



City of Dublin

Office of the City Manager  
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# Memo

**To:** Members of Dublin City Council  
**From:** Marsha I. Grigsby, City Manager *MIG*  
**Date:** June 6, 2013  
**Initiated By:** Steve Langworthy, Director of Land Use and Long Range Planning  
Paul A. Hammersmith, PE, Director of Engineering/City Engineer  
Claudia D. Husak, AICP, Planner II  
**Re:** Ordinance 51-13 - Vacating 0.489 Acres, More or Less, of Drake Road  
as a Public Road in the City of Dublin, County of Delaware, State of  
Ohio

## Summary

Ordinance 51-13 is a request to vacate a 0.489-acre portion of existing right-of-way of Drake Road. The request is related to Ordinance 50-13 (Stansbury at Muirfield Village) -- a request for review and approval of a rezoning with preliminary development plan and a preliminary plat for a 12.05-acre site establishing an 18-lot single-family detached residential development, with approximately 4.5 acres of open space.

## Description

The City of Dublin owns the western half and has a roadway easement for the eastern half of the right-of-way of Drake Road, beginning approximately 150 feet south of the intersection of Drake Road with Springburn Drive. The developer for the above-referenced subdivision on the adjacent two parcels to the east has approached the City with a request to vacate Drake Road to facilitate the final plat for the Stansbury at Muirfield Village subdivision. This final plat will establish new right-of-way for a new public road over a portion of the vacated right-of-way and transfer the remaining portion to the Muirfield Association as open space Reserve "D."

## Recommendation

Staff recommends approval of Ordinance 51-13 at the second reading/public hearing on June 24, 2013.

# RECORD OF ORDINANCES

**51-13**

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

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

**AN ORDINANCE VACATING 0.489 ACRES, MORE OR LESS, OF DRAKE ROAD AS A PUBLIC ROAD IN THE CITY OF DUBLIN, COUNTY OF DELAWARE, STATE OF OHIO**

**WHEREAS**, the owner representative of the property has requested the City of Dublin to vacate a portion of Drake Road to facilitate the rezoning, platting and development of the property known as the "Buckner Farm" as a Planned Unit Development to be named "Stansbury at Muirfield Village"; and

**WHEREAS**, the 0.489-acre portion of Drake Road is located approximately 150 feet south of the intersection with Springburn Drive; and

**WHEREAS**, the eastern 30 feet of this portion of Drake Road is owned by the Everett E. Buckner, Sr., Trustee and the western 30 feet of this portion of Drake Road was dedicated to the City by plat with Muirfield Village, Phase 7 in Plat Book 12, page 17; and

**WHEREAS**, Ohio Revised Code Section 723.05 enables municipalities for good cause to vacate streets or any part thereof where such vacation will not be detrimental to the general interest; and

**WHEREAS**, Council is satisfied that there is good cause for the vacation of this portion of Drake Road and hereby determines that the vacation of a 0.489-acre portion of Drake Road will not be detrimental to the general public interest.

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

**Section 1.** Council hereby declares that good cause exists for the vacation of this portion of Drake Road, and that such vacation will not be detrimental to the public health, safety and welfare.

**Section 2.** The 0.489 acre, more or less, of existing Drake Road right-of-way located approximately 150 feet south of its intersection with Springburn Drive, City of Dublin, County of Delaware, State of Ohio, and more fully described and depicted on the attached Exhibit "A" and Exhibit "B" is hereby vacated.

**Section 3.** Everett E. Buckner, Sr., Trustee, the owner of Delaware County Parcel Nos. 60034405092000 and 60034405093000, hereby retains one-half (1/2) interest of the vacated property owned in fee simple and shall also receive the remaining one-half (1/2) interest owned by the City as right of way that is herein being vacated until the approval of the final plat for Stansbury at Muirfield Village, thus establishing new right-of-way for a new public road and transferring the remaining vacated right-of-way to the Muirfield Association as open space Reserve "D."

**Section 4.** The Clerk of Council is directed to notify the Auditor of Delaware County of said vacation by forwarding a copy of this ordinance.

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

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

ATTEST:

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

# Exhibit A - Ordinance 51-13

## Vacation of a Portion of Drake Road 0.489 Acres

Situated in the State of Ohio, County of Delaware, City of Dublin, being a part of Virginia Military Survey 2545, being a part of a 5.67 acre tract and a 6.08 acre tract conveyed to Everett E. Buckner Sr, Trustee by Instrument Number 199900034533, and being a part of dedicated Drake Road as delineated in Muirfield Village, Phase 7 in Plat Book 12, Page 17, all records herein are from the Recorder's Office, Delaware County, Ohio and being more particularly described as follows:

Beginning at a 3/4" diameter iron pin located at the intersection of the east Right of Way of Drake Road (60 foot) as delineated in Muirfield Village, Phase 12 in Plat Book 12, Page 42 and the north line of said 6.08 acre tract, said point being the **Point of Beginning**;

Thence, South 18°57'38" East, a distance of 437.62 feet, along the east Right of Way of said Drake Road to a point on the north line of Reserve "EE" as delineated in Muirfield Village, Phase 7 in Plat Book 12, Page 17 and conveyed to Muirfield Association by Deed Book 377, Page 418 (Delaware County) and Deed Book 3349, Page 584 (Franklin County);

Thence, along the north line of said Reserve "EE", the following two courses:

1. South 72°25'12" West, a distance of 60.02 feet to a point;
2. North 18°57'38" West, a distance of 338.69 feet to a point;

Thence, with a curve to the left, a radius of 175.00 feet, a chord bearing of South 35°59'04" East, and a chord distance of 102.47 feet, to the centerline of said Drake Road;

Thence, North 18°57'38" West, a distance of 196.07 feet, along the centerline said Drake Road to the northwest corner of said 6.08 acre tract;

Thence, North 72°11'52" East, a distance of 30.01 feet, along the north line of said 6.08 acre tract to the **Point of Beginning**, containing 0.489 acres, more or less, subject to legal highways, easements, leases and restriction of record and of records in the respective utility offices.

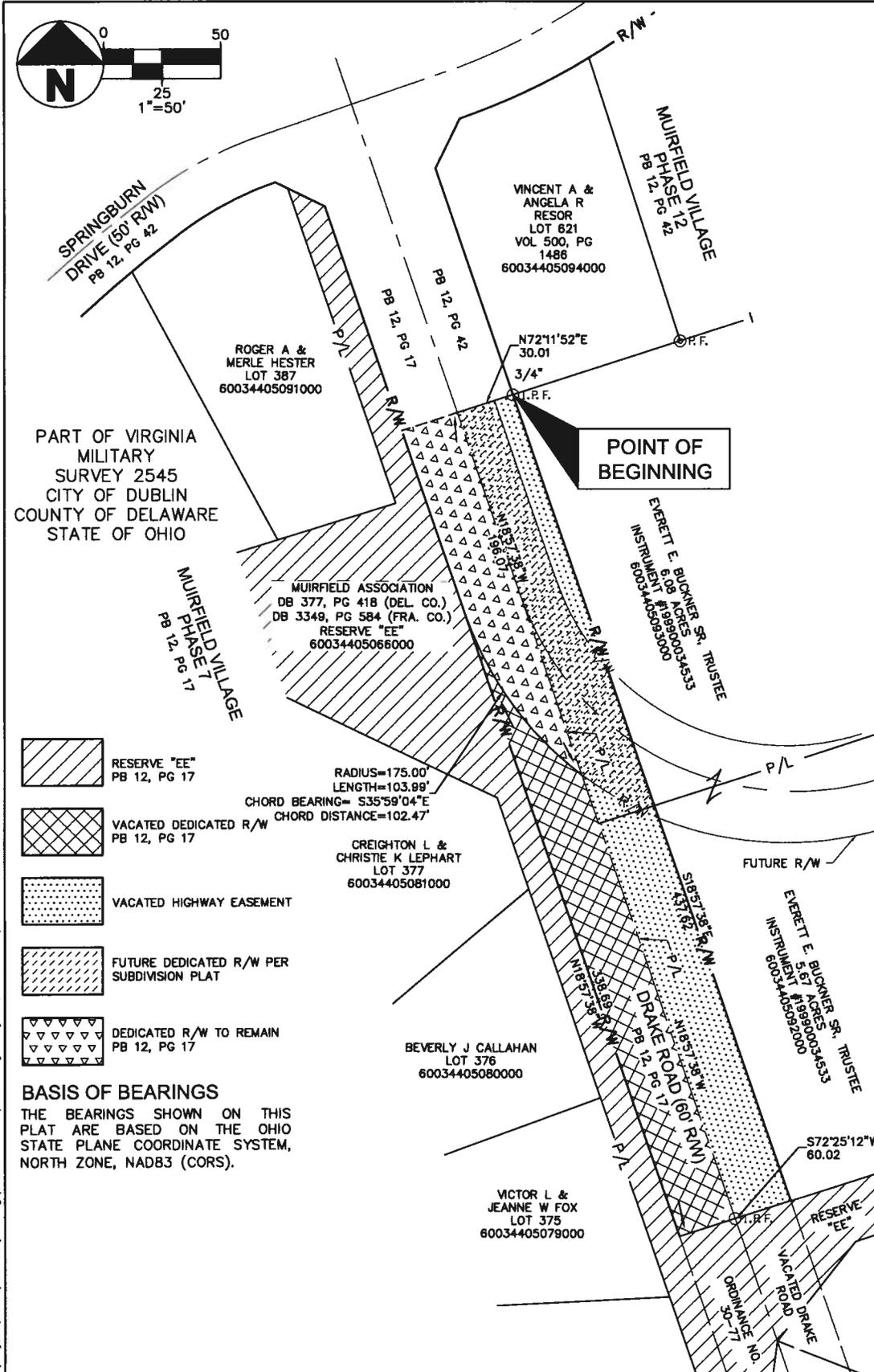
The bearings described herein are based on the Ohio State Plane Coordinate System, North Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network.

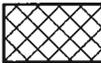
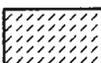
The described 0.486 acre tract is a part of Auditor's Tax Parcel Number 60034405093000 and 60034405092000 and is based on Plat Book 12, Page 17, Plat Book 12, Page 42 and Instrument Number 199900034533.

I hereby certify this description was based field survey conducted by CW Design Group, LLC under my guidance in May 2013 and to the best of my knowledge depicts the boundary lines.

CW Design Group, LLC

# Exhibit B - Ordinance 51-13



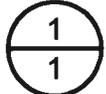
-  RESERVE "EE"  
PB 12, PG 17
-  VACATED DEDICATED R/W  
PB 12, PG 17
-  VACATED HIGHWAY EASEMENT
-  FUTURE DEDICATED R/W PER  
SUBDIVISION PLAT
-  DEDICATED R/W TO REMAIN  
PB 12, PG 17

**BASIS OF BEARINGS**  
 THE BEARINGS SHOWN ON THIS  
 PLAT ARE BASED ON THE OHIO  
 STATE PLANE COORDINATE SYSTEM,  
 NORTH ZONE, NAD83 (CORS).

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**CW Design Group**  
 ENGINEERS | SURVEYORS  
 PHONE: 614-846-9279  
 972 Linkfield Drive  
 Worthington, Ohio 43085

## VACATION OF A PORTION OF DRAKE ROAD 0.489 ACRES

12-0033  
  
 05/31/2013