

RECORD OF ORDINANCES

31-13

Ordinance No. _____

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE DEDICATION OF A 0.311 ACRE, MORE OR LESS, FEE SIMPLE INTEREST FOR RIGHT-OF-WAY AND A 0.019 ACRE, MORE OR LESS, SHARED-USE PATH EASEMENT FROM AVERY LAKE INVESTMENTS, LLC, LOCATED ON THE SOUTHWEST CORNER OF AVERY ROAD AND SHIER RINGS ROAD, CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO.

WHEREAS, the dedication of this right-of-way for Shier Rings Road brings this property into compliance with the adopted Thoroughfare Plan and the adjacent shared-use path easement allows the construction of the path on private property; and

WHEREAS, Avery Lake Investments, LLC agreed to dedicate the necessary right-of-way and easement; and

WHEREAS, the right-of-way and easement interest is described in the attached Exhibits "A" and "B" and depicted in the attached Exhibit "C"; and

WHEREAS, this ordinance authorizes the City Manger to accept the dedication of the fee simple interest for right-of-way and the shared-use path easement from the Avery Lake Investments, LLC.

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

Section 1. The City Manager is hereby authorized to execute all necessary conveyance documentation to accept the dedication of fee simple interest for right-of-way and donation of a shared-use path easement as depicted in the attached Exhibits from the Avery Lake Investments, LLC.

Section 2. This ordinance shall go into effect as of the earliest date permitted by law.

Passed this _____ day of _____, 2013

Mayor - Presiding Officer

ATTEST:

Clerk of Council



City of Dublin

Office of the City Manager

5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council
From: Marsha I. Grigsby, City Manager 
Date: April 18, 2013

Initiated By: Paul A. Hammersmith, P.E., Director of Engineering/City Engineer
Barbara Cox, P.E., Engineering Manager - Development

Re: Ordinance 31-13 – Authorizing the City Manager to Execute the Necessary Documents to Accept the Dedication of 0.311 Acres, More or Less, Fee Simple Interest for Right-of-Way and a 0.019 Acres, More or Less, Shared-Use Path Easement from Avery Lakes Investments, LLC, Located on the Southwest Corner of Avery Road and Shier Rings Road, City of Dublin, County of Franklin, State of Ohio.

Summary

Avery Lakes Investment, LLC (aka Dublin Building Systems) has recently requested to split their property at the southwest corner of Avery and Shier Rings Roads. This created a new parcel to the west of the existing Dublin Building Systems headquarters. A new building is currently under construction on this new parcel. Sertec, LLC will occupy the building when it is complete. Sertec, LLC provides design, engineering, manufacturing and installation of custom and standard stainless steel equipment for the restaurant industry.

