



**To:** Members of Dublin City Council

**From:** Marsha I. Grigsby, City Manager *MIA*

**Date:** May 16, 2013

**Initiated By:** Sara Ott, Sr. Project Manager

**Re: Ordinance 42-13 – Authorizing the City Manager to Execute Necessary Conveyance Documentation to Accept the Dedication of 0.420 Acres, More or Less, Fee Simple Interest, All of Which is Present Road Occupied, from Brand Road Investment Co., Ltd.**

### Background

The City of Dublin ("City") is preparing to construct a shared use path on the south side of Brand Road between Muirfield Drive and Earlington Parkway (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 interests from for the construction of the Project is Brand Road Investment Co., Ltd (the "Grantor"). After engaging in amicable negotiations, the Grantor has agreed to donate the property interests at no cost to the City.

### Acquisition

The City will acquire from the Grantor only those property interests necessary for the construction of the Project as depicted in the legal descriptions and maps attached to this memorandum. The acquisition is detailed below:

<i>Property Interest Acquiring</i>	<i>PROPOSED ACRES</i>
Present Road Occupied (P.R.O.)	0.420
Total	\$0

### Recommendation

Ordinance 42-13 authorizes the City Manager to execute all necessary conveyance documentation to formally acquire the necessary property interests described above. Staff recommends approval of Ordinance 42-13 at the second reading/public hearing on June 10, 2013 as obtaining the property interests is necessary for the furtherance of this project.

# RECORD OF ORDINANCES

**42-13**

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

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

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTATION TO ACCEPT THE DEDICATION OF A 0.420 ACRES, MORE OR LESS, FEE SIMPLE INTEREST ALL OF WHICH IS PRESENT ROAD OCCUPIED, FROM BRAND ROAD INVESTMENT CO., LTD.**

**WHEREAS**, the City of Dublin (the "City") is preparing to construct a multi-use path along Brand Road (the "Project"); and

**WHEREAS**, said roadway project requires that the City obtain certain property interests in Franklin County and owned by Brand Road Investment Co. Ltd., described and depicted in Exhibits "A" and "B"; and

**WHEREAS**, Brand Road Investment Co., Ltd. is willing to dedicate the property interests in Exhibits "A" and "B," and the City is willing to accept said dedication.

**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 hereby authorizes the City Manager to execute any and all documentation necessary to accept the dedication of an approximate 0.420 acres fee simple interest, all of which is present road occupied, as described and depicted in Exhibits "A" and "B."

Section 2. This ordinance shall go into effect at the earliest time permitted by law.

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

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

ATTEST:

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

**EXHIBIT A**

CIP Page 1 of 1  
11-022-CIP  
PARCEL 17-WD  
PROJECT BRAND SUP  
Version Date 12/12/12

**PARCEL 17-WD  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Situated in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey Number 2543, being a part of a 56.243 acre tract in the name of Brand Road Investment Co., Ltd., as recorded in Official Record Volume 221, Page D17, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning for reference at the intersection of Brand Road and Earlington Parkway (60' R/W) as shown on the recorded subdivision plat of Earlington Village Section 2 as described in Plat Book 65, Page 14;

Thence North 45°58'13" West, a distance of 55.00 feet along the centerline of said Brand Road to a magnail (set) being the northwesterly corner of said Earlington Parkway and the **True Place of Beginning** for the parcel herein described:

Thence, South 44°01'47" West, a distance of 40.00 feet, along the westerly existing right of way line of said Earlington Parkway, to an iron pipe (set) on the northerly existing right-of-way for Brand Road;

Thence, continuing along the westerly existing right of way line of said Earlington Parkway a distance of 39.27 feet along the arc of a non-tangent curve deflecting to the right, having a central angle of 90°00'00", a radius of 25.00 feet, and a chord that bears South 00°58'13" East, a distance of 35.35 feet to an iron pipe (set);

Thence, South 44°01'47" West, a distance of 10.00 feet, continuing along the westerly existing right of Earlington Parkway, to an iron pipe (set) at the northeasterly corner of a 4.071 acre tract in the name of Prince of Peace Lutheran Church as recorded in Official Record Volume 12563, Page A10;

Thence, leaving said right-of-way along the northeasterly line of said 4.071 acre tract a distance of 39.27 feet along the arc of a non-tangent curve deflecting to the left, having a central angle of 90°00'00", a radius of 25.00 feet, and a chord that bears North 00°58'13" West, a distance of 35.36 feet, to an iron pipe (set);

Thence, North 45°58'13" West, a distance of 357.11 feet, continuing along the northeasterly line of said 4.071 acre tract, to a 3/4" I.D. pipe (found) at the northwesterly corner of said 4.071 acre tract also being on the southeasterly line of a 1.000 acre tract in the name of Neal M. & Nancy S. Hahn, as described in Official Record Volume 7606, Page I19;

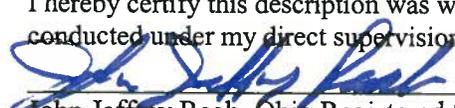
Thence, North 35°04'10" East, a distance of 50.62 feet, along the easterly line of said 1.000 acre tract, to a railroad spike (found) at an angle point in the centerline of Brand Road;

Thence, South 45°58'13" East, a distance of 365.00 feet, along the centerline of Brand Road, to the **True Place of Beginning**, containing 0.420 acres more or less, of which 0.420 acres is in the Present Roadway Occupied (P.R.O.).

Iron Pipes set are 3/4 inch inside diameter iron pipes, 30 inches long, with a yellow cap stamped "W.E. STILSON".

The bearings for this description are based on the bearing between Franklin County Engineer's stations "MCNEAL" and "FCGS 6648" being South 15°07'52" East, as measured using GPS methods and the Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment).

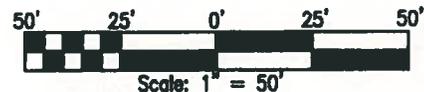
I hereby certify this description was written by using measurements obtained by an actual field survey conducted under my direct supervision.

  
John Jeffrey Raab, Ohio Registered Surveyor No 7863  
Prepared by: W.E. Stilson Consulting Group, LLC.  
Job No.: 111013.00  
Date: 12/14/12

