

To: Members of Dublin City Council

From: Dana L. McDaniel, City Manager

Date: October 20, 2020

Initiated By: Megan D. O'Callaghan, PE, Deputy City Manager/Chief Operating Officer
Paul A. Hammersmith, PE, Director of Engineering/City Engineer
Michael S. Sweder, PE, Interim Engineering Manager
Philip K. Hartmann, Assistant Law Director

Re: University Boulevard – Phase 2 / Shier Rings Road and Avery Road Intersection Improvement Projects
Ordinances Authorizing Appropriations – Nos. 33-20 - 42-20 and an
Ordinance Authorizing the Execution of Conveyance Documents – No. 43-20

BACKGROUND

The City of Dublin ("City") and The Ohio State University (collectively, the "Project Partners") are working together to construct public improvements in the area of Avery Road, Shier Rings Road and Eiterman Road. The Project Partners entered into an Economic Development Agreement on May 24, 2019 for the public improvements. The City engaged West Erie Realty Solutions, Ltd. ("West Erie") as the acquisition consultant for the University Boulevard - Phase 2 and the Avery Road and Shier Rings Road Intersection Improvement projects. In that role, West Erie has been the main point of contact with the property owners, and will be working with the property owners to reach amicable resolution.

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

- Anthony Gioffre and John Gioffre
- 33 Dublin Industrial Park, LLC
- Joseph F. Monska, Trustee
- William L. Baker & Nancy A. Baker
- Sertek, LLC
- SH 725 LLC
- W. Baker Holdings, LLC and William L. Baker
- Avery Lakes Partners, LLC
- Dolan Investments II
- Samuel M. Baker
- Medex, Inc.

For the acquisition involving the property owned by Joseph F. Monska, Trustee, the City and the property owner have been engaged in good faith negotiations and recently arrived at a purchase price for the acquisition of the entire parcel. The ordinance authorizing this complete acquisition is Ordinance No. 43-20.

The City remains hopeful that an amicable resolution can be reached with each of the remaining property owners; however, Ordinances Nos. 33-20 – 42-20 are a necessary next step in the eminent domain process in the event that negotiations are unsuccessful.

ACQUISITION

The property acquisition consists of the following property interests from each of the above-named property owners and as depicted in the property map attached hereto:

Property Owner	Property Interests	Auditor Parcel ID Number(s)	Appraised Value
Anthony Gioffre and John Gioffre (Parcel 2 - 6262 Eiterman Rd.)	2-WD: 0.738-acre fee simple r/w, w/ reservation of existing access 2-U1: 0.148-acre permanent utility easement 2-U2: 0.073-acre permanent utility easement 2-T: 0.138-acre temporary easement 2-E: 0.301-acre fee simple r/w, w/ reservation of existing access (valued separately)	274-001113 274-001112	\$265,460 \$19,565 (for 2-E parcel)
33 Dublin Industrial Park, LLC (Parcel 4 - 6280 Rings Rd)	4-WD: 0.056-acre PRO fee simple r/w, w/ reservation of existing access 4-WD: 0.178-acre fee simple r/w, w/ reservation of existing access	274-000130	\$75,240

	4-U: 0.028-acre permanent utility easement 4-T1: 0.120-acre temporary easement 4-T2: 0.024-acre temporary easement		
Joseph F. Monska, Trustee (Parcel 5 - 6480 Shier Rings Rd)	5-WD: 0.561-acre fee simple r/w, w/ reservation of existing access 5-S: 0.326-acre permanent sewer easement 5-E: 0.326-acre fee simple r/w, w/ reservation of existing access	273-000304	\$310,000 (appraised value of entire parcel) Settlement proposed at \$350,000 for purchase of entire property in fee simple.
William L. Baker & Nancy A. Baker (Parcel 6 – 6430 Shier Rings Rd)	6-WD1: 0.056-acre fee simple r/w, w/ reservation of existing access 6-WD2: 0.006-acre fee simple r/w, w/ reservation of existing access 6-WD3: 0.004-acre fee simple r/w, w/ reservation of existing access 6-S: 0.926-acre permanent sewer easement	273-000317	\$347,200

