




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: July 27, 2017

Initiated By: Paul A. Hammersmith, P.E., Director of Engineering/City Engineer
Michael Hendershot, P.E., Civil Engineer II

Re: Ordinance No. 48-17
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.428 ACRE, MORE OR LESS, PERMANENT EASEMENT FROM TUTTLE BLAZER DEVELOPMENT, LLC, FROM THE PROPERTY LOCATED AT 5185 BLAZER PARKWAY, FOR THE PUBLIC PURPOSE OF CONSTRUCTING AND MAINTAINING PUBLIC UTILITIES.

Background

Tuttle Blazer Development LLC has proposed to develop two 60,000-sf office-flex buildings on Franklin County Parcel Number 273-010750, which is located on the east side of Blazer Parkway north of Rings Road. Proposed construction on the first building is slated for fourth quarter 2017. The parcel does not currently have public sanitary sewer access.

This project, identified as the Blazer Parkway Sanitary Sewer Extension project, consists of extending public sanitary sewer from Rings Road north along Blazer Parkway in order to provide public sanitary sewer access to the site. The project will be funded and constructed by Tuttle Blazer Development LLC.

The City will need to acquire a 0.428-acre permanent utility easement for the construction and maintenance of the public sanitary sewer constructed as part of the Blazer Parkway Sanitary Sewer Extension project from Tuttle Blazer Development, LLC, from property located at 5185 Blazer Parkway. Tuttle Blazer Development, LLC will be conveying the easement to the City at no cost.

Recommendation

Staff recommends approval of Ordinance 48-17 at the second reading/public hearing on August 14, 2017.

RECORD OF ORDINANCES

Ordinance No. 48-17
Passed
, 20

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.428-ACRE, MORE OR LESS, PERMANENT EASEMENT FROM TUTTLE BLAZER DEVELOPMENT, LLC, FROM THE PROPERTY LOCATED AT 5185 BLAZER PARKWAY, FOR THE PUBLIC PURPOSE OF CONSTRUCTING AND MAINTAINING PUBLIC UTILITIES.

WHEREAS, the City of Dublin (the "City") is preparing to extend a sanitary sewer line from Rings Road to the north for a new development on Blazer Parkway (the "Project"); and

WHEREAS, the Project will be constructed and paid for by Tuttle Blazer Development, LLC, the developer that will be developing two office buildings on Franklin County parcel number 273-010750; and

WHEREAS, the Project requires that the City obtain a permanent utility easement from Franklin County Parcel No. 273-010750-00 owned by Tuttle Blazer Development, LLC (the "Grantor"), said easement more fully described in the attached Exhibit A and depicted in the attached Exhibit B; and

WHEREAS, the City and the Grantor participated in good faith discussions and the Grantor has agreed to donate the easement to the City at no cost; and

WHEREAS, the City desires to execute necessary conveyance documents to complete the transfer of the easement between the City and the Grantor.

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 all necessary conveyance documents to acquire a 0.428-acre, more or less, permanent utility easement from Tuttle Blazer Development, LLC, said easement located within Franklin County Parcel No. 273-010750-00, 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.

Section 3. 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



PERMANENT UTILITY EASEMENT

THIS PERMANENT UTILITY EASEMENT (the "Easement") is made and entered into this ____ day of _____ 2017, by and between **Tuttle Blazer Development, LLC**, an Ohio limited liability company ("Grantor") whose tax mailing address is at 775 Yard Street, Suite 300 Columbus, Ohio, 43212 and the **City of Dublin, Ohio**, an Ohio municipal corporation ("Grantee"), whose mailing address is 5200 Emerald Parkway, Dublin, Ohio 43017.

BACKGROUND INFORMATION

WHEREAS, Grantor owns the real property known as Franklin County Auditor's Parcel No. 273-010750 (the "Grantor's Property") and legally described on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Grantee desires a permanent utility easement over those portions of the Grantor's Property legally described on the attached Exhibit "B" and depicted on the attached Exhibit "C" (the "Easement Area"); and

WHEREAS, Grantor desires to grant a permanent utility easement over the Easement Area for the benefit of Grantee upon the terms and conditions set forth in this Easement.