\* UPDATE \*  
**PRELIMINARY APPROVAL**  
**FRANKLIN COUNTY ENGINEERING DEPT.**  
DATE: 12-14-2012 BY: RJN

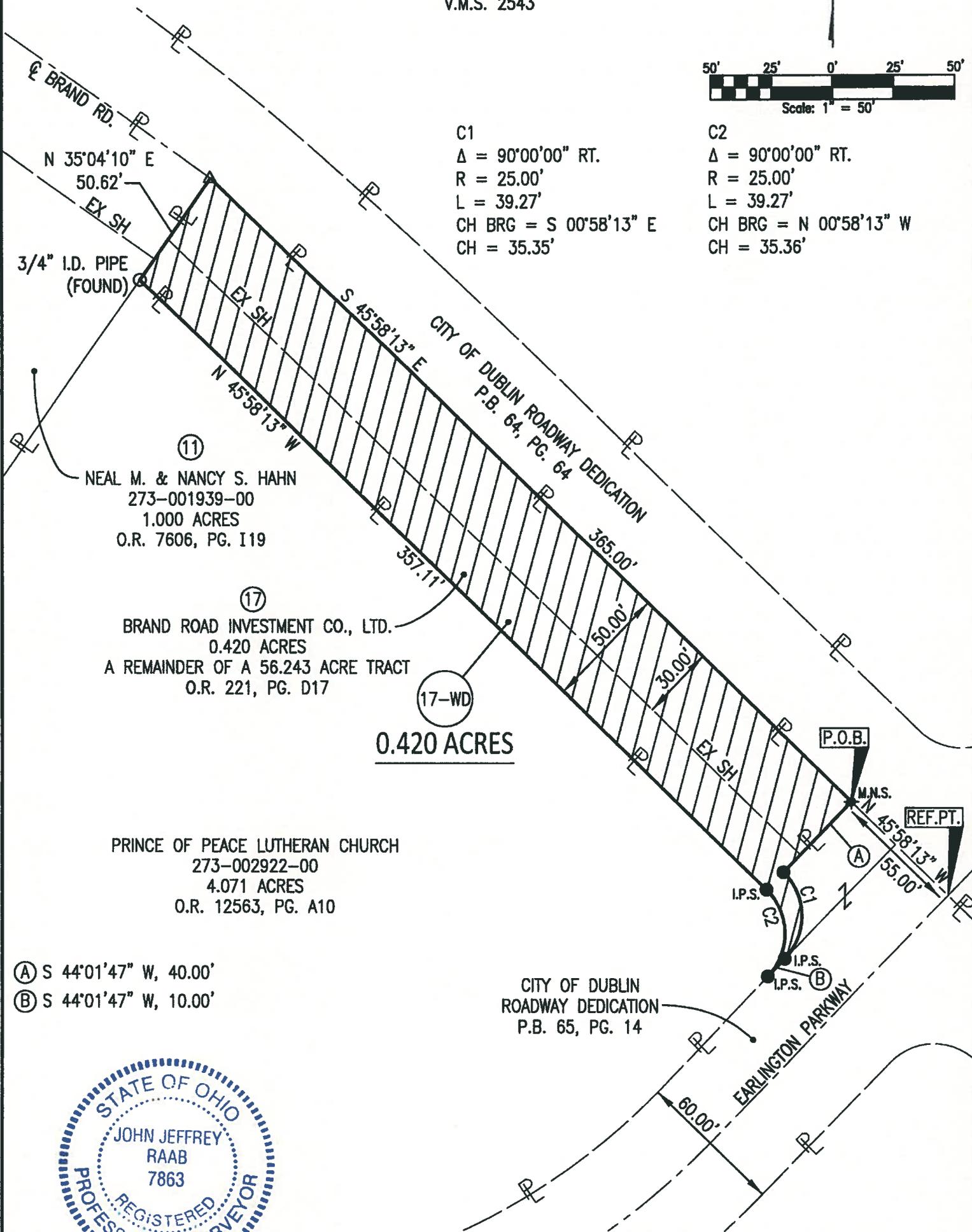


**EXHIBIT B**  
**PARCEL 17-WD**  
**BRAND ROAD SHARED-USE PATH**  
 CITY OF DUBLIN, FRANKLIN COUNTY, OHIO  
 V.M.S. 2543



C1  
 $\Delta = 90^{\circ}00'00''$  RT.  
 $R = 25.00'$   
 $L = 39.27'$   
 CH BRG = S  $00^{\circ}58'13''$  E  
 CH = 35.35'

C2  
 $\Delta = 90^{\circ}00'00''$  RT.  
 $R = 25.00'$   
 $L = 39.27'$   
 CH BRG = N  $00^{\circ}58'13''$  W  
 CH = 35.36'



⑪  
 NEAL M. & NANCY S. HAHN  
 273-001939-00  
 1.000 ACRES  
 O.R. 7606, PG. I19

⑬  
 BRAND ROAD INVESTMENT CO., LTD.  
 0.420 ACRES  
 A REMAINDER OF A 56.243 ACRE TRACT  
 O.R. 221, PG. D17

**0.420 ACRES**

PRINCE OF PEACE LUTHERAN CHURCH  
 273-002922-00  
 4.071 ACRES  
 O.R. 12563, PG. A10

Ⓐ S  $44^{\circ}01'47''$  W, 40.00'  
 Ⓑ S  $44^{\circ}01'47''$  W, 10.00'



Pride in the Details. Passion in our People.  
 355 E. CAMPUS VIEW BLVD  
 COLUMBUS, OH 43235  
 (614) 847-4670

*John Jeffrey Raab* 12/14/12  
 JOHN JEFFREY RAAB, P.S. 7863 DATE

**LEGEND:**

- IRON MONUMENT FOUND
- △ RAILROAD SPIKE FOUND
- I.P.S. 3/4" I.D. PIPE SET W/CAP STAMPED "W.E. STILSON"
- M.N.S. MAGNAIL SET

**BASIS OF BEARINGS:**

THE BEARINGS FOR THIS SURVEY ARE BASED ON THE BEARING BETWEEN FRANKLIN COUNTY ENGINEER'S STATIONS "MCNEAL" AND "FCGS 6648" BEING S  $15^{\circ}07'52''$  E, AS MEASURED USING GPS METHODS AND THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (1986 ADJUSTMENT).