

#### 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: April 19, 2018

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

Michael S. Sweder, P.E., Civil Engineer II Philip K. Hartmann, Assistant Law Director

Re: Ordinances to Appropriate - Nos. 32-18, 33-18, 34-18 & 35-18

Hyland-Croy Road / Riviera Connector (17-016-CIP)

#### **BACKGROUND**

The City of Dublin ("City") intends to construct the Hyland-Croy Road / Riviera Connector (the "Project"), which is a new public roadway connecting the Riviera neighborhood with Hyland-Croy Road. In the 2018-2022 Capital Improvements Program (CIP), site acquisition is programmed in 2017 and utility relocation, construction and landscape programmed in 2018.

This need for the connector was identified in the Traffic Impact Study and a condition of zoning approval for the Riviera development. The street section will be two lanes with a center median and separated bike/pedestrian facilities similar to Churchman Road. The addition of turn lanes on Hyland-Croy Road are also included with the project. Funding for this project will be from an advance from the General Fund to be repaid by anticipated service payment revenue from the Riviera Tax Increment Financing (TIF) District.

The Project requires the acquisition of property interest from the following property owners:

- Darshan Shah
- Sabra L. Minyard & William Minyard
- E. Elaine T. Horr, Trustee
- Noman I. Malik & Josephine Samina Malik, Trustees
- Dublin City School District (DCSD)
- Barbara Stroble & Laney Stroble
- Kevin D. Mullins & Jocelyn Mullins
- Riviera Ventures, LLC

To date, the City has agreed to terms with three of the property owners: Sabra L. Minyard & William Minyard; E. Elaine T. Horr, Trustee; and Riviera Ventures, LLC.

The City is hopeful that an amicable resolution may be reached with the remaining property owners; however, these Ordinances authorize the City Law Director's Office to file complaints for appropriation in the event that negotiations are unsuccessful. The Ordinances also authorize the City to enter into reasonable administrative settlement in the best interest of the City without further legislation.

#### **ACQUISITION**

The property acquisitions consist of the following property interests from each of the named property owners listed below (minus Minyard, Horr, DCSD and Riviera Ventures, LLC) and as depicted in the maps attached hereto:

