute the attached Infrastructure Agreement with Gage Crossing II, LLC for the Gage Crossing development, in substantially the same form as attached, with changes not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the City Manager. The approval of changes thereto by those officials, and their character as not being substantially adverse to the City, shall be evidenced conclusively by their execution thereof.

Section 2. This Ordinance shall take effect upon the earliest date permitted by law.

Passed this 12th day of February, 2018.

_____
Mayor – Presiding Officer

ATTEST:

Judith K. Bial
Acting Clerk of Council

City of Dublin
Office of the City Manager
5200 Emerald Parkway • Dublin, OH 43017
Phone: 614.410.4400 • Fax: 614.410.4490

Memo

To: Members of Dublin City Council

From: Dana L. McDaniel, City Manager

Date: January 18, 2018

Initiated By: Paul A. Hammersmith, P.E. Director of Engineering
C. Aaron Stanford, P.E., Senior Civil Engineer
Philip K. Hartmann, Assistant Law Director

Re: Ordinance 03-18 – An Ordinance Authorizing the City Manager to Enter into an Infrastructure Agreement with Gage Crossing II, LLC, for the Gage Crossing Development

Summary

Gage Crossing II, LLC ("Developer") is currently proposing to develop a residential project on a site located in Columbus just east of Avery Road and to the south of the future Tuttle Crossing Boulevard extension, as shown in Figure 1 below. During the rezoning process through the City of Columbus, a Traffic Impact Study (TIS) was developed to identify traffic impacts and traffic mitigation strategies. This study and its recommendations have been reviewed and accepted by Dublin and the other municipal and county agencies having jurisdiction.

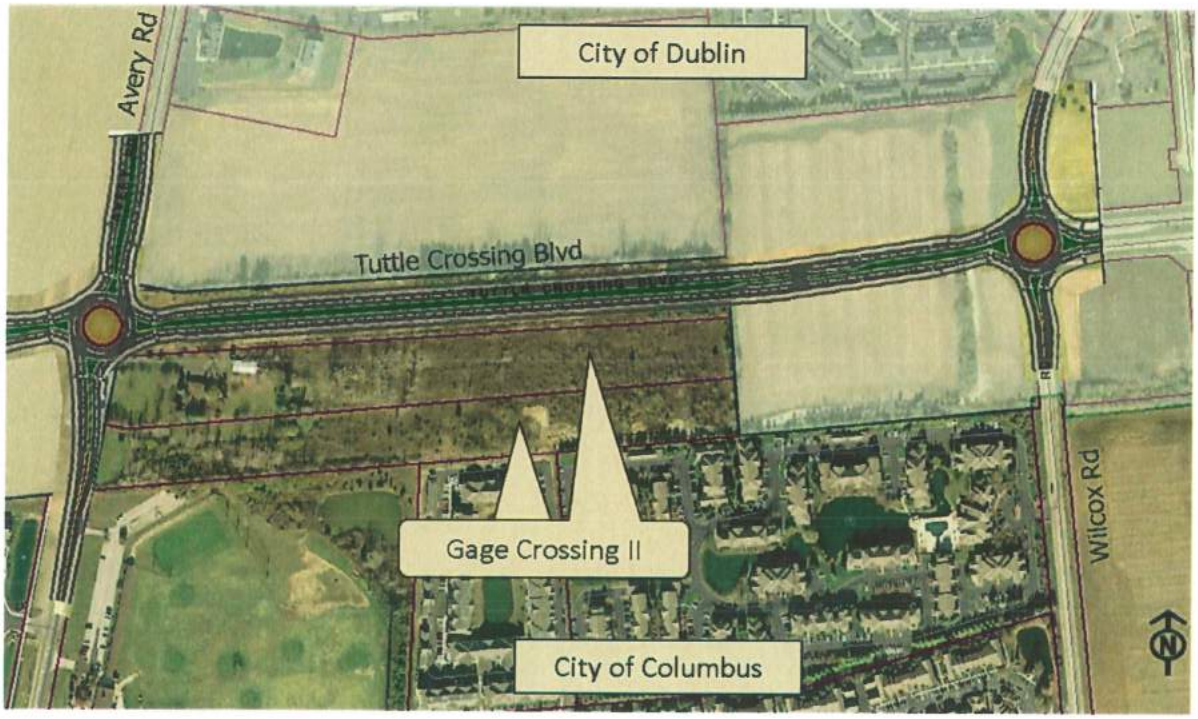

Figure 1. Gage Crossing II Site Location and Tuttle Crossing Blvd Extension

The study found that there should be contributions from the Developer to the City of Dublin as follows:

1. The Developer will contribute $31,089 for the left turn-lane from Tuttle Crossing Boulevard into the site. This improvement shall be constructed by Dublin as part of the Tuttle Crossing Boulevard extension and Avery Road widening project. This contribution shall be paid to Dublin contemporaneously with the execution of this Agreement.
2. The Developer agrees to contribute $11,897, in lieu of constructing a sidewalk along the Avery Road site frontage.
3. The Developer agrees to construct two driveways and driveway aprons from the Development to intersect with Tuttle Crossing Boulevard. The western driveway is restricted to right-in and right-out only turning movements. The eastern driveway is required to be centered on the eastern Development parcel line.
4. The Development will access Tuttle Crossing Boulevard by the aforementioned driveways, through land owned by Dublin, subject to the approval of the City Engineer. Dublin and the Developer agree to enter into access and sidewalk easements in a form similar to the attached Exhibit A.
5. The Developer agrees to donate, at no cost, all permanent right-of-way, shared highway easement, sewer easement, and channel easement needed from the Development site for the necessary improvements of the Tuttle Crossing Boulevard extension and Avery Road widening project, as referenced in Exhibit B. The channel easement will be vacated after the associated drainage is accommodated, to the satisfaction of the City Engineer, by the private development site.
6. The Developer will submit detailed plans and specifications for the Driveways to be installed by the Developer to Dublin for review and approval. No work shall begin until such time that Dublin has granted the appropriate approval of the plans and specifications for the Driveways.
7. The Developer shall repair, replace, or correct all or any part of the Driveways within the public right-of-way adjacent to the Development and referenced in Paragraph 3 that have been improperly installed or which have been proven faulty. Dublin will provide written notice to the Developer of any needed repairs or replacements, and the Developer shall complete said repairs and replacements within a reasonable amount of time, weather permitting.

If the Infrastructure Agreement is approved, staff would bring the easements identified in the agreement forward to City Council for approval.

Recommendation

Staff recommends approval of Ordinance 03-18 at the second reading/public hearing on February 12, 2018, authorizing the City Manager to enter into an Infrastructure Agreement with Gage Crossing II, LLC for the Gage Crossing residential development.