



**To:** Members of Dublin City Council  
**From:** Marsha I. Grigsby, City Manager *MG*  
**Date:** April 14, 2014

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

**Re:** Ordinance 28-14 – An Ordinance Authorizing the Appropriation of a 0.029 Acre, More or Less, Permanent Easement, and a 0.029 Acre, More or Less, Temporary Easement from Mohammed Ghiath Ammar and Ester Lea Ammar, for the Property Located at 6143 Dublin Road for the Construction of a Multi-Use Path as Part of the Dublin Road South Phase 3 Project.

### Background

The City of Dublin ("City") is preparing to construct a shared use path on the western side of Dublin Road between Rings Road and Waterford Drive (the "Project"). The City must obtain property interests from various landowners located within the City in order to construct this project. The City presented offers based upon appraisals to each of these landowners.

One of the landowners from whom the City must obtain property interests for the construction of the Project is Mohammed Ghiath Ammar and Ester Lea Ammar (the "Grantor"). After multiple attempts to engage in negotiations with the Grantor, it appears that the City may need to appropriate the needed property from the Grantor.

The City is still hopeful that an amicable resolution can be reached with the Grantor; however, this Ordinance directs our Law Department to file an eminent domain action.

### PROPERTY TO BE APPROPRIATED

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

Franklin County Parcel No. 273-001408	
Parcel 36	
Permanent Easement	0.029 ± acres
Temporary Easement	0.029 ± acres

### Recommendation

Staff recommends approval of Ordinance 28-14 by emergency at its second reading/public hearing on May 5 as obtaining the property interests is necessary for the furtherance of this project.

# RECORD OF ORDINANCES

**28-14**

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

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

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF A 0.029 ACRE, MORE OR LESS, PERMANENT EASEMENT; AND A 0.029 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM MOHAMMED GHIATH AMMAR AND ESTER LEA AMMAR, FOR THE PROPERTY LOCATED AT 6143 DUBLIN ROAD FOR THE CONSTRUCTION OF A MULTI-USE PATH AS PART OF THE DUBLIN ROAD SOUTH PHASE 3 PROJECT, AND DECLARING AN EMERGENCY.**

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

**WHEREAS**, Mohammed Ghiath Ammar and Ester Lea Ammar own the property with the commonly known address of 6143 Dublin Road, parcel number 273-001408, said property located in the City of Dublin, County of Delaware, State of Ohio; and

**WHEREAS**, said Project requires that the City obtain a permanent easement and a temporary easement from Mohammed Ghiath Ammar and Ester Lea Ammar, as described in the Exhibits labeled "A" and depicted in the Exhibits labeled "B," all attached hereto, said property interest located in the City of Dublin, County of Franklin, State of Ohio.

**NOW, THEREFORE, BE IT ORDAINED** 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 authorization to appropriate, for the purpose of installing a multi-use path, a permanent easement and a temporary easement as described in the Exhibits labeled "A" and depicted in the Exhibits labeled "B," all attached hereto.

**Section 2.** This Ordinance is declared to be an emergency necessary for the immediate preservation of the public peace, health, safety or welfare, and for the further reason that obtaining the property interests is necessary for the advancement of this project. The ordinance shall therefore take effect immediately upon passage.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor – Presiding Officer

ATTEST:

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

**EXHIBIT A**

CIP 1 of 2  
08-009  
PARCEL 36-P  
PROJECT DUBLIN MUP  
Version Date 11/01/13

**PARCEL 36-P  
DUBLIN ROAD SOUTH MULTI-USE PATH  
PERPETUAL EASEMENT  
FOR UTILITIES, GRADING, and a MULTI-USE PATH**

Situate in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey 2419, being a part of that 0.521 acre tract as conveyed to Mohammed Ghiath Ammar and Ester Lea Ammar, by deed of record in Instrument Number 199912200311432, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

**Beginning for Reference** at the intersection of the centerline right-of-way of Marion Street and Dublin Road; said point being at centerline station 164+98.15;