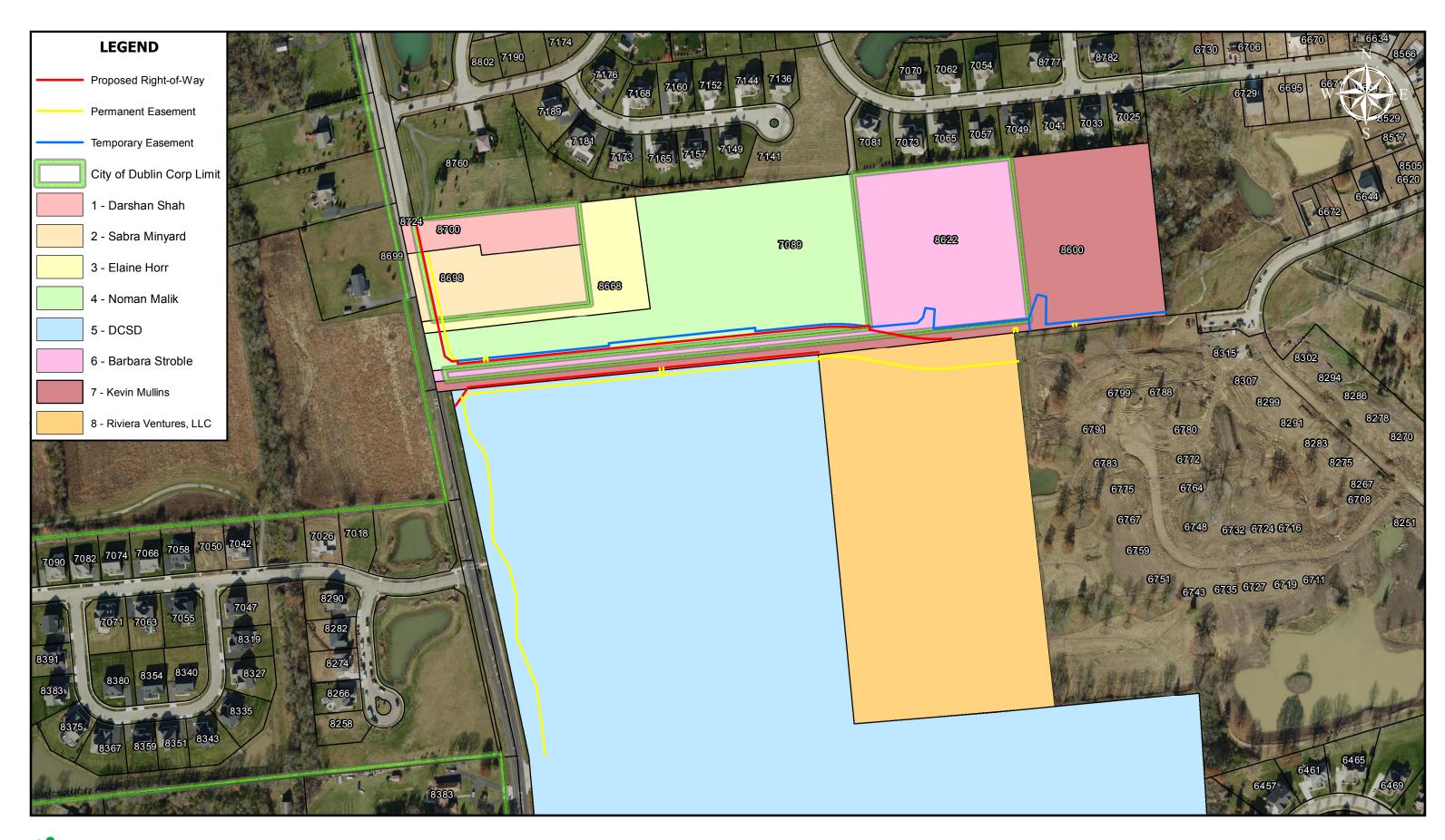
Property Owner (Address)	Parcel No.	Property Interests	Auditor Parcel ID Number	
Darshan Shah (8700 Hyland-Croy Rd)	1-WD	Fee Simple R/W $(0.091 \text{ acre } \pm \text{ of which } 0.068 \text{ acre} \pm \text{ is P.R.O.}^{-1})$	1700240390000	
Noman I. Malik & Josephine Samina Malik, Trustees (7089 Firenza Place)	4-WD	Fee Simple R/W (0.372 acre $\pm$ of which 0.076 acre $\pm$ is P.R.O. 1)	3900240590000	
	4-S1	Stormwater & Drainage Easement (0.033 acre ±)		
	4-S2	Stormwater & Drainage Easement (0.002 acre ±)		
	4-S3	Stormwater & Drainage Easement (0.002 acre ±)		
	4-T	Temporary Construction Easement (0.299 acre ±)		
Barbara Stroble & Laney Stroble (8622 Hyland-Croy Rd)	6-WD	Fee Simple R/W (0.878 acre $\pm$ of which 0.021 acre $\pm$ is P.R.O. 1)	1700240600000	
	6-T	Temporary Construction Easement (0.140 acre ±)		
Kevin D. Mullins & Jocelyn Mullins (8600 Hyland-Croy Rd)	7-WD1	Fee Simple R/W (0.946 acre ± of which 0.021 acre ± is P.R.O. 1)	sement 3900240370000	
	7-WD2	Fee Simple R/W (0.231 acre ±)		
	7-S1	Stormwater & Drainage Easement (0.002 acre ±)		
	7-S2	Stormwater & Drainage Easement (0.002 acre ±)		
	7-T	Temporary Construction Easement (0.186 acre ±)		

<sup>&</sup>lt;sup>1</sup> P.R.O. stands for Present Road Occupied, which means that this portion of the acquisition is already encumbered with a roadway easement.