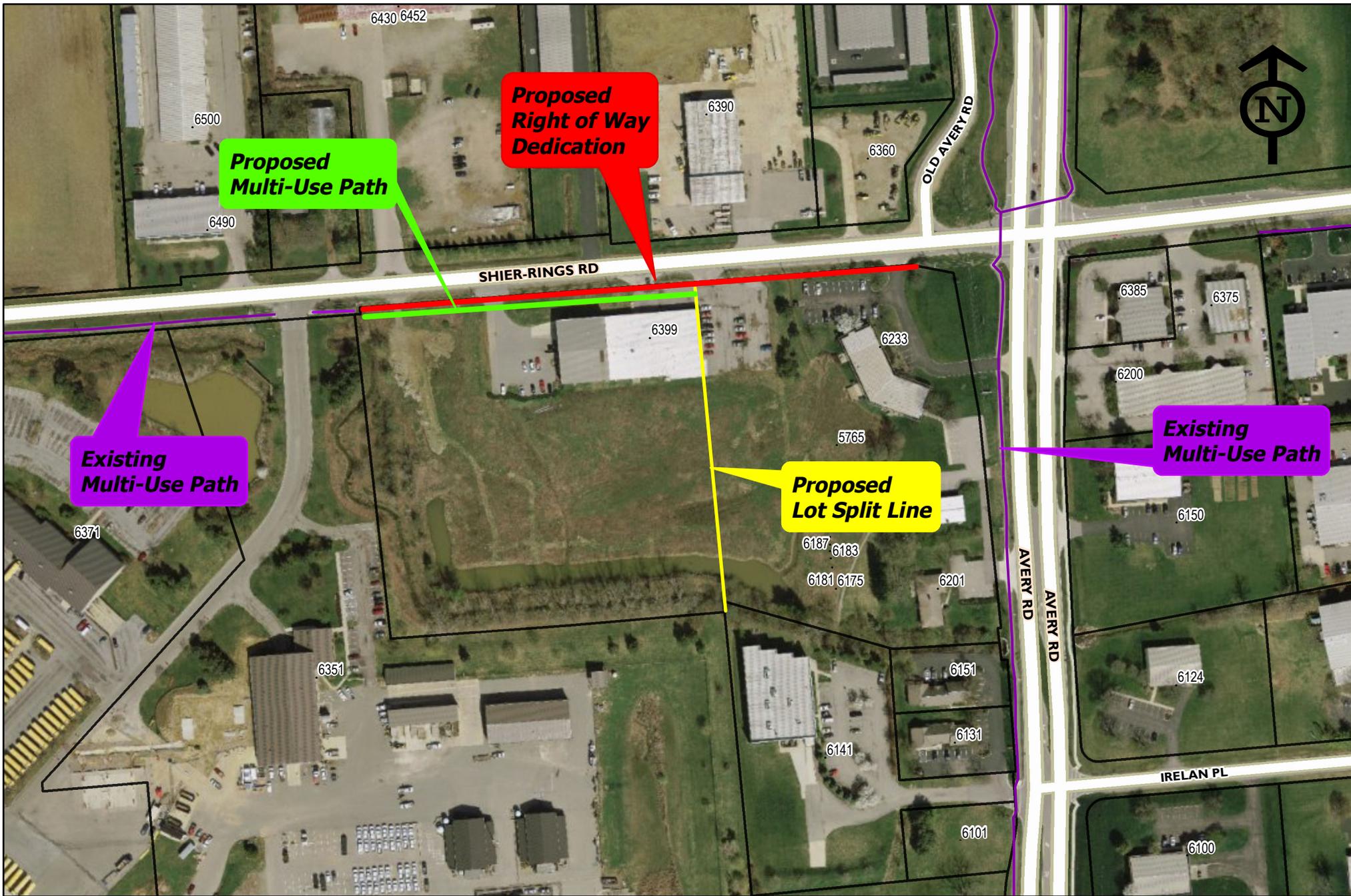
The adopted Thoroughfare Plan indicates that the right-of-way for Shier Rings Road is to be 100 feet for future improvements. Avery Lakes Investment, LLC is willing to voluntarily dedicate the additional right-of-way of 15 feet to provide the 50 feet on the south side of Shier Rings Road. This right-of-way dedication totals 0.311 acres, more or less.

Also, with the construction of the new building, a shared-use path will be installed on the south side of Shier Rings Road across the new parcel only. The location of this path conflicts with one of the overhead electric poles. The path will be shifted to the south and placed within the proposed shared-use path easement. Staff will work with the property owner to make the connection to the path located on the City property to the west and to the corner of Shier Rings Road and Avery Road.

Engineering and Legal staff have reviewed the dedication and the associated documents and recommend that the City accepts this dedication of right-of-way and shared-use path easement.

Recommendation

Staff recommends Council adopt Ordinance 31-13 at the second reading/public hearing on May 6, 2013, authorizing the City Manager to execute the necessary documents to accept the dedication of 0.311 acres, more or less, of right-of-way and 0.019 acres, more or less, shared-use path easement from Avery Lakes Investments, LLC.



*Ordinance 31-13
Right of Way Dedication and
Shared-Use Path Easement*

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **Avery Lake Investments, LLC, an Ohio Limited Liability Company** (“Grantor”), for valuable consideration paid, grants, with general warranty covenants, to the **City of Dublin, Ohio**, an Ohio municipal corporation (the “Grantee”), whose mailing address is 5200 Emerald Parkway, Dublin, OH 43017, the real property situated in the State of Ohio, County of Franklin, and City of Dublin, being legally described on **Exhibit “A”** and depicted on **Exhibit “B”**, each of which is attached to this deed (the “Property”).

Split from Parcel Number: 274-000001-00
Address: 6211 Avery Road
Dublin, Ohio 43016

Prior Instrument Reference No: 200703140045196, Recorder’s Office, Franklin County, Ohio.

Said Grantor, for itself and its successors and assigns, hereby covenants with the said Grantee, its successor and assigns, that he is the true and lawful owner of the Property, and lawfully seized of the same in fee simple and that it has good and right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid.