	6-U: 0.085-acre permanent utility easement 6-T: 0.224-acre temporary easement		
Sertek, LLC (Parcel 7 -6399 Shier Rings Rd)	7-WD: 0.042-acre fee simple r/w, w/ reservation of existing access 7-U: 0.283-acre permanent utility easement 7-T: 0.069-acre temporary easement	274-001572	\$44,850
SH 725 LLC (Parcel 8 – 6245 Old Avery Rd)	8-WD1: 0.011-acre fee simple r/w, w/ reservation of existing access 8-WD2: 0.054-acre fee simple r/w, w/ reservation of existing access 8-U: 0.031-acre permanent utility easement	273-009727 273-000327	\$24,150
W. Baker Holdings, LLC and William L. Baker (Parcels 9 and 11 – 6360-6390 Shier Rings Rd)	9-WD: 0.144-acre fee simple r/w, w/ reservation of existing access 9-U: 0.083-acre permanent utility easement 9-T: 0.038-acre temporary easement	273-000316 (Parcel 9) 273-000302 (Parcel 11)	\$273,325

	11-WD: 0.460-acre fee simple r/w, w/ reservation of existing access 11-U: 0.002-acre permanent utility easement 11-T: 0.029-acre temporary easement		
Avery Lakes Partners, LLC (Parcel 10 – 6201-6233 Avery Rd)	10-WD: 0.107-acre fee simple r/w, w/ reservation of existing access 10-U: 0.319-acre permanent utility easement 10-T: 0.057-acre temporary easement	274-001573	\$125,280
Dolan Investments II (Parcel 12 – 6385 Avery Rd)	12-WD: 0.001-acre fee simple r/w, w/ reservation of existing access 12-T: 0.073-acre temporary easement	274-000120 274-000119	\$5,460
Samuel M. Baker (Parcel 13 – 6252 Avery Rd)	13-WD: 0.292-acre fee simple r/w, w/ reservation of existing access 13-T: 0.146-acre temporary easement	273-001049	\$99,800
Medex, Inc. (Parcel 15 – 6250 Shier Rings Rd)	15-T: 0.058-acre temporary easement	273-005584	\$4,100

RECOMMENDATION

Staff recommends approval of Ordinance Nos. 33-20 - 43-20 at the second reading/public hearing on November 9, 2020, as these ordinances will allow the Project to continue moving forward.

RECORD OF ORDINANCES

Ordinance No. 36-20

Passed _____, _____

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM SERTEK, LLC, FROM THE PROPERTY LOCATED AT 6399 SHIER RINGS ROAD, FOR THE PUBLIC PURPOSE OF CONSTRUCTING A NEW ROADWAY TO BE NAMED UNIVERSITY BOULEVARD, WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE.

WHEREAS, the City of Dublin (the "City") is preparing to construct Phase 2 of the new University Boulevard (the "Project"); and

WHEREAS, the Project requires that the City obtain the following property interests from the parcel identified as Franklin County Parcel Number 274-001572, owned by Sertek, LLC, as described in the attached Exhibits A and depicted in the attached Exhibits B:

- 7-WD: a 0.042-acre fee simple right-of-way, with reservation of existing access.
- 7-U: a 0.283-acre permanent utility easement.
- 7-T: a 0.069-acre temporary easement.

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 \$44,850, for the public purpose of constructing a new roadway which shall be open to the public without charge, the following property rights and easements from Sertek, LLC, each of which are described in the attached Exhibits A and depicted in the attached Exhibits B:

- 7-WD: a 0.042-acre fee simple right-of-way, with reservation of existing access.
- 7-U: a 0.283-acre permanent utility easement.
- 7-T: a 0.069-acre temporary easement.

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 its "quick take" authority under the Ohio Constitution and the Ohio Revised Code to take immediate possession of the property interests.

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 owners 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 _____, 2020.

Mayor – Presiding Officer

ATTEST:

Clerk of Council



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

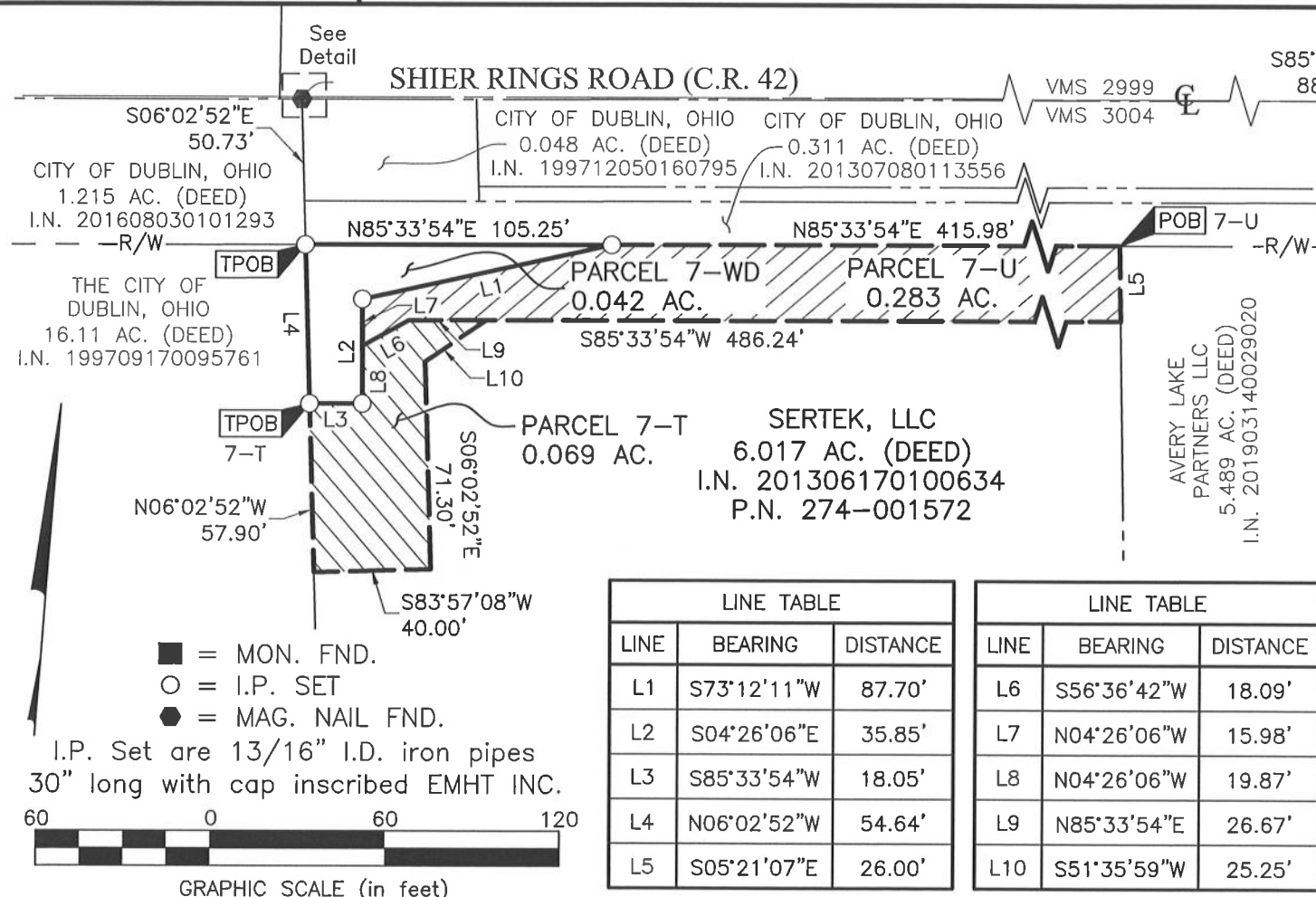
SURVEY OF ACREAGE PARCEL

VIRGINIA MILITARY DISTRICT SURVEY NUMBER 3004
CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO

Date: May 29, 2020

Scale: 1" = 60'

Job No: 2019-0835



BASIS OF BEARINGS:

The Bearings shown hereon are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FCGS 5536 and FCGS 7752, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment, and having a bearing of North 85° 37' 06" East for a portion of the centerline of Shier Rings Road.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.



