



City of Dublin


**Office of the City Manager**

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# Memo

**To:** Members of Dublin City Council

**From:** Dana L. McDaniel, City Manager 

**Date:** April 16, 2019

**Initiated By:** Paul A. Hammersmith, Director of Engineering  
Jean-Ellen Willis, PE, Engineering Manager – Transportation  
Philip K. Hartmann, Assistant Law Director

**Re:** Ordinance Nos. 14-19 through 20-19  
Acquisition of Right-of-Way and Easements  
Tuttle Crossing Boulevard Extension and Avery Road  
Improvements (13-013-CIP)

## Background

The Tuttle Crossing Boulevard Extension and Avery Road Improvements project (the "Project") provides for the 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. 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.

In the 2019-2023 Capital Improvements Program (CIP), site acquisition is programmed in 2018-2019, utility relocation is programmed in 2019, and construction and landscaping are programmed in 2020. Currently, the Project is planned to be funded through service payments from the Rings/Frantz Tax Increment Financing (TIF) District and the Thomas/Kohler TIF, an advance from the General Fund, City of Columbus contribution of \$2,800,000, private developer contributions of \$535,786 and a \$7,000,000 grant through the Mid-Ohio Regional Planning Commission (MORPC) attributable funding. However, a gap in funding still exists and the timing of construction is subject to change.

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 City, through its acquisition agent, has come to mutually agreeable terms with multiple property owners in connection with the Project. The property acquisitions from these owners consist of the following property interests from the named property owners, as depicted in the map attached hereto:

| <b><i>Property Owner</i></b>   | <b>Property Interests</b>  | <b>Auditor<br/>Parcel ID<br/>Number</b>   | <b>Acquisition<br/>Price</b>                                |
|--|--|---|---|
| Ord. 14-19<br>Ginger Shepherd and James L. Shepherd<br>(Parcel 46 –<br>5556 Avery Road)      | 0.062 acre R/W<br>0.113 acre Standard<br>Highway Easement<br>0.007 acre Temporary<br>Construction Easement | 274-000078  | \$30,000  |
| Ord. 15-19<br>Tuttle Partners, Ltd.<br>(Parcel 23 –<br>5701 Ebner Circle)                    | 0.081 acre Channel<br>Easement   | 273-006596  | \$3,645   |
| Ord. 16-19<br>Felicia Quinn and John J. Quinn<br>(Parcel 28 –<br>5498 Avery Road)            | 0.044 acre R/W<br>0.157 acre Standard<br>Highway Easement<br>0.449 acre parcel                             | 274-000082  | \$295,450<br>(price for<br>acquisition of<br>entire parcel) |
| Ord. 17-19<br>William Thomas and Linda<br>Thomas<br>(Parcel 33 –<br>5494 Cara Court)         | 0.004 acre R/W<br>0.051 acre Standard<br>Highway Easement  | 274-000095  | \$10,649  |
| Ord. 18-19<br>Charles Fry and Amy Fry<br>(Parcel 40 –<br>5540 Cara Court)                    | 0.021 acre Standard<br>Highway Easement  | 274-000092  | \$4,847   |
| Ord. 19-19<br>Christopher Freeman and<br>Michele Freeman<br>(Parcel 41 –<br>5545 Cara Court) | 0.016 acre Standard<br>Highway Easement  | 274-000091  | \$3,214   |
| Ord. 20-19<br>The Village of Balgriffin<br>Condominium<br>(Parcel 49 –<br>Avery Road)        | 0.009 acre Sewer<br>Easement   | 274-000161 to<br>274-000170;<br>274-000228 to<br>274-000235;<br>274-000346 to<br>274-000352;<br>274-000354 to<br>274-000365;<br>274-000369 to<br>274-000390 | \$605   |

The details regarding each property acquisition is as follows:

**Ginger Shepherd and James L. Shepherd:** The property is located on the east side of Avery Road, north of Cara Road, at 5556 Avery Road, Dublin, Ohio 43016. The City participated in good faith discussions with Ginger Shepherd and James L. Shepherd, resulting in mutually agreeable terms for the acquisition of the property interest for \$30,000, which is 3.6% above the appraised value of \$28,959.

