

**MEMORANDUM**

**TO:** Dublin City Council  
Marsha I. Grigsby, City Manager  
Dana McDaniel, Director of Economic Development  
Paul A. Hammersmith, P.E., Director of Engineering/City Engineer

**FROM:** Stephen J. Smith, Law Director  
Philip K. Hartmann

**DATE:** September 5, 2013

**RE:** Resolution Nos. 50-13 and 51 -13  
Emerald Parkway Phase 8 Project  
Thomas Family Limited Partnership. – Parcel Nos. 273-009067 & 273-008247

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**PROJECT BACKGROUND:**

The City of Dublin ("City") is preparing to construct the Emerald Parkway Phase 8 roadway improvement project (the "Project"). The City must obtain property interests from various landowners located within the City in order to construct this Project. The City presented good faith offers to each of these landowners in accordance with the Ohio Revised Code.

One of the landowners that the City must obtain property interests from in order to construct the Project is the Thomas Family Limited Partnership ("Thomas") (See Map, Attachment A). After engaging in negotiations with Thomas, it appears that the City may need to appropriate the needed property from Thomas. While the City remains hopeful that an amicable resolution can be reached with Thomas, these Resolutions represents the next step in the appropriation process.

**ACQUISITION INTRODUCTION:**

This memorandum discusses the attached Resolutions for the Thomas acquisition: 1) Parcel No. 273-009067 (Resolution 50-13) - a 1.836 acre fee simple interest, a 0.673 acre utility easement, and a 0.088 acre temporary construction easement in and to the premises located in Washington Township, Franklin County, east of Riverside Drive and North of I-270; and 2) Parcel No. 273-008247 (Resolution 51-13) - a 0.300 acre fee simple interest with 0.234 acres encumbered by Present Road Occupied in and to the premises located in Washington Township, Franklin County, east of Riverside Drive and South of I-270.

**ACTION TAKEN IN THIS CASE:**

Since 2010, the City and the Law Department have been in contact with the landowner to inform them of the upcoming construction and effect of the Emerald Parkway extension to the property. Appraisals for these properties are complete. The City has been in negotiations for the acquisition with the landowner. This negotiation will continue to take place after passage of this resolution. This resolution indicates the City's intent to appropriate the above land. This

resolution merely initiates the eminent domain process and further legislation is necessary to begin acquisition of the land.

If an agreement is reached, then the Law Department will prepare an ordinance authorizing the City Manager to enter into a real estate purchase contract with the landowner. If an agreement cannot be reached, the Law Department will proceed with preparing an ordinance for presentation at an upcoming City Council meeting regarding litigation.

**RECOMMENDATION:**

The Law Department recommends approval of Resolutions 50-13 and 51-13.

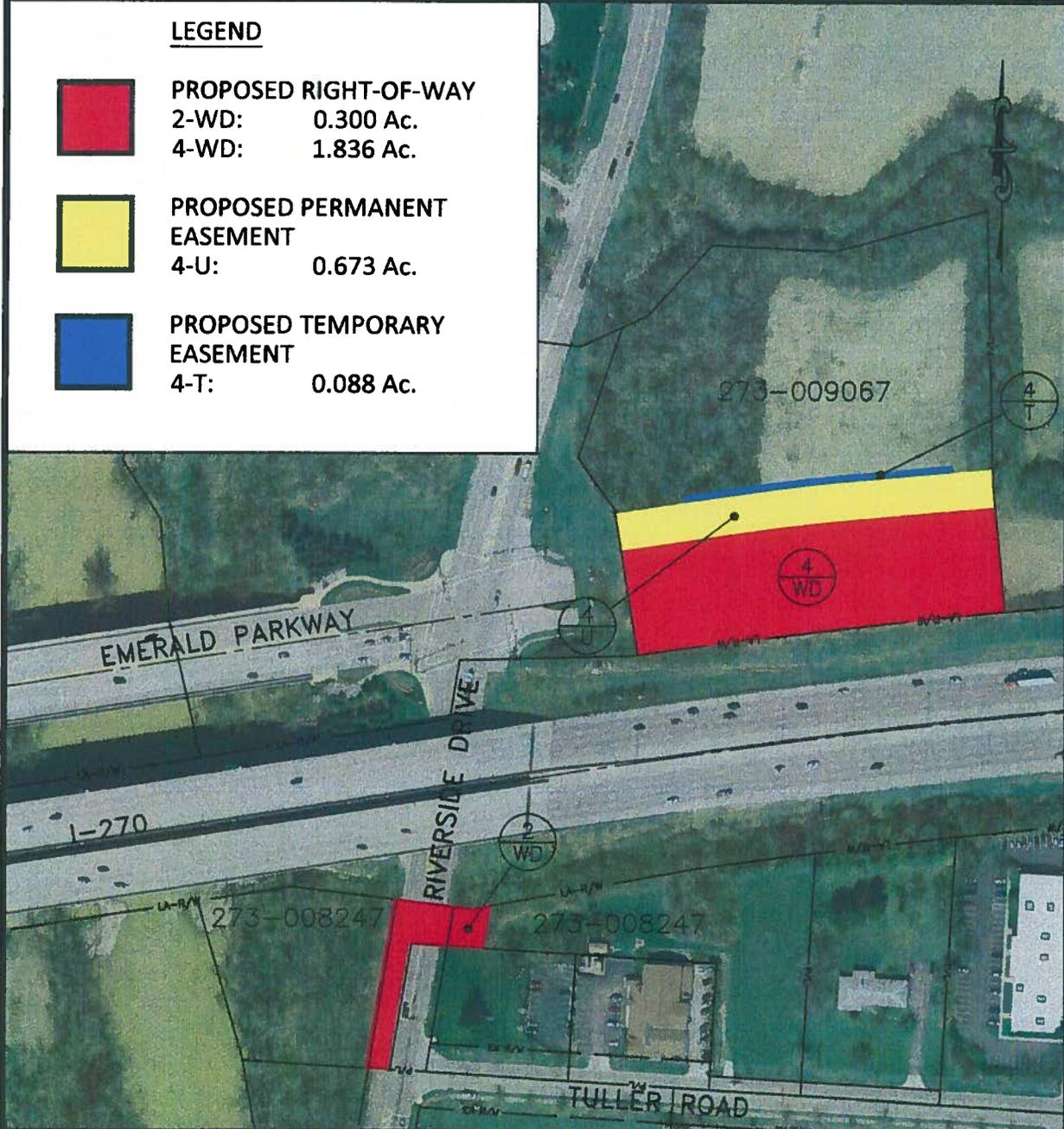


5800 Shier Rings Road • Dublin, Ohio 43016-1236  
 Phone (614)410-4600 • Fax (614)761-6506

**ATTACHMENT A**  
**EMERALD PARKWAY**  
**PHASE 8**  
**THOMAS FAMILY LP**  
**DUBLIN, OHIO 43017**

**LEGEND**

- PROPOSED RIGHT-OF-WAY**  
 2-WD: 0.300 Ac.  
 4-WD: 1.836 Ac.
- PROPOSED PERMANENT EASEMENT**  
 4-U: 0.673 Ac.
- PROPOSED TEMPORARY EASEMENT**  
 4-T: 0.088 Ac.



DRAWN	CHECKED	DATE:	JOB NO.
MSS		09/04/13	07-008



# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc. Form No. 30045

**50-13**

Resolution No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**A RESOLUTION OF INTENT TO APPROPRIATE A 1.836 ACRES, MORE OR LESS, FEE SIMPLE INTEREST, A 0.673 ACRES, MORE OR LESS, UTILITY EASEMENT, A 0.088 ACRES, MORE OR LESS, TEMPORARY CONSTRUCTION EASEMENT FROM THE THOMAS FAMILY LIMITED PARTNERSHIP**

**WHEREAS**, the City of Dublin is preparing to construct its Emerald Parkway Phase 8 roadway improvement project; and

**WHEREAS**, the Thomas Family Limited Partnership owns property located north of I-270 and east of Riverside Drive with a parcel number of 273-009067; and

**WHEREAS**, this roadway project will require the City of Dublin to obtain a fee simple interest from the Thomas Family Limited Partnership, as described in the legal descriptions attached as Exhibit "A" and depicted in the surveys attached as Exhibit "B," said property interest located in the City of Dublin, County of Franklin, State of Ohio.

**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 the Emerald Parkway Phase 8 roadway improvement project, a 1.836 acre fee simple interest, a 0.673 acre utility easement, and a 0.088 acre temporary construction easement as described and depicted in the attached Exhibit "A," from the Thomas Family Limited Partnership.

**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 Exhibit "A," 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

PARCEL 4-WD  
RIGHT OF WAY ACQUISITION  
FROM  
THE THOMAS FAMILY LIMITED PARTNERSHIP

March 4, 2010  
Page 1 of 4

Situate in the State of Ohio, County of Franklin, City of Dublin, and being located in Township 2 North, Range 19 West of the United States Military Lands, Quarter Township 2 and part of original Lot Numbered 17 and 13 being further described as part of a 6.7235 acre (auditor) (8.350 acre deed) tract of lands conveyed to The Thomas Family Limited Partnership as described in Official Records 17716 H02, 17716 G19, 17716 G16, 17716 G13, 17716 G10, 17716 G07 and 17716 G04 of the Franklin County Recorder's Office and being a parcel of land lying on the Left and Right side of Emerald Parkway as shown on the Centerline Plat of Emerald Parkway – 8 in Plat Book \_\_\_\_, Page \_\_\_\_ and being more particularly described as follows:

**COMMENCING** at a **Railroad Spike Set** at the centerline intersection of Riverside Drive (SR 257); formerly known as Dublin-Prospect Road at station 29+07.86 and Tuller Road station 10+00.00;

**THENCE** with the centerline of Riverside Drive, **North 09° 32' 19" East** for a distance of **553.57 feet** to a **Railroad Spike Set** at the point of curvature for Riverside Drive at station 34+61.43;

**THENCE** continuing with the centerline of Riverside Drive, on a curve to the Right having an **ARC LENGTH of 96.64 feet, a DELTA ANGLE of 01°55'21"**, with a **RADIUS of 2880.00 feet, and a CHORD BEARING of North 10°29'59" East for a CHORD DISTANCE of 96.63 feet** to a **Railroad Spike Set** at the centerline intersection of Riverside Drive at station 35+58.06 and the centerline of proposed Emerald Parkway at station 170+71.53;

**THENCE** with the centerline of proposed Emerald Parkway Drive, **North 81°11'21" East** for a distance of **228.71 feet** to the East line of a 6.683 acre tract of land conveyed to the City of Dublin as described in Instrument #200009270196246 and the West line of 6.7235 acre Thomas Family lands at station 173+00.23 and being the **TRUE POINT OF BEGINNING** of the herein described parcel;

**THENCE** with the East line of 6.683 acre City of Dublin lands and the West line of 6.7235 acre Thomas Family lands, **North 08°40'58" West** for a distance of **60.50 feet** to a **Iron Pin Set** at the proposed right-of-way line of Emerald Parkway, being 60.50 feet Left of the centerline of proposed Emerald Parkway at station 173+ 00.37, witness a 5/8" rebar found (bent) bearing North 08°40'58" West at a distance of 61.06 feet;

**THENCE** with the proposed right-of-way line and through the 6.7235 acre Thomas Family lands the following four courses:

- 1) **North 81°11'21" East** for a distance of **96.96 feet** to a **Iron Pin Set**, being 60.50 feet Left of the centerline of proposed Emerald Parkway at station 173+97.32;
- 2) on a curve to the Right having an **ARC LENGTH of 129.71 feet, a DELTA ANGLE of 00°47'08"**, with a **RADIUS of 9,460.50 feet, and a CHORD BEARING of North 81°34'55" East for a CHORD DISTANCE of 129.71 feet** to a **Iron Pin Set**, being 60.50 feet Left of the centerline of proposed Emerald Parkway at station 175+26.21;

**EXHIBIT A**

**PARCEL 4-WD  
RIGHT OF WAY ACQUISITION  
FROM  
THE THOMAS FAMILY LIMITED PARTNERSHIP**

March 4, 2010

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- 3) on a curve to the Right having an **ARC LENGTH of 93.62 feet, a DELTA ANGLE of 02°47'56"**, with a **RADIUS of 1,916.50 feet, and a CHORD BEARING of North 83°22'28" East, for a CHORD DISTANCE of 93.62 feet to a Iron Pin Set, being 58.68 feet Left of the centerline of proposed Emerald Parkway at station 176+19.21;**
- 4) **North 84°46'26" East for a distance of 210.86 feet to a Iron Pin Set on the West line of a 2.079 acre tract of lands as conveyed to O. Josephine Holder, LLC as described in Official Record 34266 B09 and the East line of the 6.7235 acre Thomas Family lands, being 52.81 feet Left of the centerline of proposed Emerald Parkway at station 178+28.76, witness a ¾" Iron Pipe Found bearing North 05°43'05" West at a distance of 29.40 feet;**

**THENCE with the West line of the 2.079 acre Holder lands and the East line of the 6.7235 acre Thomas Family lands, South 05°43'05" East for a distance of 149.50 feet to the Southwest corner of the 2.079 acre Holder lands and the Southeast corner of the 6.7235 acre Thomas Family lands and on the North Limited Access Right of Way line of Interstate 270 conveyed to the State of Ohio as described in Deed Book 2665, page 599, being 96.68 feet Right of the centerline of proposed Emerald Parkway at station 178+27.54, passing the centerline of proposed right-of-way of Emerald Parkway at a distance of 52.81 feet and witness a 1" Iron Pipe Found bearing North 05°43'05" West at a distance of 0.12 feet;**

**THENCE with the North Limited Access Right of Way line of Interstate 270 and the South line of the 6.7235 acre Thomas Family lands on a non-tangent curve to the Left with an ARC LENGTH of 523.25 feet, a DELTA ANGLE of 02°24'45", with a RADIUS of 12,427.67 feet, and a CHORD BEARING of South 83°04'28" West, for a CHORD DISTANCE of 523.21 feet to the Southwest corner of the 6.7235 acre Thomas Family lands and the Southeast corner of the 6.683 acre City of Dublin lands, being 89.21 feet Right of the centerline of proposed Emerald Parkway at station 173+00.03, witness a 5/8" Rebar Found bearing North 08°40'58" West at a distance of 0.22 feet;**

**THENCE with the East line of the 6.683 acre Dublin Lands and the West line of the 6.7235 acre Thomas Family lands, North 08°40'58" West for a distance of 89.21 feet *BACK TO THE TRUE POINT OF BEGINNING.***

The above described parcel contains 1.836 acres lying within Franklin County Auditor's Parcel Number 273-009067.

Iron pins indicated set are 5/8" x 30" rebar with aluminum cap stamped "LeRoy, 7664, Burgess & Niple".

EXHIBIT A

PARCEL 4-WD  
RIGHT OF WAY ACQUISITION  
FROM  
THE THOMAS FAMILY LIMITED PARTNERSHIP

March 4, 2010  
Page 3 of 4

This description was prepared by William C. LeRoy P.S., Ohio License No. 7664 and is based field surveys performed under the direction of Walter A. Dodson, P.S., Ohio License No. 6446 during October 2007 through December 2009 and upon available public records. The basis of bearings in the above described parcel are based on Grid North as obtained by RTK/GPS observations taken from Franklin County Engineer Monuments: Station FCGS 7772 and FCGS 7773, with a bearing of North 02° 34' 49" East, based on datum: Ohio State Plane South, NAD83(86 adjustment) and are for the determination of angles only.



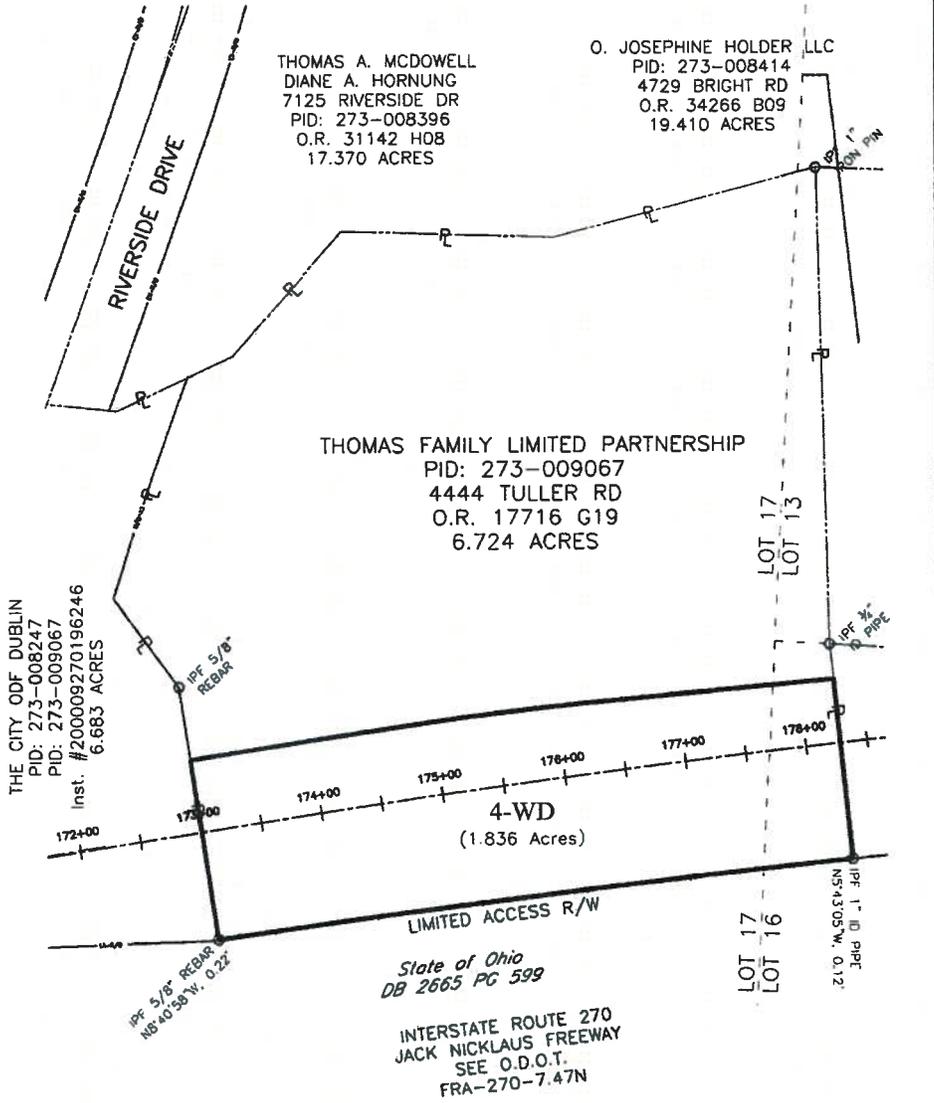
William C. LeRoy P.S.  
Ohio License No. 7664  
Burgess & Niple, Inc.



3-4-2010

Date

**EXHIBIT A**  
**STATE OF OHIO, FRANKLIN COUNTY, CITY OF DUBLIN,**  
**T 2 N, R 19 W, USML, Qtr Twp 2, Lot #17**



**LEGEND**

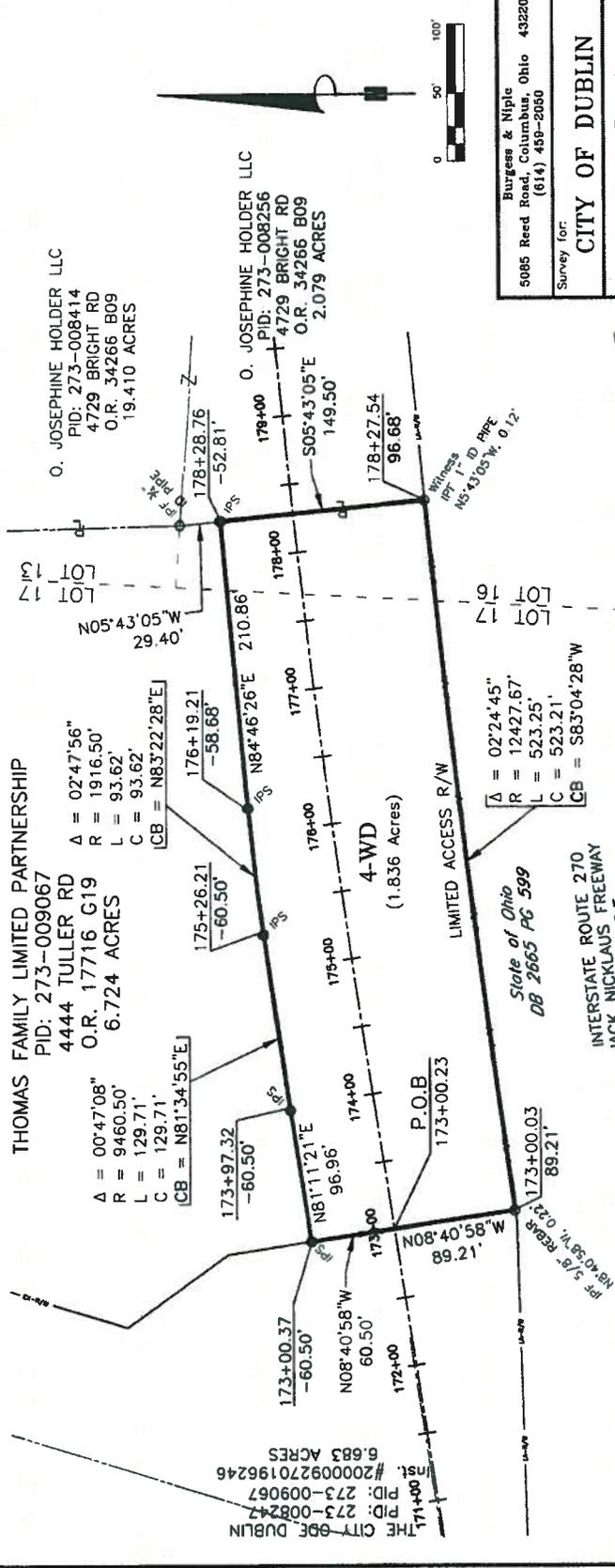
- Monument Found
  - RRSE Railroad Spike Found
  - PKF PK NAIL Found
  - PKS PK NAIL SET
  - DHF DHF Drilled Hole Found
  - IPF Iron Pin Found
  - IPS Iron Pin Set-5/8" x 30" rebar set with plastic I.D. cap: "LEROY 7664"
- ( ) parenthesis indicates record dimension if different than measured.
- P.O.B -Point Of Beginning  
 P.O.C -Point Of Commencement
- Existing Road Right-of-Way (P.R.O.)



Burgess & Niple 5085 Reed Road, Columbus, Ohio 43220 (614) 459-2050		
Survey for: <b>CITY OF DUBLIN</b>		
THOMAS FAMILY LIMITED PARTNERSHIP SURVEY OF 1.836, 0.673 & 0.088 AC		
Dwg: EJJ	Chk: WCL	12-16-09
Scale: 1"=120'	Sht: 4 / 4	PR44959

STATE OF OHIO, FRANKLIN COUNTY, CITY OF DUBLIN, T 2 N, R 19 W, USML, Qtr Twp 2, Lot #17

EXHIBIT A



Burgess & Niple 5085 Reed Road, Columbus, Ohio 43220 (614) 459-2050	
Survey for: <b>CITY OF DUBLIN</b>	
THOMAS FAMILY LIMITED PARTNERSHIP SURVEY OF 1.836 ACRES	
Dwg: EJC	Chk: WCL
Scale: 1" = 100'	Sht: 4A / 4
	12-16-09
	PR44959

EXHIBIT A

PARCEL 4-U  
UTILITY EASEMENT ACQUISITION  
FROM  
THE THOMAS FAMILY LIMITED PARTNERSHIP

March 4, 2010  
Page 1 of 4

Situate in the State of Ohio, County of Franklin, City of Dublin, and being located in Township 2 North, Range 19 West of the United States Military Lands, Quarter Township 2 and part of Lot Numbered 17 being further described as part of a 8.350 acre tract of lands conveyed to The Thomas Family Limited Partnership as described in Official Records 17716 H02, 17716 G19, 17716 G16, 17716 G13, 17716 G10, 17716 G07 and 17716 G04 of the Franklin County Recorder's Office and being a parcel of land lying on the Left and Right side of Emerald Parkway as shown on the Centerline Plat of Emerald Parkway – 8 in Plat Book \_\_\_\_, Page \_\_\_\_ and being more particularly described as follows:

**COMMENCING** at a **Railroad Spike Set** at the centerline intersection of Riverside Drive (S.R. 257) at station 29+07.86 and Tuller Road station 10+00.00;

**THENCE** with the centerline of Riverside Drive, **North 09° 32' 19" East** for a distance of **553.57 feet** to a **Railroad Spike Set** at the point of curvature for Riverside Drive at station 34+61.43;

**THENCE** continuing with the centerline of Riverside Drive, on a curve to the Right having an **ARC LENGTH** of **96.64 feet**, a **DELTA ANGLE** of **01°55'21"**, with a **RADIUS** of **2880.00 feet**, and a **CHORD BEARING** of **North 10°29'59" East** for a **CHORD DISTANCE** of **96.63 feet** to a **Railroad Spike Set** at the centerline intersection of Riverside Drive at station 35+58.06 and the centerline of proposed Emerald Parkway at station 170+71.53;

**THENCE** with the centerline of proposed Emerald Parkway Drive, **North 81°11'22" East** for a distance of **228.71 feet** to the East line of a 6.683 acre tract of land conveyed to the City of Dublin as described in Instrument #200009270196246 and the West line of 8.350 acre Thomas Family lands at station 173+00.24;

**THENCE** with the East line of 6.683 acre City of Dublin lands and the West line of 8.350 acre Thomas Family lands, **North 08°40'58" West** for a distance of **60.50 feet** to a **Iron Pin Set** on the proposed right-of-way line of Emerald Parkway being 60.50 feet Left of the centerline of proposed Emerald Parkway at station 173+ 00.37 and the **TRUE POINT OF BEGINNING** of the herein described parcel;

**THENCE** continuing with the East line of the 6.683 acre City of Dublin lands and the West line of the 8.350 acre Thomas Family lands, **North 08° 40' 58" West** for a distance of **55.00 feet** to a **Iron Pin Set** on the proposed utility easement line, being 115.50 feet Left of the centerline of proposed Emerald Parkway at station 173+00.49, witness a 5/8" rebar found (bent) bearing North 08°40'58" West at a distance of 6.06 feet;

**THENCE** with the proposed utility easement line and through the 8.350 acre Thomas Family lands, the following four course's:

1. **North 81° 11' 21" East** for a distance of **96.83 feet** to a **Iron Pin Set**, being 115.50 feet Left of the centerline of proposed Emerald Parkway at station 173+97.32;
2. on a tangent curve to the Right with an **ARC LENGTH** of **130.47 feet**, a **RADIUS** of **9515.50 feet**, a **TANGENT LENGTH** of **65.23 feet**, a **DELTA ANGLE** of **00° 47' 08"**, with a **CHORD BEARING** of **North 81° 34' 55" East** and a **CHORD DISTANCE** of

EXHIBIT A

PARCEL 4-U  
UTILITY EASEMENT ACQUISITION  
FROM  
THE THOMAS FAMILY LIMITED PARTNERSHIP

March 4, 2010  
Page 2 of 4

**130.47 feet to a Iron Pin Set**, being 115.50 feet Left of the centerline of proposed Emerald Parkway at station 175+26.21;

3. on a tangent curve to the Right with an **ARC LENGTH of 96.31 feet, a RADIUS of 1971.50 feet, a TANGENT LENGTH of 48.16 feet, a DELTA ANGLE of 02° 47' 56"**, with a **CHORD BEARING of North 83° 22' 28" East and a CHORD DISTANCE of 96.30 feet to a Iron Pin Set**, being 113.63 feet Left of the centerline of proposed Emerald Parkway at station 176+21.33;
4. **North 84° 46' 53" East** for a distance of **212.33 feet to a Iron Pin Set** on the West line of a 19.41 acre tract of lands conveyed to O. Josephine Holder, LLC as described in Official Record 34266 B09 (parcel 1) and the East line of the 8.350 acre Thomas Family lands, being 107.75 feet Left of the centerline of proposed Emerald Parkway at station 178+31.11;

**THENCE** with the West line of the 19.41 acre Holder lands and the East line of the 8.350 acre Thomas Family lands, **South 01° 22' 41" East** for a distance of **25.63 feet to a ¾" Iron Pipe Found** at the Southwest corner of the 19.41 acre Holder lands and the Northwest corner of a 2.079 acre tract of lands conveyed to O. Josephine Holder, LLC as described in Official Record 34266 B09 (parcel 2), being 82.21 feet Left of the centerline of proposed Emerald Parkway at station 178+28.99;

**THENCE** continuing with the West line of the 2.079 acre Holder lands and the East line of the 8.350 Thomas Family lands, **South 05° 43' 05" East** for a distance of **29.40 feet to a Iron Pin Set** on the proposed right-of-way of said Emerald Parkway, being 52.81 feet Left of the centerline of proposed Emerald Parkway at station 178+28.76;

**THENCE** with the proposed right-of-way line of said Emerald Parkway the following four courses:

1. **South 84° 46' 26" West** for a distance of **210.86 feet to a Iron Pin Set**, being 58.68 feet Left of the centerline of proposed Emerald Parkway at station 176+19.21;
2. on a tangent curve to the Left with an **ARC LENGTH of 93.62 feet, a RADIUS of 1916.50 feet, a TANGENT LENGTH of 46.82 feet, a DELTA ANGLE of 02° 47' 56"**, with a **CHORD BEARING of South 83° 22' 28" West and a CHORD DISTANCE of 93.61 feet to a Iron Pin Set**, being 60.50 feet Left of the centerline of proposed Emerald Parkway at station 175+26.21;
3. on a tangent curve to the Left with an **ARC LENGTH of 129.71 feet, a RADIUS of 9460.50 feet, a TANGENT LENGTH of 64.86 feet, a DELTA ANGLE of 00° 47' 08"**, with a **CHORD BEARING of South 81° 34' 55" West and a CHORD DISTANCE of 129.71 feet to a Iron Pin Set**, being 60.50 feet Left of the centerline of proposed Emerald Parkway at station 173+97.32;
4. **South 81° 11' 21" West** for a distance of **96.96 feet BACK TO THE TRUE POINT OF BEGINNING.**

The above described parcel contains 0.673 acres lying within Franklin County Auditors parcel number 273-009067.

**EXHIBIT A**

**PARCEL 4-U  
UTILITY EASEMENT ACQUISITION  
FROM  
THE THOMAS FAMILY LIMITED PARTNERSHIP**

March 4, 2010  
Page 3 of 4

All iron pins described as set are 5/8" x 30" rebar with a 2 1/2" aluminum cap stamped "LeRoy. 7664, Burgess & Niple" and shall be placed upon notification by the City of Dublin. This description was prepared by William C. LeRoy P.S., Ohio License No. 7664 and is based field surveys performed under the direction of Walter A. Dodson, P.S., Ohio License No. 6446 during October 2007 through December 2009 and upon available public records. The basis of bearings in the above described parcel are based on Grid North as obtained by GPS observations taken from the Ohio State Plane Coordinates, Ohio South Zone(3402), NAD1983(1986) and are for the determination of angles only.



William C. LeRoy PS  
Ohio License No. 7664  
Burgess and Niple



3-4-2010

Date



STATE OF OHIO, FRANKLIN COUNTY, CITY OF DUBLIN, T 2 N, R 19 W, USML, Qtr Twp 2, Lot #17

EXHIBIT A

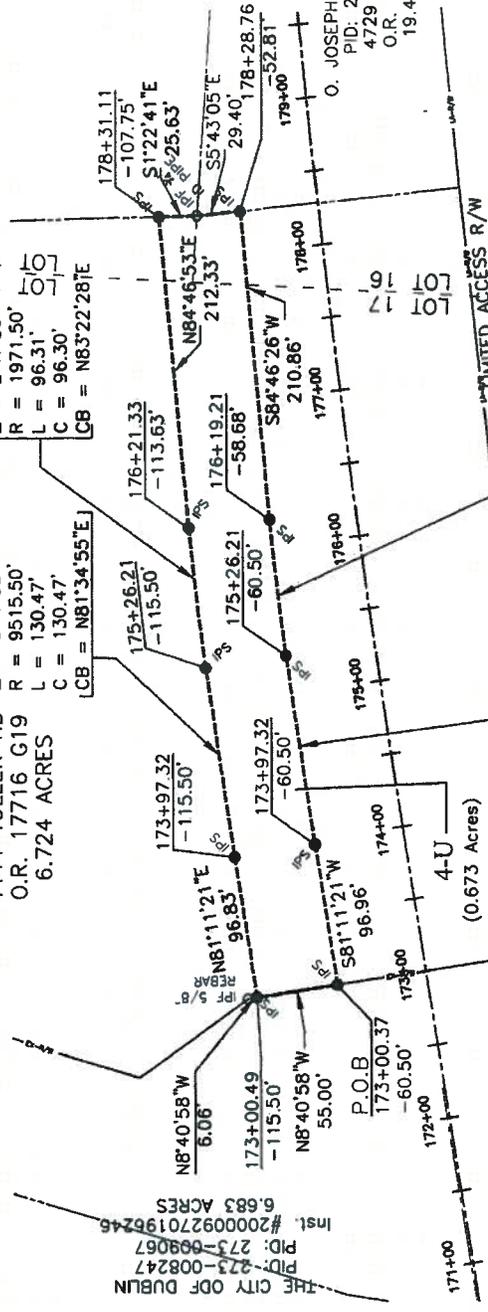
THOMAS FAMILY LIMITED PARTNERSHIP

PID: 273-009067  
 4444 TULLER RD  
 O.R. 17716 G19  
 6.724 ACRES

$\Delta = 2'47.56"$   
 $R = 1971.50'$   
 $L = 96.31'$   
 $C = 96.30'$   
 $CB = N83^{\circ}22'28"E$

$\Delta = 0'47.08"$   
 $R = 9515.50'$   
 $L = 130.47'$   
 $C = 130.47'$   
 $CB = N81^{\circ}34'55"E$

Inst. #200009270196246  
 PID: 273-009067  
 PID: 273-008247  
 THE CITY OF DUBLIN



O. JOSEPHINE HOLDER LLC  
 PID: 273-008414  
 4729 BRIGHT RD  
 O.R. 34266 B09  
 19.410 ACRES

Burgees & Niple 5085 Reed Road, Columbus, Ohio 43220 (614) 489-2050	
Survey for: <b>CITY OF DUBLIN</b>	
THOMAS FAMILY LIMITED PARTNERSHIP SURVEY OF 0.673 ACRES	
Drawn: EJC	Chk: WCL
Scale: 1"=100'	Sh: 4A/4
	PR44959

$\Delta = 2'47.56"$   
 $R = 1916.50'$   
 $L = 93.62'$   
 $C = 93.61'$   
 $CB = S83^{\circ}22'28"W$

$\Delta = 0'47.08"$   
 $R = 9460.50'$   
 $L = 129.71'$   
 $C = 129.71'$   
 $CB = S81^{\circ}34'55"W$

INTERSTATE ROUTE 270  
 JACK NICKLAUS FREEWAY  
 SEE O.D.O.T.  
 FRA-270-7.47N

EXHIBIT A

PARCEL 4-T  
TEMPORARY CONSTRUCTION & GRADING EASEMENT ACQUISITION  
FROM  
THE THOMAS FAMILY LIMITED PARTNERSHIP

December 28, 2009

Page 1 of 4

Situate in the State of Ohio, County of Franklin, City of Dublin, and being located in Township 2 North, Range 19 West of the United States Military Lands, Quarter Township 2 and part of Lot Numbered 17 being further described as part of a 8.350 acre tract of lands conveyed to The Thomas Family Limited Partnership as described in Official Records 17716 H02, 17716 G19, 17716 G16, 17716 G13, 17716 G10, 17716 G07 and 17716 G04 of the Franklin County Recorder's Office and being a parcel of land lying on the Left and Right side of Emerald Parkway as shown on the Centerline Plat of Emerald Parkway – 8 in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ and being more particularly described as follows:

**COMMENCING** at a **Railroad Spike Set** at the centerline intersection of Riverside Drive (S.R. 257) at station 29+07.86 and Tuller Road station 10+00.00;

**THENCE** with the centerline of Riverside Drive, **North 09° 32' 19" East** for a distance of **553.57 feet** to a **Railroad Spike Set** at the point of curvature for Riverside Drive at station 34+61.43;

**THENCE** continuing with the centerline of Riverside Drive, on a curve to the Right having an **ARC LENGTH of 96.64 feet, a DELTA ANGLE of 01°55'21"**, with a **RADIUS of 2880.00 feet, and a CHORD BEARING of North 10°29'59" East for a CHORD DISTANCE of 96.63 feet** to a **Railroad Spike Set** at the centerline intersection of Riverside Drive at station 35+58.06 and the centerline of proposed Emerald Parkway at station 170+71.53;

**THENCE** with the centerline of proposed Emerald Parkway Drive, **North 81°11'22" East** for a distance of **228.71 feet** to the East line of a 6.683 acre tract of land conveyed to the City of Dublin as described in Instrument #200009270196246 and the West line of 8.350 acre Thomas Family lands at station 173+00.24;

**THENCE** with the East line of the 6.683 acre City of Dublin lands and the West line of the 8.350 acre Thomas Family lands, **North 08° 40' 58" West** for a distance of **115.50 feet** to a **Iron Pin Set** on the proposed utility easement line, being 115.50 feet Left of the centerline of proposed Emerald Parkway at station 173+00.49;

**THENCE** with the proposed utility easement line and through the 8.350 acre Thomas Family lands, **North 81° 11' 21" East** for a distance of **96.83 feet** to the proposed temporary easement line, being 115.50 feet Left of the centerline of proposed Emerald Parkway at station 173+97.32 and the **TRUE POINT OF BEGINNING** of the herein described tract;

**THENCE** continuing with the proposed temporary easement line and through the 8.350 acre Thomas Family lands, **North 08° 48' 39" West** for a distance of **10.00 feet**, being 125.50 feet Left of the centerline of proposed Emerald Parkway at station 173+97.32;

**THENCE** continuing with the proposed temporary easement line and through the 8.350 acre Thomas Family lands, on a non-tangent curve to the Right with an **ARC LENGTH of 130.60 feet, a RADIUS of 9525.50 feet, a TANGENT LENGTH of 65.30 feet, a DELTA ANGLE of 00° 47' 08"**, with a **CHORD BEARING of North 81° 34' 55" East and a CHORD DISTANCE of 130.60 feet**, being 125.50 feet Left of the centerline of proposed Emerald Parkway at station 175+26.21;

EXHIBIT A

PARCEL 4-T  
TEMPORARY CONSTRUCTION & GRADING EASEMENT ACQUISITION  
FROM  
THE THOMAS FAMILY LIMITED PARTNERSHIP

December 28, 2009

Page 2 of 4

**THENCE** continuing with the proposed temporary easement line and through the 8.350 acre Thomas Family lands, on a tangent curve to the Right with an **ARC LENGTH** of 96.80 feet, a **RADIUS** of 1981.50 feet, a **TANGENT LENGTH** of 48.41 feet, a **DELTA ANGLE** of 02° 47' 56", with a **CHORD BEARING** of North 83° 22' 28" East and a **CHORD DISTANCE** of 96.79 feet, being 123.63 feet Left of the centerline of proposed Emerald Parkway at station 176+21.71;

**THENCE** continuing with the proposed temporary easement line and through the 8.350 acre Thomas Family lands, North 84° 46' 28" East for a distance of 155.33 feet, being 118.88 feet Left of the centerline of proposed Emerald Parkway at station 177+74.99;

**THENCE** continuing with the proposed temporary easement line and through the 8.350 acre Thomas Family lands, South 06° 30' 31" East for a distance of 10.02 feet to the proposed utility easement line, being 108.86 feet Left of the centerline of proposed Emerald Parkway at station 177+74.99;

**THENCE** with the proposed utility easement line and continuing through the 8.350 acre Thomas Family lands, South 84° 46' 53" West for a distance of 155.55 feet to a **Iron Pin Set**, being 113.63 feet Left of the centerline of proposed Emerald Parkway at station 176+21.33;

**THENCE** continuing with the proposed utility easement line and through the 8.350 acre Thomas Family lands, on a tangent curve to the Left with an **ARC LENGTH** of 96.31 feet, a **RADIUS** of 1971.50 feet, a **TANGENT LENGTH** of 48.16 feet, a **DELTA angle** of 02° 47' 56", with a **CHORD BEARING** of South 83° 22' 28" West and a **CHORD DISTANCE** of 96.30 feet to a **Iron Pin Set**, being 115.50 feet Left of the centerline of proposed Emerald Parkway at station 175+26.21;

**THENCE** continuing with said proposed utility easement line and through the 8.350 acre Thomas Family lands, on a tangent curve to the Left with an **ARC LENGTH** of 130.47 feet, a **RADIUS** of 9515.50 feet, a **TANGENT LENGTH** of 65.23 feet, a **DELTA ANGLE** of 00° 47' 08", with a **CHORD BEARING** of South 81° 34' 55" West and a **CHORD DISTANCE** of 130.47 feet **BACK TO THE TRUE POINT OF BEGINNING**.

The above described parcel contains 0.088 acres lying within Franklin County Auditors parcel number 273-009067.

All iron pins described as set are 5/8" x 30" rebar with a 2 1/2" aluminum cap stamped "LeRoy. 7664, Burgess & Niple" and shall be placed upon notification by the City of Dublin.

EXHIBIT A

PARCEL 4-T  
TEMPORARY CONSTRUCTION & GRADING EASEMENT ACQUISITION  
FROM  
THE THOMAS FAMILY LIMITED PARTNERSHIP

December 28, 2009

Page 3 of 4

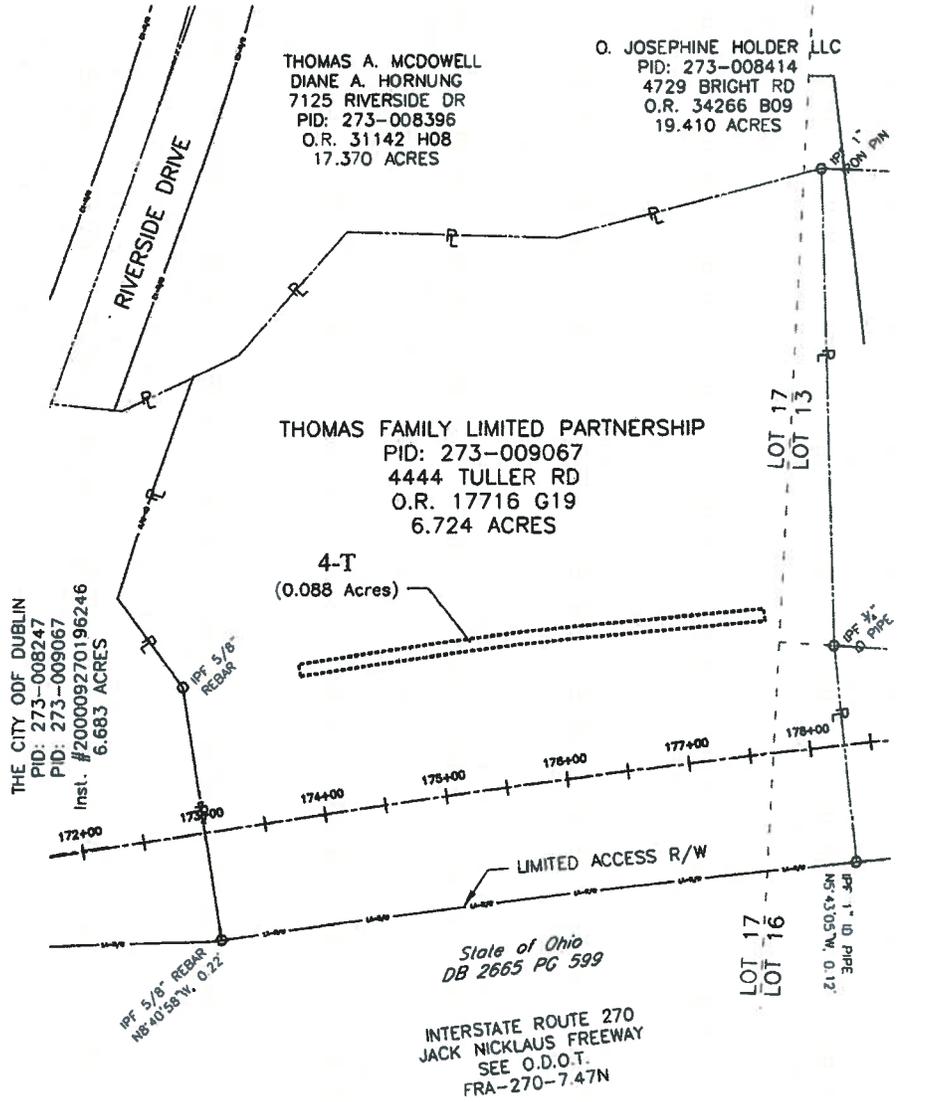
This description was prepared by William C. LeRoy P.S., Ohio License No. 7664 and is based on field surveys performed under the direction of Walter A. Dodson, P.S., Ohio License No. 6446 during October 2007 through December 2009 and upon available public records. The basis of bearings in the above described parcel are based on Grid North as obtained by GPS observations taken from the Ohio State Plane Coordinates, Ohio South Zone(3402), NAD1983(1986) and are for the determination of angles only.

  
\_\_\_\_\_  
William C. LeRoy PS  
Ohio License No. 7664  
Burgess and Niple



3-4-2010  
Date

**EXHIBIT A**  
**STATE OF OHIO, FRANKLIN COUNTY, CITY OF DUBLIN,**  
**T 2 N, R 19 W, USML, Qtr Twp 2, Lot #17**



THE CITY OF DUBLIN  
 PID: 273-008247  
 PID: 273-009067  
 Inst. #200009270196246  
 6.683 ACRES

THOMAS A. MCDOWELL  
 DIANE A. HORNUNG  
 7125 RIVERSIDE DR  
 PID: 273-008396  
 O.R. 31142 H08  
 17.370 ACRES

O. JOSEPHINE HOLDER LLC  
 PID: 273-008414  
 4729 BRIGHT RD  
 O.R. 34266 B09  
 19.410 ACRES

THOMAS FAMILY LIMITED PARTNERSHIP  
 PID: 273-009067  
 4444 TULLER RD  
 O.R. 17716 G19  
 6.724 ACRES

4-T  
 (0.088 Acres)

LIMITED ACCESS R/W  
 State of Ohio  
 DB 2665 PG 599  
 INTERSTATE ROUTE 270  
 JACK NICKLAUS FREEWAY  
 SEE O.D.O.T.  
 FRA-270-7.47N

**LEGEND**

- Monument Found
  - RRSE Railroad Spike Found
  - PKF PK NAIL Found
  - PKS PK NAIL SET
  - DHF DHF Drilled Hole Found
  - IRP Iron Pin Found
  - IPS Iron Pin Set-5/8" x 30" rebar set with plastic I.D. cap: "LEROY 7664"
- ( ) parenthesis indicates record dimension if different than measured.
- P.O.B -Point Of Beginning  
 P.O.C -Point Of Commencement
- Existing Road Right-of-Way (P.R.O.)



Burgess & Niple 5085 Reed Road, Columbus, Ohio 43220 (614) 459-2050		
Survey for: <b>CITY OF DUBLIN</b>		
THOMAS FAMILY LIMITED PARTNERSHIP SURVEY OF 1.836, 0.673 & 0.088 AC		
Dwg: EJJ	Chk: WCL	12-28-09
Scale: 1"=120'	Sht: 4 / 4	PR44959



# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc. Form No. 30045

**51-13**

Resolution No. \_\_\_\_\_

Passed \_\_\_\_\_

, 20\_\_\_\_

**A RESOLUTION OF INTENT TO APPROPRIATE A 0.300 ACRES,  
MORE OR LESS, FEE SIMPLE INTEREST WITH A 0.234 ACRES,  
MORE OR LESS, ENCUMBERED AS PRESENT ROAD OCCUPIED  
FROM THE THOMAS FAMILY LIMITED PARTNERSHIP**

**WHEREAS**, the City of Dublin is preparing to construct the Emerald Parkway Phase 8 roadway improvement project; and

**WHEREAS**, the Thomas Family Limited Partnership owns property located at the northeast corner of Tuller Road and Riverside Drive with a parcel number of 273-008247; and

**WHEREAS**, this roadway project will require the City of Dublin to obtain a fee simple interest from the Thomas Family Limited Partnership, as described in the legal description attached as Exhibit "A" and depicted in the survey attached as Exhibit "B," said property interest located in the City of Dublin, County of Franklin, State of Ohio.

**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 the Emerald Parkway Phase 8 roadway improvement project, a 0.300 acre fee simple interest with 0.234 acres encumbered by Present Road Occupied, as described in the attached Exhibit "A" and depicted in the attached Exhibit "B" from the Thomas Family Limited Partnership.

**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 Exhibit "A," 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**

PARCEL THOMAS FAMILY LP 2-WD

Version Date Emerald Parkway  
003-06-08

**CITY OF DUBLIN  
RIGHT OF WAY ACQUISITION  
FROM  
THOMAS FAMILY LP**

**COPY**

Situated in the City of Dublin, County of Franklin, State of Ohio in the Township of Perry, in Quarter Township 2, Township 2 North, Range 19 West, United States Military Lands, and being a part of a 4.058 acre (Auditor's area, originally 61.294 acres total) tract of land conveyed to The Thomas Family Limited Partnership by a deed of record in Official Record 17716F15 at the Franklin County Recorder's Office.

Beginning, for reference, at a PK nail set in Riverside Drive at a corner of said 4.058 acre tract on the centerline of Tuller Road, also being the southwest corner of a 1.000 acre tract of land conveyed to BVH Associates LLC, as recorded and described in Instrument 199710080114699, and the **TRUE POINT OF BEGINNING**;

Thence N 86°24'49" W a distance of 29.69 feet along the extension of the centerline of Tuller Road and the southerly line of said 4.058 acre tract to the existing westerly right of way line of Riverside Drive (S.R. 257) and an iron pin set;

Thence N 9°24'46" E a distance of 243.05 feet along the westerly right of way of Riverside Drive to an iron pin set in the southerly Limited Access (LA) line of I-270 as shown on plans FRA-270-7.47N on file with the Ohio Department of Transportation;

Thence S 82°56'49" E a distance of 106.13 feet (passing the existing easterly right of way of Riverside Drive at 80.07 feet) along the southerly LA line of I-270 to an iron pin set;

Thence N 79°37'45" E a distance of 25.46 feet continuing along the southerly LA line of I-270 to an iron pin set;

Thence S 9°24'46" W a distance of 61.84 feet across the grantors tract to an iron pin set in the northerly line of a 1.000 acre tract of land conveyed to BVH Associates, as recorded and described in Instrument 199710080114699, of the Franklin County Recorder's Office;

Thence N 86°24'49" W a distance of 100.22 feet along the northerly line of said 1.000 acre tract of land conveyed to BVH Associates (passing the existing easterly right of way of Riverside Drive at 50.26 feet) to the westerly line of the same said 1.000 acre tract to a PK nail set;

Thence S 9°39'11" W a distance of 181.01 feet along the westerly line of said 1.000 acre tract of land conveyed to BVH Associates to the centerline of right of way of Tuller Rd and the **TRUE POINT OF BEGINNING**.

The above described area contains 0.300 Acres within the Franklin County Auditor's Parcel Number 273-008247, of which 0.234 acres is within the present road occupied of Riverside Drive.

Grantor claims title by Official Record 17716F15 in the records of Franklin County, Ohio. Iron pins indicated set are 5/8" x 30" rebars with cap stamped "Dodson, 6446, Burgess & Niple". A drawing of this description is attached hereto and made a part hereof.

This description was prepared by Walter Allen Dodson, Professional Surveyor No. 6446, Ohio, and was based upon actual surveys of the premises performed in October, 2007, through January, 2008, and upon available public records. Bearings used in this description are based on Ohio State Plane Coordinates, South Zone, NAD1983 (1986 adjustment), and are for the determination of angles only, with the centerline of Tuller Rd being N 86°24'49"W as shown.



*Walter A. Dodson* 3.31.10  
Walter A. Dodson, P.S. 6446, Ohio  
Burgess & Niple, Inc.

