ICE MILLER LLP
LEGAL COUNSEL

MEMORANDUM

TO: Dublin City Council
Marsha Grigsby, City Manager

FROM: Stephen J. Smith
Jennifer Readler

DATE: February 7, 2013

RE: Ordinance 12-13 - Municipal Petition for Annexation of 3.779 Acres of Right-of-Way within the Cosgray Road/Shier-Rings Road Roundabout Project

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I. INTRODUCTION:

The City of Dublin owns several segments of right-of-way that are part of the recently completed Cosgray Road/Shier-Rings Roundabout project. The Law Department has been asked to assist the City in annexing these segments of right-of-way into the City of Dublin corporate limits.

Several additional portions of right-of-way are owned by Franklin County. The Franklin County Engineer's office has asked that Dublin include these segments in the annexation petition so as to provide for uniform maintenance and service. All of the property is currently located in Washington Township.

Because the segments are not all contiguous to each other, three separate annexations are required to be filed. The surveys and legal descriptions for the three annexations have already been approved by the Franklin County Engineer's Office.

II. BACKGROUND:

The Cosgray Road/Shier-Rings Road Roundabout Project consisted of a single lane roundabout at the existing intersection of Cosgray Road and Shier-Rings Road. The roundabout has concrete curb and gutter, pedestrian crosswalks, and street lighting. This project has provided a shared-use path connection from the Ballantrae Subdivision which is south of the roundabout to Darree Fields Park - located west of the roundabout. The project has provided approximately 2,700 feet of improved storm sewers and ditch drainage east of the roundabout along the north side of Shier-Rings Road.

III. RECOMMENDATION:

The proposed ordinance would authorize the Law Director's office to file an annexation petition with the Franklin County Commissioners and to act as the City's agent. Upon filing the municipal annexation petition, the Franklin County Commissioners has 30 days to consider the petition. Once the petition is granted, no further action is required by the City.

Please contact this office if you have any questions regarding this annexation petition.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 12-13 *Passed* _____, 20____

AN ORDINANCE TO PETITION THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO FOR ANNEXATION OF APPROXIMATELY 3.779 ACRES OF LAND, LOCATED ON COSGRAY AND SHIER-RINGS ROADS, TO THE CITY OF DUBLIN

WHEREAS, the City of Dublin has an interest in annexing land that is owned by the City; and

WHEREAS, the City currently owns property on Cosgray and Shier-Rings Roads that is located in Washington Township and which the City desires to annex; and

WHEREAS, the land that is proposed to be annexed is adjacent and contiguous to the City of Dublin and further described in the attached Exhibit "A" and depicted in the attached Exhibit "B"; and

WHEREAS, the land is located entirely in presently existing right-of-way owned by Dublin and Franklin County; and

WHEREAS, the Franklin County Engineer's Office supports the annexation of the county-owned land; and

WHEREAS, the municipal annexation procedure must be initiated by petition to the Franklin County Board of Commissioners pursuant to Ohio Revised Code Sections 709.14 through 709.16.

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

Section 1. Council considers it necessary to annex the subject property to the City of Dublin.

Section 2. The Law Director's Office of the City of Dublin is hereby directed to petition the Franklin County Commissioners for annexation of 3.779 acres of land located in Washington Township, Franklin County, Ohio, in accordance with Ohio Revised Code Sections 709.14 through 709.16, and to serve as the City of Dublin's agent in this annexation proceeding.

Section 3. The City Manager is hereby authorized to take any action necessary to effect the annexation petition.

Passed this _____ day of _____, 2013.

_____
Mayor – Presiding Officer

ATTEST:

_____
Clerk of Council

RECEIVED

JAN 03 2013

Franklin County Engineer
Dean C. Ringle, P.E., P.S.

ANNEXATION
PLAT & DECRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By BR Date 1/3/13

3.779 ACRE ANNEXATION DESCRIPTION

Thence **South 04 degrees 15 minutes 44 seconds East**, along the east line of said 0.302 acre right-of-way parcel, along the west line of said 1.1769 acre City of Dublin right-of-way parcel, also across said 3.307 acre City of Dublin right-of-way parcel, also across the dedicated right-of-way for Shier-Rings Road as shown on the Ballantrae Section 5 subdivision plat, of record in Plat Book 103, page 99, and along the previously described corporation line, a distance of **50.00 feet** to the original south right-of-way line for said Shier-Rings Road, being the southwest corner of the previously described corporation line, and being on an existing north corporation line for the City of Dublin as established by Ordinance Number 27-00, of record in Instrument Number 200004270082022;