Thence North 20 deg. 43 min. 23 sec. East, a distance of 167.76 feet along the centerline right-of-way of Dublin Road to an angle point, being at centerline station 166+65.91;

Thence North 19 deg. 40 min. 16 sec. East, a distance of 130.02 feet along the centerline right-of-way of Dublin Road to the intersection of the easterly extension of the common line of said Ammar 0.521 acre tract and the 0.524 acre tract conveyed to Frederick M. Coggin and Judith W. Harvey by deed of record in Instrument Number 199904300109030; said point being at centerline station 167+95.92;

Thence North 82 deg. 15 min. 21 sec. West, a distance of 30.66 feet along the common line (and it's easterly extension) of said Ammar 0.521 acre tract and said Coggin and Harvey 0.524 acre tract, to a point in the existing westerly right-of-way line of Dublin Road; said point being 30.00 feet left of centerline station 167+89.58, and being the **Point of True Beginning** of the herein described easement;

Thence South 19 deg. 40 min. 16 sec. West, a distance of 123.40 feet across said Ammar 0.521 acre tract, and along the existing westerly right-of-way line of Dublin Road, to an angle point in the existing westerly right-of-way line of Dublin Road, being 30.00 feet left of centerline station 166+66.18 (ahead);

Thence South 20 deg. 43 min. 23 sec. West, a distance of 4.75 feet across said Ammar 0.521 acre tract, and along the existing westerly right-of-way line of Dublin Road, to a point in the common line of said Ammar 0.521 acre tract and Lot 11 of the subdivision entitled SOUTH CIVIC ADDITION, as recorded in Plat Book 22, Page 71, and conveyed to JC Land Company, Ltd., by deed of record in Instrument Number 199904300108377; said point being 30.00 feet left of centerline station 166+60.88;

Thence North 78 deg. 47 min. 37 sec. West, a distance of 10.14 feet along the common line of said Ammar 0.521 acre tract and said Lot 11, to a point being 40.00 feet left of centerline station 166+59.20;

Thence North 20 deg. 43 min. 23 sec. East, a distance of 6.34 feet across said Ammar 0.521 acre tract to a point being 40.00 feet left of centerline station 166+66.27 (ahead);

Thence North 19 deg. 40 min. 16 sec. East, a distance of 121.20 feet across said Ammar 0.521 acre tract to a point in the common line of said Ammar 0.521 acre tract and said Coggin and Harvey 0.524 acre tract; said point being 40.00 feet left of centerline station 167+87.47;

**EXHIBIT A**

CIP 2 of 2  
08-009  
PARCEL 36-P  
PROJECT DUBLIN MUP  
Version Date 11/01/13

Thence South 82 deg. 15 min. 21 sec. East, a distance of 10.22 feet along the common line of said Ammar 0.521 acre tract and said Coggin and Harvey 0.524 acre tract to the **Point of Beginning**, containing 0.029 acres, more or less.

Of the above described area, 0.029 acres are contained within Franklin County Auditor's Parcel 273-001408.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (86), using the bearing of South 20 deg. 27 min. 34 sec. West, as derived from a GPS survey in 2008 occupying Franklin County Geodetic Control Monuments "FRANK 73" and "FCGS 6642 RESET".

This description was prepared by Steven E. Rader, registered surveyor 7191, and is based upon a field survey for the City of Dublin, Ohio, in 2008 by Stantec Consulting Services, Inc., under the direction of said surveyor.

Grantor claims title by the instrument of record in Instrument Number 199912200311432, of the Recorder's Office, Franklin County, Ohio.

A drawing of this description is attached hereto and made part thereof.



