

Office of the City Manager
 5200 Emerald Parkway • Dublin, OH 43017-1090
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Memo

To: Members of Dublin City Council

From: Dana L. McDaniel, City Manager *DMC/dm*

Date: September 6, 2018

Initiated By: Paul A. Hammersmith, P.E., Director of Engineering / City Engineer
 Barbara A. Cox, P.E., Engineering Manager
 Kenneth B. Richardson, P.E., P.S., Senior Civil Engineer
 Philip K. Hartmann, Assistant Law Director

Re: **Ordinances 60-18, 61-18, 62-18, 63-18 and 64-18 – Appropriations for Sanitary Sewer and Water Line Extensions – Areas 4A, 4B, 4C and Bright Road Cul-De-Sac (18-019-CIP, 18-020-CIP)**

BACKGROUND

On December 7, 2015, Dublin City Council adopted a policy regarding public water and sanitary sewer utility extensions to areas that do not currently have access to these public services. The policy outlines a process by which the City of Dublin ("City") will identify, prioritize and implement the design and construction of public utility service extensions. The City has developed a conceptual 15-year plan for extending water and sanitary sewer lines to developed properties within City limits.

The Sanitary Sewer and Water Line Extensions – Areas 4A, 4B, 4C and Bright Road Cul-De-Sac Project (the "Project") is the second project to be implemented from the 15-year implementation plan, as depicted on the attached Location Map. The first project is currently under construction on Bellaire Avenue and Limerick Lane (Areas 11A and 11B). The utility service extension portion of the Project is authorized in the 2018-2022 Capital Improvement Program (CIP). The Bright Road Cul-De-Sac portion of the Project provides for the construction of a cul-de-sac to be located east of Riverside Drive and has been planned as a roadway construction project since 2009. The construction of the cul-de-sac was deferred until the completion of Emerald Parkway and the traveling public became familiar with the new section of Emerald Parkway. With the adoption of the public utility service extension policy, the Riverside Drive and Bright Road intersection was going to be impacted by the future sanitary sewer and water line extension work. The design and construction of the Project was optimized and overall construction time period reduced by combining the utility extensions work and the Bright Road cul-de-sac roadway construction into one project.

The utility service extension portion of the Project extends water lines at these three locations: the 12-inch water line presently located along Riverside Drive south from Hanna Hills Drive to Bright Road; a new 8-inch water line along Bright Road from Riverside Drive to Emerald Parkway; and a new 8-inch water line along Grandee Cliffs Drive and a 2-inch water line along Jenmar Court. Additionally, the Project extends an 8-inch sanitary sewer line at these three locations: along Bright Road from Riverside Drive to the east approximately 1,200 feet (top of the hill); along

Grandee Cliffs Drive and Jenmar Court and along Bright Road from Grandee Cliffs Drive to the east approximately 190 feet; and along Bright Road west of Macbeth Drive approximately 560 feet. The water line extension portion of this Project will serve 48 existing parcels of which 43 parcels have an existing well. The sanitary sewer extension portion will serve 43 existing parcels of which 38 parcels currently have various types of existing home sewage treatment systems (HSTS).

The Project requires the acquisition of property interest from a total of 18 property owners along Riverside Drive, Bright Road, and Grandee Cliffs Drive. The City will participate in good faith discussions and hopes to arrive at mutually agreeable terms with the property owners. The policy on public water and sanitary sewer utility extensions adopted by City Council requests that property owners donate to the City the perpetual utility easements needed to construct and maintain the utility extensions.

Good Faith Offer Letters, along with the appraisal report and associated information, were recently sent to the five property owners. To date, the City has been in communication with four of the property owners. The City is hopeful that an amicable resolution can be reached with the 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.

ACQUISITIONS

The property acquisitions consist of the following property interests from each of the named property owners, as depicted in the maps attached:

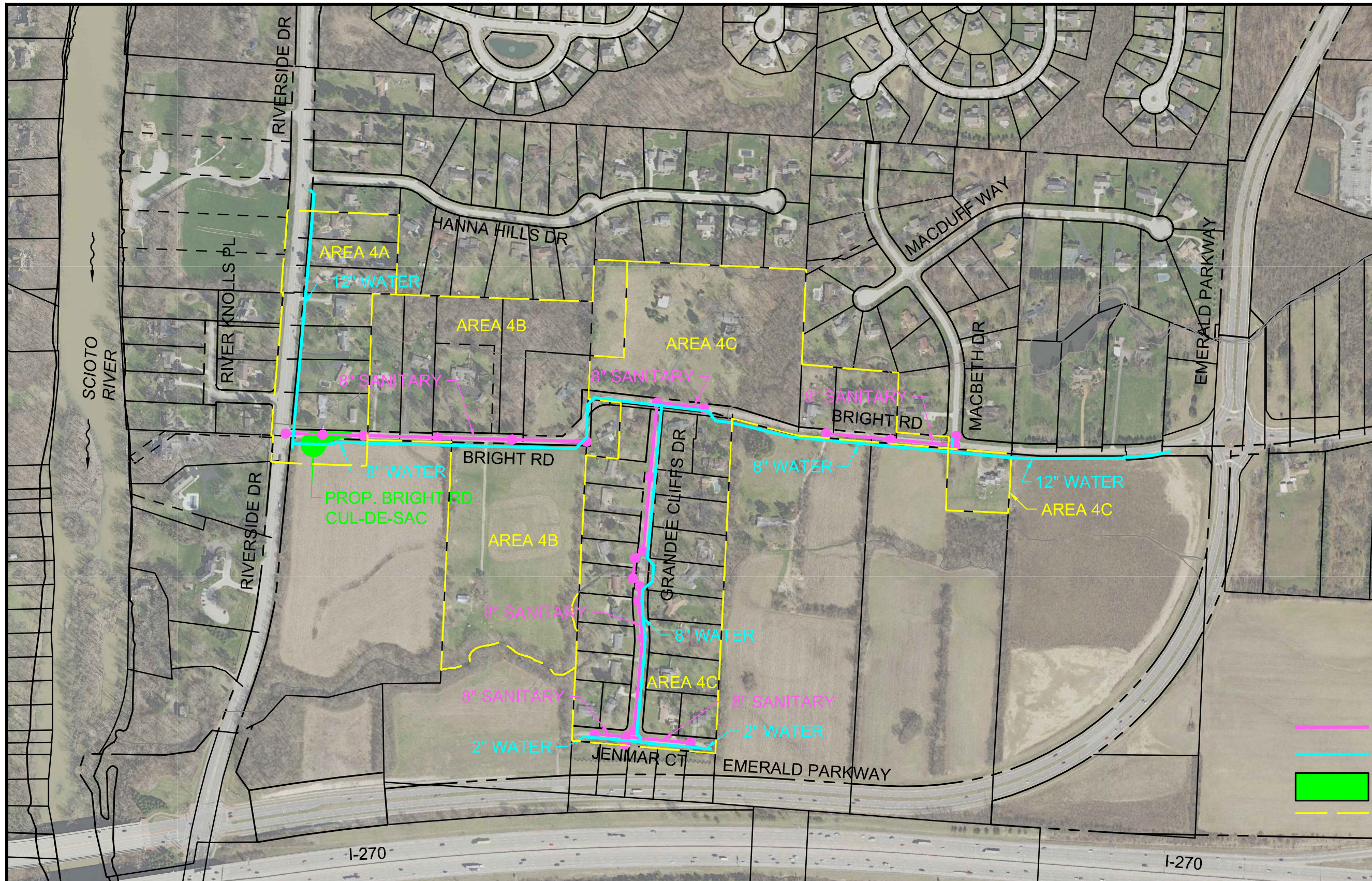
Property Owner(s)	Parcel Number	Property Interests and Acreage	Auditor Parcel ID Number
John E. and Sally S. Leppert	8-WD	Fee Simple WD for Right-of-Way, 0.336 acre of which 0.336 acres is PRO (public road occupied)	273-008762-00
	8-U1	Perpetual Public Utility Easement, 0.068 acre	
	8-U2	Perpetual Public Utility Easement, 0.047 acre	
Thomas A. McDowell (50%) Diane A. Hornung (50%)	9-WD	Fee Simple WD for Right-of-Way, 0.696 acre of which 0.279 acre is PRO	273-008396-00
	9-U	Perpetual Public Utility Easement, 0.198 acre	
John W. McKitrick	13-U	Perpetual Public Utility and Shared-Use Path Easement, 0.216 acre	273-008736-00
Charles R. Johnson Jr., Trustee	14-U	Perpetual Public Utility Easement, 0.044 acre	273-008598-00