By

Heather L. King
Professional Surveyor No. 8307
hking@emht.com

5/29/20

Date

**PARCEL 7-WD
0.042 ACRE**

**ALL RIGHTS, 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).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Franklin, City of Dublin, lying in Virginia Military District Survey Number 3004, being part of that 6.017 acre tract conveyed to Sertek, LLC by deed of record in Instrument Number 201306170100634, (all references are to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument 5420 found at the centerline intersection of Shier-Rings Road (C.R. 42) with Old Avery Road, as depicted on FRA-C.R.3, dated September 23, 1997, and of record in the Franklin County Engineer Office;

Thence South 85° 36' 58" West, with the centerline of said Shier-Rings Road, a distance of 886.98 feet to a point;

Thence South 06° 02' 52" East, across said Shier-Rings Road, partially with the westerly line of that 0.048 acre tract conveyed to the City of Dublin by deed of record in Instrument Number 199712050160795 and that 0.311 acre tract conveyed to the City of Dublin by deed of record in Instrument Number 201307080113556, the easterly line of that 1.215 acre tract conveyed to City of Dublin, Ohio by deed of record in Instrument Number 201608030101293, (passing a magnetic nail found at 0.79 feet) a total distance of 50.73 feet to an iron pin set in the southerly right-of-way line thereof, at the common corner of said 1.215, 0.311 and 6.017 acre tracts and that 16.11 acre tract conveyed to The City of Dublin, Ohio by deed of record in Instrument Number 199709170095761, being the TRUE POINT OF BEGINNING;

Thence North 85° 33' 54" East, with the southerly right-of-way line of said Shier-Rings Road, the line common to said 6.017 and 0.311 acre tracts, a distance of 105.25 feet to an iron pin set;

Thence across said 6.017 acre tract, the following courses and distances:

South 73° 12' 11" West, a distance of 87.70 feet to an iron pin set;

South 04° 26' 06" East, a distance of 35.85 feet to an iron pin set; and

South 85° 33' 54" West, a distance of 18.05 feet to an iron pin set in the line common to said 6.017 and 16.11 acre tracts;

Thence North 06° 02' 52" West, with said common line, a distance of 54.64 feet to the TRUE POINT OF BEGINNING, containing 0.042 acre, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

PARCEL 7-WD

0.042 ACRE

-2-

The Bearings shown hereon are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FCGS 5536 and FCGS 7752, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment, and having a bearing of North 85° 37' 06" East for a portion of the centerline of Shier Rings Road.

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Professional Surveyor No. 8307

5/29/20

Date

HLK: ap
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PRELIMINARY APPROVAL
Cornell R. Robertson, P.E., P.S.

BY: ajstuart
05/14/2020

PENDING ORIGINALS

*Submitted via digital format



Please return this approval, along with the original description and plat of survey, as prepared by the surveyor, signed, sealed and dated in blue ink.

**PARCEL 7-U
0.283 ACRE**

PERMANENT UTILITY EASEMENT

A permanent easement in, upon and over the described real estates. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Franklin, City of Dublin, lying in Virginia Military District Survey Number 3004, being part of that 6.017 acre tract conveyed to Sertek, LLC by deed of record in Instrument Number 201306170100634, (all references are to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

BEGINNING in the southerly right-of-way line of Shier Rings Road, in the southerly line of that 0.311 acre tract conveyed to the City of Dublin, Ohio by deed of record in Instrument Number 201307080113556, at the common corner of said 6.017 acre tract and that 5.489 acre tract conveyed to Avery Lake Partners LLC by deed of record in Instrument Number 201903140029020;

Thence South 05° 21' 07" East, with the line common to said 6.017 and 5.489 acre tracts, a distance of 26.00 feet to a point;

Thence across said 6.017 acre tract, the following courses and distances:

South 85° 33' 54" West, a distance of 486.24 feet to a point;

South 56° 36' 42" West, a distance of 18.09 feet to a point;

North 04° 26' 06" West, a distance of 15.98 feet to a point; and

North 73° 12' 11" East, a distance of 87.70 feet to a point in the southerly right-of-way line of said Shier Rings Road, the line common to said 6.017 and 0.311 acre tracts;

Thence North 85° 33' 54" East, with the southerly right-of-way line of said Shier Rings Road, with said common line, a distance of 415.98 feet to the POINT OF BEGINNING, containing 0.283 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.


