

**MEMORANDUM**

TO: Dublin City Council  
Marsha I. Grigsby, City Manager  
Paul A. Hammersmith, P.E., Director of Engineering/City Engineer

FROM: Stephen J. Smith, Esq.  
Asim Z. Haque, Esq.

DATE: October 18, 2012

RE: Resolution No. 61-12  
Emerald Parkway Phase 8 Roadway Project  
Asman Land Co., LTD.

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**PROJECT BACKGROUND:**

The City of Dublin ("City") is preparing to construct the Emerald Parkway Phase 8 roadway improvement project (the "Project"). The City must obtain property interests from various landowners located within the City in order to construct this Project.

One of the landowners that the City must obtain property from for the construction of the Project is Asman Land Co., LTD. (the "Grantor"). After engaging in a lengthy period of negotiations with the Grantor, it appears that the City may be forced to appropriate the needed property from the Grantor.

The City is still hopeful that an amicable resolution can be reached with the Grantor, however, this Resolution begins the eminent domain process in the event that negotiations are unsuccessful.

**PROPERTY TO BE APPROPRIATED:**

The appropriation consists of the following property interests, as depicted in the map attached hereto:

Franklin County Parcel No. 273-0008789	
Parcel 18-WD (Fee Simple)	0.113 ± acres
(Present Road Occupied)	(0.06 acres)

**RECOMMENDATION:**

The Law Department recommends approval of Resolution No. 61-12 as the construction of the Emerald Parkway Phase 8 roadway improvement project is necessary for public safety, and approval of the Resolution will keep the Project moving forward.

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. **61-12**

Passed \_\_\_\_\_, 20\_\_\_\_

**A RESOLUTION OF INTENT TO APPROPRIATE A 0.113 ACRES (WITH 0.06 ACRES PRESENT ROAD OCCUPIED), MORE OR LESS, FEE SIMPLE INTEREST FROM THE ASMAN LAND CO., LTD.**

**WHEREAS**, the City of Dublin is preparing to construct the Emerald Parkway Phase 8 roadway improvement project; and

**WHEREAS**, this roadway project will require the City of Dublin to obtain a fee simple interest with present road occupied property from Asman Land Co., LTD, as described and depicted in the legal description attached hereto as Exhibit "A", said property interest located in the City of Dublin, County of Franklin, State of Ohio.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Dublin, State of Ohio, \_\_\_\_\_ of the elected members concurring that:

**Section 1.** Council considers it necessary and declares its intention to appropriate, for the purpose of constructing the Emerald Parkway Phase 8 roadway improvement project, a 0.113 acre fee simple interest, with 0.06 acres present road occupied property, as described and depicted in the attached Exhibit A, from Asman Land Co., LTD.

**Section 2.** The City Manager is hereby authorized to cause written notice of the passage of this Resolution to be served upon the owners and persons in possession or having an interest of record in the property described in Exhibit A, and this notice shall be served according to law.

**Section 3.** This Resolution shall take effect and be in force from and after the earliest date permitted by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor - Presiding Officer

ATTEST:

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

EXHIBIT A

PARCEL 18-WD  
RIGHT OF WAY ACQUISITION  
FROM  
ASMAN LAND CO., LTD

December 23, 2009  
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Situate in the State of Ohio, County of Franklin, City of Dublin and being located in Township 2 North, Range 19 West of the United States Military Lands, Quarter Township 2 and part of Lot Numbered 12 being further described as part of a 3.070 acre tract of lands conveyed to Asman Land Co., LTD as described in Instrument Number 199901130009358 of the Franklin County Recorder's Office and being a parcel of land lying on the Left side of Bright Road as shown on the Centerline Plat for Emerald Parkway - Phase 8 recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ and being more particularly described as follows:

**COMMENCING** at a **Railroad Spike Found** at the centerline intersection of Bright Road at station 39+41.49 and the West line of Lot Number 11 and the East line of Lot Number 12 as located in Quarter Township 2 also being the Southeast corner of a 1.670 acre tract of lands conveyed to Michael E. Harber and Heather S. Harber as described in Instrument Number 199805270128307 and the Southwest corner of a 1.248 acre tract of lands conveyed to the City of Dublin as described in Instrument Number 200203190070647 and the Northeast corner of a 28.105 acre tract of lands conveyed to The Borrer Corporation as described in Official Record 8775 F01 (1/2 interest) with the ownership named changed by affidavit to the Borrer Realty Company as described in Official Record 26466 A15 and the Catholic Diocese of Columbus (1/2 interest) as described in Deed Book 2961, Page 661 and the Northwest corner of a 1.000 acre tract of lands conveyed to McKitrick Properties Inc as described in Official Record 11349 F01, also being 76.50 feet left of the centerline of proposed Emerald Parkway at station 220+59.98;

**THENCE** with the centerline of Bright Road, **South 89° 50' 15" West** for a distance of **198.72 feet** to a **Mag-Nail Set** on the Southwest corner of a 1.670 acre tract of lands conveyed to Michael E. Harber and Heather S. Harber as described in Instrument Number 199805270128307 and the Southeast corner of the 3.070 acre Asman Land Co., lands and the centerline of existing Bright Road at station 37+42.77 and the **TRUE POINT OF BEGINNING** of the herein described parcel;

**THENCE** continuing with the centerline of Bright Road and with the South line of the Asman Land Co. lands, **South 89° 50' 15" West** for a distance of **148.10 feet** to a **Mag-Nail Set** on the proposed right-of-way of Bright Road on the centerline of existing Bright Road at station 35+94.67;

**THENCE** with the proposed right-of-way of Bright Road and through the 3.070 acre Asman Land Co. lands, **North 00° 10' 45" West** for a distance of **27.69 feet** to a **Iron Pin Set**, being 27.69 feet left of the centerline of existing Bright Road at station 35+94.66, passing the existing right-of-way of Bright Road at a distance of 17.50 feet;

**THENCE** continuing with the proposed right-of-way of Bright Road and through the 3.070 acre Asman Land Co. lands, **North 89° 49' 15" East** for a distance of **10.00 feet** to a **Iron Pin Set**, being 27.70 feet left of the centerline of existing Bright Road at station 36+04.66;

**THENCE** continuing with the proposed right-of-way of Bright Road and through the 3.070 acre Asman Land Co. lands, on a tangent curve to the left with an **ARC LENGTH of 142.23 feet, a RADIUS of 570.00 feet, a TANGENT LENGTH of 71.49 feet, a DELTA ANGLE of 14° 17' 50"**, with a **CHORD BEARING of North 82° 40' 20" East and a CHORD DISTANCE of 141.87 feet** to a **Iron Pin Set** on the West line of the 1.670 acre Harber lands and the East line of

EXHIBIT A

PARCEL 18-WD  
RIGHT OF WAY ACQUISITION  
FROM  
ASMAN LAND CO., LTD

December 23, 2009  
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the 3.070 acre Asman Land Co. lands, being 45.39 feet left of the centerline of existing Bright Road at station 37+45.42;

**THENCE** with the West line of the 1.670 acre Harber lands and the East line of the 3.070 acre Asman Land Co. lands, **South 03° 10' 54" West** for a distance of **45.47 feet BACK TO THE TRUE POINT OF BEGINNING**, passing the existing right-of-way of Bright Road at a distance of 27.94 feet, also passing a 5/8" Iron Pin Found w/ I.D. cap (#7616) at a distance of 13.44 feet.

The above described parcel contains 0.113 acres, including 0.060 acres in the present road occupied on Bright Road, lying within Franklin County Auditors parcel number 273-008789.

All iron pins described as set are 5/8" x 30" rebar with a 2 1/2" aluminum cap stamped "LeRoy. 7664, Burgess & Niple" and shall be placed upon notification by the City of Dublin.

This description was prepared by William C. LeRoy, P.S., Ohio License No. 7664 and is based on field surveys performed under the direction of Walter A. Dodson, P.S., Ohio License No. 6446 during October 2007 through December 2009 and upon available public records. The basis of bearings in the above described parcel are based on Grid North as obtained by RTK/GPS observations taken from Franklin County Engineer Monuments: Station FCGS 7772 and FCGS 7773, with a bearing of North 02° 34' 49" East, based on datum: Ohio State Plane South, NAD83(86 adjustment) and are for the determination of angles only.