THE REAL PROPERTY LEGALLY DESCRIBED ON EXHIBIT “A” AND DEPICTED ON EXHIBIT “B” IS INTENDED BY GRANTEE TO BE HELD FOR PUBLIC USE AS A RIGHT-OF-WAY.

The grant of the Property is subject to easements, conditions, covenants, restrictions and reservations of record, zoning ordinances and legal highways, and real estate taxes and assessments not yet due and payable.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed this _____ day of _____, 2013.

AVERY LAKE INVESTMENTS, LLC
An Ohio Limited Liability Company

By: _____

Its: _____

[Acknowledgments on the Following Page]

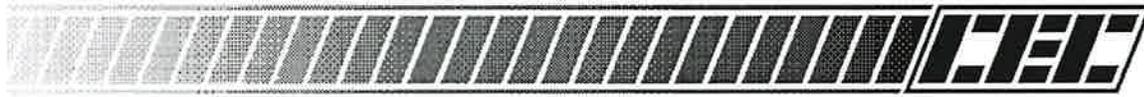
STATE OF _____ :
: ss.
COUNTY OF _____ :

BE IT REMEMBERED, that on this ____ day of _____, 2013, before me, the subscriber, a Notary Public in and for said county and state, personally came _____, the authorized signator and _____ of Avery Lake Investments, LLC, Grantor in the foregoing instrument, who acknowledged the signing thereof to be his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

This Instrument Prepared By:
Philip K. Hartmann
Ice Miller LLP
250 West Street
Columbus, Ohio 43215



Civil & Environmental Consultants, Inc.
8740 Orion Place, Suite 100 • Columbus, Ohio 43240
Phone 614.540.6633 • Fax 614.540.6638

PARCEL "A"
DESCRIPTION OF A 0.311 ACRE TRACT
STATE OF OHIO, FRANKLIN COUNTY,
CITY OF DUBLIN

Situated in the State of Ohio, Franklin County, City of Dublin and being part of Virginia Military Survey No. 3004 and being all out of an 11.816 acre tract as conveyed to Avery Lake Investments, LLC, an Ohio Limited Liability Company in Instrument #200703140045196 of the Franklin County Recorder's Office and being more particularly described as:

Beginning for Reference, at a Franklin County Monument known as FCGS 5415 located in the centerline intersection of relocated Avery Road (R/W varies), and Shier-Rings Road (R/W varies), as shown on the Roadway Improvement Plans for Avery Road, as shown and delineated in FRA-C.R.3, Pages 23-36;

Thence South 85°36'06" West with the centerline of said Shier-Rings Road, the northerly line of a 0.819 acre tract (Parcel 11WD) as conveyed to the State of Ohio in D.B. 2797, Page 641 and the northerly line of a 0.855 acre tract as conveyed to Franklin County in D.B. 2103, Page 291, 178.51 feet, passing Franklin County Monument FCGS 5420 at 172.53 feet;

Thence South 04°23'54" East over and across said Shier-Rings Road, and said 0.819 acre tract (Parcel 11WD), 35.08 feet to a found ¾" iron pipe located on the southerly right-of-way line of said Shier-Rings Road, the southerly line of said 0.819 acre tract (Parcel 11WD), and the northerly line of said 11.816 acre tract and being the True Point of Beginning;

Thence South 79°35'34" East with the southerly line of said Shier-Rings Road, the southerly line of said 0.819 acre tract (Parcel 11WD) and the northerly line of said 11.816 acre tract, 58.37 feet to a set #5 rebar with a yellow cap stamped "CEC COR";

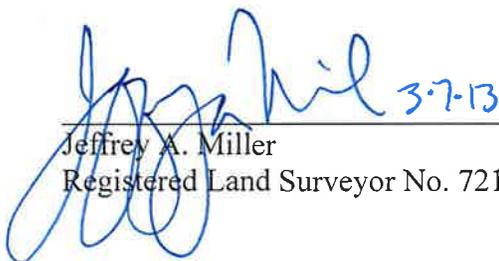
Thence South 85°36'06" West across said 11.816 acre tract with a new division line, 935.52 feet to a set #5 rebar with a yellow cap stamped "CEC COR" at a point on the westerly line of said 11.816 acre tract and the easterly line of a 15.689 acre tract as conveyed to the City of Dublin, Ohio in Instrument #199709170095761 and Instrument #199709170095760;