Heather L. King
Professional Surveyor No. 8307

5/29/20
Date

**PARCEL 7-T
0.069 ACRE**

TEMPORARY EASEMENT

A temporary easement in, upon and over the described real estates. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Franklin, City of Dublin, lying in Virginia Military District Survey Number 3004, being part of that 6.017 acre tract conveyed to Sertek, LLC by deed of record in Instrument Number 201306170100634, (all references are to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

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Thence South 85° 36' 58" West, with the centerline of said Shier Rings Road, a distance of 886.98 feet to a point;

Thence South 06° 02' 52" East, across said Shier Rings Road, with the westerly line of that 0.048 acre tract conveyed to the City of Dublin by deed of record in Instrument Number 199712050160795, that 0.311 acre tract conveyed to the City of Dublin by deed of record in Instrument Number 201307080113556, and said 6.017 acre tract, the easterly line of that 1.215 acre tract conveyed to City of Dublin, Ohio by deed of record in Instrument Number 201608030101293 and that 16.11 acre tract conveyed to The City of Dublin, Ohio by deed of record in Instrument Number 199709170095761, a distance of 105.37 feet to the TRUE POINT OF BEGINNING;

Thence across said 6.017 acre tract, the following courses and distances:

North 85° 33' 54" East, a distance of 18.05 feet to a point;

North 04° 26' 06" West, a distance of 19.87 feet to a point;

North 56° 36' 42" East, a distance of 18.09 feet to a point;

North 85° 33' 54" East, a distance of 26.67 feet to a point;

South 51° 35' 59" West, a distance of 25.25 feet to a point;

South 06° 02' 52" East, a distance of 71.30 feet to a point; and

South 83° 57' 08" West, a distance of 40.00 feet to the line common to said 6.017 acre and 16.11 acre tracts;

Thence North 06° 02' 52" West, with said common line, a distance of 57.90 feet to the TRUE POINT OF BEGINNING, containing 0.069 acre, more or less.



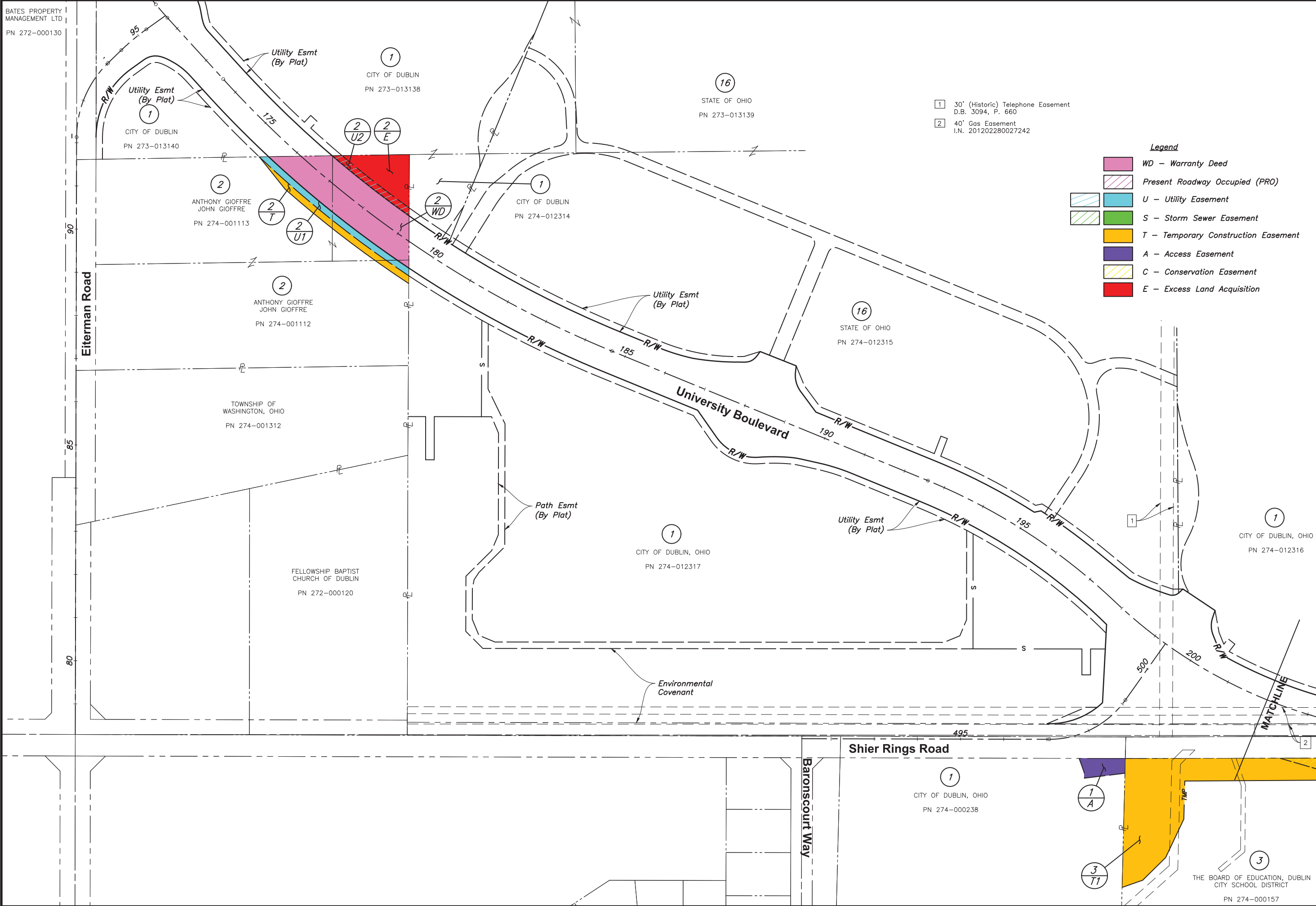
EVANS, MECHWART, HAMBLETON & TILTON, INC.