William C. LeRoy PS  
Ohio License No. 7664  
Burgess and Niple



3-4-2010  
Date

EXHIBIT A

State of Ohio, County of Franklin, City of Dublin  
 T 2 N, R 19 W, USML, Qtr Twp 2, Lot #12

JONATHAN L. LEFFLER  
 and VICKIE L. LEFFLER  
 4171 MACDUFF WAY  
 PID: 273-008883

JOHN WREATHALL  
 and ROSEMARY WREATHALL  
 4157 MACDUFF WAY  
 PID: 273-008882

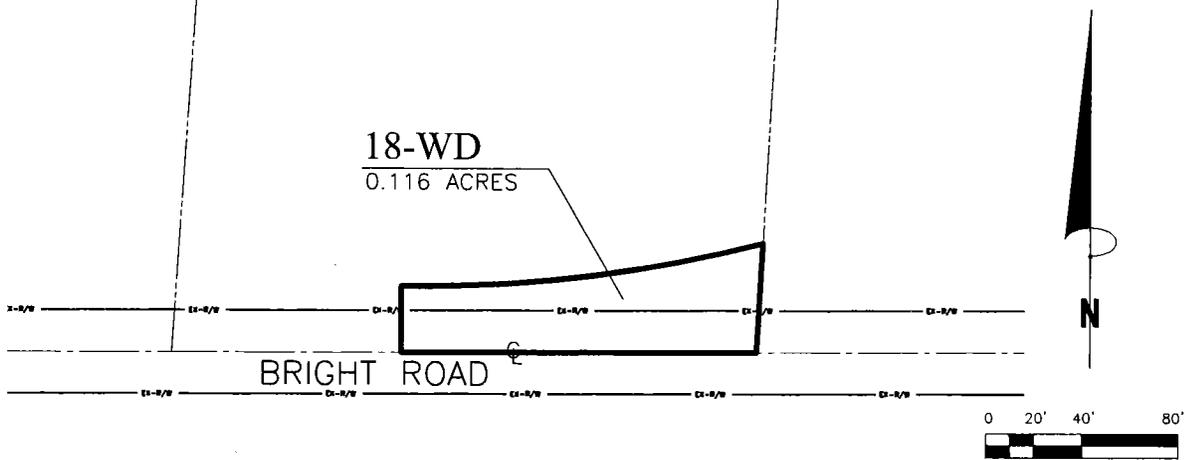
MICHAEL E. HARBER  
 HEATHER S. HARBER  
 4136 BRIGHT RD  
 PID: 273-008413  
 Inst. #199805270128307  
 0.534 ACRES