STATEMENT OF AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to the foregoing Background Information and as follows:

1. Grant of Permanent Easement. Grantor grants to Grantee, its agents, employees, independent contractors, and successors and assigns, a permanent, non-exclusive easement in, through, over and under the Easement Area for the following purposes: (i) to construct, operate, maintain, repair, and replace public and private utilities, including, but not limited to (a) utility lines for gas, electric, water, sewer, cable, and communication services, and facilities and appurtenances incidental thereto, including, but not limited to, lines, wires, cables, conduits, anchors, circuits, equipment, meters, valves, regulators, manholes, drain pipes, fixtures, and other appurtenances and facilities and (b) drainage facilities (collectively, the "Facilities"); (ii) of ingress and egress over those portions of Grantor's Property reasonably necessary to facilitate Grantee's use of the Easement Area; (iii) construction, operation, and maintenance of service connections to all adjacent lots and lands, including the right of ingress and egress; and (iv) the right to do all things necessary, proper, or incidental to the successful operation and maintenance of such utilities is further reserved herein. Grantee shall have the right to remove any and all vegetation growing within the Easement Area as is reasonably necessary to facilitate Grantee's use thereof as permitted by this Easement. Grantor has the right to use the Grantor's Property and to enter on the Easement Area for any purpose whatsoever provided such entry by Grantor does not in any way impair or hinder the rights granted to Grantee in this Easement. Notwithstanding anything to the contrary contained in the foregoing paragraph, Grantor may construct improvement in, through over and under the Easement Area, including, without limitation, driveways, curbs, landscaping, fences, signs, and utility poles and lines.

2. Relationship of Parties. Nothing contained herein shall be deemed or construed by the parties or by any third party as creating the relationship of principal and agent, of

partnership or of joint venture between the parties, it being understood and agreed that no provision contained herein or any act of the parties hereto shall be deemed to create any relationship other than grantors and grantee of the rights and easements set forth herein.

3. Waiver. Except to the extent that a party may have otherwise agreed in writing, no waiver by such party of any breach of the other party of any of its obligations, agreements, or covenants hereunder shall be deemed to be a waiver of any subsequent breach of the same or of any other covenants, agreements or obligations, nor shall any forbearance by a party to seek a remedy for any breach by the other party be deemed a waiver of any rights or remedies with respect to such breach or any similar breach in the future.

4. Severability. In the event any provision of this Easement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

5. Captions and Pronoun Usage. The captions and section numbers in this Easement are for convenience only and shall not be deemed to be a part hereof. The pronouns used herein shall be considered as meaning the person, number, and gender appropriate under the circumstances at any given time.

6. Governing Law. This Easement shall be governed by and construed in accordance with the laws of the State of Ohio.

7. Modification. This Easement, or any easement or covenant set forth herein, may not be amended, terminated, rescinded or otherwise modified, in whole or in part, except by a written instrument executed by the parties hereto and recorded with the Recorder's Office, Franklin County, Ohio with reference made to this Easement.

8. Benefit. This Easement shall run with the land and inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, representatives, successors and assigns.

9. Authority. Grantor represents and warrants that it has the full right and authority to enter into this Easement and grants the rights hereby conveyed to Grantee.

[Signature page follows.]

IN WITNESS WHEREOF, the parties hereto have set their hands as of the date set forth above.

GRANTOR:

Tuttle Blazer Development, LLC, an
Ohio limited liability company



[Name]

Its:

GRANTEE:

City of Dublin, Ohio,
an Ohio Municipal Corporation



Dana L. McDaniel, City Manager

{ACKNOWLEDGMENTS ON THE FOLLOWING PAGE}

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED, that on this _____ day of _____, 2017, before me, the subscriber, a Notary Public in and for said county and state, personally came Dana L. McDaniel, City Manager of the CITY OF DUBLIN, OHIO, an Ohio municipal corporation, who acknowledged the signing thereof to be his free act and deed for and on behalf of the municipal corporation.

