

To: Members of Dublin City Council
From: Marsha I. Grigsby, City Manager *MIG/sg*
Date: September 20, 2012
Initiated By: Paul A. Hammersmith, P.E., Director of Engineering/City Engineer
Michael S. Sweder, P.E., Civil Engineer II
Re: Ordinance No. 60-12
Four Fives LLC (Standley Law Offices)
Martin Road Shared-Use Path – Vacation of a Portion of an Existing Bikepath Easement

Background

The City of Dublin ("City") is constructing the Martin Road Shared-Use Path ("Project") along the north side of Martin Road from the existing path located on the Standley Law Offices property (west end of project) to the existing path located at Martin Commons Park (east end of project). In locations where the path is not located within the existing right-of-way of Martin Road, the path will be located within areas owned by adjacent landowners. As a result, the City acquired certain property interests from those owners in order to construct this project.

After engaging in amicable negotiations, Four Fives LLC (Standley Law Offices), owning property at 6300 Riverside Drive, agreed to dedicate, as a donation to the City, the necessary Permanent Shared-Use Path, Drainage and Grading Easement ("Permanent Easement") and Temporary Construction and Grading Easement ("Temporary Easement"). Ordinance No. 51-12 allowed the City Manager to execute all necessary conveyance documentation to formally accept the dedication of the aforementioned property interests in the form of permanent and temporary easements. In return, the City of Dublin agreed to the vacation of a portion of the existing bikepath easement, which would no longer be needed due to the realignment of a small portion of the existing path. The area of vacation is approximately equal to the additional permanent easement area previously donated by Four Fives LLC.

Summary

The City of Dublin is vacating the following property interests located within Franklin County Parcel No. 273-008325, as depicted on the attached description and exhibit, as follows:

- Parcel No. 273-008325: 0.005 acres Permanent Easement Vacation

Recommendation

Staff recommends approval of Ordinance No. 60-12 at the second reading/public hearing on October 8, 2012.

RECORD OF ORDINANCES

Ordinance No. **60-12**

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTATION NECESSARY TO VACATE A PORTION OF THE FOUR FIVES LLC BIKEPATH EASEMENT GRANTED TO THE CITY IN 2007

WHEREAS, the City of Dublin ("City") is preparing to construct a shared use path on Martin Road ("Project"); and

WHEREAS, as part of this Project, the City acquired certain property interests from adjacent landowners; and

WHEREAS, Four Fives LLC agreed to dedicate, as a donation to the City, certain property interests necessary for the Project; and

WHEREAS, this Council passed Ordinance No. 51-12 authorizing the City Manager to execute all necessary conveyance documentation to formally accept the property interests in Franklin County Parcel No. 273-008366, the property donated by Four Fives LLC; and

WHEREAS, as a result of the Project and the realignment of a small portion of the existing path, a portion of the existing bikepath easement, granted to the City in 2007 by Four Fives LLC, is no longer necessary; and

WHEREAS, consistent with negotiations with Four Fives LLC, the City desires to vacate approximately 0.005 acres of Franklin County Parcel No. 273-008325, no longer needed for public purposes.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. This Council hereby finds that 0.005 acres, more or less, of Franklin County Parcel No. 273-008325, as set forth in the legal description and exhibit attached herewith and granted to the City in 2007 by Four Fives LLC as part of a bikepath easement, is no longer needed for public purposes.

Section 2. The City Manager is hereby authorized to execute all documentation necessary to vacate the City's interest in the property described in Section 1 of this ordinance.

Section 3. This ordinance shall become effective as of the earliest date permitted by law.

Passed this _____ day of _____, 2012.

Mayor - Presiding Officer

ATTEST:

Clerk of Council

**DESCRIPTION OF A BIKEPATH EASEMENT VACATION
FOR FOUR FIVES LLC
CITY OF DUBLIN, OHIO**

Situated in the State of Ohio, County of Franklin, City of Dublin, being located in Lot 11, 3rd Quarter, Township 2, Range 19 West, United States Military Lands, being a part of that 4.230 acre tract described in a deed to Four Fives LLC, of record in Instrument Number 200610060200990, and being a part of that existing 20-foot wide bikepath easement in favor of the City of Dublin, Ohio, of record in Instrument Number 200707030116052, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, being more particularly bounded and described as follows:

BEGINNING at the intersection of the north right-of-way line for Martin Road and the east property line of said 4.230 acre tract, being the west property line of that 1.118 acre tract described in a deed to Joseph A. Cartolano and Diane M. Cartolano, of record in Instrument Number 200706080100606, and being a southeast corner of said existing 20-foot wide bikepath easement;

Thence **North 26 degrees 41 minutes 56 seconds West**, across said 4.230 acre tract, across said existing 20-foot wide bikepath easement, a distance of 37.13 feet to a point on a northeast line of said existing 20-foot wide bikepath easement;

Thence **South 59 degrees 17 minutes 39 seconds East**, continuing across said 4.230 acre tract, along a northeast line of said existing 20-foot wide bikepath easement, a distance of 20.00 feet to a point on the east property line of said 4.230 acre tract, being on the west property line of said 1.118 acre tract, and being a northeast corner of said 20-foot wide bikepath easement;

Thence **South 01 degree 17 minutes 13 seconds West**, along the east property line of said 4.230 acre tract, along the east property line of said 1.118 acre tract, and along the east line of said existing 20-foot wide bikepath easement, a distance of 22.96 feet to the **POINT OF BEGINNING** for the herein described easement vacation area.

