



Office of the City Manager
5555 Perimeter Drive • Dublin, OH 43017
Phone: 614.410.4400

Memo

To: Members of Dublin City Council

From: Megan D. O'Callaghan, City Manager

Date: November 1, 2022

Initiated By: Robert E. Ranc, Jr., Deputy City Manager/Chief Operating Officer
Paul A. Hammersmith, P.E., Director of Engineering/City Engineer
Brian D. Gable, P.E., Deputy Director of Engineering – Design & Construction
Chris W. Huber, P.E., Civil Engineer II
Philip K. Hartmann, Assistant Law Director

Re: Ordinance 57-22 – Appropriation of Easement - South High Street Utility
Burial – Phase 1 Project (19-030-CIP)

SUMMARY

As part of the Downtown Historic District beautification efforts, the City will be relocating the existing overhead utility lines along South High Street through the South High Street Utility Burial - Phase 1 Project (Project), by installing underground electric (AEP) and telecommunication (Spectrum, AT&T, Breezeline, and Dublink) utilities to service the affected parcels. The Project consists of two phases as requested by AEP. The Phase 1 Project area includes Franklin Street south of West Bridge Street and the west side of South High Street between West Bridge Street and Short Street. The Phase 2 area includes the east side of South High Street and Blacksmith Lane between West Bridge Street and Short Street (see the attached location map). At the completion of the Project, all overhead utility lines and poles along South High Street will be removed between West Bridge Street and Short Street.

Presently, this Project is anticipated to be complete by the summer of 2023. The Phase 1 underground improvements are scheduled to be performed in advance of the Franklin Street Improvements Project, which includes road reconstruction, sidewalks, curb ramps, streetlights, and street trees on Franklin Street between Sells Alley and Waterford Drive.

The City engaged MS Consultants, Inc. as the acquisition agent for the Project. In that role, MS Consultants has been the point of contact, in addition to City staff, with the property owners on the Project. Presently, the City has reached agreement with 15 of the 23 affected parcels, with five (5) additional City of Dublin parcels requiring utility easements as well. The City has participated in good faith discussions with all 23 property owners and hopes to arrive at mutually agreeable terms with all property owners by the end of November 2022.

During the acquisition phase of the Project, the owner of Parcel 2 passed away, and their estate set four (4) heirs with a quarter interest in the property. However, one heir (Roy Carl Johnson, ¼ interest) is deceased, and Mr. Roy Carl Johnson's estate is not currently through the probate process. The three (3) living owners are agreeable to the City's Fair Market Value Estimate (FMVE) and have executed a Right-of-Entry to perform the work on the parcel while the necessary easement is appropriated. On October 10, 2022, the Council passed Resolution 49-22, which began the appropriation process to await the finalization/probate of the deceased owner's ¼ interest.

The executed Right-of-Entry document establishes the intent and agreement to formally execute the easement upon the finalization of the deceased owner's ¼ interest. However, this ordinance authorizes the Law Director's office to file a petition for appropriation in the county Court of Common Pleas should it become necessary. This ordinance also 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, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest.

ACQUISITION

The property acquisition consists of the following property interests from the property owners listed and as depicted in the maps attached hereto:

Property Owner(s)	Parcel Number	Property Interests	Auditor Parcel ID Number(s)	Appraised Value
Roy Carl Johnson (deceased), Danny Lynn Johnson, Carla Grace Baldwin, and Amy Jo Hall by Affidavit of Transfer on Death Designation (105 Franklin Street)	2-U	0.002-acre permanent easement	273-000132-00	\$900

RECOMMENDATION

Staff recommends adoption of Ordinance 57-22 at the second reading/public hearing on November 14, 2022 to allow the Project to remain on schedule and proceed to construction.

Project Location Map



RECORD OF ORDINANCES

Ordinance No. 57-22

Passed , 20

AN ORDINANCE TO APPROPRIATE AN EASEMENT FROM CARLA GRACE BALDWIN, AMY JO HALL, DANNY LYNN JOHNSON, AND THE HEIRS OF ROY CARL JOHNSON (DECEASED), FROM THE PROPERTY LOCATED AT 105 FRANKLIN STREET, FOR THE PUBLIC PURPOSE OF CARRYING OUT THE SOUTH HIGH STREET UTILITY BURIAL PROJECT 19-030-CIP

WHEREAS, the City of Dublin ("City") is engaged in a substantial utility project along South High Street which includes the burial of existing overhead electrical facilities, project 19-030-CIP ("Project"); and

WHEREAS, the Project requires that the City obtain the following property interest from the parcel identified as Franklin County Parcel Number 273-000132-00, owned by Carla Grace Baldwin, Amy Jo Hall, Danny Lynn Johnson, and the heirs of Roy Carl Johnson (deceased), as described in the attached Exhibit A and depicted in the attached Exhibit B:

- 2-U: a 0.002-acre perpetual easement for the construction, operation, and maintenance of public and private utilities, above and beneath the ground and where necessary, for the construction, operation, and maintenance of service connections to all adjacent lots and lands.