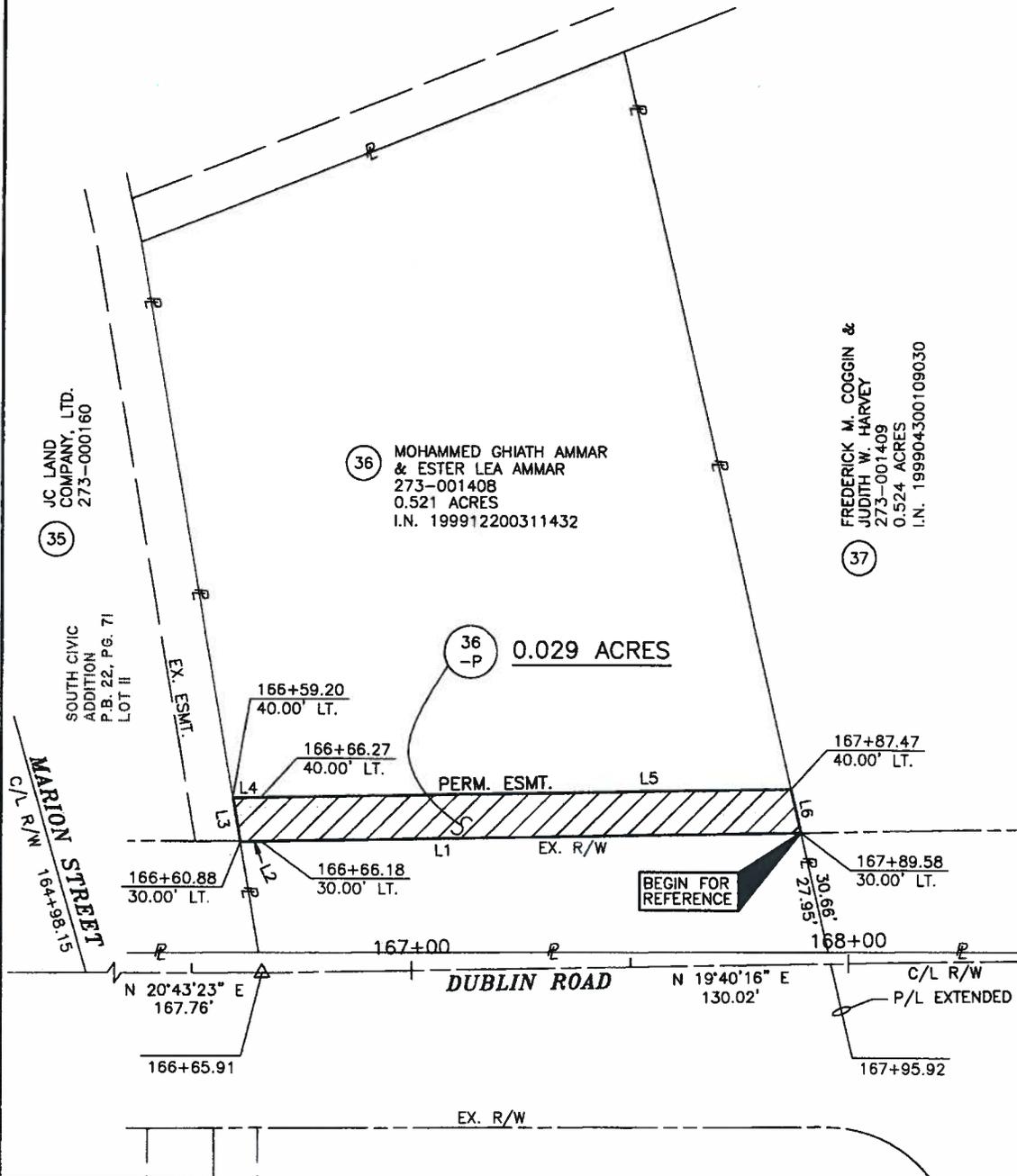
STANTEC CONSULTING SERVICES, INC.