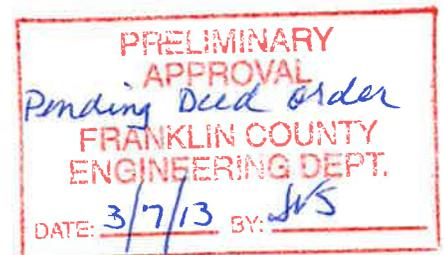
Thence North 06°02'50" West with the westerly line of a said 11.816 acre tract and the easterly line of said 15.689 acre tract, 14.92 feet to a found ¾" iron pipe on the southerly right-of-way line of said Shier-Rings Road, the southerly line of a 0.048 acre tract (Parcel 6WD) as conveyed to the City of Dublin, Ohio in Instrument #199712050160795;

Thence North 85°36'06" East with the southerly right-of-way line of said Shier-Rings Road, the southerly line of said 0.048 acre tract, the southerly line of a 0.070 acre tract as conveyed to the City of Dublin, Ohio in Case #97CVH-11-10350, the southerly line of a 0.155 acre tract (Parcel 5WD) as conveyed to the City of Dublin, Ohio in Instrument #199712050160794, and the northerly line of said 11.816 acre tract, 879.52 feet to the Point of Beginning and containing 0.311 acres, more or less. Subject to all easements, restrictions and right-of-ways.

For the purpose of this description a bearing of North 85°36'06" East was used for the centerline of Shier-Rings Road as shown and recorded in Instrument #200703140045196. This description was based on an actual field survey performed by or under the direct supervision of Jeffrey A. Miller, Registered Surveyor No. 7211. All pins set are a #5 Rebar with a yellow cap stamped "CEC COR".

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

 3-7-13
Jeffrey A. Miller
Registered Land Surveyor No. 7211



**EASEMENT FOR MULTI-USE PATH,
GRADING, UTILITY AND DRAINAGE**

THIS EASEMENT FOR MULTI-USE PATH, GRADING AND DRAINAGE (the "Easement") is made and entered into this ____ day of _____ 201__, by and between Avery Lake Investments, LLC, an Ohio Limited Liability Company ("Grantor"), whose mailing address is 6211 Avery Road, Dublin, Ohio 43017, and the City of Dublin, Ohio, an Ohio municipal corporation ("Grantee"), whose mailing address is 5200 Emerald Parkway, Dublin, Ohio 43017.

BACKGROUND INFORMATION

WHEREAS, Grantor owns the real property known as Franklin County Auditor's Parcel No. 274-000001-00 (the "Grantor Property");

WHEREAS, Grantee desires an easement over those portions of the Grantor's Property legally described on the attached Exhibit A and depicted on the attached Exhibit B (the "Easement Area") for the purpose of constructing and maintaining a multi-use path, utilities, and drainage facilities thereon and performing grading work therein; and

WHEREAS, Grantor desires to grant easements over the Easement Area for the benefit of Grantee, upon the terms and conditions set forth in this Easement.

STATEMENT OF AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to the foregoing Background Information and as follows:

1. Grant of Easement. Grantor grants to Grantee, its agents, employees, independent contractors, and successors and assigns, a perpetual, non-exclusive easement in, through, over and under the Easement Area for the following purposes: (i) to construct, operate, maintain, repair and replace a multi-use path and drainage facilities and to perform such grading work as Grantee deems necessary in connection therewith; and (ii) of ingress and egress over those portions of Grantor's Property reasonably necessary to facilitate Grantee's use of the Easement Area as permitted hereby. Grantee, as soon as reasonably practicable after construction of the path and drainage facilities, including any alterations and repairs thereto, and completion of the grading work shall cause the Easement Area to be restored to their former condition as nearly as is reasonably practicable. Grantee shall have the right to remove any and all vegetation growing within the Easement Area as is reasonably necessary to facilitate Grantee's use thereof as permitted by this Easement. Grantor has the right to enter on the Easement Area for any purpose whatsoever provided such entry by Grantor does not in any way impair or hinder the rights granted to Grantee in this Easement.

2. Relationship to Parties. Nothing contained herein shall be deemed or construed by the parties or by any third party as creating the relationship of principal and agent, of partnership or of joint venture between the parties, it being understood and agreed that no provision contained herein or any act of the parties hereto shall be deemed to create any relationship other than Grantor and grantee of the rights and easements set forth herein.