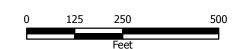
Ordinances 32-18 through 35-18 –Appropriations for Hyland-Croy Road / Riviera Connector (17-016-CIP) April 19, 2018 Page 3 of 3

#### RECOMMENDATION

Staff recommends adoption of Ordinances Nos. 32-18 through 35-18 at the second reading/public hearing on May 7, 2018, as these Ordinances authorize the City Law Director's Office to file complaints for appropriation in the event ongoing negotiations are unsuccessful and furthermore will keep the Project moving forward. The Ordinances also authorize the City to enter into reasonable administrative settlement in the best interest of the City without further legislation.







### **RECORD OF ORDINANCES**

Ε	Dayton Legal Blank, Inc.			Form No. 30043
	Ordinance No	33-18	Passed	, 20
	WARRA EXIS' DRAINA EASEMEN AND A NOM PROPER	ANTY DEED FOR TING ACCESS R GE EASEMENT; A NT; A 0.002-ACR 0.299-ACRE TEN AN I. MALIK AN TY LOCATED AT OSE OF CONSTRI	APPROPRIATE A 0.372-ACI RIGHT-OF-WAY, WITHOU IGHTS; A 0.003-ACRE STOI A 0.002-ACRE STORM WAT RE STORM WATER AND DRA MPORARY CONSTRUCTION ID JOSEPHINE SAMINA MA T 8640 HYLAND-CROY ROA JCTING A NEW ROADWAY THE PUBLIC WITHOUT CHA	T LIMITATION TO RM WATER AND ER AND DRAINAGE AINAGE EASEMENT; EASEMENT FROM LIK, FROM THE D FOR THE PUBLIC WHICH SHALL BE
			(the "City") is preparing to cont (the "Project"); and	struct the Hyland-Croy Road
	of-way, with easements; County Parc	out limitation to and a temporary o el No. 390024059	es that the City obtain a fee simexisting access rights; three construction easement from the 2000, owned by Noman I. Mached Exhibits A and depicted in	storm water and drainage he parcel identified as Union Halik and Josephine Samina
			<b>PRDAINED</b> by the Council of to State of Ohio, of the e	
	a new roadw public withou deed for rigl water and d 0.002-acre	for the appraised yay to be open to the charge, the follow the fol	ers it necessary and declaration of \$13,125.00, for the puthe public without charge improwing property interests: a 0.3 t limitation to existing access t; a 0.002-acre storm water d drainage easement; and escribed in the attached Exhi	ovements to be open to the 72-acre fee simple warranty rights; a 0.003-acre storm and drainage easement; a a 0.299-acre temporary
	appropriation	n in the County Co	Director's office is hereby authourt of Common Pleas should ies pursuant to R.C. 163.06.	
	Director of La of the City to including the owner to acc Should the C	aw, the Director of take any other ac authority to reac quire the property lity reach a reaso	ner hereby authorizes and directions as may be appropriate to a reasonable administrative interests in an amount greated administrative resolution regislation is required.	or other appropriate officers implement this Ordinance, resolution with the property er than the appraised value.
	Section 4. Revised Char		shall take effect in accordance	e with 4.04(b) of the Dublin
	Passed this _	day of _	, 2018.	
	Mayor – Pres	siding Officer		
	Clerk of Cou	ncil	· 	

### PARCEL 4-S1 (MALIK) HYLAND-CROY ROAD & RIVIERA CONNECTOR DESCRIPTION OF A STORMWATER AND DRAINAGE EASEMENT DUBLIN, OHIO

Situated in the State of Ohio, County of Union, Township of Jerome and City of Dublin, Township of Washington (of Franklin County) being located in Virginia Military Survey No. 2925, being part of that 8.000-acre tract as described in a deed to Norman I. Malik and Josephine Samina Malik, Trustees, of record in Instrument Number 201703230002416, all references herein being to the records of the Recorder's Office, Union County, Ohio, and being more particularly described as follows:

Beginning **FOR REFERENCE** at a point in the centerline Hyland-Croy Road (width varies) the southwesterly corner of said 8.000-acre tract and the northwesterly corner of that 5.784 acre tract as described in a deed to Barbara Stroble and Laney Stoble, of record in Official Record 1015, Page 559; thence North 12°12'35" West, along said centerline, a distance of 109.85 feet to a point at the northwesterly corner of said 8.000-acre tract and the southwesterly corner of that 1.500-acre tract as described in a deed to Elaine T. Horr Trustee, of record in Official Record 816, Page 734; thence North 82°43'50" East, along the northerly line of said 8.000 acre tract and the southerly line of said 1.500-acre tract, a distance of 40.15 feet to the **TRUE PLACE OF BEGINNING**:

Thence North 82°43'50" East, continuing along said northerly and southerly lines, a distance of 15.06 feet to a point;

Thence though said 8.000-acre tract the following courses:

- 1. South 12°12'35" East, a distance of 60.59 feet to a point;
- 2. South 31°29'09" East, a distance of 36.02 feet to a point;
- 3. South 84°17'11" West, a distance of 10.12 feet to a point;
- 4. North 53°57'42" West, a distance of 25.29 feet to a point;
- 5. North 12°12'35" west, a distance of 75.88 feet to the **TRUE PLACE OF BEGINNING** and containing 0.033-acre of land.

Bearings herein are based on a field traverse originating from Franklin County Engineer survey of FCGS monuments "Frank 72" and "Frank 172", establishing a bearing of North 12°12'35" West for Hyland-Croy Road and are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011 adjustment).

This description was prepared by IBI Group Survey, Westerville, Ohio.

OF OHIO

IBI Group Survey Westerville, Ohio,

David L. Chiesa

Registered Surveyor No. 7740

## PARCEL 4-S2 (MALIK) HYLAND-CROY ROAD & RIVIERA CONNECTOR DESCRIPTION OF A STORMWATER AND DRAINAGE EASEMENT DUBLIN, OHIO

Situated in the State of Ohio, County of Union, Township of Jerome and City of Dublin, Township of Washington (of Franklin County) being located in Virginia Military Survey No. 2925, being part of that 8.000-acre tract as described in a deed to Norman I. Malik and Josephine Samina Malik Trustees, of record in Instrument Number 201703230002416, all references herein being to the records of the Recorder's Office, Union County, Ohio, and being more particularly described as follows:

Beginning **FOR REFERENCE** at a point in the centerline Hyland-Croy Road (width varies) at the southwesterly corner of said 8.000-acre tract and the northwesterly corner of that 5.784-acre tract as described in a deed to Barbara Stroble and Laney Stroble, of record in Official Record 1015, Page 559; thence North 84°17'11" East, along the northerly line of said 5.784 acre tract and the southerly line of said 8.000-acre tract, a distance of 147.27 feet to a point; thence North 05°42'49" West, though said 8.000 acre tract, a distance of 10.00 feet to the **TRUE PLACE OF BEGINNING**:

Thence continuing though said 8.000-acre tract the following courses:

- 1. North 05°42'49" West, a distance of 10.00 feet to a point;
- 2. North 84°17'11" East, a distance of 10.00 feet to a point;
- 3. South 05°42'49" East, a distance of 10.00 feet to a point
- 4. South 84°17'11" West, a distance of 10.00 feet to **TRUE PLACE OF BEGINNING** and containing 0.002-acre of land.

Bearings herein are based on a field traverse originating from Franklin County Engineer survey of FCGS monuments "Frank 72" and "Frank 172", establishing a bearing of North 12°12'35" West for Hyland-Croy Road and are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011 adjustment).

This description was prepared by IBI Group Survey, Westerville, Ohio.