**Tuttle Partners, Ltd.:** The property is located on the west side of Wilcox Road, north of Tuttle Crossing Blvd., at 5701 Ebner Circle, Dublin, Ohio 43016. The City participated in good faith discussions with Tuttle Partners, Ltd., resulting in mutually agreeable terms for the acquisition of the property interest for the appraised value, which was \$3,645.

**Felicia Quinn and John J. Quinn:** The property is located on the northeast corner of Avery Road and Cara Road at 5498 Avery Road, Dublin, Ohio 43016. The appraised value for the required right-of-way and easement was \$44,554. The City's appraiser completed a full summary appraisal report in which he estimated the value of the entire parcel to be \$240,000 before the roadway acquisition. The City participated in good faith discussions with Felicia Quinn and John Quinn, resulting in mutually agreeable terms for the acquisition of the entire parcel for \$295,450.

**William Thomas and Linda Thomas:** The property is located on the east side of Cara Court, north of Cara Road, at 5494 Cara Court, Dublin, Ohio 43016. The City participated in good faith discussions with William Thomas and Linda Thomas, resulting in a minor plan change, and mutually agreeable terms for the acquisition of the property interest for the appraised value, which was \$10,649.

**Charles Fry and Amy Fry:** The property is located on the north end of the Cara Court cul-de-sac, at 5540 Cara Court, Dublin, Ohio 43016. The City participated in good faith discussions with Charles Fry and Amy Fry, resulting in mutually agreeable terms for the acquisition of the property interest for \$4,847, which is 1.8% above the appraised value of \$4,759.

**Christopher Freeman and Michele Freeman:** The property is located on the north end of the Cara Court cul-de-sac, just west of the Fry property, at 5545 Cara Court, Dublin, Ohio 43016. The City participated in good faith discussions with Christopher Freeman and Michele Freeman, resulting in mutually agreeable terms for the acquisition of the property interest for the appraised value, which was \$3,214.

**The Village of Balgriffin Condominium:** The property is located on the east side Avery Road, north of Rings Road east. The land is a common area for the condominiums, which encompasses multiple parcel numbers. The City participated in good faith discussions with the Village of Balgriffin Condominium, resulting in mutually agreeable terms for the acquisition of the property interest for the appraised value, which was \$605.

These Ordinances authorize the City Manager to execute and accept on behalf of the City all necessary conveyance documents to formally acquire the necessary property interests from each property owner.

### **Recommendation**

Staff recommends adoption of Ordinance Nos. 14-19, 15-19, 16-19, 17-19, 18-19, 19-19 and 20-19 at the second reading/public hearing on May 6, 2019, as these ordinances authorize the City Manager to execute all necessary conveyance and contract documents to formally accept the necessary property interests described above.

RECORD OF ORDINANCES

Ordinance No. 19-19

Passed \_\_\_\_\_, \_\_\_\_\_

**AUTHORIZING THE CITY MANAGER TO EXECUTE AND ACCEPT NECESSARY CONVEYANCE DOCUMENTS AND CONTRACTS TO ACQUIRE A 0.016-ACRE STANDARD HIGHWAY EASEMENT FROM CHRISTOPHER FREEMAN AND MICHELE FREEMAN, LOCATED AT 5545 CARA COURT, 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 standard highway easement from the parcel identified as Franklin County parcel number 274-000091, owned by Christopher Freeman and Michele Freeman (the "Grantor"), as described in the attached Exhibit A and depicted in the attached Exhibit B; and