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. Council considers it necessary and declares its authorization to appropriate, for the appraised value of \$900.00, for the public purpose of carrying out the South High Street Utility Burial Project, the following easement from Carla Grace Baldwin, Amy Jo Hall, Danny Lynn Johnson, and the heirs of Roy Carl Johnson (deceased), as described in the attached Exhibit A and depicted in the attached Exhibit B:

- 2-U: a 0.002-acre perpetual easement for the construction, operation, and maintenance of public and private utilities, above and beneath the ground and where necessary, for the construction, operation, and maintenance of service connections to all adjacent lots and lands.

Section 2. The City Law Director's office is hereby authorized to file a petition for appropriation in the county Court of Common Pleas should it become necessary.

Section 3. The 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, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 4. This Ordinance shall take effect in accordance with 4.04(b) of the Dublin Revised Charter.

Passed this 14th day of November, 2022.

Mayor – Presiding Officer

ATTEST:

Clerk of Council



LEGEND

PROPOSED PERPETUAL PUBLIC UTILITY EASEMENT

PROPOSED TEMPORARY CONSTRUCTION EASEMENT

MULLER
1-U - .001 AC

JOHNSON, BALDWIN, HALL
2-U - .002 AC

MIDANI
3-U - .001 AC

EXHIBIT A
PARCEL 2-U

SOUTH HIGH STREET UTILITY BURIAL - PHASE 1

**PERPETUAL EASEMENT FOR THE CONSTRUCTION, OPERATION AND
MAINTENANCE OF PUBLIC AND PRIVATE UTILITIES, ABOVE AND BENEATH
THE GROUND AND WHERE NECESSARY, FOR THE CONSTRUCTION,
OPERATION AND MAINTENANCE OF SERVICE CONNECTIONS TO ALL
ADJACENT LOTS AND LANDS.**

Being situated in the State of Ohio, County of Franklin, City of Dublin, Virginia Military Survey No. 2452, and being part of Lot 12 of the Civic Addition to the Town of Dublin, Plat Book 21, Page 27, and being part of the lands conveyed to Roy Carl Johnson, Danny Lynn Johnson, Carla Grace Baldwin, and Amy Jo Hall by Affidavit of Transfer on Death Designation of record in Instrument Number 202206150089527, as recorded in the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning at the grantor's northeasterly corner and the northeasterly corner of Lot 12, said point also being on the easterly right of way of Franklin Street (50 Wide);

Thence along the grantor's easterly line, the easterly line of Lot 10 and the westerly right of way of Franklin Street, **South 08° 19' 28" East** for a distance of **11.76 feet** to a point;

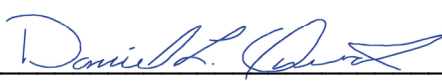
Thence leaving the westerly right of way of Franklin Street, across the grantor's property and Lot 12, **South 81° 40' 32" West** for a distance of **8.00 feet** to a point;

Thence continuing across the grantor's property and Lot 12, **North 08° 19' 28" West** for a distance of **12.77 feet** to a point on the grantor's northerly line, the northerly line of Lot 12 and the southerly line of Lot 10;

Thence along the grantor's northerly line, the northerly line of Lot 12 and the southerly line of Lot 10, **North 88° 51' 32" East** for a distance of **8.06 feet** to the **True Point of Beginning**, containing **0.002 acres (98 Sq. Ft.)**, more or less, all of which is within Auditor's Parcel Number 273-000132.

The bearings are based on the easterly right of way of Franklin Street being South 08° 19' 28" East as referenced to the Ohio State Plane Coordinate System, South Zone, NAD83 (2011 NSRS Adjustment).