STATEOF

OHIO

IBI Group Survey Westerville, Ohio

David L. Chiesa

Registered Surveyor No. 7740

date

### PARCEL 4-S3 (MALIK) HYLAND-CROY ROAD & RIVIERA CONNECTOR DESCRIPTION OF A STORMWATER AND DRAINAGE EASEMENT DUBLIN, OHIO

Situated in the State of Ohio, County of Union, Township of Jerome and City of Dublin, Township of Washington (of Franklin County) being located in Virginia Military Survey No. 2925, being part of that 8.000-acre tract as described in a deed to Norman I. Malik and Josephine Samina Malik Trustees, of record in Instrument Number 201703230002416, all references herein being to the records of the Recorder's Office, Union County, Ohio, and being more particularly described as follows:

Beginning **FOR REFERENCE** at a point in the centerline Hyland-Croy Road (width varies) at the southwesterly corner of said 8.000-acre tract and the northwesterly corner of that 5.784-acre tract as described in a deed to Barbara Stroble and Laney Stoble, of record in Official Record 1015, Page 559; thence North 84°17'11" East, along the northerly line of said 5.784-acre tract and the southerly line of said 8.000-acre tract, a distance of 646.65 feet to a point; thence North 05°42'49" West, though said 8.000 acre tract, a distance of 10.00 feet to the **TRUE PLACE OF BEGINNING**:

Thence continuing though said 8.000-acre tract the following courses:

- 1. North 05°42'49" West, a distance of 10.00 feet to a point;
- 2. North 84°17'11" East, a distance of 10.00 feet to a point;
- 3. South 05°42'49" East, a distance of 10.00 feet to a point
- 4. South 84°17'11" West, a distance of 10.00 feet to **TRUE PLACE OF BEGINNING** and containing 0.002-acre of land.

Bearings herein are based on a field traverse originating from Franklin County Engineer survey of FCGS monuments "Frank 72" and "Frank 172", establishing a bearing of North 12°12'35" West for Hyland-Croy Road and are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011 adjustment).

This description was prepared by IBI Group Survey, Westerville, Ohio.

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IBI Group Survey Westerville, Ohio

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David L. Chiesa

Registered Surveyor No. 7740

### PARCEL 4-T (MALIK) HYLAND-CROY ROAD & RIVIERA CONNECTOR DESCRIPTION OF A TEMPORARY CONSTRUCTION EASEMENT DUBLIN, OHIO

Situated in the State of Ohio, County of Union, Township of Jerome and City of Dublin, Township of Washington (of Franklin County) being located in Virginia Military Survey No. 2925, being part of that 8.000-acre tract as described in a deed to Norman I. Malik and Josephine Samina Malik Trustees, of record in Instrument Number 201703230002416, all references herein being to the records of the Recorder's Office, Union County, Ohio, and being more particularly described as follows:

Beginning **FOR REFERENCE** at a point in the centerline Hyland-Croy Road (width varies) at the southwesterly corner of said 8.000-acre tract and the northwesterly corner of that 5.784-acre tract as described in a deed to Barbara Stroble and Laney Stoble, of record in Official Record 1015, Page 559; thence North 84°17'11" East, along the northerly line of said 5.784 acre tract and the southerly line of said 8.000-acre tract, a distance of 71.45 feet to a point; thence North 05°42'49" West, though said 8.000 acre tract, a distance of 10.00 feet to the **TRUE PLACE OF BEGINNING**:

Thence continuing though said 8.000-acre tract the following courses:

- 1. North 05°42'49" West, a distance of 8.00 feet to a point;
- 2. North 84°17'11" East, a distance of 436.59 feet to a point;
- 3. North 03°57'34"West, a distance of 7.78 feet to a point;
- 4. North 83°59'57" East, a distance of 422.76 feet to a point;
- 5. South 00°00'00" East, a distance of 9.95 feet to a point;
- 6. North 84°17'11" East, a distance of 183.05 feet to a point of curvature;
- 7. With the arc of a curve to the right having a radius of 516.50 feet, a central angle of 14°57'14", an arc length of 134.80, a chord of which bears South 88°14'12" East, a chord distance of 134.42 feet to a point on the southerly line of said 8.000-acre tract and the northerly line of said 5.784 acre tract;

Thence South 84°04'50" West, along said northerly and southerly lines, a distance of 34.85 feet to a point;

Thence though said 8.000 acre tract with the arc of a non-tangent curve to the left, having a radius of 508.50, a central angle of 11°09'39", an arc length of 99.05 feet, the chord of which bears South 89°52'01"West, a chord distance of 98.90 feet to the point of tangency;

Thence South 84°17'11" West, continuing though said 8.000 acre tract, a distance of 1,041.64 feet **TRUE PLACE OF BEGINNING** and containing 0.299-acre of land.

