

**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)  <b>Settlement proposed at \$350,000 for purchase of entire property in fee simple.</b>
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. 40-20

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

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM DOLAN INVESTMENTS II, FROM THE PROPERTY LOCATED AT 6385 AVERY 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 parcels identified as Franklin County Parcel Numbers 274-000120 and 274-000119, owned by Dolan Investments II, as described in the attached Exhibits A and depicted in the attached Exhibits B:

- 12-WD: a 0.001-acre fee simple right-of-way, with reservation of existing access.
- 12-T: a 0.073-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 \$5,460, 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 Dolan Investments II, each of which are described in the attached Exhibits A and depicted in the attached Exhibits B:

- 12-WD: a 0.001-acre fee simple right-of-way, with reservation of existing access.
- 12-T: a 0.073-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



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

Job No: 2019-0835

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.

I.P. Set are 13/16" I.D. iron pipes  
30" long with cap inscribed EMHT INC.



PARCEL 12-T  
0.073 AC.

N83°48'26"E 291.76'

S84°09'55"W 261.22'

RESUBDIVISION OF LOT NO. 8  
IN SHAMROCK INDUSTRIAL PARK  
ELECTRIC P.B. 66, P. 46  
MENT LOT 11  
3586, P. 881

DOLAN INVESTMENTS II  
O.R. 2752A01  
P.N. 274-000119  
LOT 8

A circular professional seal for Heather L. King, a Registered Professional Surveyor in the State of Ohio. The seal features a double-lined circular border. Between the lines, the words "STATE OF OHIO" are written in an arc at the top, and "REGISTERED PROFESSIONAL SURVEYOR" is written in an arc at the bottom. Two five-pointed stars are positioned on the left and right sides, separating the top and bottom text. In the center of the seal, the name "HEATHER L. KING" is printed in a bold, sans-serif font, with "HEATHER" on the top line, "L." on the second line, and "KING" on the third line. Below the name, the registration number "S-8307" is printed in a larger, bold, sans-serif font.

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

Date \_\_\_\_\_



PARCEL 12-WD  
0.001 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 Lot 11 of that subdivision entitled "Resubdivision of Lot No. 8 in Shamrock Industrial Park", of record in Plat Book 66, Page 46, said lot being conveyed to Dolan Investments II by deed of record in Official Record 2752A01, (all references are to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the southerly right-of-way line of Shier-Rings Road (C.R. 42) with the easterly right-of-way line of Avery Road (C.R. 3), being in the easterly line of that 3.280 acre tract conveyed as Relinquishment Parcel 4 to Franklin County, Ohio by deed of record in Deed Book 3452, Page 177, at the common corner of said Lot 11 and that 6.718 acre tract conveyed as Relinquishment Parcel 5 to Franklin County, Ohio by deed of record in Deed Book 3452, Page 177, witness Franklin County Geodetic Survey monument 5415 found North 03° 20' 48" East, a distance of 44.04 feet, and South 83° 41' 21" West, a distance of 58.46 feet;

Thence North 83° 48' 26" East, with the southerly right-of-way line of said Shier-Rings Road, the line common to said Lot 11 and said 6.718 acre tract, a distance of 8.24 feet to an iron pin set;

Thence South 45° 33' 23" West, across said Lot 11, a distance of 11.76 feet to an iron pin set in the easterly right-of-way line of said Avery Road, the line common to said Lot 11 and said 3.280 acre tract;

Thence North 01° 34' 15" East, with the easterly right-of-way line of said Avery Road, said common line, a distance of 7.35 feet to the POINT OF BEGINNING, containing 0.001 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.

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*

Heather L. King  
Professional Surveyor No. 8307

5/29/20

Date

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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 12-T  
0.073 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 on, over, and across part of Lots 8 and 11 of that subdivision entitled "Resubdivision of Lot No. 8 in Shamrock Industrial Park", of record in Plat Book 66, Page 46, said lot being conveyed to Dolan Investments II by deed of record in Official Record 2752A01, (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 (County Road 42), at a northeasterly corner of said Lot 8, the northwesterly corner of Lot 9 of "Shamrock Industrial Park" of record in Plat Book 51, Page 12;

Thence South  $06^{\circ} 11' 34''$  East, with the line common to said Lot 8 and Lot 9, a distance of 10.00 feet to a point;