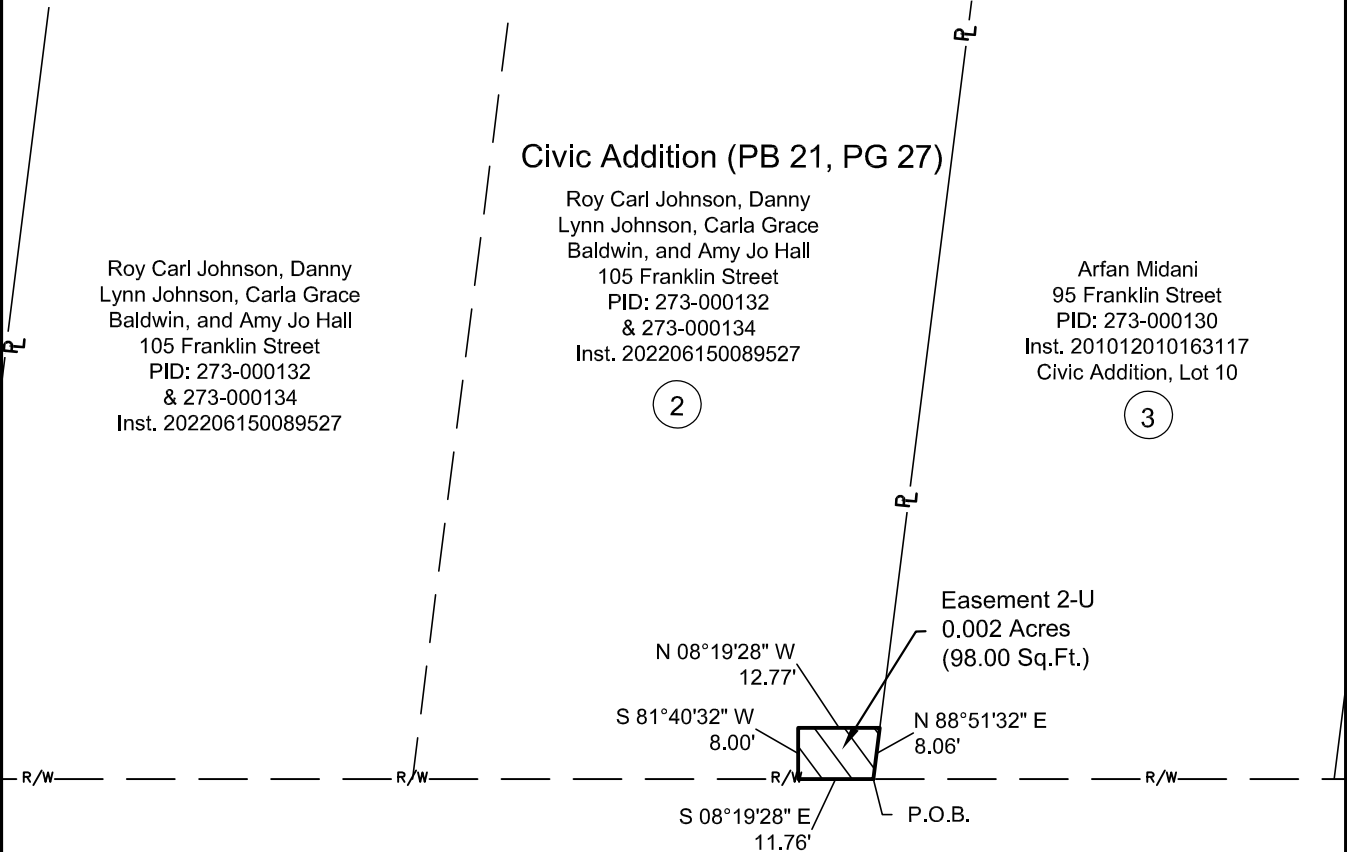
Subject to any easements, restrictions, covenants, ordinances or agreements of record.


Daniel L. Quick
Professional Surveyor, Ohio License No. 7803
Korda/Nemeth Engineering, Inc.



August 3, 2022
Date

Situated in the State of Ohio, County of Franklin, City of Dublin, Virginia Military Survey No. 2452, and being part of Lot 12 in the Civic Addition to the Town of Dublin, Plat Book 21, Page 27, as recorded in the Franklin County Recorder's Office.



Franklin Street (50' Wide)

LEGEND EASEMENT 2-U



0.002 ACRE
(98.00 Sq. Ft.)

PERPETUAL EASEMENT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF PUBLIC AND PRIVATE UTILITIES, ABOVE AND BENEATH THE GROUND AND WHERE NECESSARY, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF SERVICE CONNECTIONS TO ALL ADJACENT LOTS AND LANDS.

The bearing of S 08°19'28" E on the westerly right of way of Franklin Street is referenced to the State Plane Coordinate System, Ohio South Zone NAD 83 (NSRS 2011).

Said bearings are based upon positional solutions derived from RTK GPS observations using the Ohio Department of Transportation Virtual Reference System Equipment.

CERTIFICATION:

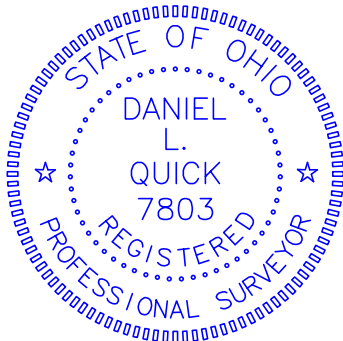
I hereby certify that this plat is a true and correct representation of a survey performed under my responsible direction and supervision and is correct to the best of my knowledge.

Daniel L. Quick

REGISTERED SURVEYOR NO. 7803

8/3/2022

DATE



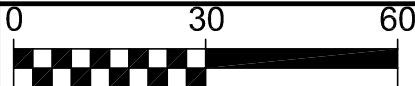
Korda/Nemeth Engineering, Inc - Consulting Engineers
1650 Watermark Drive, Suite 200 - Columbus, Ohio 43215-7010
COLUMBUS, OHIO 43215-7010
TEL: 614-487-1650 FAX: 614-487-8981
WEB: www.korda.com

EXHIBIT B
PARCEL 2-U
SOUTH HIGH STREET
UTILITY BURIAL -
PHASE 1

19-030-CIP

JOB NO. 2020-4011

DATE: 6-7-22



SCALE IN FEET

SHEET 1 of 1