Steven E Rader 11/3/13  
Registered Surveyor No. 7191 Date

EXHIBIT B

MONUMENT LEGEND

- ⊕ R.R.S. FOUND
- REBAR FOUND
- IRON PIN FOUND
- ▣ MONUMENT BOX
- 3/4" IRON PIN SET



35 JC LAND COMPANY, LTD.  
273-000160

36 MOHAMMED GHIATH AMMAR & ESTER LEA AMMAR  
273-001408  
0.521 ACRES  
I.N. 199912200311432

37 FREDERICK M. COGGIN & JUDITH W. HARVEY  
273-001409  
0.524 ACRES  
I.N. 199904300109030

SOUTH CIVIC ADDITION  
P.B. 22, P.G. 71  
LOT II  
MARION STREET  
C/L R/W 164+98.15

NUMBER	DIRECTION	DISTANCE
L1	S 19°40'16" W	123.40'
L2	S 20°43'23" W	4.75'
L3	N 78°47'37" W	10.14'
L4	N 20°43'23" E	6.34'
L5	N 19°40'16" E	121.20'
L6	S 82°15'21" E	10.22'

**BASIS OF BEARINGS**  
THE PROJECT BEARING DATUM IS BASED UPON STATE PLANE GRID BEARINGS FROM THE OHIO COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (86), USING THE BEARING OF S 20°27'34" W AS DERIVED FROM A GPS SURVEY OCCUPYING FRANKLIN COUNTY ENGINEER'S STATIONS "FRANK 73", AND "FCGS 6642 RESET".



PARCEL 36-P  
DUBLIN ROAD SOUTH  
MULTI-USE PATH  
CITY OF DUBLIN, FRANKLIN COUNTY, OHIO



Stantec Consulting Services, Inc.  
1500 Lake Shore Drive, Suite 100  
Columbus, Ohio 43204  
Phone: (614) 486-4383

Stantec  
*Steven E. Rader* 11/3/13  
Registered Surveyor #7191 Date

MOSES, STEVE 11/17/2007 10:58 AM - 11/17/2007 11:00 AM - 11/17/2007 11:01 AM - 11/17/2007 11:02 AM - 11/17/2007 11:03 AM - 11/17/2007 11:04 AM - 11/17/2007 11:05 AM - 11/17/2007 11:06 AM - 11/17/2007 11:07 AM - 11/17/2007 11:08 AM - 11/17/2007 11:09 AM - 11/17/2007 11:10 AM - 11/17/2007 11:11 AM - 11/17/2007 11:12 AM - 11/17/2007 11:13 AM - 11/17/2007 11:14 AM - 11/17/2007 11:15 AM - 11/17/2007 11:16 AM - 11/17/2007 11:17 AM - 11/17/2007 11:18 AM - 11/17/2007 11:19 AM - 11/17/2007 11:20 AM - 11/17/2007 11:21 AM - 11/17/2007 11:22 AM - 11/17/2007 11:23 AM - 11/17/2007 11:24 AM - 11/17/2007 11:25 AM - 11/17/2007 11:26 AM - 11/17/2007 11:27 AM - 11/17/2007 11:28 AM - 11/17/2007 11:29 AM - 11/17/2007 11:30 AM - 11/17/2007 11:31 AM - 11/17/2007 11:32 AM - 11/17/2007 11:33 AM - 11/17/2007 11:34 AM - 11/17/2007 11:35 AM - 11/17/2007 11:36 AM - 11/17/2007 11:37 AM - 11/17/2007 11:38 AM - 11/17/2007 11:39 AM - 11/17/2007 11:40 AM - 11/17/2007 11:41 AM - 11/17/2007 11:42 AM - 11/17/2007 11:43 AM - 11/17/2007 11:44 AM - 11/17/2007 11:45 AM - 11/17/2007 11:46 AM - 11/17/2007 11:47 AM - 11/17/2007 11:48 AM - 11/17/2007 11:49 AM - 11/17/2007 11:50 AM - 11/17/2007 11:51 AM - 11/17/2007 11:52 AM - 11/17/2007 11:53 AM - 11/17/2007 11:54 AM - 11/17/2007 11:55 AM - 11/17/2007 11:56 AM - 11/17/2007 11:57 AM - 11/17/2007 11:58 AM - 11/17/2007 11:59 AM - 11/17/2007 12:00 PM

