

**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.

DATE: November 15, 2012

RE: Ordinance No. 70-12  
Emerald Parkway Phase 8 Project  
Asman Land Co., Ltd. – Parcel 18-WD

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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. The City presented good faith offers to each of these landowners in accordance with the Ohio Revised Code.

One of the landowners that the City must obtain property interests from in order to construct the Project is Asman Land Co., Ltd. (collectively "Asman"). After engaging in negotiations with Asman, it appears that the City may be forced to appropriate the needed property from Asman. While the City remains hopeful that an amicable resolution can be reached with Asman, this Ordinance represents the next step in the appropriation process.

**APPROPRIATION INTRODUCTION:**

This memorandum discusses the appropriation of a property interest owned by the Asman Land Co., Ltd. The City will be acquiring from Asman a fee simple interest in the property located within Franklin County Parcel No. 273-008789, as depicted in the map attached to this memorandum. This is a partial take of 0.113 ± acres (0.06 PRO acres) from a 2.72 acre lot being used as residential, single-family home. The acquisition is detailed below:

**PROPERTY TO BE APPROPRIATED:**

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

**Parcel No. 273-008789**

<b>Property Interest</b>	<b>Acreage</b>
Fee Simple Interest (Present Road Occupied)	0.113 ± acres (0.06 acres)
<b>Total Appraised Cost</b>	<b>\$7,665.00</b>

**RECOMMENDATION:**

The Law Department recommends approval of Ordinance No. 70-12 as obtaining this property interest is necessary for the furtherance of the Emerald Parkway Phase 8 roadway improvement project.

# RECORD OF ORDINANCES

**70-12**

Ordinance No. \_\_\_\_\_

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

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF 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 ("City") 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; and

**WHEREAS**, representatives of the City of Dublin have partaken in good faith negotiations with the landowner, but these negotiations have been unsuccessful thus far.

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

**Section 1.** Council hereby authorizes the City to appropriate, for the purpose of the Emerald Parkway Phase 8 roadway improvement project, a fee simple interest of an approximate 0.113 acres with 0.06 acres as present road occupied from the Asman Land Co., Ltd.

**Section 2.** Council hereby fixes the value of the interests to be appropriated at Seven Thousand Six Hundred Sixty-Five Dollars (\$7,665.00), which sum, in the event negotiations are unsuccessful, shall be deposited with the Franklin County Court of Common Pleas.

**Section 3.** Council finds that possible appropriation is necessary for roadway construction, specifically the construction of the Emerald Parkway Phase 8 roadway improvement project, and that the City intends to take immediate possession of the property upon making the requisite deposit with the Franklin County Court of Common Pleas.

**Section 4.** The City Law Director is hereby authorized to file a petition for appropriation in the Franklin County Court of Common Pleas should it become necessary.

**Section 5.** This ordinance shall take effect on the earliest date permitted under applicable law.

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

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

ATTEST:

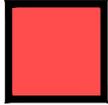
\_\_\_\_\_  
Clerk of Council



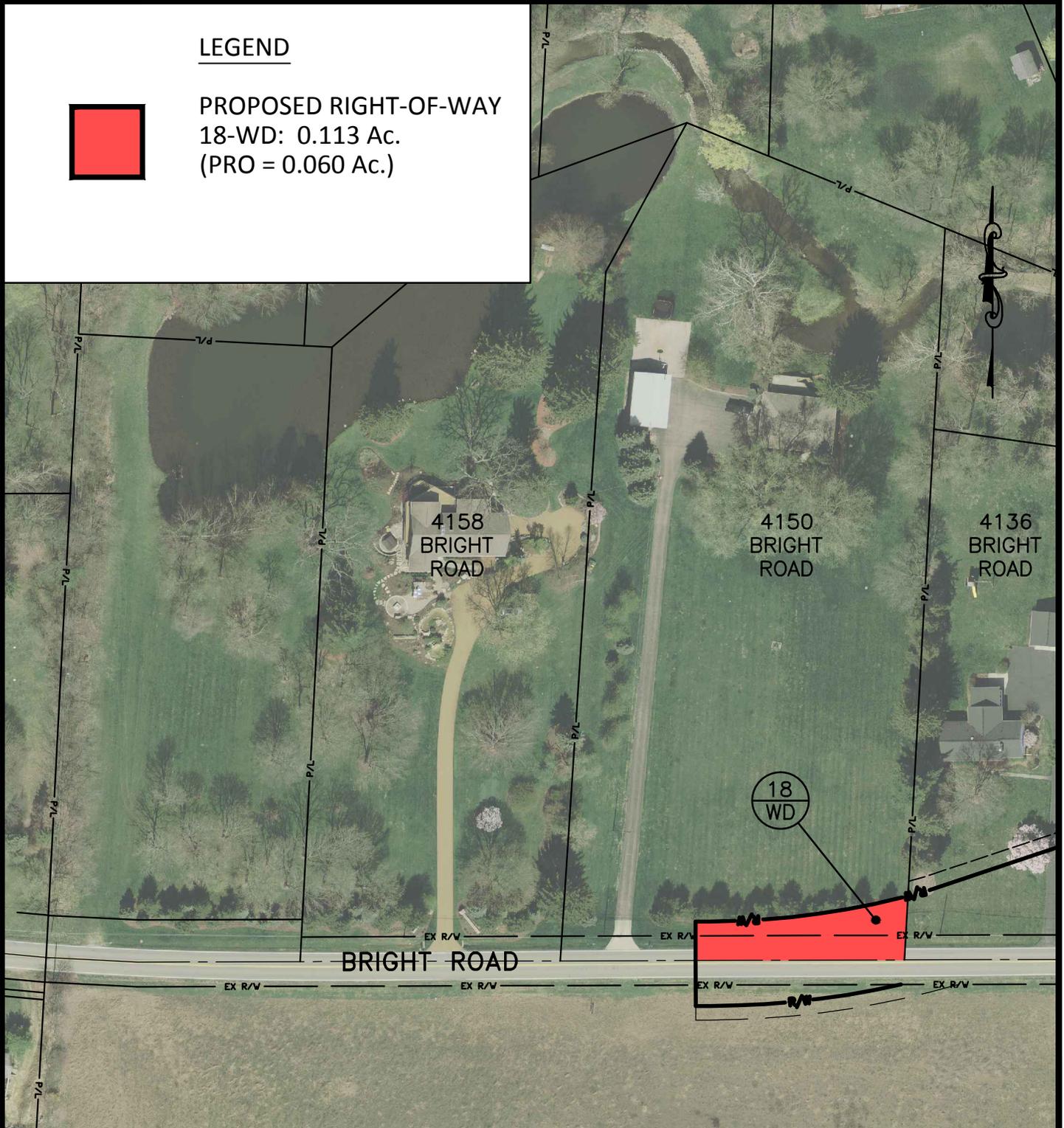
EMERALD PARKWAY  
PHASE 8  
4150 BRIGHT ROAD  
DUBLIN, OHIO 43017

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

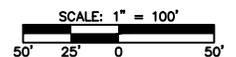


EXHIBIT A

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

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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

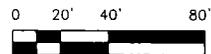
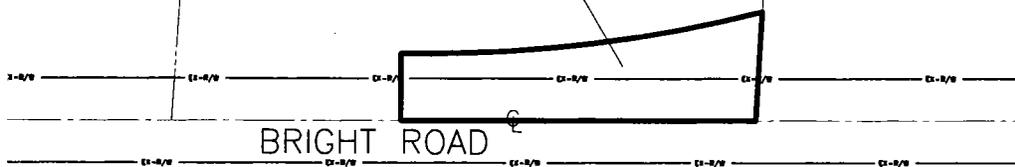
MICHAEL E. HARBER  
 HEATHER S. HARBER  
 4136 BRIGHT RD  
 PID: 273-008413  
 Inst. #199805270128307  
 0.534 ACRES

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

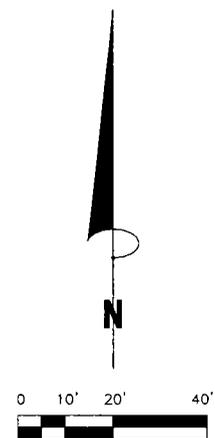
18-WD  
 0.116 ACRES



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: EJJ	Chk: WCL	12-21-09
Scale: 1"=80'	Sht: 3 / 3	PR44959