A handwritten signature in black ink, appearing to read "Heather L. King".

Heather L. King
Professional Surveyor No. 8307

5/29/20

Date



BATES PROPERTY
MANAGEMENT LTD
PN 272-000130

CITY OF DUBLIN
PN 273-013140

ANTHONY GIOFFRE
JOHN GIOFFRE
PN 274-001113

ANTHONY GIOFFRE
JOHN GIOFFRE
PN 274-001112

TOWNSHIP OF
WASHINGTON, OHIO
PN 274-001312

FELLOWSHIP BAPTIST
CHURCH OF DUBLIN
PN 272-000120

CITY OF DUBLIN
PN 273-013138

STATE OF OHIO
PN 273-013139

CITY OF DUBLIN
PN 274-012314

STATE OF OHIO
PN 274-012315

CITY OF DUBLIN, OHIO
PN 274-012317

CITY OF DUBLIN, OHIO
PN 274-012316

CITY OF DUBLIN, OHIO
PN 274-000238

THE BOARD OF EDUCATION, DUBLIN
CITY SCHOOL DISTRICT
PN 274-000157

- 1 30' (Historic) Telephone Easement
D.B. 3094, P. 660
- 2 40' Gas Easement
I.N. 201202280027242

Legend

- WD - Warranty Deed
- Present Roadway Occupied (PRO)
- U - Utility Easement
- S - Storm Sewer Easement
- T - Temporary Construction Easement
- A - Access Easement
- C - Conservation Easement
- E - Excess Land Acquisition