Bearings herein are based on a field traverse originating from Franklin County Engineer survey of FCGS monuments "Frank 72" and "Frank 172", establishing a bearing of North 12°12'35" West for Hyland-Croy Road and are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011 adjustment).

This description was prepared by IBI Group Survey, Westerville, Ohio.

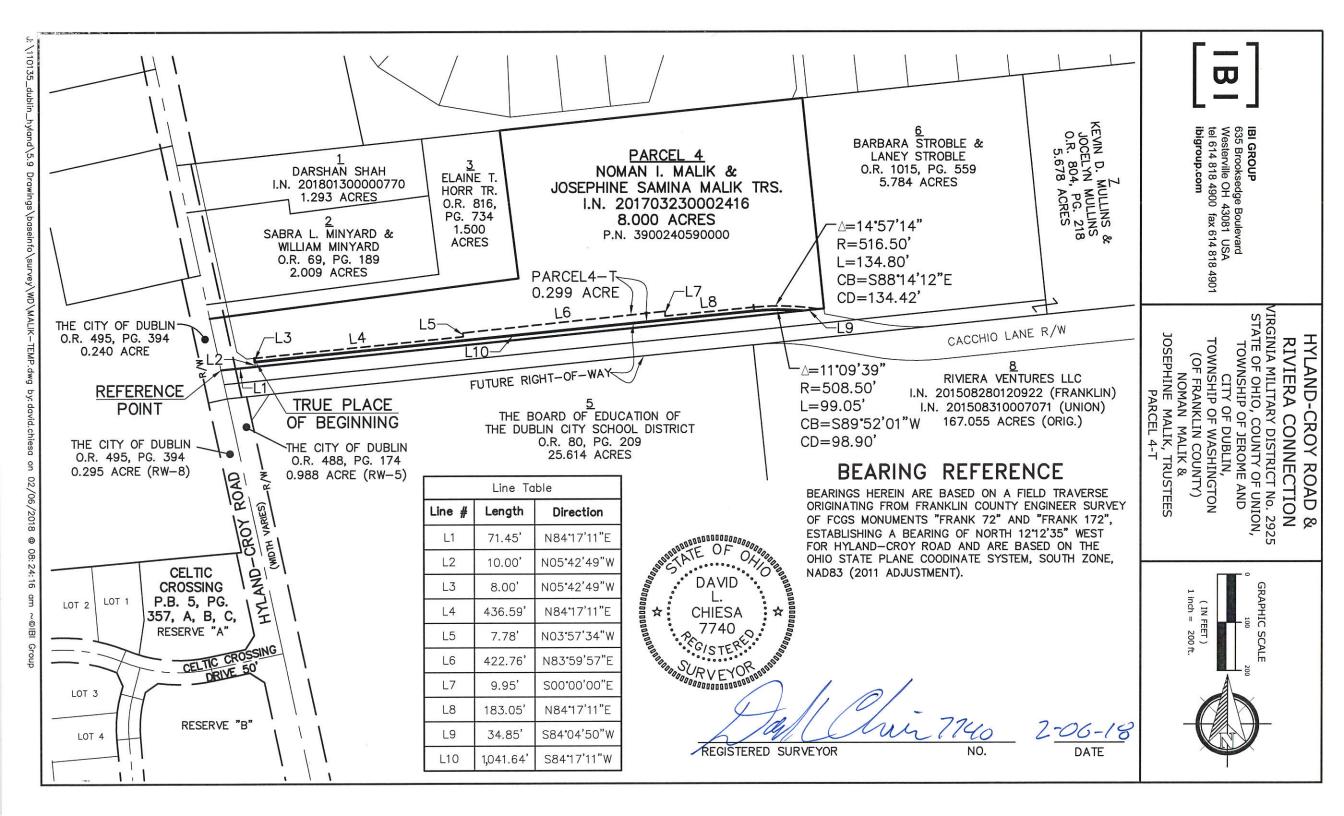
IBI Group Survey Westerville, Ohio

David L. Chiesa

date

Registered Surveyor No. 7740

OF OHIO



# PARCEL 4-WD (MALIK) HYLAND-CROY ROAD & RIVIERA CONNECTOR DESCRIPTION OF 0.372 ACRE - RIGHT-OF-WAY ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN THE FOLLOWING DESCRIBED PROPERTY WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS

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).

Situated in the State of Ohio, County of Union, Township of Jerome and City of Dublin, Township of Washington (of Franklin County), being located in Virginia Military Survey No. 2925, being part of that 8.000-acre tract as described in a deed to Noman I. Malik and Josephine Samina Malik, Trustees, of record in Instrument Number 201703230002416, all references herein being to the records of the Recorder's Office, Union County, Ohio, and being more particularly described as follows:

Beginning FOR REFERENCE at a Mag Nail found at the centerline intersection of Hyland-Croy Road (width varies) with Celtic Crossing Drive (50 feet in width); thence North 12°12'35" West, along the centerline of Hyland-Croy Road, a distance of 602.24 feet to a Mag Nail set at the southwesterly corner of said 8.000-acre tract, the TRUE PLACE OF BEGINNING:

Thence North 12°12'35" West, continuing along said centerline, a distance of 109.84 feet to a Mag Nail set at the southwesterly corner of that 1.500-acre tract as described in a deed to Elaine T. Horr, Trustee, of record in Official Record 816, Page 734;

Thence North 82°43'50" East, along the southerly line of said 1.500-acre tract, passing a 1-inch iron pipe found in the easterly right-of-way line at a distance of 30.11 feet, a total distance of 40.15 feet to an iron pin set;

