



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  
Philip Hartmann, Ice Miller, LLC

**Re:** Ordinance 33-13 – Approving the Partial Release of a Storm Sewer Easement  
Granted to the City of Dublin as Part of the Development of the Dublin Village  
Retail Center

## Summary

Stavroff Interests, Ltd. is the current owner of the Dublin Village Retail Center. As part of refinancing, their title agency requested a partial release of a recorded storm sewer easement. The original easement covers both a detention basin area and storm sewer pipes.

Before the Dublin Village Retail Center was fully constructed, the final location of the detention basin serving the site was undetermined. One of the areas that was reserved for a basin was in the location where the AMC Movie Theater building now sits. In the end, the Dublin Village Center's storm water needs were served with a detention basin located just south and west of the Charles Penzone building on the west side of Village Parkway.

Therefore, the portion of the storm sewer easement for the detention area, which coincides with the movie theater site, is no longer necessary. The title company working with Stavroff Interests, Ltd. would like the easement over this area removed. The attached documentation includes a copy of the original easement, documentation to execute the partial release and a location map showing the original and final locations of the detention basin.

## Recommendation

Staff recommends Council approval of Ordinance 33-13 at the second reading/public hearing on May 6, 2013, authorizing the City Manager to execute the necessary documents to allow the partial release of a storm sewer easement granted to the City of Dublin as part of the development of the Dublin Village Retail Center.

# RECORD OF ORDINANCES

**33-13**

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

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

**AN ORDINANCE APPROVING THE PARTIAL RELEASE OF A STORM SEWER EASEMENT GRANTED TO THE CITY OF DUBLIN AS PART OF THE DEVELOPMENT OF THE DUBLIN VILLAGE RETAIL CENTER**

**WHEREAS**, Stavroff Interests, Ltd. is the current owner of the Dublin Village Retail Center and as part of refinancing, their title agency requested a partial release of a recorded storm sewer easement; and

**WHEREAS**, the original easement covered both a detention basin area and storm sewer pipes; and

**WHEREAS**, prior to the completion of construction of the Dublin Village Retail Center, the final location of the detention basin serving the site was undetermined; and

**WHEREAS**, one of the areas that was reserved for a basin was in the current location of the AMC Movie Theater building; and

**WHEREAS**, the Dublin Village Center's storm water needs were adequately handled without the use of this detention basin; therefore, the portion of the easement over the storm sewer basin is not needed; and

**WHEREAS**, the partial release of this easement would correct the public records and be in the best interest of the City, Stavroff and subsequent purchasers of Dublin Village Center.

**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 partially release an easement in a form substantially similar to the one attached hereto as Exhibit "A."