JEFFERY L. ASMAN  
 4158 BRIGHT RD  
 PID: 273-008756  
 2.279 ACRES

THE ASMAN LAND CO. LTD  
 4150 BRIGHT RD  
 PID: 273-008789  
 Inst. #199901130009358  
 3.070 ACRES

MICHAEL E. HARBER  
 HEATHER S. HARBER  
 4136 BRIGHT RD  
 PID: 273-008679  
 Inst. #199805270128307  
 1.760 ACRES

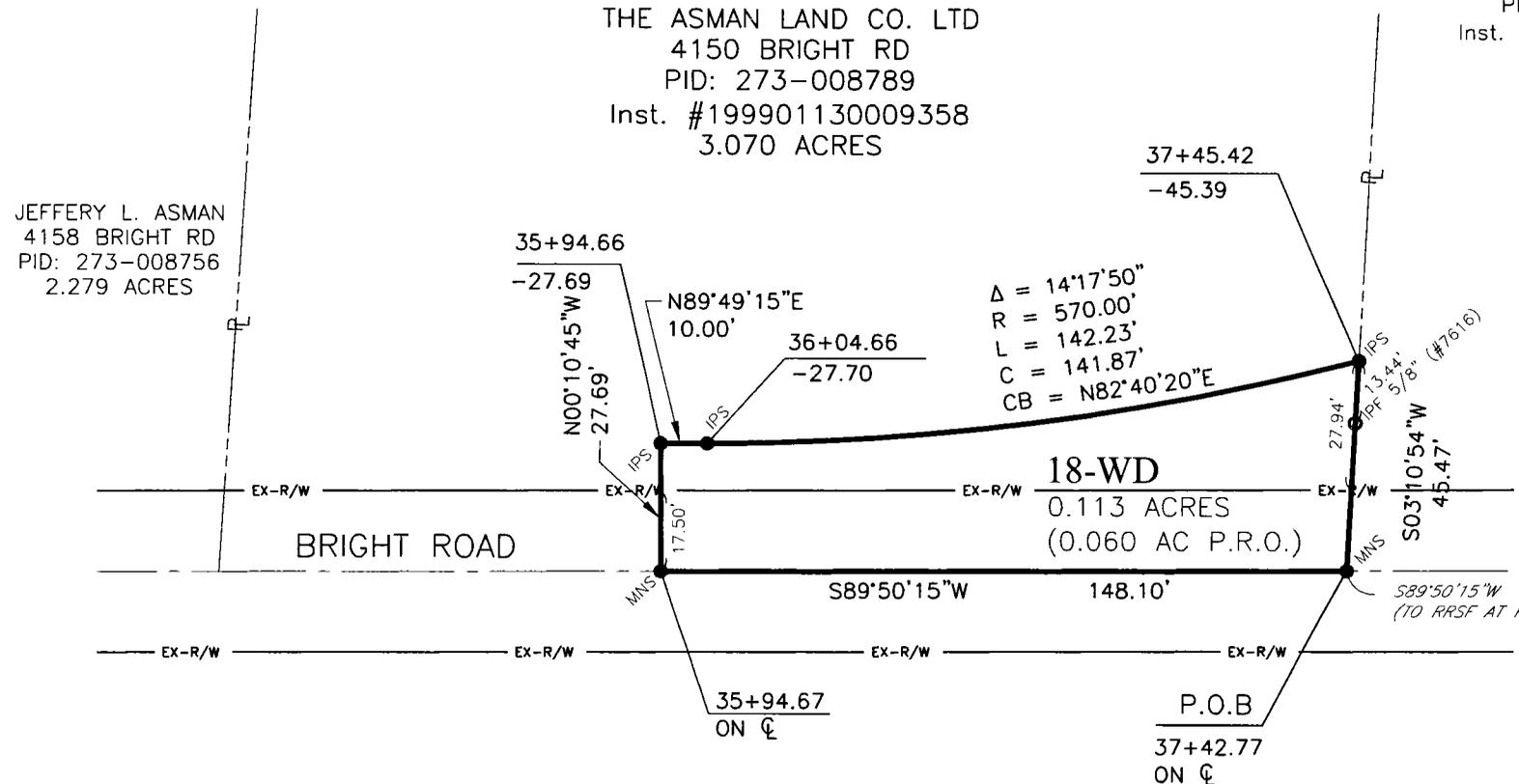
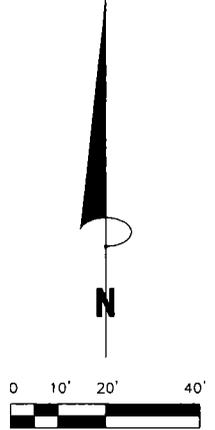
18-WD  
 0.116 ACRES



Burgess & Niple 5085 Reed Road, Columbus, Ohio 43220 (614) 459-2050		
Survey for: <b>CITY OF DUBLIN</b>		
THE ASMAN LAND CO. LTD 4150 BRIGHT RD SURVEY OF 0.113 ACRES		
Dwg: E J G	Chk: W C L	12-21-09
Scale: 1"=80'	Sht: 3 / 3	PR44959

EXHIBIT A  
 State of Ohio, County of Franklin, City of Dublin  
 T 2 N, R 19 W, USML, Qtr Twp 2, Lot#12