1

JAG

R/W Designer

2

HLK

R/W Reviewer

PROPERTY MAP

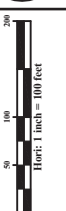
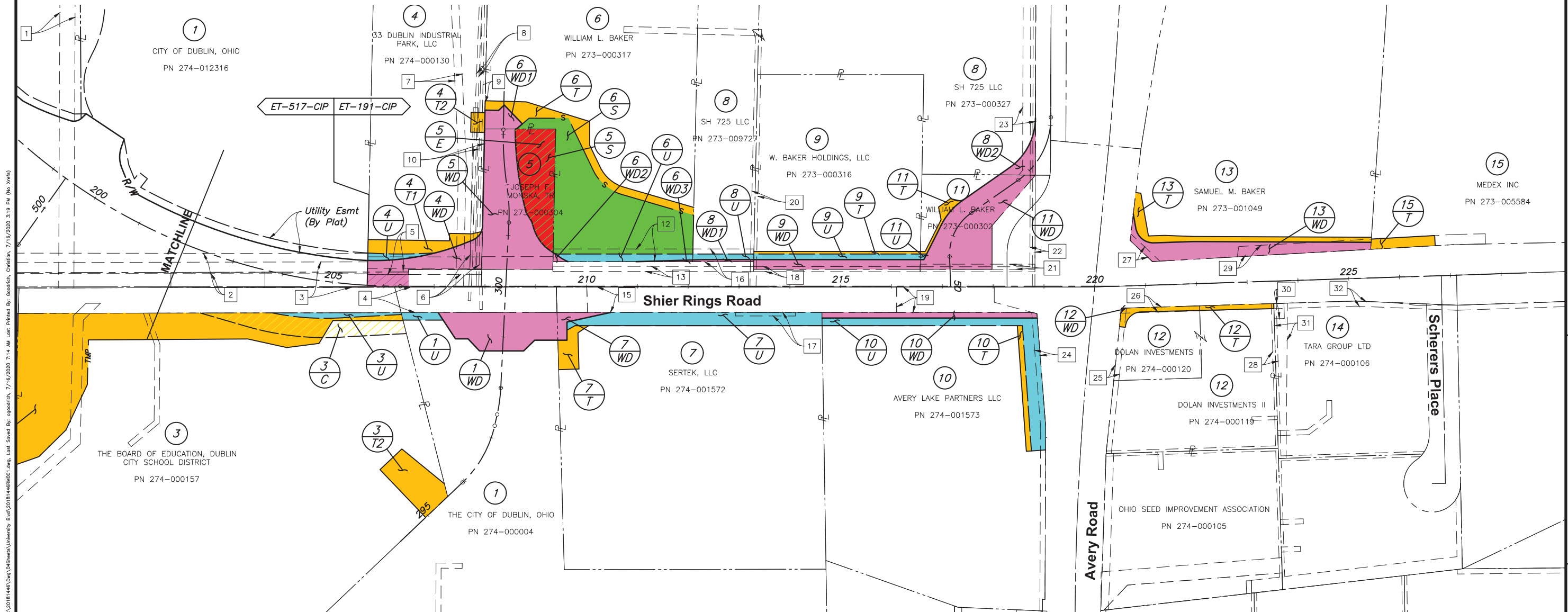
UNIVERSITY BLVD-PHASE 2/
SHIER RINGS RD & AVERY RD
INTERSECTION IMPROVEMENT

354

357

- | | | |
|---|--|--|
| 1 30' (Historic) Telephone Easement
D.B. 3094, P. 660 | 16 25' Gas Easement
I.N. 201311290198227 | 29 Electric Easement
D.B. 3746, P. 416 |
| 2 40' Gas Easement
I.N. 201202280027242 | 17 7' Bike Path Easement
I.N. 201307080113559 | 30 20'X30' Communication Easement
O.R. 05708110 |
| 3 50' Gas Easement
O.R. 13651D08 | 18 10' Gas Easement
D.B. 2864, P. 631 | 31 Utility Easement
I.N. 199707080041306 |
| 4 50' Gas Easement
O.R. 13404G15 | 19 50' Gas Easement
O.R. 13586A05 | 32 10' Electric Easement
D.B. 3566, P. 564 |
| 5 Gas Easement
I.N. 201202280027238 | 20 Electric Easement
D.B. 2838, P. 276 | |
| 6 Communication Easement
O.R. 13856A08 | 21 10' Electric Easement
I.N. 199902080031714 | |
| 7 15' Access Easement
O.R. 13046C08 | 22 10' Gas Easement
D.B. 2861, P. 376 | |
| 8 5' Electric Easement
I.N. 198904210089258
O.R. 13308B04 | 23 Gas Easement
I.N. 201311290198228 | |
| 9 5' Electric Easement
D.B. 2913, P. 369 | 24 10' Electric Easement
I.N. 200908110117078 | |
| 10 10' Communication Easement
O.R. 07527E18 | 25 10' Gas Easement
D.B. 2861, P. 380 | |
| 11 25' Gas Easement
I.N. 201202280027234 | 26 10' Electric Easement
D.B. 3566, P. 564 | |
| 12 25' Gas Easement
I.N. 201311290198231 | 27 Storm Sewer Easement
I.N. 199712050160800 | |
| 13 Gas Easement
D.B. 2861, P. 380 | 28 10' Electric Easement
D.B. 3545, P. 625 | |
| 14 50' Gas Easement
O.R. 13586A11 | | |
| 15 50' Gas Easement
O.R. 13404G17 | | |

- Legend**
- WD - Warranty Deed
 - Present Roadway Occupied (PRO)
 - U - Utility Easement
 - S - Storm Sewer Easement
 - T - Temporary Construction Easement
 - A - Access Easement
 - C - Conservation Easement
 - E - Excess Land Acquisition



R/W Designer
JAG
R/W Reviewer
HLK

PROPERTY MAP

UNIVERSITY BLVD-PHASE 2/
SHIER RINGS RD & AVERY RD
INTERSECTION IMPROVEMENT

355
357