3. Waiver. Except to the extent that a party may have otherwise agreed in writing, no waiver by such party of any breach of the other party of any of its obligations, agreements or covenants hereunder shall be deemed to be a waiver of any subsequent breach of the same or of any other covenants, agreements or obligations, nor shall any forbearance by a party to seek a remedy for any breach by the other party be deemed a waiver of any rights or remedies with respect to such breach or any similar breach in the future.

4. Severability. In the event any provision of this Easement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

5. Captions and Pronoun Usage. The captions and section numbers in this Easement are for convenience only and shall not be deemed to be a part hereof. The pronouns used herein shall be considered as meaning the person, number and gender appropriate under the circumstances at any given time.

6. Governing Law. This Easement shall be governed by and construed in accordance with the laws of the State of Ohio.

7. Modification. This Easement, or any easement or covenant set forth herein, may not be amended, terminated, rescinded or otherwise modified, in whole or in part, except by a written instrument executed by the parties hereto and recorded with the Recorder's Office, Franklin County, Ohio with reference made to this Easement.

8. Benefit. This Easement shall run with the land and inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, representatives, successors and assigns.

9. Authority. Grantor represents and warrant that it has the full right and authority to enter into this Easement and grant the rights hereby conveyed to Grantee.

(Signatures on the following page)

IN WITNESS WHEREOF, the parties hereto have set their hands as of the date set forth above.

GRANTOR:

Avery lake Investments, LLC
An Ohio limited Liability Company

By; _____

Its: _____

Printed Name: _____

GRANTEE:

City of Dublin, Ohio,
an Ohio municipal corporation

By: _____
Marsha Grigsby, City Manager

STATE OF OHIO)
)ss.
FRANKLIN COUNTY)

BE IT REMEMBERED, that on this ____ day of _____, 2013, before me, the subscriber, a Notary Public in and for said county and state, personally came Marsha Grigsby the City Manager of the City of Dublin, Ohio, an Ohio municipal corporation, who acknowledged the signing thereof to be her free act and deed for and on behalf of the municipal corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary public

STATE OF OHIO)
)ss.
FRANKLIN COUNTY)

BE IT REMEMBERED, that on this ____ day of _____, 2013, before me, the subscriber, a Notary Public in and for said county and state, personally came _____, the authorized signator and _____ of Avery lake Investments, LLC, who acknowledged the signing thereof to be his/her free act and deed for the purpose stated therein.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary public

This Instrument Prepared By:
Philip K. Hartmann
Ice Miller LLP
250 West Street
Columbus, Ohio 43215



Civil & Environmental Consultants, Inc.
8740 Orion Place, Suite 100 • Columbus, Ohio 43240
Phone 614.540.6633 • Fax 614.540.6638

EASEMENT "A"
DESCRIPTION OF A 0.019 ACRE
BIKE PATH EASEMENT
STATE OF OHIO, FRANKLIN COUNTY,
CITY OF DUBLIN

Situated in the State of Ohio, Franklin County, City of Dublin and being part of Virginia Military Survey No. 3004 and being all out of an 11.816 acre tract as conveyed to Avery Lake Investments, LLC, an Ohio Limited Liability Company in Instrument #200703140045196 of the Franklin County Recorder's Office and being more particularly described as:

Beginning for Reference, at a Franklin County Monument known as FCGS 5415 located in the centerline intersection of relocated Avery Road (R/W varies), and Shier-Rings Road (R/W varies), as shown on the Roadway Improvement Plans for Avery Road, as shown and delineated in FRA-C.R.3, Pages 23-36;

Thence South 85°36'06" West with the centerline of said Shier-Rings Road, the northerly line of a 0.819 acre tract (Parcel 11WD) as conveyed to the State of Ohio in D.B. 2797, Page 641 and the northerly line of a 0.855 acre tract as conveyed to Franklin County in D.B. 2103, Page 291, 178.51 feet, passing Franklin County Monument FCGS 5420 at 172.53 feet;

Thence South 04°23'54" East over and across said Shier-Rings Road, and said 0.819 acre tract (Parcel 11WD), 35.08 feet to a found ¾" iron pipe located on the southerly right-of-way line of said Shier-Rings Road, the southerly line of said 0.819 acre tract (Parcel 11WD), and the northerly line of said 11.816 acre tract;

Thence South 79°35'34" East with the southerly right-of-way line of said Shier-Rings Road, the southerly line of said 0.819 acre tract (Parcel 11WD), and the northerly line of said 11.816 acre tract, 58.37 feet to a #5 rebar set with a yellow cap stamped "CEC COR";

Thence South 85°36'06" West across said 11.816 acre tract with a new division line, 472.72 feet to the True Point of Beginning, passing a set #5 rebar with a yellow cap stamped "CEC COR" at 414.38 feet;

Thence continuing across said 11.816 acre tract the following four (4) courses:

South 04°23'54" East, 7.00 feet to a point;

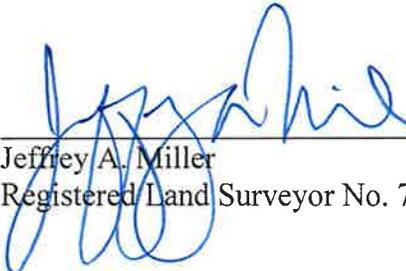
South 85°36'06" West, 117.63 feet to a point;

North 04°23'54" West, 7.00 feet to a point;

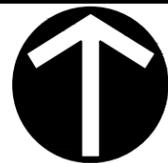
North 85°36'06" East, 117.63 feet to the Point of Beginning, containing 0.019 acres, more or less.

For the purpose of this description a bearing of North 85°36'06" East was used for the centerline of Shier-Rings Road as shown and recorded in Instrument #200703140045196. This description was based on an actual field survey performed by or under the direct supervision of Jeffrey A. Miller, Registered Surveyor No. 7211. All pins set are a #5 Rebar with a yellow cap stamped "CEC COR".

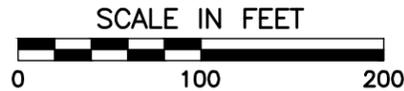
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

 3-7-13
Jeffrey A. Miller Date
Registered Land Surveyor No. 7211



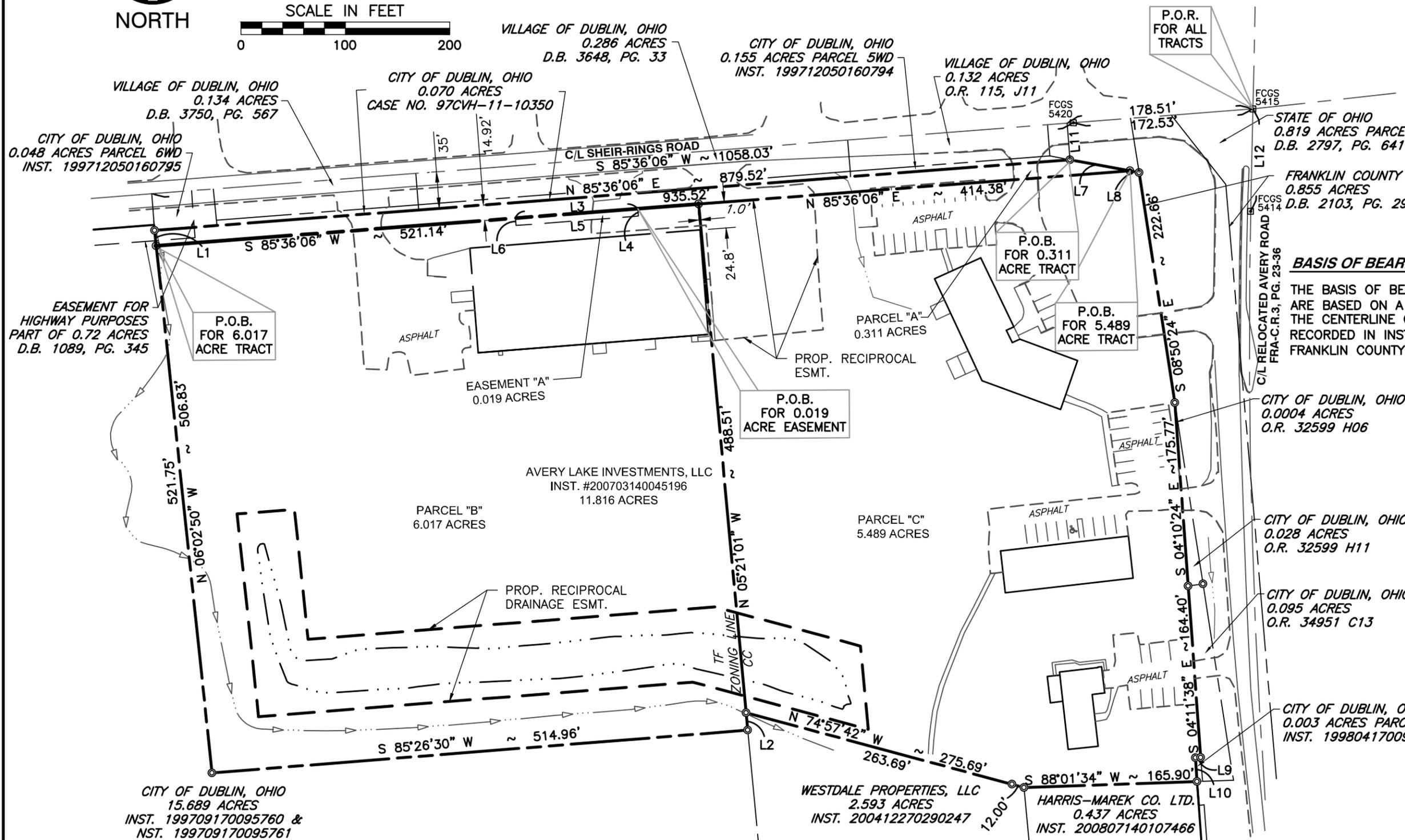


NORTH



SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF DUBLIN, AND BEING PART OF VIRGINIA MILITARY SURVEY NO. 3004 AND BEING ALL OUT OF AN 11.816 ACRE TRACT AS CONVEYED TO AVERY LAKE INVESTMENTS, LLC, AN OHIO LIMITED LIABILITY COMPANY IN INSTRUMENT #200703140045196.

Exhibit C



MONUMENTATION SET

ALL PINS SET ARE A #5 REBAR WITH A YELLOW CAP STAMPED "CEC COR".

BASIS OF BEARINGS, DISTANCES & COORDINATES

THE BASIS OF BEARINGS FOR THE PURPOSE OF THIS SURVEY ARE BASED ON A BEARING OF N 85°36'06" E WAS USED FOR THE CENTERLINE OF SHEIR-RINGS ROAD AS SHOWN AND RECORDED IN INSTRUMENT #200703140045196 OF THE FRANKLIN COUNTY RECORDER'S OFFICE.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 06°02'50" E	14.92'
L2	S 05°22'07" E	16.74'
L3	N 85°36'06" E	117.63'
L4	S 04°23'54" E	7.00'
L5	S 85°36'06" W	117.63'
L6	N 04°23'54" W	7.00'
L7	S 79°35'34" E	58.37'
L8	S 79°35'34" E	8.97'
L9	S 86°09'13" W	5.05'
L10	S 04°05'25" E	22.79'
L11	S 04°23'54" E	35.08'
L12	S 01°15'27" W	97.98'

LEGEND

- CEC REBAR (SET)
- ⊙ FOUND 3/4" IRON PIPE
- ▲ MAG NAIL (SET)
- ▣ FRANKLIN COUNTY MONUMENT

BOUNDARY SURVEY NOTE

THIS PLAT CONSTITUTES A BOUNDARY SURVEY AS SET FORTH IN THE MINIMUM STANDARDS FOR BOUNDARY SURVEYING IN THE STATE OF OHIO, ADMINISTRATIVE CODE CHAPTER 4733-37 AND PROMULGATED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF OHIO PURSUANT TO CHAPTER 4733.S. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY FACTS REVEALED BY SUCH.

CIVIL & ENVIRONMENTAL CONSULTANTS, INC. JEFFREY A. MILLER REGISTERED LAND SURVEYOR NO.: S-7211



Civil & Environmental Consultants, Inc.

8740 Orion Place, Suite 100 - Columbus, OH 43240

614-540-6633 · 888-598-6808

www.cecinc.com

5.489 ACRE TRACT, 6.017 ACRE TRACT, 0.311 ACRE TRACT AND 0.019 ACRE EASEMENT AVERY LAKE INVESTMENT, INC. CITY OF DUBLIN, FRANKLIN COUNTY, OHIO

LOT SPLIT SURVEY

DRAWN BY: KJB	CHECKED BY: JAM	APPROVED BY: JAM	DRAWING NO.: 1/1
DATE: FEBRUARY 2013	DWG SCALE: 1"=100'	PROJECT NO: 122-078	

P:\2012\122-078\Survey\122-078 Lotsplit.dwg[LAYOUT] LS:(3/14/2013 - bworkman) - LP: 4/4/2013 9:34 AM