**EXHIBIT A**

CIP 1 of 2  
PARCEL 08-009  
PROJECT DUBLIN MUP 36-T  
Version Date 05/18/12

**PARCEL 36-T  
DUBLIN ROAD SOUTH MULTI-USE PATH  
TEMPORARY EASEMENT  
TO RECONSTRUCT A DRIVE**

Situate in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey 2419, being a part of that 0.521 acre tract as conveyed to Mohammed Ghiath Ammar and Ester Lea Ammar, by deed of record in Instrument Number 199912200311432, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

**Beginning for Reference** at the intersection of the southerly line of said Ammar 0.521 acre tract with the existing westerly right-of-way line of Dublin Road, and being the northeasterly corner of Lot 11 of the South Civic Addition of record in Plat Book 22, Page 71, and being 30.00 feet left of centerline station 166+60.88;

Thence North 78 deg. 47 min. 37 sec. West, a distance of 10.14 feet along the common line of said Ammar 0.521 acre tract and said Lot 11, to the **Point of True Beginning** of the herein described parcel, being 40.00 feet left of centerline station 166+59.20;

Thence North 78 deg. 47 min. 37 sec. West, a distance of 30.21 feet along the common line of said Ammar 0.521 acre tract and said Lot 11, to a point being 69.80 feet left of centerline station 166+54.21;

Thence the following four (4) courses and distances across said Ammar 0.521 acre tract;

1. Thence North 19 deg. 40 min. 16 sec. East, a distance of 44.51 feet to a point being 70.00 feet left of centerline station 167+00.00;
2. Thence South 70 deg. 19 min. 44 sec. East, a distance of 30.00 feet to a point being 40.00 feet left of centerline station 167+00.00;
3. Thence South 19 deg. 40 min. 16 sec. West, a distance of 33.73 feet to a point being 40.00 feet left of centerline station 166+66.27;
4. Thence South 20 deg. 43 min. 23 sec. West, a distance of 6.34 feet to the **Point of True Beginning**, containing 0.029 acres, more or less.

**EXHIBIT A**

CIP 2 of 2  
08-009  
PARCEL 36-T  
PROJECT DUBLIN MUP  
Version Date 05/18/12

Of the above described area, 0.029 acres are contained within Franklin County Auditor's Parcel 273-001408.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (86), as established from a GPS survey in 2008, occupying Franklin County Geodetic Control Monuments "FRANK 73" and "FCGS 6642 RESET".

This description was prepared by Steven E. Rader, registered surveyor 7191, and is based upon a field survey for the City of Dublin, Ohio, in 2008 by Stantec Consulting Services, Inc., under the direction of said surveyor.

Grantor claims title by the instrument of record in Instrument Number 199912200311432, of the Recorder's Office, Franklin County, Ohio.