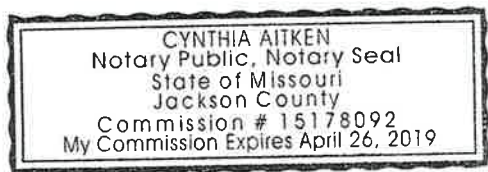
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

STATE OF MISSOURI)
COUNTY OF JACKSON) SS:

BE IT REMEMBERED, that on this 27 day of JUNE, 2017, before me, the subscriber, a Notary Public in and for said county and state, personally came David Harrison, Grantor, who acknowledged the signing thereof to be his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



Cynthia Aitken
Notary Public

This Instrument Prepared By:
Frost Brown Todd LLC
One Columbus
10 West Broad Street
Columbus, Ohio 43215

Exhibit A

Legal Description of Grantor's Property

Real property in the City of Dublin, County of Franklin, State of Ohio, described as follows:

Situated in the State of Ohio, County of Franklin, City of Dublin, Virginia Military Survey NO. 2419 (4852) and being part of a 62.947 acre tract of land as conveyed to Duke Construction Limited Partnership by deed of record in Instrument Number 200006200121086, Auditor's Parcel Number 273-00964, all references being to the records of the Recorder's Office, Franklin County, Ohio and being a 14.383 acre tract of land more particularly bounded and described as follows:

Beginning for reference at a railroad spike found at the intersection of the original centerline of right-of-way of Rings Road and the original centerline of right-of-way of Paul G. Blazer Parkway as shown and delineated in Plat Book 62, Page 1 and being 21.50 feet right of proposed Rings Road construction centerline station 54+ 21.04; thence North 05°19'56" West, a distance of 21.54 feet along the centerline of Paul G. Blazer to the proposed Rings Road construction centerline at station 54+ 22.36; thence along the proposed Rings Road construction centerline, North 84°38'49" East, a distance of 50.00 feet to a point at station 54+ 72.36, said point being in the east right-of-way line of Paul G. Blazer Parkway and in the east line of a 0.700 acre tract of land as conveyed to the City of Dublin, an Ohio Municipal Corporation by deed of record in Official Record 20495, Page G 16; thence along the east line of the said 0.700 acre tract and the east right-of-way line of Blazer Parkway, North 05°20'21" West, a distance of 28.46 feet to a point in the north line of a 1.068 acre tract of land as conveyed to the City of Dublin by deed of record in O.R. 16636, Page I 07 and also being at the southwest corner of a 0.255 acre tract of land as conveyed to the City of Dublin by deed of record in Instrument No. 199805180119873; thence along the easterly right-of-way line of Blazer Parkway, the west line of the said 0.255 acre tract and the east line of the said 0.700 acre tract, North 05°20'21" West, a distance of 70.00 feet to an iron pipe found at the southwest corner of a 5.734 acre tract of land as conveyed to Continental Capital Fund I, LTD as recorded in Instrument No. 199909020224932 and at the northwest corner of the said 0.255 acre tract; thence with the said easterly right-of-way line and along the west line of the said 5.734 acre tract and the southeasterly line of the said 0.700 acre tract, North 05°20'21" West, a distance of 22.40 feet to a point; thence continuing with the previously described parcel lines along an arc of a curve to the left, having a radius of 542.00 feet, a central angle of 31°14'50", an arc length of 295.59 feet, whose chord bears North 20°57'46" West, a distance of 291.94 feet to a point at the northwest corner of the said 5.734 acre tract, the southeasterly corner of the said 0.700 acre tract and in the southwesterly line of the said 62.947 acre tract; thence with the easterly right-of-way line of Blazer Parkway, the south line of the said 62.947 acre tract and the southeast line of the said 0.700 acre tract, South 53°24'49" West, a distance of 15.00 feet to an iron pin found at the southwest corner of the said 62.947 acre tract and at the southeasterly corner of the said 0.700 acre tract; thence continuing with the previously described parcel lines and along an arc of a curve to the left, having a radius of 527.00 feet, a central angle of 6°54'40", an arc length of 63.57 feet, whose chord bears North 40°02'30" West, a distance of 63.53 feet to an iron pin set at the TRUE POINT OF BEGINNING of the herein described tract of land;

