

To: Members of Dublin City Council

From: Dana L. McDaniel, City Manager

Date: July 20, 2021

Initiated By: Robert E. Ranc, Jr., Deputy City Manager/Chief Operating Officer
Paul A. Hammersmith, PE, Director of Engineering/City Engineer
C. Aaron Stanford, PE, Deputy Director of Engineering - Utilities
Stephen A. Beros, EI, Engineering Technician I
Philip K. Hartmann, Assistant Law Director

Re: Ordinances 36-21 and 37-21 – Acquisition of Right-of-Way – Bright Road 12-inch Water Main Extension (19-023-CIP)

Summary

The Bright Road 12-inch Water Main Extension Project (19-023-CIP) (the “Project”) will provide for a 12-inch water main extension on Bright Road to complete a water main connection between the Emerald Parkway/Bright Road roundabout and an existing 12-inch water main at the Villages of Inverness. This will provide a looped water main connection for Riverside Woods, Bryson Cove, Hanna Hills, Kiplinger Estates, the Glenbriar neighborhood, Dublin Scioto High School, and the Washington Township Fire Department Station 92. Currently, there is a single 12-inch water main supplying water beyond the Emerald Parkway/Hard Road intersection. Additionally, this water main extension will serve the Areas 4A, 4B and 4C utility extension areas.

The design and property acquisition for this project were programmed in 2019 with the construction programmed in 2020. The design commenced in the later part of 2019, which was followed by the property acquisition that commenced in 2020. The property acquisition has taken longer than anticipated. The current schedule is to advertise the project for bid in late 2021. Once the construction contract has been executed, construction activities are expected to commence in late 2021 or early 2022.

The Project requires the acquisition of property interest from two (2) property owners along the south side of Bright Road as shown on the attached Location Map. The City has participated in good faith discussions with both property owners and has arrived at mutually agreeable terms with both property owners.

Acquisitions

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

- McKittrick Properties, Inc.
- Stephen T. Newcomb (transferred from Iacovetta Properties LTD - 12.23.2020)

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	Acquisition Price
McKittrick Properties, Inc. 3865 Bright Road	2-WD	Fee Simple WD for Right-of-Way, 0.172 acre of which 0.0800 acres ± is P.R.O. ¹)	273-008610-00	\$16,193.00
Stephen T. Newcomb 3985 Bright Road	1-WD	Fee Simple WD for Right-of-Way, 0.025 acres	273-008606-00	\$4,000.00

A Good Faith Offer Letter, the appraisal report and associated information, were provided to both property owners in 2020.

These Ordinances authorize the City Manager to execute all necessary conveyance documents and contracts to formally acquire the necessary property interest.

Recommendation

Staff recommends adoption of Ordinances 36-21 and 37-21 at the second reading/public hearing on August 16, 2021 as these ordinances authorize the City Manager to execute all necessary conveyance and contract documents to formally accept the necessary property interests described above.

¹ P.R.O. stands for Present Road Occupied, which means that this portion of the acquisition is already encumbered with a roadway easement.

RECORD OF ORDINANCES

Ordinance No. 36-21 Passed , 20

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR AND ACCEPT A 0.172-ACRE FEE SIMPLE WARRANTY DEED FOR RIGHT-OF-WAY, 0.080-ACRE OF WHICH IS PRESENT ROAD OCCUPIED, WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS, FROM MCKITRICK PROPERTIES, INC., FROM THE PROPERTY LOCATED AT 3865 BRIGHT ROAD FOR THE PUBLIC PURPOSE OF CONSTRUCTING A NEW WATER LINE EXTENSION, AND OTHER PUBLIC IMPROVEMENTS.

WHEREAS, the City of Dublin (the "City") is preparing to construct the Bright Road Waterline Project (the "Project"); and

WHEREAS, the Project requires that the City obtain a fee simple warranty deed, without limitation of existing access rights, to be held by the City as public right-of-way, from the parcel identified as Franklin County Parcel Number 273-008610-00, owned by McKitrick Properties, Inc. ("Grantor"), as described in the attached Exhibits A and depicted in the attached Exhibits B; and

WHEREAS, the City and the Grantor participated in good faith discussions and have come to mutually agreeable terms for the acquisition of the necessary property interest for the sum of \$16,193.00, which is the appraised value of the property interest; and

WHEREAS, the City desires to execute and accept necessary documents to complete the transaction between the City and the Grantor.

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 the 0.172-acre fee simple warranty deed, without limitation to existing access rights, to be held by the City as public right-of-way and for various public improvements, from McKitrick Properties, Inc., for \$16,193.00, as more fully described and depicted in the attached Exhibits.

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 , 2021.

Mayor – Presiding Officer

ATTEST:

Clerk of Council



LOCATION MAP

BRIGHT ROAD 12-INCH WATERMAIN EXTENSION

RIGHT-OF-WAY ACQUISITION



EXHIBIT A

Ver. Date: 12/02/2019

**PARCEL 2-WD
BRIGHT ROAD WATERLINE
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 Franklin, City of Dublin, Perry Township being located in Lot 11, Quarter Township 2, Township 2, Range 19, of the United States Military Lands being part of a 3.978 acre tract as conveyed to **McKitrick Properties Inc., an Ohio Corporation** (hereafter referred to as "Grantor") by the instrument filed as **Official Record volume 12527, page J16** (all records herein described are to the records of the Franklin County Recorder's Office), and being further bounded and described as follows:

COMMENCING at Franklin County Geodetic Survey monument number 6656, said monument being at an angle point in the existing centerline of right-of-way of Bright Road (R/W width varies – Public);

Thence along the centerline of right-of-way of Bright Road, **South 89 degrees 55 minutes 56 seconds West for a distance of 197.22 feet** to a point at an angle point in the centerline of right-of-way of Bright Road;

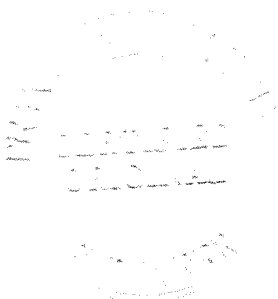
Thence continuing along the said centerline of right-of-way of Bright Road, **South 87 degrees 43 minutes 35 seconds West for a distance of 2.57 feet** to a Mag nail set at the northeast corner of the Grantor, said nail being the **TRUE POINT OF BEGINNING** of the parcel herein described;

Thence along the Grantor's easterly line and along the westerly line of The Village at Inverness as platted in Plat Book volume 61, page 42, **South 03 degrees 19 minutes 16 seconds West for a distance of 32.30 feet** to an iron pin set (passing a ¾" iron pipe found at a distance of 30.65 feet);

Thence crossing through the lands of the Grantor, **South 86 degrees 00 minutes 12 seconds West for a distance of 134.62 feet** to an iron pin set;

Thence continuing through the lands of the Grantor, **South 76 degrees 26 minutes 38 seconds West for a distance of 118.53 feet** to an iron pin set on the Grantor's westerly line and being the easterly line of a 2.81 acre tract conveyed to Iacovetta Properties LTD by the instrument filed as Instrument Number 199802170034496;

Thence along the Grantor's westerly line and the said easterly line of the Iacovetta Properties LTD tract, **North 03 degrees 07 minutes 17 seconds East for a distance of 10.63 feet** to a point (passing a 1" iron pin with cap that reads "B&N Leroy" at a distance of 10.49 feet) to the Grantor's northwest corner and being the southeast corner of a 0.172 acre right-of-way parcel known as 13-WD as conveyed to City of Dublin, Ohio by the instrument filed as Instrument Number 201209040129523 and being the southwest corner of a 0.038 acre right-of-way tract known as 10-WD2 as conveyed to City of Dublin, Ohio by the instrument filed as Instrument Number 20131217026128, and being on the existing southerly right-of-way of Bright Road;



Thence along the Grantor's northerly line, the said existing southerly right-of-way line of Bright Road, and being the southerly line of the said 10-WD2 parcel, and along a non-tangent curve to the right having a Delta angle of **2 degrees 01 minutes 37 seconds**, a Radius of **1470.00 feet**, an Arc length of **52.01 feet**, and a Chord which bears **North 79 degrees 43 minutes 33 seconds East with a chord distance of 52.00 feet** to a point (being referenced by a 1" iron pin found with cap that reads "B&N Leroy" South 10 degrees 55 minutes 43 seconds East at a distance of 0.14 feet), said point being at an angle point in the said existing southerly right-of-way of Bright Road, being a northwest corner of the Grantor and being the southeast corner of the said 10-WD2 parcel;

Thence along a westerly line of the Grantor, the easterly line of the said 10-WD2 parcel, and partially along the said existing southerly right-of-way of Bright Road, **North 00 degrees 12 minutes 48 seconds West for a distance of 32.55 feet** to a Mag Nail set at a northwest corner of the Grantor, the northeast corner of the said 10-WD2 parcel, and on the southerly line of a 1.743 acre tract conveyed to JLP-Bright Rd LLC an Ohio limited liability company as conveyed by the instrument filed as Instrument Number 201008200107188;

Thence along the Grantor's northerly line, the existing centerline of right-of-way of the said Bright Road, and the southerly line of the said JLP-Bright Road LLC tract, **North 80 degrees 18 minutes 35 seconds East for a distance of 69.98 feet** to a 5/8" rebar found at an angle point in the said existing centerline of right-of-way of Bright Road, the Grantor's northerly line and the southerly line of the said JLP-Bright Rd LLC tract;


Thence continuing along the Grantor's northerly line, the said centerline of Bright Road, the said southerly line of the JLP-Bright Rd LLC tract and along the southerly line of a 1.755 acre tract conveyed to Julia M. Pusecker by the instruments filed as Deed Book volume 2310, page 88 and Instrument Number 201909100116403, **North 87 degrees 43 minutes 35 seconds East for a distance of 130.88 feet** to the **TRUE POINT OF BEGINNING** of the parcel herein described.

The above description contains a total area of **0.172 acres**, 0.080 acres of which are located within the Present Road Occupied (P.R.O.) all of which is located within Franklin County Auditor's parcel number 273-008610.

Bearings described herein are based on Grid North, 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.

This description was prepared under the direct supervision of Andrew T. Jordan, Registered Professional Surveyor No. 8759 on December 02, 2019, is based on an actual field survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.



Andrew T. Jordan
Registered Professional Surveyor No. 8759

12-2-2019
Date

Split
0.172 acre
out
(273)
8610