Thence **South 85 degrees 44 minutes 16 seconds West**, along the original south right-of-way line for said Shier-Rings Road, across said 3.307 acre right-of-way parcel, across said dedicated right-of-way for Shier-Rings Road, and along the previously described corporation line, a distance of **526.54 feet** to the west line of said 3.307 acre tract, being the west line of said Balantrae Section 5 subdivision, being the east line of said Franklin County dedicated right-of-way, being the east line of the Oak-Shier Estates, of record in Plat Book 45, page 120, and being a northwest corner of the previously described corporation line;

Thence **South 04 degrees 07 minutes 45 seconds East**, along the west line of said 3.307 acre right-of-way parcel, along the west line of said Balantrae Section 5, along the east line of said Franklin County dedicated right-of-way, along the east line of said Oak-Shier Estates, and along a west corporation line for the City of Dublin previously described as being established by Ordinance Number 27-00, a distance of **5.00 feet** to the southeast corner of said Franklin County dedicated right-of-way, being the northeast corner of Lot 1 of said Oak-Shier Estates, and being on the existing south right-of-way line for said Shier-Rings Road as dedicated 30 feet wide by said Oak-Shier Estates plat;

Thence **South 84 degrees 26 minutes 31 seconds West**, along the existing south right-of-way line for said Shier-Rings Road and the existing south right-of-way line for Shier-Rings Road projected across Shier Lane and Holliday Lane, both as dedicated in said Oak-Shier Estates, along the south line of said Franklin County dedicated right-of-way, along the north line of said Lot 1, and also along the north lines of Lot 7, Lot 8, Lot 9, Lot 10 and Lot 18 of said Oak-Shier Estates, a distance of **1,159.27 feet** to the southwest corner of said Franklin County dedicated right-of-way, being the northwest corner of said Lot 18, and being on the east line of a 3 acre tract conveyed to Beatrice L. Brogan;

Thence **North 04 degrees 45 minutes 25 seconds West**, along the west line of said Franklin County dedicated right-of-way, along the west line of said Oak-Shier Estates, and along the east line of said Brogan tract, a distance of **5.00 feet** to the original and existing and south right-of-way line for said Shier-Rings Road, being the southeast corner of said 0.120 acre City of Dublin right-of-way parcel, and being the northeast corner of said Brogan tract;

3.779 ACRE ANNEXATION DESCRIPTION

Thence **South 84 degrees 26 minutes 31 seconds West**, along the original and existing south right-of-way line for said Shier-Rings Road, along the south line of said 0.120 acre right-of-way parcel, along the north line of said Brogan tract, and also along the south line of said 0.108 acre City of Dublin right-of-way parcel and the north line of a 4.033 acre tract conveyed to Ima Moore, and also along the south line of said 0.093 acre City of Dublin right-of-way parcel and the north line of a 0.967 acre tract conveyed to Jason R. Huffman, and also along the south line of said 1.192 acre City of Dublin right-of-way parcel and the north line of an 8 acre tract conveyed to Stephen M. Kelly, Trustee, a distance of **833.32 feet** to an angle point in the existing south right-of-way line for Shier-Rings Road established by Instrument Number 201207160101496;

Thence **South 82 degrees 26 minutes 15 seconds West**, along the existing south right-of-way line for said Shier-Rings Road, along the south line of said 1.192 acre right-of-way parcel and the north line of said Kelly tract, a distance of **127.71 feet** to an angle point in the existing south right-of-way line for said Shier-Rings Road;

Thence **South 44 degrees 26 minutes 23 seconds West**, along the southeast right-of-way line for said Shier-Rings Road, along a southeast line of said 1.192 acre right-of-way parcel, along a northwest line of said Kelly tract, a distance of **134.53 feet** to the existing east right-of-way line for Cosgray Road as established by Instrument Number 201207160101496;

Thence **South 05 degrees 01 minute 43 seconds East**, along the existing east right-of-way line for said Cosgray Road, along the east line of said 1.192 acre right-of-way parcel, along the west line of said Kelly tract, a distance of **505.47 feet** to the southeast corner of said 1.192 acre right-of-way tract, being the southwest corner of said Kelly tract, being on the north line of Lot 606 of Ballantrae Section 8, Part 1, of record in Plat Book 109, page 46, and being on the an existing north corporation line for the City of Dublin, as established by said Ordinance Number 27-00, of record in Instrument Number 200004270082022;

Thence **South 84 degrees 45 minutes 15 seconds West**, along the south line of said 1.192 acre right-of-way parcel, along the north line of said Lot 606 and the north line of said Ballantrae Section 8, Part 1, and along the previously described corporation line, a distance of **25.00 feet** to the original east right-of-way line for said Cosgray Road as established by said Road Record 7, page 243, being a northwest corner of the previously described corporation line, and being on an existing east corporation line for the City of Dublin as established by said Ordinance Number 05-06, of record in Instrument Number 200603240055084;

Thence **North 05 degrees 01 minutes 43 seconds West**, along the original east right-of-way line for said Cosgray Road, across said 1.192 acre right-of-way parcel, along the previously described corporation line, and also across said 1.503 acre City of Dublin right-of-way parcel, a distance of **624.00 feet** to an angle point;

Thence **North 16 degrees 23 minutes 37 seconds West**, across said 1.503 acre right-of-way parcel, continuing along the previously described corporation line, a distance of **22.70 feet** to the **POINT OF BEGINNING** for this description.

3.779 ACRE ANNEXATION DESCRIPTION

The above described area to be annexed to the City of Dublin contains a total area of **3.779 acres**, located entirely within the existing right-of-way for Shier-Rings Road and Cosgray Road, adjacent to the following Franklin County Auditor's parcel numbers: 274-000660, 272-000134, 272-000130, 272-000357, 272-000363, 272-000364, 272-000365, 272-000366, 272-000374, 272-000291, 272-000292, 272-000233, 272-000166 and 274-001297.

Bearings shown herein are based on the bearing for the centerline of Shier-Rings Road (N 84°26'31" E), which is referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (1986 Adjustment), as established utilizing a GPS survey and a traditional field traverse originating on Franklin County monument "FCGS 5536".

This description was prepared by Brian P. Bingham, PS based on an actual field survey performed by American Structurepoint, Inc. and from record documents on file with the Franklin County Engineer and Recorder. The above description is intended for annexation purposes only and is not intended for conveyance of property.

American Structurepoint, Inc.
2550 Coprorate Exchange Drive, Suite 300
Columbus, Ohio 43231

Brian P. Bingham
Registered Professional Surveyor No. 8438

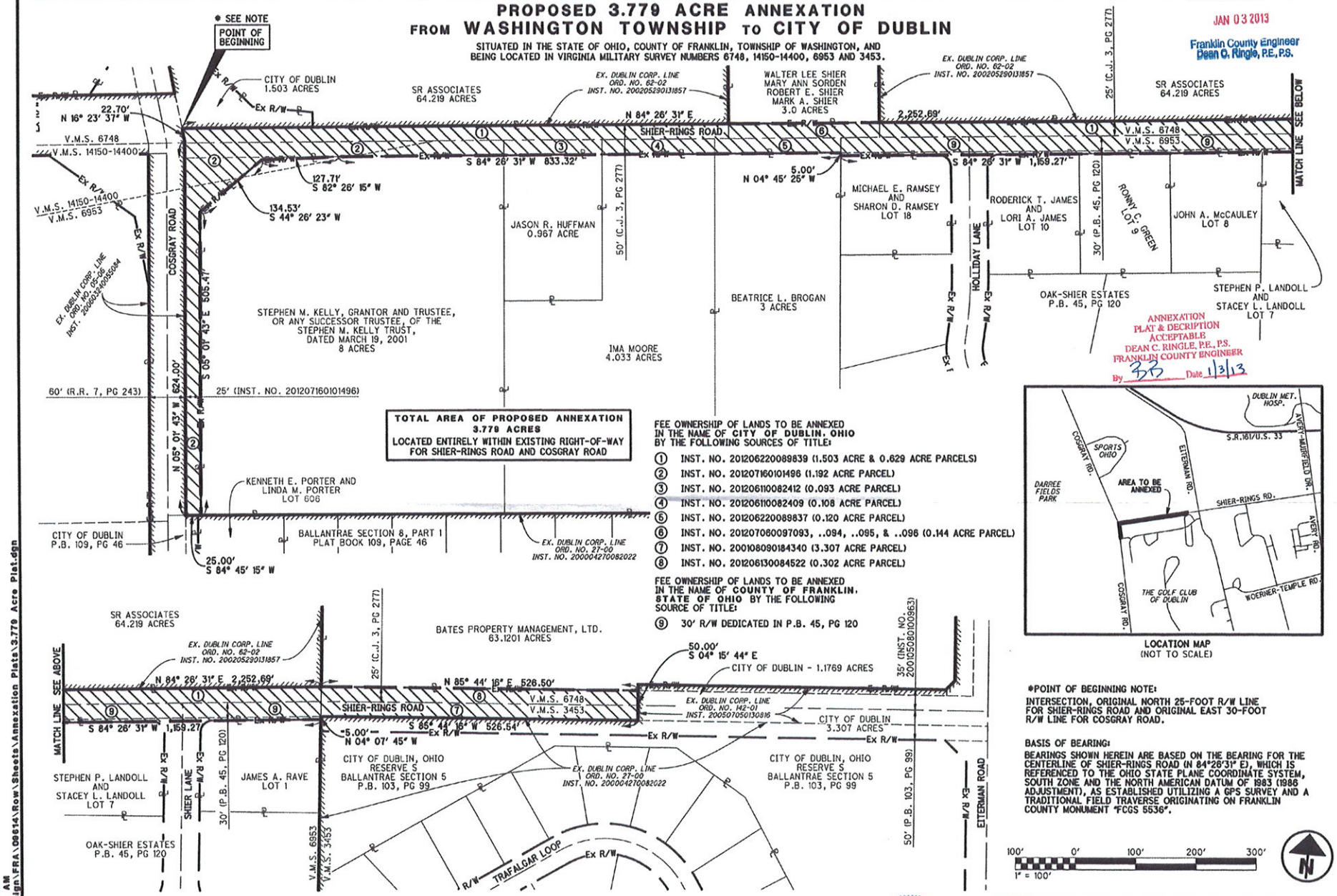
STATE OF OHIO
BRIAN P. BINGHAM
8438
REGISTERED
PROFESSIONAL SURVEYOR

1/2/2013
Date

RECEIVED
JAN 03 2013
Franklin County Engineer
Dean C. Ringle, P.E., P.S.

PROPOSED 3.779 ACRE ANNEXATION FROM WASHINGTON TOWNSHIP TO CITY OF DUBLIN

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF WASHINGTON, AND BEING LOCATED IN VIRGINIA MILITARY SURVEY NUMBERS 6748, 14150-14400, 6953 AND 3453.



TOTAL AREA OF PROPOSED ANNEXATION
3.779 ACRES
LOCATED ENTIRELY WITHIN EXISTING RIGHT-OF-WAY FOR SHIER-RINGS ROAD AND COSGRAY ROAD

FEE OWNERSHIP OF LANDS TO BE ANNEXED IN THE NAME OF CITY OF DUBLIN, OHIO BY THE FOLLOWING SOURCES OF TITLE:

1. INST. NO. 201206220089839 (1.503 ACRE & 0.629 ACRE PARCELS)
2. INST. NO. 201207160101496 (1.192 ACRE PARCEL)
3. INST. NO. 201206110082412 (0.093 ACRE PARCEL)
4. INST. NO. 201206110082409 (0.108 ACRE PARCEL)
5. INST. NO. 201206220089837 (0.120 ACRE PARCEL)
6. INST. NO. 201207060097093, ..094, ..095, & ..096 (0.144 ACRE PARCEL)
7. INST. NO. 200108090184340 (3.307 ACRE PARCEL)
8. INST. NO. 201206130084522 (0.302 ACRE PARCEL)

FEE OWNERSHIP OF LANDS TO BE ANNEXED IN THE NAME OF COUNTY OF FRANKLIN, STATE OF OHIO BY THE FOLLOWING SOURCE OF TITLE:

9. 30' R/W DEDICATED IN P.B. 45, PG 120

LOCATION MAP
(NOT TO SCALE)

***POINT OF BEGINNING NOTE:**
INTERSECTION, ORIGINAL NORTH 25-FOOT R/W LINE FOR SHIER-RINGS ROAD AND ORIGINAL EAST 30-FOOT R/W LINE FOR COSGRAY ROAD.

BASIS OF BEARING:
BEARINGS SHOWN HEREIN ARE BASED ON THE BEARING FOR THE CENTERLINE OF SHIER-RINGS ROAD (N 84°26'31" E), WHICH IS REFERENCED TO THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE AND THE NORTH AMERICAN DATUM OF 1983 (1986 ADJUSTMENT), AS ESTABLISHED UTILIZING A GPS SURVEY AND A TRADITIONAL FIELD TRAVERSE ORIGINATING ON FRANKLIN COUNTY MONUMENT "FCGS 5536".

THIS ANNEXATION PLAT WAS PREPARED BY BRIAN P. BINGHAM, PS AND IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY AMERICAN STRUCTUREPOINT, INC AND FROM RECORD DOCUMENTS ON FILE WITH THE FRANKLIN COUNTY ENGINEER AND AUDITOR.

BRIAN P. BINGHAM
REGISTERED PROFESSIONAL SURVEYOR NO. 8438

1/2/2013
DATE

STATE OF OHIO
BRIAN P. BINGHAM
8438
REGISTERED
PROFESSIONAL SURVEYOR

ANNEX. NO. _____	ORD. NO. _____

DRAWING PREPARED BY:
AMERICAN STRUCTUREPOINT INC.
2550 CORPORATE EXCHANGE DR.
SUITE 300
COLUMBUS, OH 43231
TEL 614.901.2235 FAX 614.901.2236
www.structurepoint.com

SCALE: 1" = 100'	DATE: 9/19/2012	DRAWN BY: BPB	JOB NO. 2009.00614

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