Thence continuing with the easterly right-of-way line of Paul G. Blazer Parkway, the west line of the said 62.947 acre tract, the easterly line of the said 0.700 acre tract and along the arc of a curve to the left, having a radius of 527.00 feet, a central angle of 15°45'01", an arc length of 144.87 feet, whose chord bears North 51°22'21" West, a distance of 144.41 feet to an iron pin found;

Thence continuing with the previously described parcel lines, North 59°14'51" West, a distance of 115.06 feet to an iron pin found;

Thence continuing with the previously described parcel lines and along the arc of a curve to the right, having a radius of 789.79, a central angle of 108°45'02", an arc length of 1499.06 feet, whose chord bears North 04°52'21" West, a distance of 1283.96 feet to an iron pin found at the northwest corner of the said 62.947 acre tract and at the northwest corner of a remainder tract of land from an original 90.623 acre tract as conveyed to Townsend Property Trust Limited Partnership by deed of record in Instrument No. 199709110091835, Auditor's Parcel No. 273-000424;

Thence along the northerly line of the said 62.947 acre tract and the westerly line of the said remainder tract with the following three courses:

Thence South 32°56'16" East, a distance of 423.51 feet to an iron pin found;

Thence South 27°18'22" West, a distance of 70.00 feet to an iron pin found;

Thence South 21°24'57" East, a distance of 438.14 feet to an iron pin found;

Thence crossing the said 62.947 acre tract with a new division line along the following two courses:

Thence South 21°24'55" East, a distance of 478.40 feet to an iron pin set;

Thence South 53°24'48" West, a distance of 264.10 feet to the place of beginning and containing 14.383 acres of land, more or less.

Tax Parcel: 273-010750-00

**UTILITY EASEMENT
0.428 ACRE**

Situated in the State of Ohio, County of Franklin, City of Dublin, in Virginia Military Survey Number 2419 (4852), being on, over, and across that 14.383 acre tract conveyed to Tuttle Blazer Development, LLC by deed of record in Instrument Number 201603140029774 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the most southerly corner of said 14.383 acre tract, the same being a corner of that 24.869 acre tract conveyed to Kendall-Dublin, LLC by deed of record in Instrument Number 200201160015573, in the easterly right-of-way line of Blazer Parkway of record in Official Record 20495G16;

Thence with the arc of a curve to the left, with the easterly right-of-way line of said Blazer Parkway, having a central angle of $03^{\circ} 16' 51''$, a radius of 527.00 feet, an arc length of 30.18 feet, a chord bearing of North $45^{\circ} 07' 46''$ West and a chord length of 30.17 feet to the TRUE POINT OF BEGINNING;

Thence with the arc of a curve to the left, continuing with said easterly right-of-way line, having a central angle of $02^{\circ} 10' 29''$, a radius of 527.00 feet, an arc length of 20.00 feet, a chord bearing of North $47^{\circ} 51' 25''$ West and a chord length of 20.00 feet to a point;

Thence crossing said 14.383 acre tract, the following courses and distances:

North $42^{\circ} 34' 25''$ East, a distance of 10.89 feet to a point;

North $51^{\circ} 23' 48''$ West, a distance of 290.09 feet to a point;

North $42^{\circ} 07' 51''$ West, a distance of 302.89 feet to a point;

North $18^{\circ} 38' 55''$ West, a distance of 312.08 feet to a point;

North $71^{\circ} 21' 05''$ East, a distance of 20.00 feet to a point;

South $18^{\circ} 38' 55''$ East, a distance of 307.92 feet to a point;