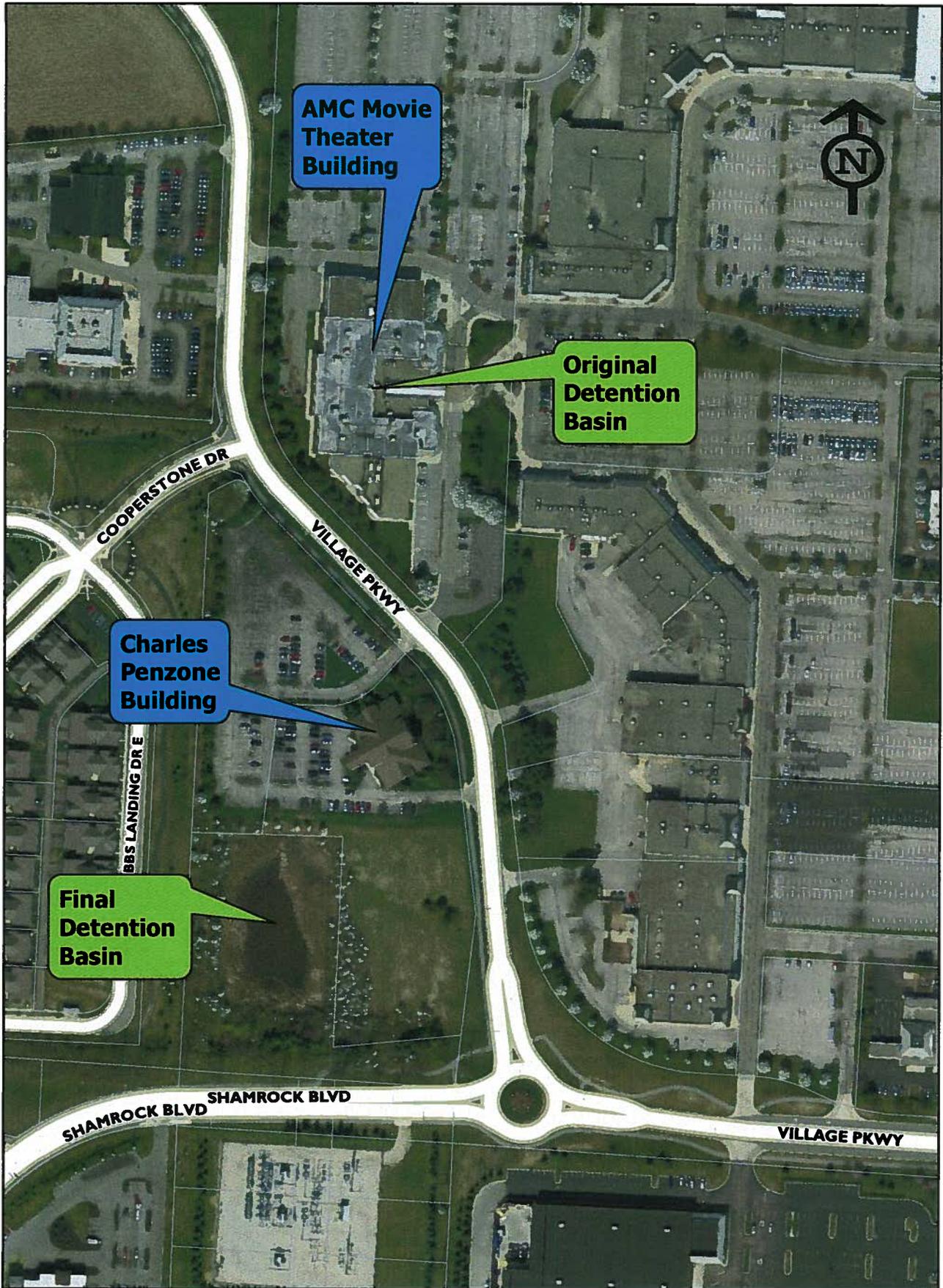
**Section 2.** This Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

ATTEST:

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



## **PARTIAL TERMINATION OF EASEMENT**

THIS PARTIAL TERMINATION OF EASEMENT ("Termination") is made this \_\_\_\_ day of April, 2013 by the CITY OF DUBLIN, an Ohio municipal corporation ("Dublin").

### **BACKGROUND INFORMATION**

A. On December 11, 1990, Continental Sawmill Limited Partnership, an Ohio limited partnership, executed and delivered to Dublin a certain Storm Sewer Easement ("Easement").

B. The purpose of the Easement was to provide for a storm sewer and a detention basin on property owned by Continental Sawmill Limited Partnership.

C. The Easement is of record in Official Record Volume 16300, Page J-14, Recorder's Office, Franklin County, Ohio.

D. Subsequent to the grant of the Easement, the proposed detention basin location was changed and the area covered by the Easement for such purpose no longer applied. Specifically, the description of the area for the detention basin which is area no. 2 in the Easement is attached to this Easement, marked Exhibit A and made a part hereof. In addition, the location of the detention basin description is set forth on Exhibit B attached hereto and made a part hereof.

E. Dublin has agreed to terminate that portion of the Easement that applies to the detention basin.

### **STATEMENT OF TERMINATION**

1. That portion of the Easement described as area no. 2 and also described on Exhibit A and shown on Exhibit B no longer applies and, therefore, is terminated and of no further force or effect.

2. The storm sewer easement portion, however, which is labeled and designated as area no. 1 remains and continues as an easement in accordance with the terms and provisions set forth in the Easement.

This Termination has been executed and delivered as of the day and year first above written.

CITY OF DUBLIN

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO                    )  
  )SS:  
COUNTY OF FRANKLIN         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of April, 2013, by \_\_\_\_\_, \_\_\_\_\_, City of Dublin.