Borrer Realty Company (50%) Catholic Diocese of Columbus (50%)	15-U	Perpetual Public Utility and Shared-Use Path Easement, 0.212 acre	273-008380-00
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Two properties, Parcel 8 and 9, will be impacted by the Bright Road cul-de-sac roadway construction and will require storm sewer relocation. These properties impacted by the cul-de-sac were appraised to determine the fair market value of the proposed right of way and utility easements. Parcel 12 is owned by the Dublin School District and the acquisition from it will be addressed in separate legislation. The undeveloped properties (Parcels 13 and 15) and 4163 Bright Road (Parcel 14, single family residence) on the south side of Bright Road between Grandee Cliffs Estates subdivision and Emerald Parkway were also appraised to determine the fair market value of the proposed utility easements. The undeveloped properties and the properties impacted by the cul-de-sac will be compensated for their right-of-way and easement property interests since they are located outside of the designated unserved areas. The need for a shared-use path to provide connectivity from the proposed new elementary school to Macbeth Drive developed during the negotiating of the easements and is only necessary from the McKitrick and Borrer Realty Company parcels. The rights of the easements and the subsequent costs have been updated accordingly.

RECOMMENDATION

Staff recommends adoption of Ordinance Nos. 60-18 through 64-18 at the second reading/public hearing on September 24, 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.



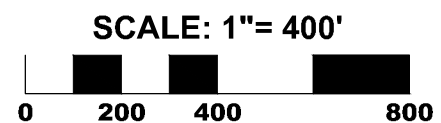
LEGEND

- PROP. SANITARY SEWER
- PROP. WATER LINE
- PROP. CUL-DE-SAC
- AREA BOUNDARY

DATE: 08/16/2018

LOCATION MAP

**SANITARY SEWER AND WATERLINE
EXTENSIONS - AREAS 4A, 4B, 4C AND
BRIGHT ROAD CUL-DE-SAC**



RECORD OF ORDINANCES

Ordinance No. 61-18

Passed _____, 20____

ORDINANCE TO APPROPRIATE A 0.696-ACRE FEE SIMPLE WARRANTY DEED FOR RIGHT-OF-WAY, WITHOUT LIMITATION TO EXISTING ACCESS RIGHTS; AND A 0.198-ACRE PERPETUAL PUBLIC UTILITY EASEMENT FROM THOMAS A. MCDOWELL AND DIANE A. HORNUNG, FROM THE PROPERTY LOCATED ALONG RIVERSIDE DRIVE AND BRIGHT ROAD FOR THE PUBLIC PURPOSE OF CONSTRUCTING A NEW CUL-DE-SAC AND CONSTRUCTING SANITARY SEWER LINES AND WATER LINE EXTENSIONS.

WHEREAS, the City of Dublin (the "City") is preparing to construct the Sanitary Sewer and Water Line Extensions – Areas 4A, 4B, 4C, and Bright Road Cul-De-Sac Project (the "Project"); and

WHEREAS, the Project requires that the City obtain a fee simple warranty deed for right-of-way, without limitation to existing access rights; and a perpetual public utility easement from the parcel identified as Franklin County Parcel Number 273-008396-00, owned by Thomas A. McDowell and Diane A. Hornung, as described in the attached Exhibits A and depicted in the attached Exhibits B.

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 \$51,600, for the public purpose of constructing a new cul-de-sac to be open to the public without charge and sanitary sewer and water line extensions, the following property interests: a 0.696-acre fee simple warranty deed for right-of-way, without limitation to existing access rights; and a 0.198-acre perpetual public utility easement, as described in the attached Exhibits A and depicted in the attached Exhibits B.

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, and to utilize the quick-take procedures pursuant to R.C. 163.06, if applicable.

Section 3. This Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interests 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.

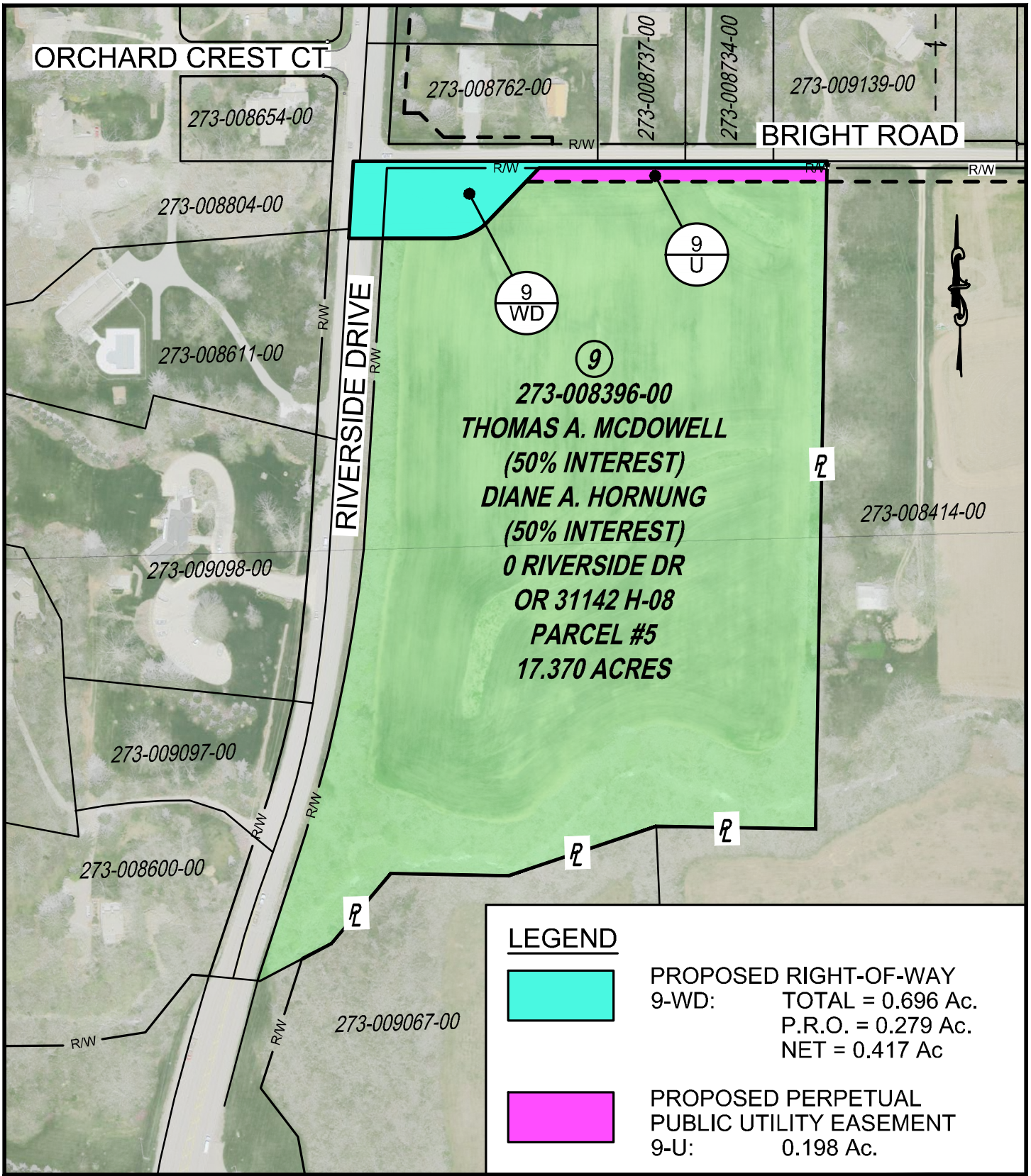
Section 4. This Ordinance shall take effect in accordance with 4.04(b) of the Dublin Revised Charter.

Passed this _____ day of _____, 2018.

Mayor – Presiding Officer



ATTEST:

Clerk of Council



273-008396-00
THOMAS A. MCDOWELL
 (50% INTEREST)
DIANE A. HORNUNG
 (50% INTEREST)
 0 RIVERSIDE DR
 OR 31142 H-08
PARCEL #5
17.370 ACRES

LEGEND

- 
 PROPOSED RIGHT-OF-WAY
 9-WD: TOTAL = 0.696 Ac.
 P.R.O. = 0.279 Ac.
 NET = 0.417 Ac
- 
 PROPOSED PERPETUAL
 PUBLIC UTILITY EASEMENT
 9-U: 0.198 Ac.