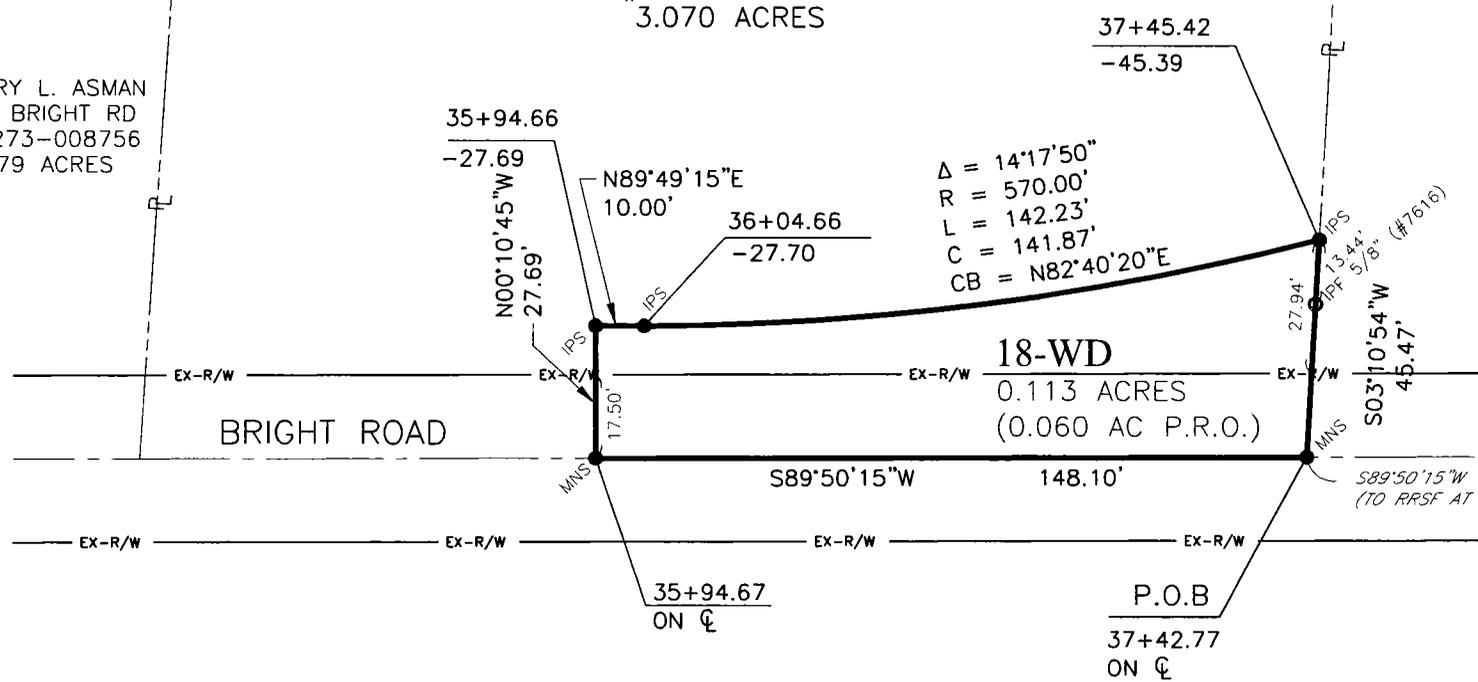
EXHIBIT A  
 State of Ohio, County of Franklin, City of Dublin  
 T 2 N, R 19 W, USML, Qtr Twp 2, Lot#12

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



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

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



LEGEND

- Monument Found
  - RRSF Railroad Spike Found
  - PKF PK NAIL Found
  - PKS PK NAIL SET
  - MNS MAG-NAIL SET
  - IPF Iron Pin Found
  - IPS Iron Pin Set-5/8" x 30" rebar set with plastic I.D. cap: "LEROY 7664"
- ( ) parenthesis indicates record dimension if different than measured.
- P.O.B -Point Of Beginning  
 P.O.C -Point Of Commencement

Burgess & Niple  
 5085 Reed Road, Columbus, Ohio 43220  
 (614) 459-2050

Survey for:  
**CITY OF DUBLIN**

THE ASMAN LAND CO. LTD  
 4150 BRIGHT RD  
 SURVEY OF  
 0.113 ACRES

Dwg: EJJ	Chk: WCL	12-21-09
Scale: 1"=40'	Sht: 3A/3	PR44959