MICHAEL E. HARBER  
 HEATHER S. HARBER  
 4136 BRIGHT RD  
 PID: 273-008679  
 Inst. #199805270128307  
 1.760 ACRES

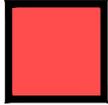




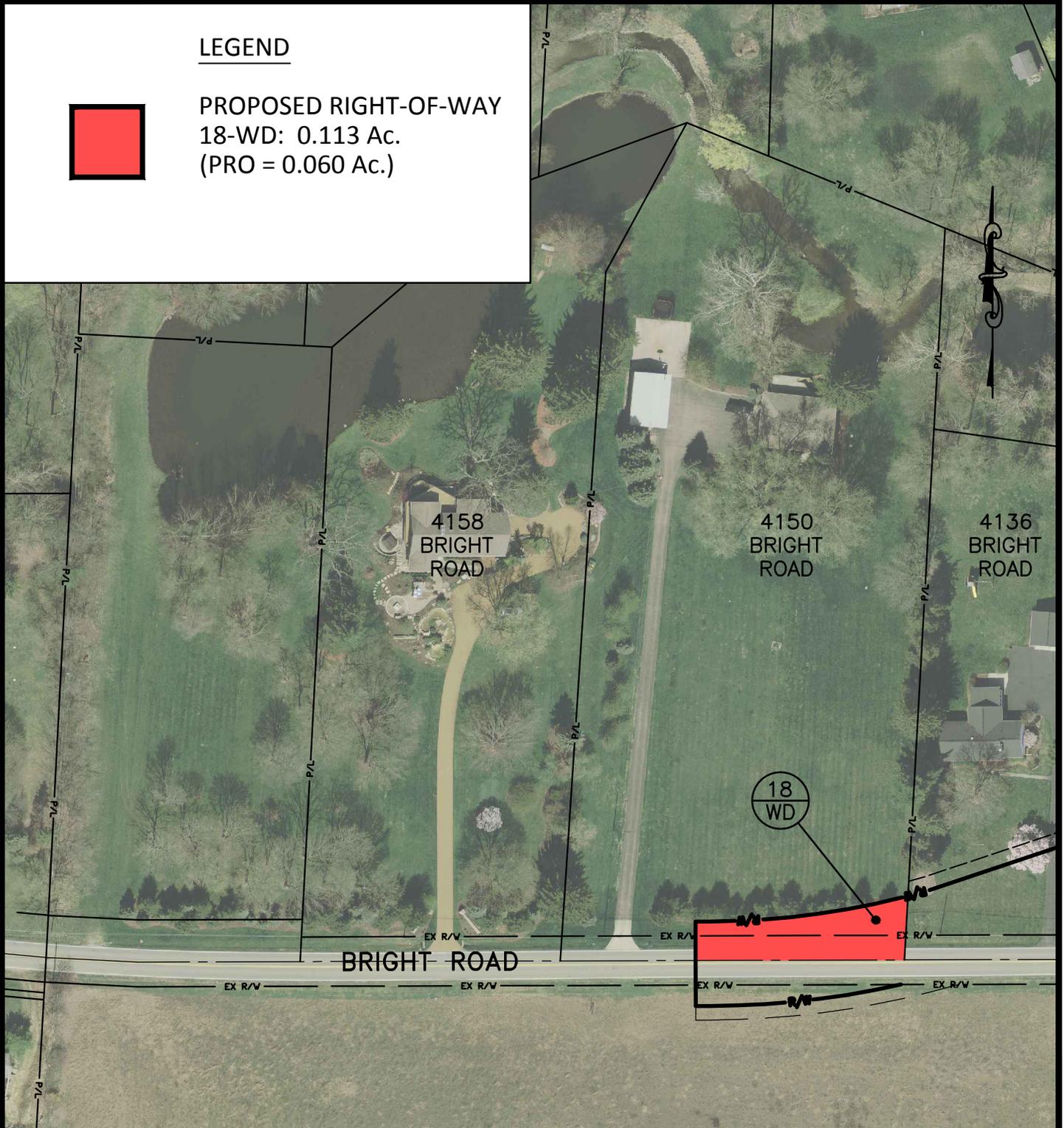
EMERALD PARKWAY  
PHASE 8  
4150 BRIGHT ROAD  
DUBLIN, OHIO 43017

5800 Shier-Rings Road • Dublin, Ohio 43016-1236  
Phone (614)410-4600 • Fax (614)410-4699

LEGEND



PROPOSED RIGHT-OF-WAY  
18-WD: 0.113 Ac.  
(PRO = 0.060 Ac.)



DRAWN	CHECKED	DATE:	JOB NO.
MSS	KBR	10/16/12	07-008