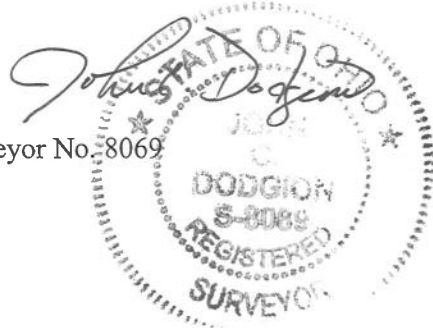
South $42^{\circ} 07' 51''$ East, a distance of 297.11 feet to a point;

South $51^{\circ} 23' 48''$ East, a distance of 309.91 feet to a point; and

South $42^{\circ} 34' 25''$ West, a distance of 32.18 feet, to the TRUE POINT OF BEGINNING containing 0.428 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

John C. Dodgion
Professional Surveyor No. 8069



07/18/2017
Date



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

UTILITY EASEMENT

VIRGINIA MILITARY SURVEY NUMBER 2419 (4852)

CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO

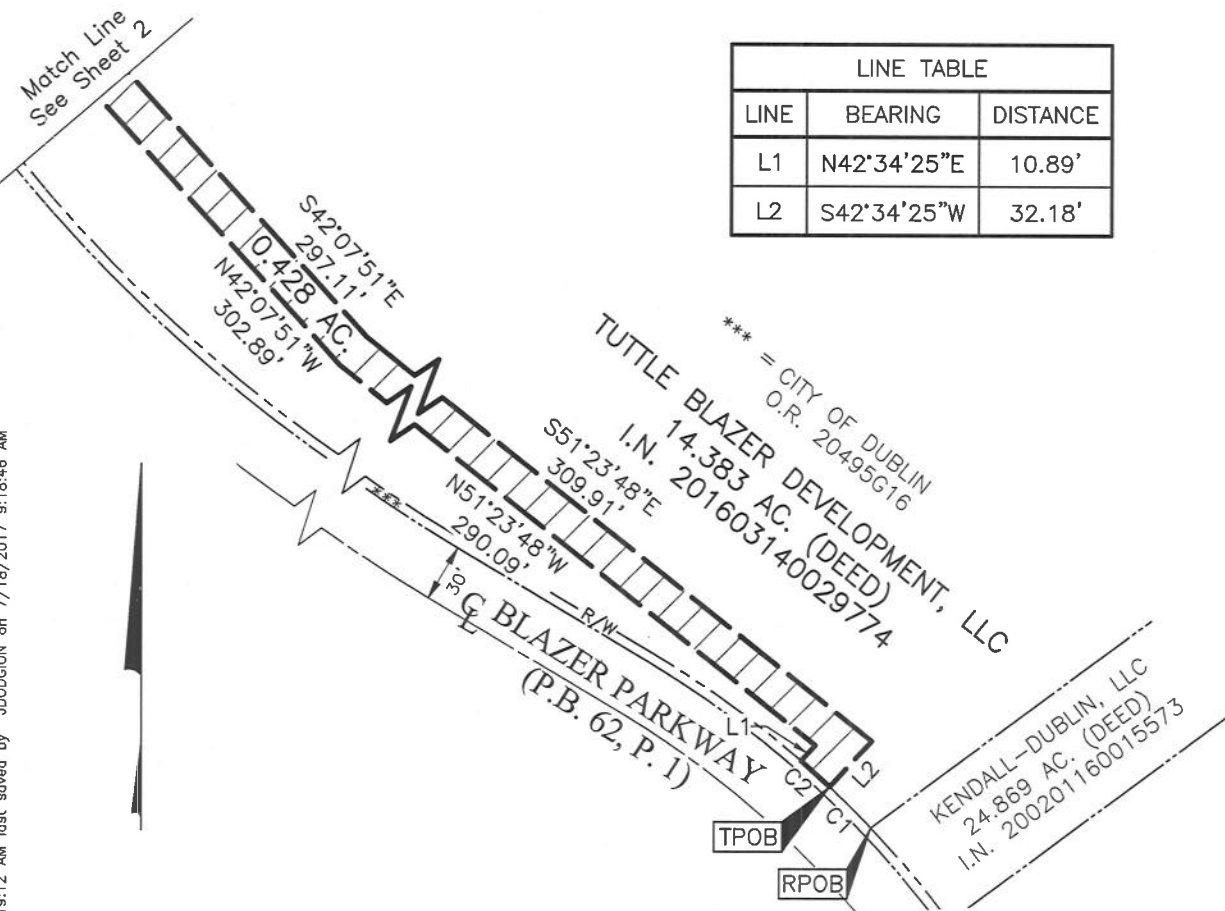
Date: March 31, 2017

Job No: 2016-1248

Scale: 1" = 100'

Sheet 1 of 2

Rev.: July 18, 2017



CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	3°16'51"	527.00'	30.18'	N45°07'46"W	30.17'
C2	2°10'29"	527.00'	20.00'	N47°51'25"W	20.00'



GRAPHIC SCALE (in feet)