\_\_\_\_\_  
Notary Public

## EXHIBIT A

Situated in the State of Ohio, County of Franklin, City of Dublin, being in Quarter Township 2, Township 2 North, Range 19 West, United States Military Lands:

### Area No. 2

Being a 1.789 acre area of land, more or less, said 1.789 acre area of land being more particularly described as follows:

Beginning, for reference, at the true point of beginning of the hereinabove described AREA NO. 1; thence S-2°34'01"W, with the westerly line of said 36.409 acre tract and with the easterly line of said 26.267 acre tract, a distance of 898.95 feet to the true point of beginning of said AREA NO. 2, the same being located N-2°34'01"E, a distance of 28.67 feet from the southwesterly corner of said 36.409 acre tract;

Thence, from said true point of beginning of said AREA NO. 2, N.-56°15'18"E, a distance of 37.23 feet to a point;

Thence N-2°34'01"E, parallel with and 30.00 feet easterly from, as measured at right angles, the westerly line of said 36.409 acre tract, a distance of 352.32 feet to a point;

Thence S-87°25'59"E, a distance of 109.50 feet to a point;

Thence N-2°34'01"E, parallel with and 139.50 feet easterly from, as measured at right angles, the westerly line of said 36.409 acre tract, a distance of 15.00 feet to a point in the southerly line of that 1.711 acre tract of land described in Exhibit "A" in the deed to Gioffre Venture, of record in Official Record 16097A07, Recorder's Office, Franklin County, Ohio;

Thence S-87°25'59"E, with the southerly line of said 1.711 acre tract, a distance of 15.00 feet to a point;

Thence S-2°34'01"W, parallel with and 154.50 feet easterly from, as measured at right angles, the westerly line of said 36.409 acre tract, a distance of 15.00 feet to a point;

Thence S-87°25'59"E, parallel with and 15.00 feet southerly from, as measured at right angles, the southerly line of said 1.711 acre tract, a distance of 99.79 feet to a point;

Thence S-2°30'31"W, a distance of 339.88 feet to a point;

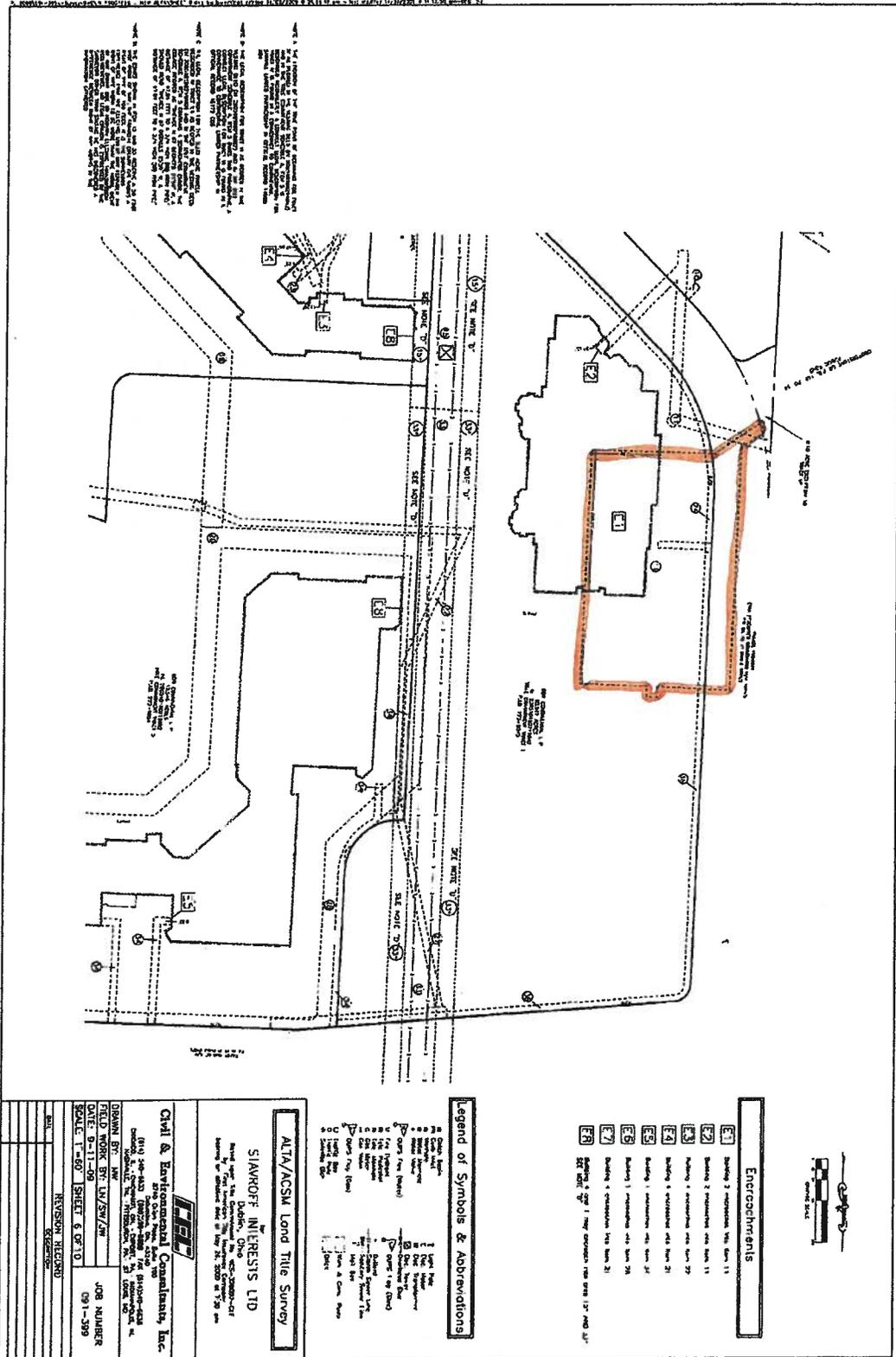
Thence N-88°08'46"W, a distance of 185.53 feet to a point;