Thence South  $84^{\circ} 09' 55''$  West, across said Lot 8 and Lot 11, a distance of 261.22 feet to a point of curvature;

Thence across said Lot 11, with the arc of a curve to the left, having a central angle of  $82^{\circ} 25' 43''$ , a radius of 32.00 feet, an arc length of 46.04 feet, a chord bearing of South  $42^{\circ} 57' 04''$  West and a chord distance of 42.17 feet to a point of tangency;

Thence South  $01^{\circ} 44' 13''$  West, continuing across said Lot 11, a distance of 1.81 feet to a point;

Thence North  $88^{\circ} 12' 45''$  West, across said Lot 11, a distance of 11.68 feet to the easterly right-of-way line of Avery Road (County Road 3);

Thence North  $01^{\circ} 34' 15''$  East, with said easterly right-of-way line, the westerly line of said Lot 11, a distance of 29.12 feet to a point;

Thence North  $45^{\circ} 33' 23''$  East, across said Lot 11, a distance of 11.76 feet to a point in the southerly right-of-way line of said Shier Rings Road;

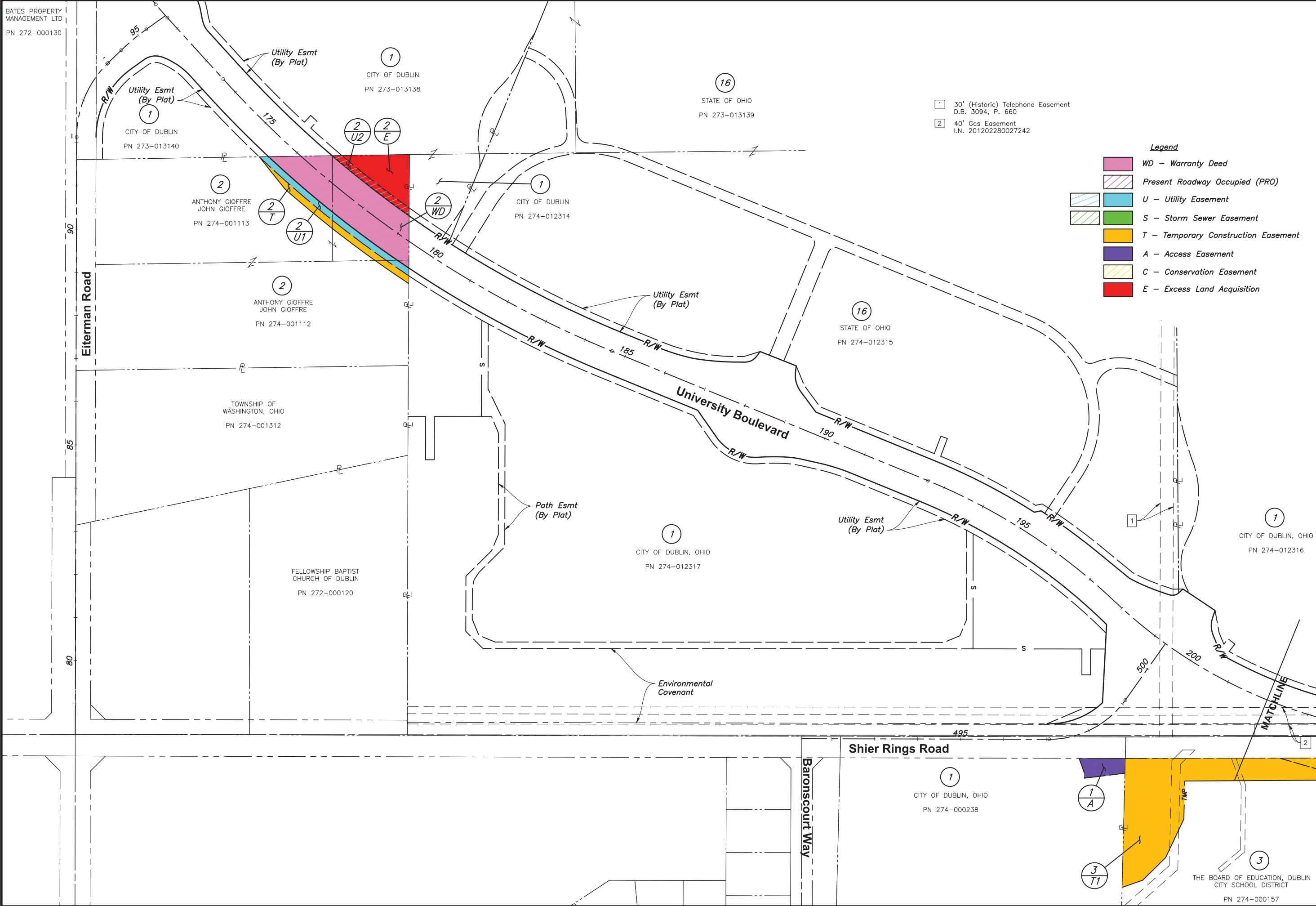
Thence North  $83^{\circ} 48' 26''$  East, with said southerly right-of-way line, the northerly line of said Lots 11 and 8, a distance of 291.76 feet to the POINT OF BEGINNING, containing 0.073 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

  
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

PROPERTY MAP

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

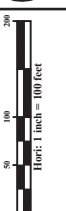
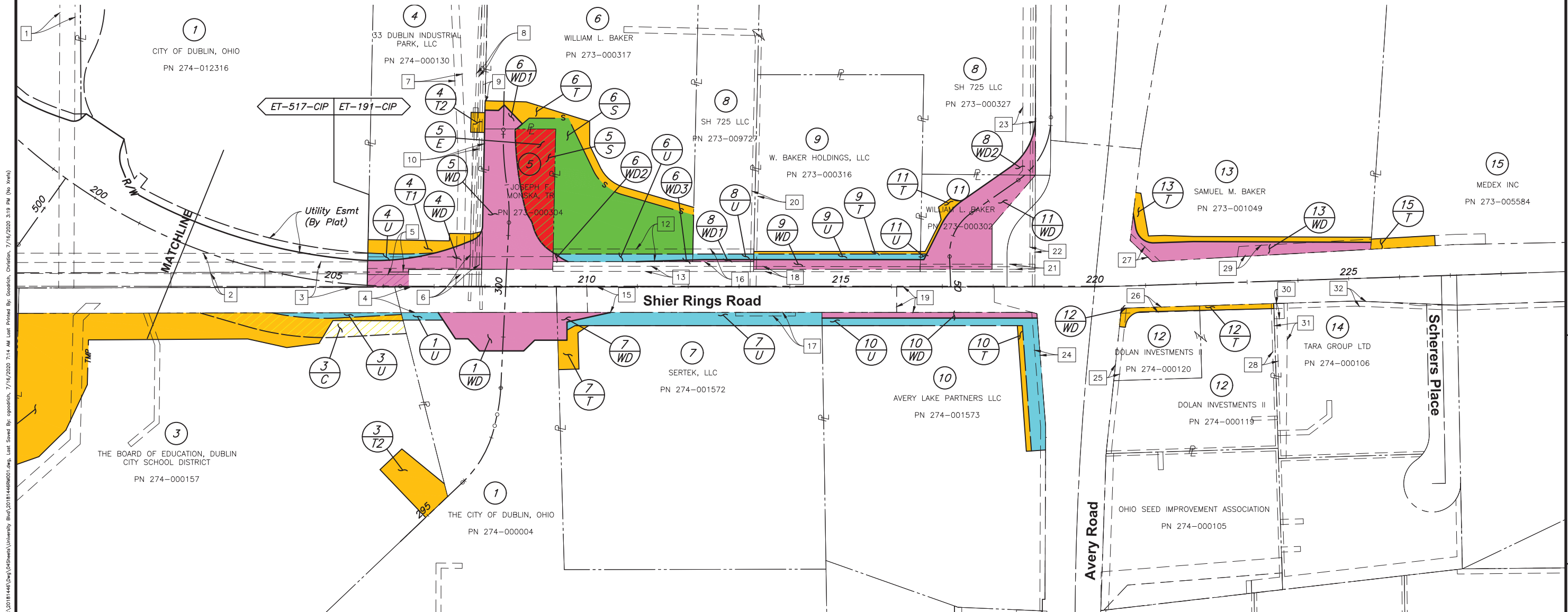
354  
357

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100% PLANS - NOT FOR CONSTRUCTION

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