The above description contains a total area of 0.005 acres (200 square feet) of an existing easement to be vacated, being located in Franklin County Auditor's parcel number 273-008325.

Bearings described herein are based on the bearing of North 02 degrees 47 minutes 15 seconds East for the centerline of Martin Place, as shown on the Colony Estates plat, of record in Plat Book 38, page 16.

The above description was prepared and review on August 24, 2012 by Brian P. Bingham, Registered Professional Surveyor No. 8438, is based on an actual field survey performed in June 2012 by American Structurepoint, Inc., and is true and correct to the best of my knowledge.

American Structurepoint, Inc.


Brian P. Bingham
Registered Professional Surveyor No. 8438

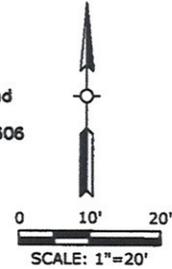


8/24/2012
Date

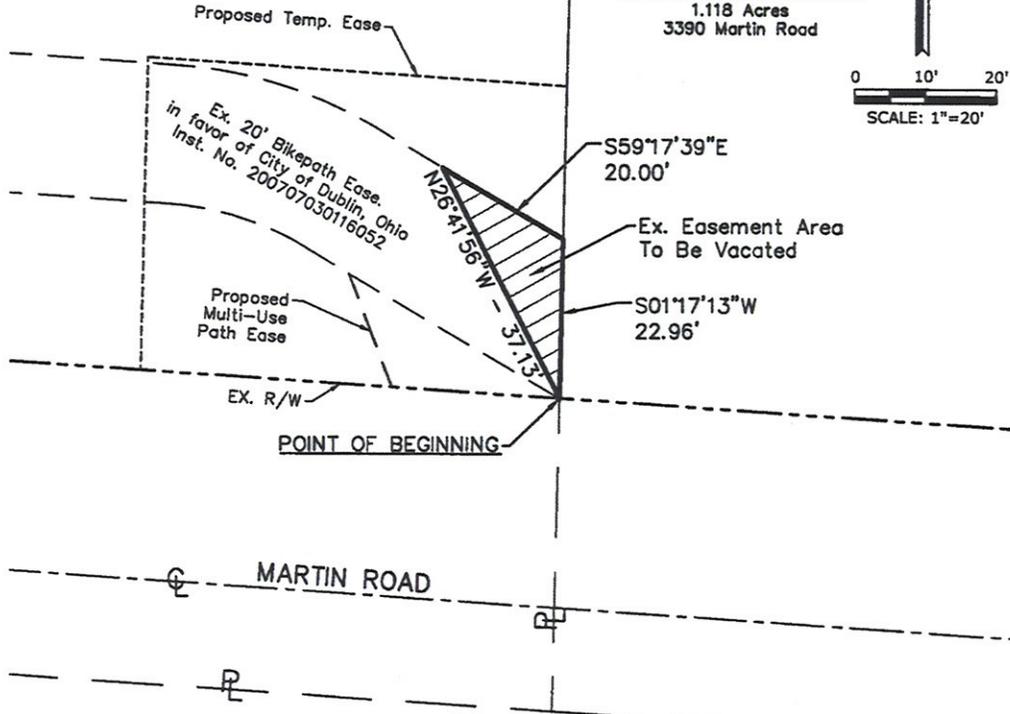
Situated in the State of Ohio, County of Franklin, City of Dublin, being located in Lot 11, 3rd Quarter, Township 2, Range 19 West, United States Military Lands, being a part of that 4.230 acre tract described in a deed to Four Fives LLC, of record in Instrument Number 200610060200990, and being a part of that existing 20-foot wide bike path easement in favor of the City of Dublin, Ohio, of record in Instrument Number 200707030116052, all records referenced herein are on file at the Office of the Recorder of Franklin County, Ohio.

273-008325
Four Fives LLC
Inst. No. 200610060200990
4.230 Acres
6300 Riverside Drive

273-008365
Joseph A. Carlolano and
Diane M. Carlolano
Inst. No. 200706080100606
1.118 Acres
3390 Martin Road



PLOT SCALE: 1:2,5549 EDIT DATE: 7/9/12 - 11:29 AM EDITED BY: BINGHAM DRAWING FILE: \\INDYSANP\PROJECTS\2012\00336\0. DRAWINGS\SURVEY\EASEMENT EXHIBITS\FOUR FIVES PATH EASE VACATION.DWG



Existing Easement Vacation Area	
Area to be Vacated:	0.005 Ac. (200 SF)

Basis of Bearings

Bearings shown hereon are based on the bearing of North 02 degrees 47 minutes 15 seconds East for the centerline of Martin Place, as shown on the Colony Estates plat, of record in Plat Book 38, page 16.

This exhibit for the vacation of an existing bike path easement is based on an actual field survey of the premises performed in June 2012 by American Structurepoint, Inc. and is true and correct to the best of my knowledge.

American Structurepoint, Inc.

Brian P. Bingham

Brian P. Bingham
Registered Professional Surveyor No. 8438

8/24/2012

Date



BIKEPATH EASEMENT VACATION

AMERICAN STRUCTUREPOINT INC.	2550 CORPORATE EXCHANGE DRIVE SUITE 300 COLUMBUS, OH 43231 TEL 614.901.2235 FAX 614.901.2236 www.structurepoint.com	DATE: 08.23.2012	SHEET NO. 1 of 1
		DRAWN BY: BPB	
		JOB NO. 2012.00336	