DATE: 06/15/2018



9-WD, 9-U
SANITARY SEWER AND
WATERLINE EXTENSIONS -
AREAS 4A, 4B, 4C AND
BRIGHT ROAD CUL-DE-SAC
DUBLIN, OHIO 43016



EXHIBIT A

Parcel 9-WD

SANITARY SEWER AND WATER LINE EXTENSIONS - AREAS 4A, 4B, 4C
AND BRIGHT ROAD CUL-DE-SAC

RIGHT-OF-WAY ACQUISITION

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 City of Dublin, County of Franklin, State of Ohio; also being a part of Lots 13 and 17, Quarter-Township 2, Township 2, Range 19 United States Military Lands; also being a part of a 17.370 tract as conveyed to Thomas A. McDowell (50% interest) and Diane A. Hornung (50% interest) as described in Official Record 31142 H-08 Parcel # 5; being more particularly described as follows:

Beginning at a MAG nail set at the intersection of the centerline of Bright Road (County Road #166; 35' right-of-way) and the centerline of Riverside Drive (State Route #257, 80' right-of-way), said point being the northwesterly corner of said 17.370 acre tract, said point also being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Along the centerline of Bright Road and the northerly line of said 17.370 acre tract, said line being parallel and 10.00' northerly of the southerly right-of-way line of Bright Road, **South 88° 27' 21" East for a distance of 695.16'** to a MAG nail set at the northeasterly corner of said 17.370 acre tract, also being the northwesterly corner of a 18.835 acre tract, the remainder of a 21.411 acre tract as conveyed to City of Dublin as described in Instrument No. 201011230159006, said point also potentially being the northwesterly corner of the residual of a 19.41 acre tract as conveyed to O. Josephine Holder, LLC as described in Official Record 34266 B-09; thence,

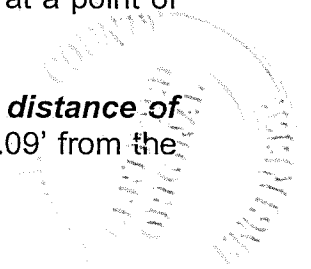
Along a portion of the easterly line of said 17.370 acre tract and a portion of the westerly line of said 18.835 acre tract and potentially the residual of said lands of O. Josephine Holder, LLC, **South 02° 31' 46" West for a distance of 10.00'** to a point witnessed by an iron pin found with a "PATRIDGE" identifier cap that bears North 50° 23' 12" East for a distance of 0.48' from said point; thence,

Along a line through said 17.370 acre tract, parallel and 10.00' distant to the centerline of Bright Road and the northerly line of said 17.370 acre tract, **North 88° 27' 21" West for a distance of 422.56'** to an iron pin set; thence,

Along a line through said 17.370 acre tract, **South 45° 09' 29" West for a distance of 108.80'** to an iron pin set at a point of curvature; thence,

Along a line through said 17.370 acre tract following a curve to the right having **an arc length of 64.77', a radius of 80.00', a central angle of 046° 23' 10", and a chord that bears South 68° 21' 04" West for a distance of 63.01'** to an iron pin set at a point of tangency; thence,

Along a line through said 17.370 acre tract, **North 88° 27' 21" West for a distance of 146.36'** to a MAG nail set, passing over an iron pin set at a distance of 50.09' from the terminus of this course; thence,



Along a portion of the westerly line of said 17.370 acre tract and along the centerline of Riverside Drive, **North 05° 01' 18" East for a distance of 113.80'** to the point of beginning, containing 0.696 acres of land, more or less, of which 0.279 acres is within the Present Road Occupied (P.R.O.), as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by The Kleingers Group in February, 2018.

Basis of bearings is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with a portion of the centerline of Bright Road being South 88° 27' 21" East based on a GPS survey utilizing CORS Station "COLB".

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped 'THE KLEINGERS GROUP'.

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



Michael L. Keller

6/14/18

Michael L. Keller
Professional Surveyor, Ohio License No. 7978

Date



*0.071-D
SPLIT
0.696 AC
OUT OF
(273)
008396*





I HEREBY CERTIFY THAT THIS PLAT IS BASED UPON A FIELD SURVEY MADE UNDER MY DIRECTION.

Michael L. Keller

MICHAEL L. KELLER
OHIO PROFESSIONAL SURVEYOR NO. 7978

6/14/18
DATE



CIVIL ENGINEERING
SURVEYING
LANDSCAPE
ARCHITECTURE
www.kleingers.com
350 Worthington Rd
Suite B
Westerville, OH 43082
614.882.4311

EXHIBIT B
PARCEL 9-WD
SANITARY SEWER AND
WATER LINE
EXTENSIONS-AREAS 4A,
4B, 4C AND BRIGHT ROAD
CUL-DE-SAC

PROJECT NO:	170474.000
DATE:	6/14/18
SCALE: 1" = 100'	
SHEET NO.	1 OF 1

EXHIBIT A

Parcel 9-U

SANITARY SEWER AND WATER LINE EXTENSIONS - AREAS 4A, 4B, 4C AND BRIGHT ROAD CUL-DE-SAC

PERPETUAL EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES, STORM DRAINAGE AND GRADING IN THE NAME AND FOR THE USE OF THE CITY OF DUBLIN, OHIO

Situated in the City of Dublin, County of Franklin, State of Ohio; also being a part of Quarter-Township 2, Township 2, Range 19 United States Military Lands; also being a part of Franklin County Auditor's tax parcel number 273-008396, a 17.370 tract as conveyed to Thomas A. McDowell (50% interest) and Diane A. Hornung (50% interest) as described in Official Record 31142 H-08 Parcel # 5; being more particularly described as follows:

Beginning at the intersection of the westerly line of said 17.370 acre tract and the southerly right-of-way line of Bright Road (County Road #166; 35' right-of-way); thence,

Along a portion of the westerly right-of-way line of said 17.370 acre tract, **South 02° 31' 46" West for a distance of 20.00'** to a point; thence,

Along a line through said 17.370 acre tract, parallel and 20.00' distant to the southerly right-of-way line of Bright Road, **North 88° 27' 21" West for a distance of 441.27'** to a point; thence,

Along a line through said 17.370 acre tract, **North 45° 09' 29" East for a distance of 27.62'** to a point; thence,

Along a line through said 17.370 acre tract and along the southerly right-of-way line of Bright Road, **South 88° 27' 21" East for a distance of 422.56'** to the point of beginning, containing 0.198 acres of land, more or less.

Basis of bearings is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007), with a portion of the centerline of Bright Road being South 88° 27' 21" East based on a GPS survey utilizing CORS Station "COLB".

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





Michael L. Keller
Professional Surveyor, Ohio License No. 7978



Date



273-009139-00
JP FAULKNER
4700 BRIGHT RD
IN. 200201080007724
IN. 200303130074520
3.371 ACRES

273-008734-00
TODD L. & JENNIFER L. BRENEMAN
4740 BRIGHT RD
OR 8363 C-13
1.70 ACRES

273-008737-00
ROBERT C. & JOETTA L. BODE
4760 BRIGHT RD
DB 3579 PG 311
1.703 ACRES

273-008762-00
JOHN E. & SALLY S. LEPPERT
4780 BRIGHT RD
IN. 201311060186158
1.357 ACRES

273-008414-00
CITY OF DUBLIN
4729 BRIGHT RD
IN. 201011230159006
21.411 ACRES (ORIGINAL)
18.835 ACRES (RESIDUAL)

⑨
273-008396-00
THOMAS A. MCDOWELL (50% INTEREST)
DIANE A. HORNUNG (50% INTEREST)
0 RIVERSIDE DR
OR 31142 H-08
PARCEL #5
17.370 ACRES

9-U
PERPETUAL EASEMENT FOR
THE CONSTRUCTION AND
MAINTENANCE OF PUBLIC
UTILITIES, STORM DRAINAGE
AND GRADING
0.198 ACRES

BASIS OF BEARINGS:
BEARINGS ARE BASED ON THE STATE PLANE COORDINATE
SYSTEM, OHIO SOUTH ZONE (NAD83-NSRS2007) WITH A PORTION
OF THE CENTERLINE OF BRIGHT ROAD BEING S 88° 27' 21" E
BASED ON A GPS SURVEY UTILIZING CORS STATION "COLB".

P.O.B.



Michael L. Keller

MICHAEL L. KELLER
OHIO PROFESSIONAL SURVEYOR NO. 7978

6/21/18
DATE



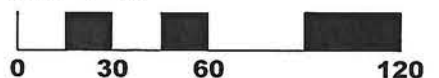
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EXHIBIT B
PARCEL 9-U
SANITARY SEWER
AND WATER LINE
EXTENSIONS-AREAS
4A, 4B, 4C AND
BRIGHT ROAD
CUL-DE-SAC

PROJECT NO: 170474.000

DATE: 6/21/18

SCALE: 1" = 60'



SHEET NO.

1 OF 1