Thence S-56°15'18"W, a distance of 85.79 feet to a point in the westerly line of said 36.409 acre tract, the same being in the easterly line of said 26.267 acre tract;

Thence N-2°34'01"E, with the westerly line of said 36.409 acre tract and with the easterly line of said 26.267 acre tract, a distance of 18.61 feet to the true point of beginning of said AREA NO. 2 and containing 1.789 acres of land, more or less.

7121472\_1 117438.0004

EXHIBIT B



15300J14

12:30P  
RECORDED FRANKLIN CO. OHIO

Parcel J

DEC 28 1990

STORM SEWER EASEMENT

142958

JOHN W. NEAL, REGISTERED  
1892

KNOW ALL MEN BY THESE PRESENTS, That CONTINENTAL SAWMILL LIMITED PARTNERSHIP, an Ohio limited partnership (hereinafter "Grantor") in consideration of One Dollar (\$1.00) and other good and valuable consideration paid by the CITY OF DUBLIN, an Ohio municipal corporation, receipt of which is hereby acknowledged, does hereby, for itself, its successors and assigns, Grant and Convey to the City of Dublin, its successors and assigns (hereinafter "Grantee") forever, the non-exclusive right and easement to construct, install, operate, repair, replace, relocate, inspect and maintain storm sewer line(s), and storm water detention basin together with all appurtenances incidental thereto and the right of ingress and egress at all reasonable times for the purposes aforesaid, on, over, through, under and across the property of the Grantor, located in the City of Dublin, Franklin County and State of Ohio, and being two (2) fifteen (15) foot wide easement areas and a certain 1.789 acre, more or less, area more fully described in Exhibits "A", and "B" which are attached hereto and made a part hereof as if fully rewritten herein.

To have and to hold said easements, with all of the privileges and appurtenances thereto belonging, to said Grantee, forever.

The Grantee shall have the right of ingress to and egress from the site occupied or to be occupied by said line(s), basin, and appurtenances, and the right to do any and all things necessary, proper or incidental to the successful operation and maintenance thereof. The Grantor and its successors and assigns shall have the right to use the easement for purposes not inconsistent with the Grantee's full enjoyment of the rights herein granted including, but not limited to, the right to cross the easement area with sanitary water lines, and other utility lines, whether public or private, and for surface parking of vehicles.

The consideration herein mentioned includes total compensation for the grant of the easements and for all damage caused by construction, installation, operation, repair, replacement, relocation, inspection and maintenance within the aforesaid easement areas, provided, however, that the Grantee shall promptly restore all property, including paving material, fences, trees, landscaping and shrubbery, except buildings or other structures, within the permanent easement, to its original condition insofar as practicable, after entering upon said premises for any of the purposes herein set forth, including construction, repair, maintenance, replacement, relocation, operation, inspection and maintenance of all facilities and improvements of the Grantee within the easement areas.

Grantor, for itself, its successors and assigns, covenants with the Grantee that it is lawfully seized of the premises and that it will forever warrant and defend the same unto the Grantee against all claims of all persons whomsoever.

Prior Instrument References: Official Records Volume 06439F20 and 16097A07.

MAIL TO: CITY OF DUBLIN  
LUIS COFFMAN RD  
DUBLIN, OH 43017

CONVEYANCE TAX EXEMPT  
PALMER C. McNEAL  
FRANKLIN COUNTY AUDITOR

TRANSFERRED NOT NECESSARY  
DEC 28 1990  
PALMER C. McNEAL  
AUDITOR  
FRANKLIN COUNTY, OHIO

RECEIVED  
DEC 12 1990  
ENGINEERING BUILDING  
DUBLIN, OHIO

Continental Sawmill  
Limited Partnership  
Storm Sewer Easement  
Page 2

IN WITNESS WHEREOF, the Grantor has hereunto executed this  
Easement this 11<sup>th</sup> day of December, 1990.

Signed and acknowledged  
in the presence of:

CONTINENTAL SAWMILL LIMITED  
PARTNERSHIP, an Ohio limited  
partnership  
By: Continental Sawmill, Inc.,  
an Ohio corporation,  
Managing General Partner

[Signature]  
[Signature]  
[Signature]  
Diane B. Myers

By: [Signature]  
Harlan S. Friedman,  
Executive Vice President

By: [Signature]  
Harlan S. Friedman,  
General Partner

STATE OF OHIO :  
                  : SS.  
COUNTY OF FRANKLIN :

The foregoing instrument was acknowledged before me this 11<sup>th</sup>  
day of December, 1990, by Harlan S. Friedman, both as General  
Partner and as Executive Vice President of Continental Sawmill,  
Inc., an Ohio corporation, Managing General Partner of Continental  
Sawmill Limited Partnership, an Ohio limited partnership, for and  
on behalf of said limited partnership.

Diane B. Myers  
Notary Public

DIANE B. MYERS  
Notary Public, State of Ohio  
My commission expires July 13, 1993

PARTNERSHIP  
FILING DATE 1-17-89  
RECORDED VOL 12866 PAGE 66  
JOSEPH W. TESTA  
RECORDER  
FRANKLIN COUNTY, OHIO

This instrument prepared by: William F. Simpson, Esq.  
Schcttenstein, Zox & Dunn  
A Legal Professional Association  
41 South High Street, Suite 2600  
Columbus, Ohio 43215

EXHIBIT "A" 16300J16  
TO  
THE STORM SEWER EASEMENT  
FROM  
CONTINENTAL SAWMILL LIMITED PARTNERSHIP  
TO CITY OF DUBLIN

90190405

November 21, 1990

**DESCRIPTION OF TWO (2) PROPOSED STORM SEWER  
EASEMENT AREAS OF LAND LOCATED ON THE WESTERLY  
SIDE OF VILLAGE PARKWAY (FORMERLY FEDERATED BOULEVARD)  
AND SOUTH OF TULLER ROAD, IN THE CITY OF DUBLIN,  
COUNTY OF FRANKLIN, STATE OF OHIO**

Situated in the State of Ohio, County of Franklin, City of Dublin, being in Quarter Township 2, Township 2 North, Range 19 West, United States Military Lands, being two (2) areas of land in that 36.409 acre tract of land described in the deed to Continental Sawmill Limited Partnership, of record in Official Record 06439F20, said 36.409 acre tract of land being in Lot 2 as the same is numbered and delineated upon the recorded plat of the Lands of Chauncy McGurur, of record in Plat Book 12, Page 27, both being of record in the Recorder's Office, Franklin County, Ohio.

AREA NO. 1

Being a strip of land fifteen feet in width and containing 0.194 acre area of land, more or less, said 0.194 acre area of land being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Federated Boulevard (now known as Village Parkway by motion unanimously passed by City Council, City of Dublin, Ohio, on August 1, 1988) and Tuller Road, as said intersection is designated and delineated upon the recorded plat of Dublin Village Center (Dedication of Federated Boulevard, Dublin Center Drive, Tuller Road and Easements), of record in Plat Book 65, Pages 27 and 28, Recorder's Office, Franklin County, Ohio; thence S-85°55'44"W, with the centerline of said Tuller Road, a distance of 30.21 feet to the point of intersection of the westerly right-of-way line of said Village Parkway and the centerline of said Tuller road; thence S-2°36'33"W, with a westerly right-of-way line of said Village Parkway and the same extended southerly, a distance of 857.23 feet to the northwesterly corner of said 36.409 acre tract, the same being the northwesterly corner of that tract of land (26.267 acres of land, more or less, according to a survey by Bauer, Davidson & Merchant, Inc.) described in the deed to Jack X Vogel, or record in Official Record 00841C10, Recorder's Office, Franklin County, Ohio; thence S-2°34'01"W, with the westerly line of said 36.409 acre tract and with the easterly line of said 26.267 acre tract, a distance of 167.20 feet to the true point of beginning;