By John C. Dodgion
John C. Dodgion
Professional Surveyor No. 8069

07/18/2017
Date

J:\2016\1248\DWG\04SHEETS\EASEMENTS\20161248-V5-ESMT-SSWR-01.DWG plotted by DODGION, JOHN on 7/18/2017 9:19:12 AM last saved by JODGION on 7/18/2017 9:18:46 AM
Xrefs:



Evans, Mechwart, Hambleton & Tilton, Inc.
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UTILITY EASEMENT

VIRGINIA MILITARY SURVEY NUMBER 2419 (4852)

CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO

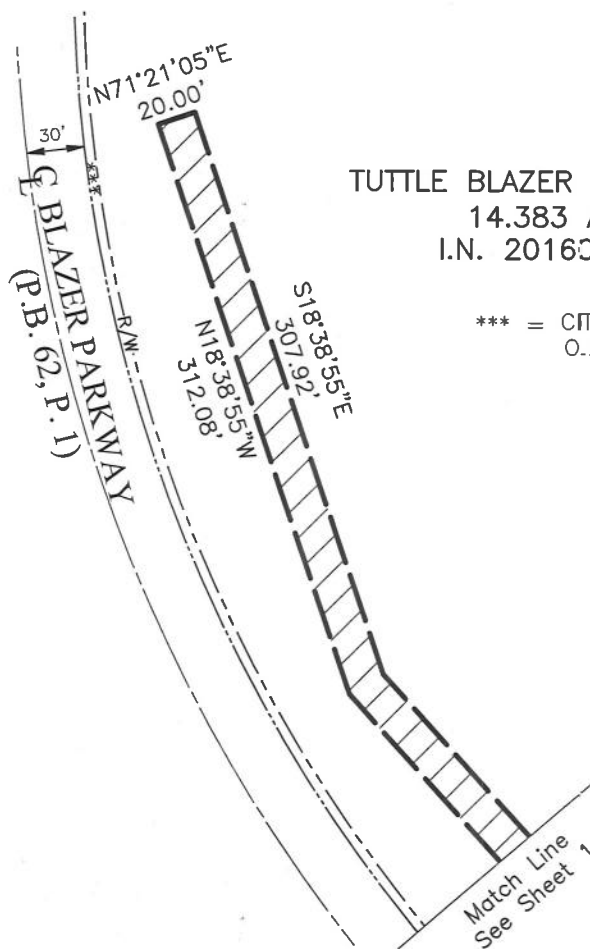
Date: March 31, 2017

Job No: 2016-1248

Scale: 1" = 100'

Sheet 2 of 2

Rev.: July 18, 2017



TUTTLE BLAZER DEVELOPMENT, LLC
14.383 AC. (DEED)
I.N. 201603140029774

*** = CITY OF DUBLIN
O.R. 20495G16



GRAPHIC SCALE (in feet)

J:\20161248\DWG\04SHEETS\EASEMENTS\20161248-VS-ESMT-SSWR-01.DWG plotted by DODGION, JOHN on 7/18/2017 9:19:33 AM last saved by JDODGION on 7/18/2017 9:18:46 AM
Xrefs: