



To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager 

Date: August 8, 2013

Initiated By: Sara Ott, Sr. Project Manager

Re: Resolution 45-13 –Intent to Appropriate a 0.299 Acres, More or Less, Fee Simple Interest Encumbered by Present Road Occupied; a 0.296 Acres, More or Less, Fee Simple Interest Encumbered by Present Road Occupied; a 0.069 Acres, More or Less, Permanent Storm Sewer Easement; and a 0.073 Acres, More or Less, Temporary Construction Easement from Brandway Limited.

Background

The City of Dublin ("City") is preparing to construct intersection improvements and associated pedestrian facilities at the intersection of Brand Road and Coffman Road (the "Project"). The City must obtain property interests from various landowners located within the area of the Project in order to construct this project. The City presented offers, based upon appraisals, to each of these landowners.

One of the landowners that the City must obtain property interests from for the construction of the Project is Brandway Limited (the "Grantor"). After multiple attempts to engage in negotiations with the Grantor, it appears that the City may be forced to appropriate the needed property from the Grantor.

The City remains hopeful that an amicable resolution can be reached with the Grantor, as the Grantor works with its lender to obtain necessary approvals; however, this Resolution begins the eminent domain process in the event that negotiations are unsuccessful.

PROPERTY TO BE APPROPRIATED:

The appropriation consists of the following property interests, as depicted in the map attached hereto:

Franklin County Parcel No. 273-003672-00	
Parcel 4-WD1 (Fee Simple) (Present Road Occupied)	0.299 ± acres (0.299 acres)
Parcel 4-WD2 (Fee Simple) (Present Road Occupied)	0.296± acres (0.296 acres)
Parcel 4-S (Perm. Easement)	0.069± acres
Parcel 4-T (Temp. Easement)	0.073 ± acres

Recommendation

Staff recommends approval of Resolution 45-13 as the construction of the Project is necessary for public safety.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

45-13

Resolution No. _____

Passed _____, 20____

A RESOLUTION OF INTENT TO APPROPRIATE A 0.299 ACRES, MORE OR LESS, FEE SIMPLE INTEREST ENCUMBERED BY PRESENT ROAD OCCUPIED; A 0.296 ACRES, MORE OR LESS, FEE SIMPLE INTEREST ENCUMBERED BY PRESENT ROAD OCCUPIED; A 0.069 ACRES, MORE OR LESS, PERMANENT STORM SEWER EASEMENT; AND A 0.073, MORE OR LESS, TEMPORARY CONSTRUCTION EASEMENT FROM BRANDWAY LIMITED.

WHEREAS, the City is constructing intersection and roadway improvements to the Brand and Coffman Road intersection, which necessitate the acquisition of certain property from Brandway Limited to be held by the City in fee simple and permanent and temporary easements, said property described in the attached Exhibit "A" and depicted in Exhibit "B"; and

WHEREAS, Brandway Limited owns property with the parcel number of 273-009815.

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

Section 1. Council considers it necessary and declares its intention to appropriate, for the purpose of constructing intersection and roadway improvements to the Brand and Coffman Road intersection; a 0.299 and 0.296 acre fee simple interests encumbered by present road occupied; a 0.069 acre utility easement; and a 0.073 acre temporary construction easement as described in the attached Exhibit "A" and depicted in Exhibit "B," from Brandway Limited.

Section 2. The City Manager is hereby authorized to cause written notice of the passage of this Resolution to be served upon the owners and persons in possession or having an interest of record in the property described in the attached Exhibit "A" and depicted in Exhibit "B," and this notice shall be served according to law.

Section 3. This Resolution shall take effect and be in force upon passage in accordance with Section 4.04(a) of the Revised Charter.

Passed this _____ day of _____ 2013.

Mayor - Presiding Officer

ATTEST:

Clerk of Council

EXHIBIT A

Page 1 of 1
11-023-CIP
4-WD1
CIP
PARCEL
PROJECT BRAND/COFFMAN
Version Date 02/18/13

**PARCEL 4-WD1
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 59.396 acre tract in the name of Brandway, Limited, an Ohio Limited Liability Company, as described in Official Record Volume 30785, Page B15, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at a railroad spike (found) at the centerline intersection of Brand Road (Varies) and Brandonway Drive (60' right of way);

Thence, South 45°58'13" East, a distance of 54.94 feet, along the centerline of said Brand Road, to a magnail (set) at the most northeasterly corner of Earlington Village, Section 2, recorded in Plat Book 65, Page 14, and the **True Place of Beginning** for the parcel described herein:

Thence, South 45°57'49" East, a distance of 435.06 feet, along the southerly line of right of way dedicated to the City of Dublin by Brandon Section 1, Phase 1, recorded in Plat Book 64, Page 64, also being partially along the centerline of said road, to a magnail (set) at the most northwesterly corner of a 0.4376 acre tract in the name of the County of Franklin, as described in Official Record Volume 161, Page A20;

Thence, South 45°55'07" West, a distance of 30.02 feet, along the northwesterly line of said 0.4376 acre tract, to an iron pipe (set) at the most westerly corner of said 0.4376 acre tract;

Thence, North 45°57'49" West, a distance of 434.01 feet, through said 59.396 acre tract, to an iron pipe (set) on the easterly existing right of way line of Earlington Parkway (60' right of way);

Thence, North 43°54'52" East, a distance of 30.00 feet, along the easterly line of said Earlington Village, to the **True Place of Beginning**, containing 0.299 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 273-003672-00, with 0.299 acres, more or less, being 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 2/20/13
John Jeffrey Raab, Ohio Registered Surveyor No 7863 Date
Prepared by: W.E. Stilson Consulting Group, LLC.

0.107 E
SPLIT
0.299 AC
OUT OF
(273)
003672

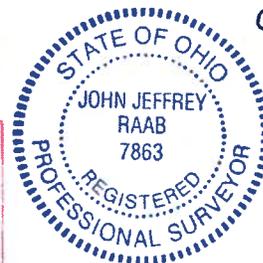
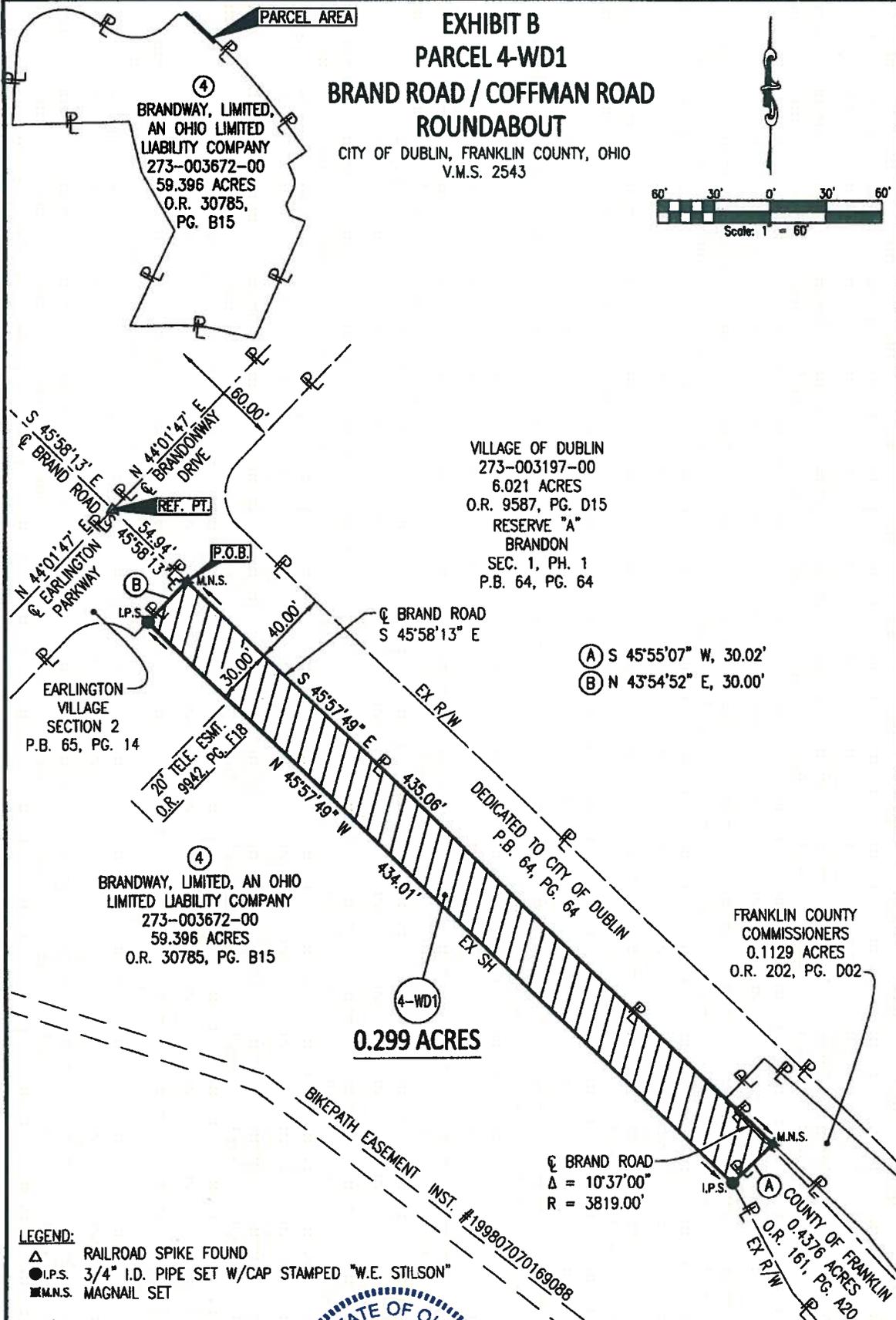
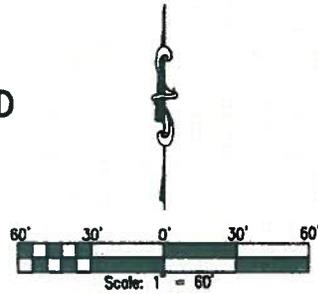


EXHIBIT B
PARCEL 4-WD1
BRAND ROAD / COFFMAN ROAD
ROUNDBABOUT

CITY OF DUBLIN, FRANKLIN COUNTY, OHIO
 V.M.S. 2543



VILLAGE OF DUBLIN
 273-003197-00
 6.021 ACRES
 O.R. 9587, PG. D15
 RESERVE "A"
 BRANDON
 SEC. 1, PH. 1
 P.B. 64, PG. 64

EARLINGTON
 VILLAGE
 SECTION 2
 P.B. 65, PG. 14

BRANDWAY, LIMITED, AN OHIO
 LIMITED LIABILITY COMPANY
 273-003672-00
 59.396 ACRES
 O.R. 30785, PG. B15

FRANKLIN COUNTY
 COMMISSIONERS
 0.1129 ACRES
 O.R. 202, PG. D02

- (A) S 45°55'07" W, 30.02'
- (B) N 43°54'52" E, 30.00'

4-WD1
0.299 ACRES

EX BRAND ROAD
 $\Delta = 10'37'00''$
 $R = 3819.00'$

LEGEND:

- Δ RAILROAD SPIKE FOUND
- \bullet I.P.S. 3/4" I.D. PIPE SET W/CAP STAMPED "W.E. STILSON"
- \blacksquare M.N.S. MAGNAIL SET



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

John Jeffrey Raab
 JOHN JEFFREY RAAB, P.S. 7863



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°07'52" E, AS MEASURED USING GPS METHODS AND THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (1986 ADJUSTMENT).

DATE

EXHIBIT A

Page 1 of 2
11-023-CIP
4-WD2
CIP
PARCEL BRAND/COFFMAN
PROJECT
Version Date 02/19/13

**PARCEL 4-WD2
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 59.396 acre tract in the name of Brandway, Limited, an Ohio Limited Liability Company, as described in Official Record Volume 30785, Page B15, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at an iron pipe (set) at the most southerly corner of a 6.021 acre tract, known as "Reserve A" of Brandon Section 1, Phase 1, recorded in Plat Book 64, Page 64, in the name of the Village of Dublin, as described in Official Record Volume 9587, Page D15, said corner also being the most northerly corner of a 0.4196 acre tract in the name of Franklin County, as described in Official Record Volume 161, Page B02;

Thence, along the northeasterly line of said 0.4196 acre tract, for the following four (4) calls:

1. South 44°36'48" East, a distance of 94.16 feet;
2. South 41°26'59" East, a distance of 156.00 feet;
3. South 24°29'33" East, a distance of 129.62 feet;
4. South 53°28'55" West, a distance of 30.00 feet, to a magnail (set) in the southwesterly property line of a 12.5804 acre tract in the name of Gretchen A. Distelhorst, as described in Official Record 26330, Page C08, also being the northeasterly line of said 59.396 acre tract, the most southerly corner of said 0.4196 acre tract, and the **True Place of Beginning** for the parcel described herein:

Thence, South 36°31'05" East, a distance of 251.45 feet, along the northerly line of said 59.396 acre tract, to a magnail (set) in the centerline of Brand Road (60' right of way);

Thence, South 36°30'41" East, a distance of 126.82 feet, along said centerline, to a magnail (set) at the most northerly corner of a 0.590 acre tract in the name of the City of Dublin, Ohio, as described in Official Record 34907, Page H14;

Thence, South 56°05'45" West, a distance of 30.03 feet, leaving said centerline, along the northwesterly line of said 0.590 acre tract, to an iron pipe (set) at the northwesterly corner of a 2.573 acre tract in the name of Janine J. & Andrew P. Keeler, Trustees of the Janine J. Keeler Living Trust, as described in Instrument Number 201002050015308;

Thence, North 36°30'41" West, a distance of 125.45 feet, leaving said property line, through said 59.396 acre tract, to an iron pipe (set);

Thence, North 36°31'05" West, a distance of 301.85 feet, continuing through said 59.396 acre tract, to an iron pipe (set) at the most southerly corner of a 0.4376 acre tract in the name of the County of Franklin, as described in Official Record Volume 161, Page A20;

Thence, North 48°48'36" East, a distance of 30.10 feet, along the southeasterly line of said 0.4376 acre tract, to a magnail (set) at the most easterly corner of said 0.4376 acre tract, said corner being in the southwesterly line of said 0.4196 acre tract;

EXHIBIT A

Page 2 of 2
11-023-CIP
4-WD2
CIP
PARCEL BRAND/COFFMAN
PROJECT
Version Date 02/19/13

Thence, South 36°31'05" East, a distance of 52.85 feet, along the southwesterly line of said 0.4196 acre tract, to the **True Place of Beginning**, containing 0.296 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 273-003672-00, with 0.296 acres, more or less, being the Present Roadway Occupied (P.R.O.).

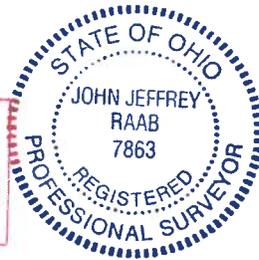
Iron Pipes set are 3/4 inch inside diameter iron pipes, 30 inches long, with a yellow cap stamped "W.E. STILSON".

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.

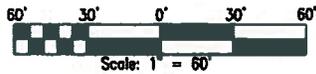

John Jeffrey Raab, Ohio Registered Surveyor No 7863 Date 2/20/13

Prepared by: W.E. Stilson Consulting Group, LLC.



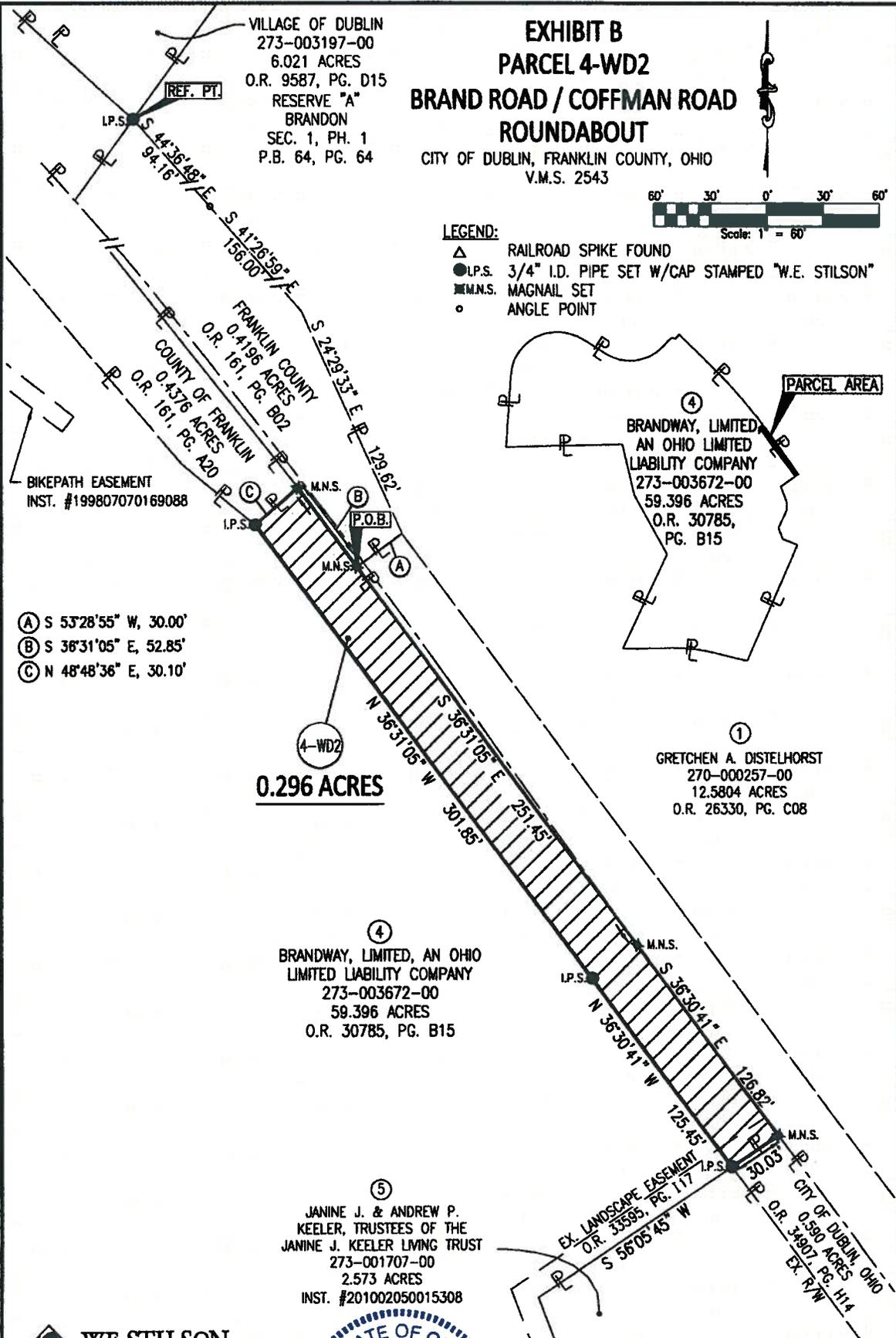
0-107-E
SPLIT
0.296 AC
OUT OF
(273)
003672

EXHIBIT B
PARCEL 4-WD2
BRAND ROAD / COFFMAN ROAD
ROUNDBABOUT
 CITY OF DUBLIN, FRANKLIN COUNTY, OHIO
 V.M.S. 2543



LEGEND:

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



- (A) S 53°28'55" W, 30.00'
- (B) S 36°31'05" E, 52.85'
- (C) N 48°48'36" E, 30.10'

0.296 ACRES

④
 BRANDWAY, LIMITED, AN OHIO
 LIMITED LIABILITY COMPANY
 273-003672-00
 59.396 ACRES
 O.R. 30785, PG. B15

①
 GRETCHEN A. DISTELHORST
 270-000257-00
 12.5804 ACRES
 O.R. 26330, PG. C08

⑤
 JANINE J. & ANDREW P.
 KEELER, TRUSTEES OF THE
 JANINE J. KEELER LIVING TRUST
 273-001707-00
 2.573 ACRES
 INST. #201002050015308



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

John Jeffrey Raab
 JOHN JEFFREY RAAB, P.S. 7863



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°07'52" E, AS MEASURED USING GPS METHODS AND THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (1986 ADJUSTMENT).

EXHIBIT A

Page 1 of 1
11-023-CIP
CIP
PARCEL 4-S
PROJECT BRAND/COFFMAN
Version Date 02/18/13

**PARCEL 4-S
DESCRIPTION OF A PERMANENT
STORMWATER AND DRAINAGE EASEMENT**

Situated in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey Number 2543, being a part of a 59.396 acre tract in the name of Brandway, Limited, an Ohio Limited Liability Company, as described in Official Record Volume 30785, Page B15, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at the most easterly corner of said 59.396 acre tract, said corner being in the centerline of Brand Road, also being the most northerly corner of a 0.590 acre tract in the name of the City of Dublin, Ohio, as recorded in Official Record Volume 34907, Page H14;

Thence, South 56°05'46" West, a distance of 30.03 feet, along the northwesterly line of said 0.590 acre tract, to the southerly existing right of way line of Brand Road (60' right of way), at the most northerly corner of a 2.573 acre tract in the name of Janine J. & Andrew P. Keeler, Trustees of the Janine J. Keeler Living Trust, as described in Instrument Number 201002050015308;

Thence, North 36°30'41" West, a distance of 106.12 feet, along said existing right of way line, through said 59.396, to the **True Place of Beginning** for the easement described herein:

Thence, leaving said existing right of way line, through said 59.396 acre tract, for the following three (3) calls:

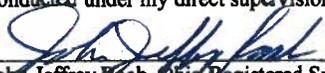
1. South 54°52'23" West, a distance of 150.00 feet;
2. North 36°30'44" West, a distance of 20.00 feet;
3. North 54°52'23" East, a distance of 150.00 feet, to the southerly existing right of way line of Brand Road (60' right of way);

Thence, South 36°31'05" East, a distance of 0.66 feet, along said existing right of way line;

Thence, South 36°30'41" East, a distance of 19.34 feet, along said existing right of way line, to the **True Place of Beginning**, containing 0.069 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 273-003672-00.

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 Date 2/22/13
Prepared by: W.E. Stilson Consulting Group, LLC.



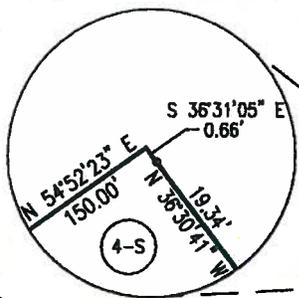
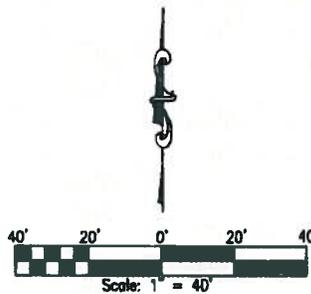
**EXHIBIT B
PARCEL 4-S
BRAND ROAD / COFFMAN ROAD
ROUNDAABOUT**

CITY OF DUBLIN, FRANKLIN COUNTY, OHIO
V.M.S. 2543

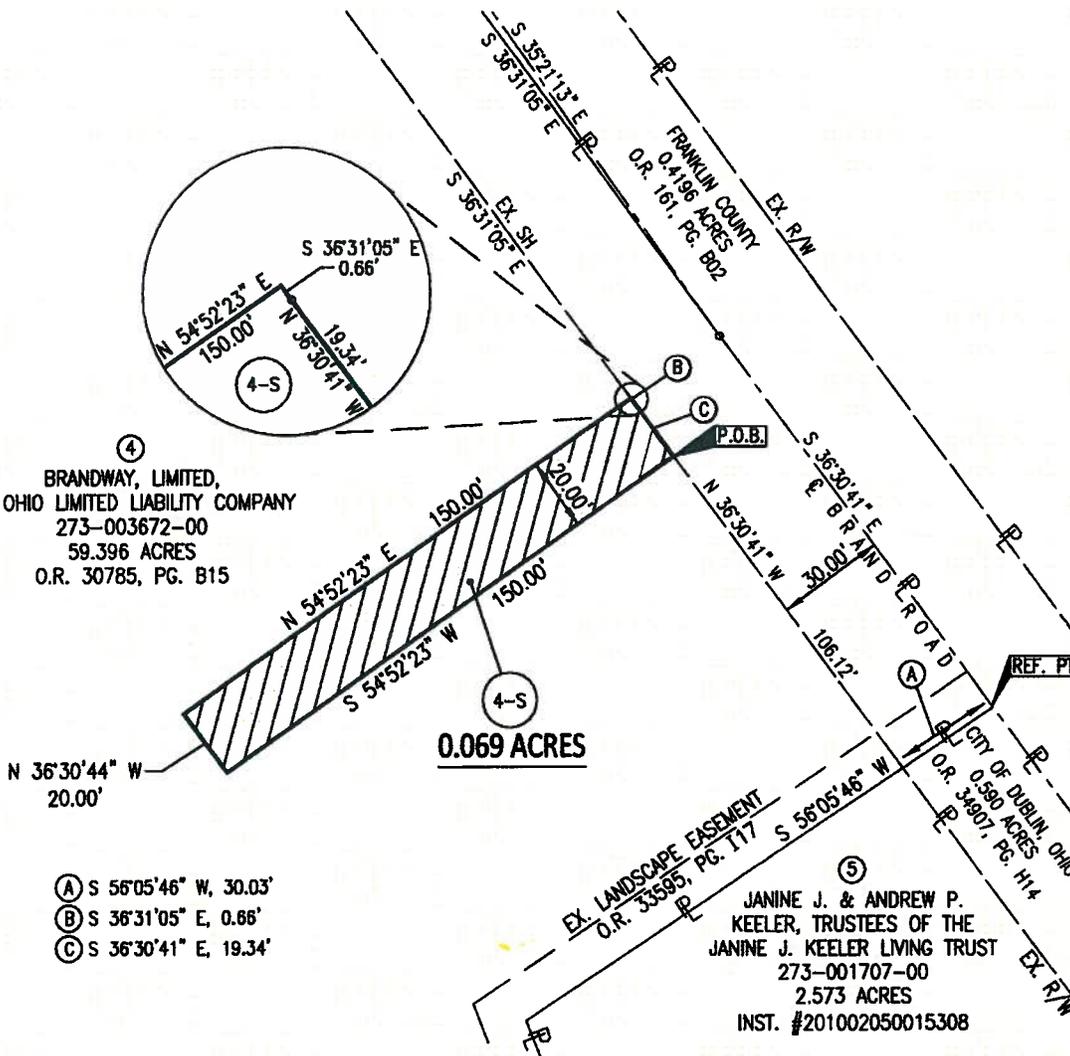


④
BRANDWAY, LIMITED,
AN OHIO LIMITED
LIABILITY COMPANY
273-003672-00
59.396 ACRES
O.R. 30785,
PG. B15

EASEMENT AREA



④
BRANDWAY, LIMITED,
AN OHIO LIMITED LIABILITY COMPANY
273-003672-00
59.396 ACRES
O.R. 30785, PG. B15



0.069 ACRES

- Ⓐ S 56°05'46" W, 30.03'
- Ⓑ S 36°31'05" E, 0.66'
- Ⓒ S 36°30'41" E, 19.34'

⑤
JANINE J. & ANDREW P.
KEELER, TRUSTEES OF THE
JANINE J. KEELER LIVING TRUST
273-001707-00
2.573 ACRES
INST. #201002050015308



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

John Jeffrey Raab 2/20/13
JOHN JEFFREY RAAB, P.S. 7863 DATE



LEGEND:
○ ANGLE POINT

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°07'52" E, AS MEASURED USING GPS METHODS AND THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (1986 ADJUSTMENT).

EXHIBIT A

Page 1 of 1
CIP 11-023-CIP
PARCEL 4-T
PROJECT BRAND/COFFMAN
Version Date 02/18/13

**PARCEL 4-T
DESCRIPTION OF A TEMPORARY EASEMENT
FOR GRADING AND STORM SEWER CONSTRUCTION**

Situated in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey Number 2543, being a part of a 59.396 acre tract in the name of Brandway, Limited., an Ohio Limited Liability Company, as described in Official Record Volume 30785, Page B15, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at the most easterly corner of said 59.396 acre tract, said corner being in the centerline of Brand Road, also being the most northerly corner of a 0.590 acre tract in the name of the City of Dublin, Ohio, as recorded in Official Record Volume 34907, Page H14;

Thence, South 56°05'46" West, a distance of 30.03 feet, along the northwesterly line of said 0.590 acre tract, to the southerly existing right of way line of Brand Road (60' right of way), at the most northerly corner of a 2.573 acre tract in the name of Janine J. & Andrew P. Keeler, Trustees of the Janine J. Keeler Living Trust, as described in Instrument Number 201002050015308, and the **True Place of Beginning** for the easement described herein:

Thence, South 56°05'46" West, a distance of 10.01 feet, along the westerly line of said 2.573 acre tract;

Thence, leaving said property line, through said 59.396 acre tract, for the following four (4) calls:

1. North 36°30'41" West, a distance of 90.90 feet, parallel with and 10.00 feet perpendicular to the southerly existing right of way line of said Brand Road;
2. South 54°52'23" West, a distance of 140.36 feet;
3. North 35°07'37" West, a distance of 15.00 feet;
4. North 54°52'23" East, a distance of 150.00 feet, to the southerly existing right of way line of said Brand Road;

Thence, South 36°30'41" East, a distance of 106.12 feet, continuing through said 59.396 acre tract, along said existing right of way line, to the **True Place of Beginning**, containing 0.073 acres, more or less, from Franklin County Auditor's Permanent Parcel Number 273-003672-00.

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 Date 2/20/13
Prepared by: W.E. Stilson Consulting Group, LLC.