Thence, from said true point of beginning, S-74°29'42"E, a distance of 148.21 feet to a point;

Thence N-45°24'10"E, a distance of 6.84 feet to a point in a southwesterly right-of-way line of said Village Parkway;

Thence S-44°35'50"E, with a southwesterly right-of-way line of said Village Parkway, a distance of 15.00 feet to a point;

Thence S-45°24'10"W, a distance of 8.24 feet to a point;

Thence S-2°34'01"W, parallel with and 154.50 feet easterly from, as measured at right angles, the westerly line of said 36.409 acre tract, a distance of 198.56 feet to a point;

## DESCRIPTION OF TWO (2) PROPOSED STORM SEWER (Cont'd)

Thence N-45°24'10"E, a distance of 153.84 feet to a point in a southwesterly right-of-way line of said Village Parkway;

Thence S-44°35'50"E, with a southwesterly right-of-way line of said Village Parkway, a distance of 15.00 feet to a point;

Thence S-45°24'10"W, a distance of 170.02 feet to a point;

Thence S-2°34'01"W, parallel with and 154.50 easterly from, as measured at right angles, the westerly line of said 36.409 acre tract, a distance of 21.55 feet to a point in the northerly line of that 1.711 acre tract of land described in Exhibit "A" in the deed to Gioffre Venture, of record in Official Record 16097A07, Recorder's Office, Franklin County, Ohio;

Thence N-87°25'59"W, with the northerly line of said 1.711 acre tract, a distance of 15.00 feet to a point;

Thence N-2°34'01"E, parallel with and 139.50 feet easterly from, as measured at right angles, the westerly line of said 36.409 acre tract, a distance of 239.14 feet to a point;

Thence N-74°29'42"W, a distance of 143.13 feet to a point in the westerly line of said 36.409 acre tract, the same being in the easterly line of said 26.267 acre tract;

Thence N-2°34'01"E, with the westerly line of said 36.409 acre tract and with the easterly line of said 26.267 acre tract, a distance of 15.39 feet to the true point of beginning and containing a 0.194 acre area of land, more or less.

AREA NO. 2

Being a 1.789 acre area of land, more or less, said 1.789 acre area of land being more particularly described as follows:

Beginning, for reference, at the true point of beginning of the hereinabove described AREA NO. 1; thence S-2°34'01"W, with the westerly line of said 36.409 acre tract and with the easterly line of said 26.267 acre tract, a distance of 898.95 feet to the true point of beginning of said AREA NO. 2, the same being located N-2°34'01"E, a distance of 28.67 feet from the southwesterly corner of said 36.409 acre tract;

Thence, from said true point of beginning of said AREA NO. 2, N-56°15'18"E, a distance of 37.23 feet to a point;

Thence N-2°34'01"E, parallel with and 30.00 feet easterly from, as measured at right angles, the westerly line of said 36.409 acre tract, a distance of 352.32 feet to a point;

Thence S-87°25'59"E, a distance of 109.50 feet to a point;

Thence N-2°34'01"E, parallel with and 139.50 feet easterly from, as measured at right angles, the westerly line of said 36.409 acre tract, a distance of 15.00 feet to a point in the southerly line of that 1.711 acre tract of land described in Exhibit "A" in the deed to Gioffre Venture, of record in Official Record 16097A07, Recorder's Office, Franklin County, Ohio;

Thence S-87°25'59"E, with the southerly line of said 1.711 acre tract, a distance of 15.00 feet to a point;

**DESCRIPTION OF TWO (2) PROPOSED STORM SEWER (Cont'd)**

Thence S-2°34'01"W, parallel with and 154.80 feet easterly from, as measured at right angles, the westerly line of said 36.409 acre tract, a distance of 15.00 feet to a point;

Thence S-87°25'59"E, parallel with and 15.00 feet southerly from, as measured at right angles, the southerly line of said 1.711 acre tract, a distance of 99.79 feet to a point;

Thence S-2°30'31"W, a distance of 339.88 feet to a point;

Thence N-88°08'46"W, a distance of 185.53 feet to a point;

Thence S-96°15'18"W, a distance of 85.79 feet to a point in the westerly line of said 36.409 acre tract, the same being in the easterly line of said 26.267 acre tract;

Thence N-2°34'01"E, with the westerly line of said 36.409 acre tract and with the easterly line of said 26.267 acre tract, a distance of 18.61 feet to the true point of beginning of said AREA NO. 2 and containing 1.789 acres of land, more or less.

**PURPOSE**

For the purpose of constructing, using and maintaining storm sewers and a storm water detention basin in any part of the hereinabove described two (2) areas of land, including the right to clean, repair and care for said storm sewer and said storm water detention basin, together with the right of access to said two (2) areas for said purpose.

**EXHIBIT "B"**  
**TO**  
**THE STORM SEWER EASEMENT**  
**FROM**  
**CONTINENTAL SAWMILL LIMITED PARTNERSHIP**  
**TO CITY OF DUBLIN**

(Storm Water Easement Area)

**DESCRIPTION OF A PROPOSED FIFTEEN FOOT WIDE  
 STORM SEWER EASEMENT AREA OF LAND LOCATED ON THE  
 WESTERLY SIDE OF VILLAGE PARKWAY AND SOUTH OF  
 TULLER ROAD, IN THE CITY OF DUBLIN,  
 COUNTY OF FRANKLIN, STATE OF OHIO**

**PERMANENT EASEMENT**

Situated in the State of Ohio, County of Franklin, City of Dublin, being in Quarter Township 2, Township 2 North, Range 19 West, United States Military Lands, being a strip of land fifteen feet in width, in that 36.409 acre tract of land described in the deed to Continental Sawmill Limited Partnership, of record in Official Record 06439F20, said 36.409 acre tract of land being in Lot 2 as the same is numbered and delineated upon the recorded plat of the Lands of Chauncey McGurur, of record in Plat Book 13, Page 27, both being of record in the Recorder's Office, Franklin County, Ohio, the centerline of said fifteen foot wide strip of land being described as follows:

Beginning, for reference, at the centerline intersection of Federated Boulevard (now known as Village Parkway by motion unanimously passed by City Council, City of Dublin, Ohio, on August 1, 1988) and Tuller Road, as said intersection is designated and delineated upon the recorded plat of Dublin Village Center (Dedication of Federated Boulevard, Dublin Center Drive, Tuller Road and Easements), of record in Plat Book 65, Pages 27 and 28, Recorder's Office, Franklin County, Ohio; thence S-85°55'44"W, with the centerline of said Tuller Road, a distance of 30.21 feet to the point of intersection of the westerly right-of-way line of said Village Parkway and the centerline of said Tuller Road; thence S-2°36'33"W, with a westerly right-of-way line of said Village Parkway, a distance of 756.49 feet to a point of curvature; thence southwardly, with a westerly right-of-way line of said Village Parkway, the same being the arc of a curve to the left having a radius of 361.19 feet, a central angle of 47°12'33" and a chord that bears S-20°59'38"E, a chord distance of 289.24 feet to a point of tangency; thence S-46°35'50"E, with a southwesterly right-of-way line of said Village Parkway, a distance of 303.06 feet to a point; thence S-45°24'10"W, a distance of 70.00 feet to a point of curvature; thence westwardly, with the arc of a curve to the right having a radius of 100.00 feet, a central angle of 47°09'51" and a chord that bears S-68°59'06"W, a chord distance of 80.01 feet to a point of tangency; thence N-87°25'59"W, a distance of 70.01 feet to the true point of beginning;

Thence, from said true point of beginning, S-2°34'01"W, a distance of 223.00 feet to the point of ending.

**PURPOSE**

For the purpose of constructing a storm sewer, appurtenant works and tributary connections in any part of the hereinabove described fifteen foot wide strip of land, including the right to clean, repair and cura for said sewer, together with the right of access to said strip for said purpose.

**TEMPORARY CONSTRUCTION EASEMENT**

The right to use, only during the period of construction of the sewer herein provided for, two additional strips of land, nineteen and one-half feet in width, parallel with, exterior to and abutting the entire easterly and westerly limits of the hereinabove described permanent easement.