**WHEREAS**, the City, through its acquisition agent for the Project, and the Grantor participated in good faith discussions and have come to mutually agreeable terms for the acquisition of the necessary property interests for the sum of \$3,214.00, which is the appraised value of the property interests; 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 0.016-acre standard highway easement from Christopher Freeman and Michele Freeman, for the appraised value of \$3,214.00, said property interest located within the parcel identified as Franklin County parcel number 274-000091, and more fully described 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor – Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of Council

**EXHIBIT A**

LPA RX 871 SH

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Ver. Date 3/20/2017

PID 99815

**PARCEL 41-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).

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[Surveyor's description of the premises follows]

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Situated in the State of Ohio, County of Franklin, City of Dublin, and being located in Virginia Military Survey Number 3004, and being part of Lot 9 of Miller Estates No. 2, as recorded in Plat Book 49, Page 43, said Lot 9 being described in deeds to **Christopher R. Freeman and Michele R. Freeman**, of record in Instrument Number 201212140192949, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, being a parcel on the left side of the proposed centerline of construction for Cara Court, 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:

**BEGINNING** at a point on the existing northwest right-of-way line for Cara Court, as established by said Plat Book 49, Page 4., said point being at the easterly corner of said Lot 9, being the southwest corner of Lot 10 of said Miller Estates No. 2, said Lot 10 being described in a deed to Charles E. Fry Jr. and Amy L. Fry, of record in Instrument Number 201209180138996, and said corner being 6.24 feet left of Cara Road proposed centerline of construction Station 15+10.18;

## EXHIBIT A

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Thence along the arc of a curve to the left, along the existing northwest right-of-way line for said Cara Court and along the southeast line of said Lot 9, said curve having a radius of **50.00 feet**, a central angle of **73 degrees 44 minutes 37 seconds**, and an arc length of **64.35 feet** to the southerly corner of said Lot 9, being the northeast corner of Lot 8 of said Miller Estates No. 2, said Lot 8 being described in a deed to John D. Kormanik and Sharon L. Kormanik, of record in Instrument Number 199708190073896, (reference an iron pipe bearing North 81 degrees 26 minutes 56 seconds West at a distance of 0.48 feet), said point being 49.37 feet left of Cara Court proposed centerline of construction Station 14+68.46, said curve being subtended by a long chord having a bearing of **South 42 degrees 01 minutes 46 seconds West** and a length of **60.00 feet**;

Thence **North 60 degrees 33 minutes 55 seconds West**, along the southwest line of said Lot 9 and along the northeast line of said Lot 8, a distance of **10.79 feet** to an iron pin set, said iron pin being 58.38 feet left of Cara Court proposed centerline of construction Station 14+74.40;

Thence along the arc of a non-tangent curve to the right, across said Lot 9, said curve having a radius of **60.00 feet**, a central angle of **67 degrees 29 minutes 24 seconds**, and an arc length of **70.68 feet** to an iron pin set on the northeast line of said Lot 9, being on the southwest line of said Lot 10, said iron pin being 9.58 feet left of Cara Court proposed centerline of construction Station 15+19.80, said curve being subtended by a long chord having a bearing of **North 43 degrees 08 minutes 35 seconds East** and a length of **66.66 feet**;

Thence **South 23 degrees 02 minutes 40 seconds East**, along the northeast line of said Lot 9 and along the southwest line of said Lot 10, a distance of **10.18 feet** to the **POINT OF BEGINNING** for this description.


The above described standard highway easement contains a total area of **0.016 acres** located within Franklin County Auditor's parcel number 274-000091.

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 March 20, 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

0.110 ±  
Reduce Assessed Average Only  
0.016 acre (Highway Easement)  
out of (274) 91



9/6/2017  
Date



PLOT SCALE: 1:1 EDIT DATE: 8/9/2017



LEGEND

- City of Dublin Corp Limit
- Proposed Right-of-Way
- Permanent Easement
- PRO Conversion
- Channel Easement
- Temporary Easement