Thence through said 8.000-acre tract with a new division line the following courses:

- 1. South 12°12'35" East, a distance of 75.88 feet to an iron pin set;
- 2. South 53°57'42" East, a distance of 25.29 feet to an iron pin set;
- 3. North 84°17'11" East, a distance of 16.30 feet to an iron pin set;
- 4. South 05°42'49" East, a distance of 8.00 feet to an iron pin set;
- 5. North 84°17'11" East, a distance of 1,041.64 feet to an iron pin set at a point of curvature;
- 6. With the arc of a curve to the right, having a radius of 508.50 feet, a central angle of 11°09'39", an arc length of 99.05 feet, the chord of which bears North 89°52'01" East, a chord distance of 98.90 feet to iron pin set in the southerly line of said 8.000-acre tract and in the northerly line of that 5.784-acre tract as described in a deed to Barbara Stroble and Laney Stroble, of record in Official Record 1015, Page 559;

Thence South 84°04'50" West, along said northerly line, a distance of 106.57 feet to an iron pin set at an angle point;

Thence South 84°17'11" West, continuing along said northerly line, a distance of 1,104.95 feet to the TRUE PLACE OF BEGINNING and containing 0.372-acre of land, 0.076-acre being within the existing right-of-way of Hyland-Croy Road.

Bearings herein are based on a field traverse originating from Franklin County Engineer survey of FCGS monuments "Frank 72" and "Frank 172", establishing a bearing of North 12°12'35" West for Hyland-Croy Road and are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011 adjustment).

Irons pins set consist of a %-inch rebar, 30 inches long with an orange plastic cap stamped "IBI Group, S-6872/S-7740".

This description was prepared by IBI Group Survey, Westerville, Ohio, and is based on an actual field survey of the premises performed in summer of 2017.

IBI Group Survey Westerville, Ohio

David L. Chiesa

Registered Surveyor No. 7740

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