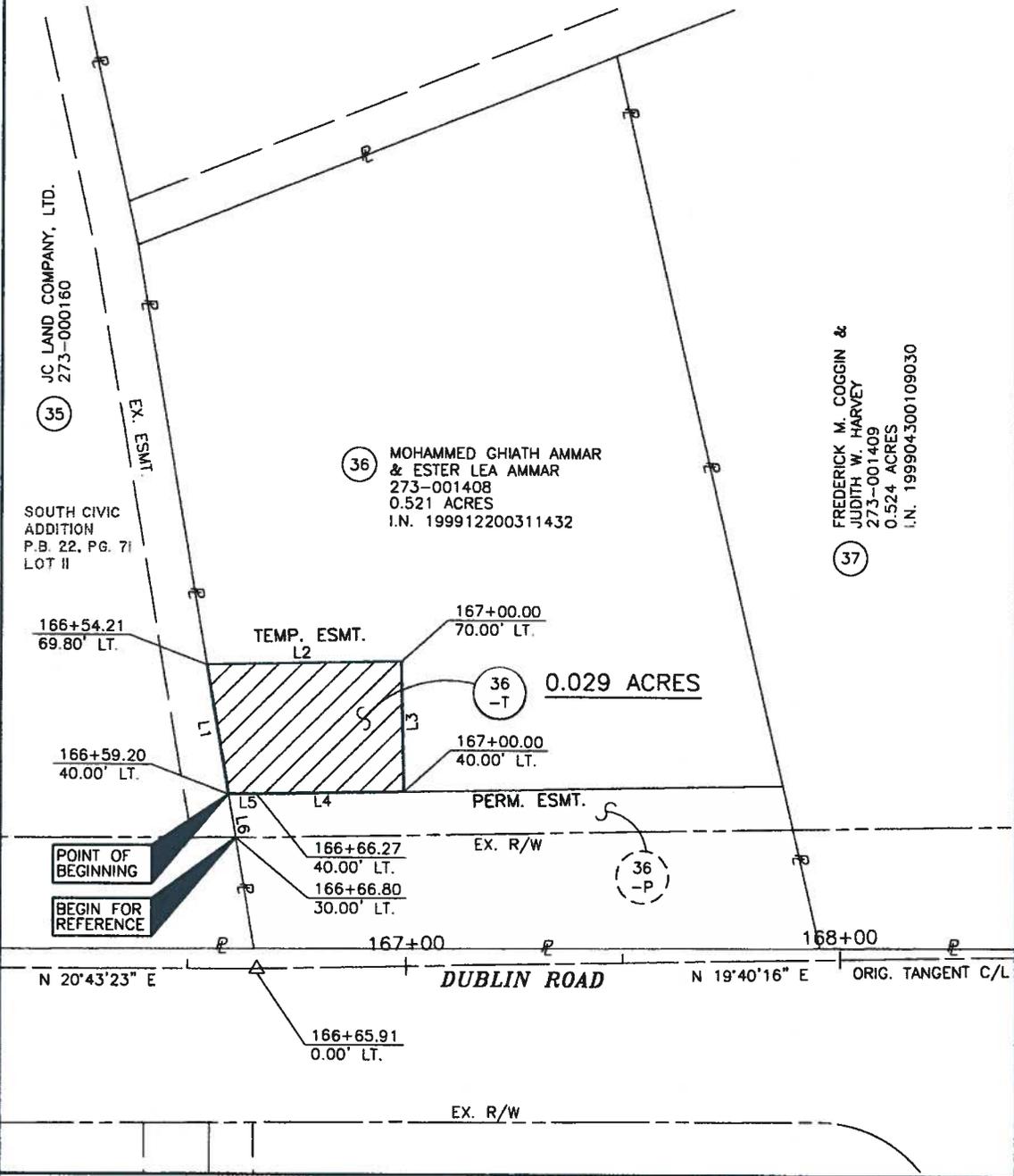
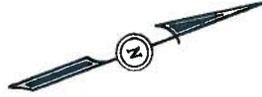
A drawing of this description is attached hereto and made part thereof.



**STANTEC CONSULTING SERVICES, INC.**

*Steven E. Rader* 5/22/12  
Registered Surveyor No. 7191 Date

EXHIBIT B



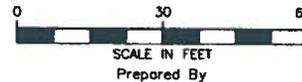
MOORE, STEVEN S. 17240007300 (Surveyor's Seal) - License # 1. Last Renewed: May 22, 2012 12:53 PM. Expires: May 22, 2012 2:09 PM.

NUMBER	DIRECTION	DISTANCE
L1	N 78°47'37" W	30.21'
L2	N 19°40'16" E	44.51'
L3	S 70°19'44" E	30.00'
L4	S 19°40'16" W	33.73'
L5	S 20°43'23" W	6.34'
L6	N 78°47'37" W	10.14'

**MONUMENT LEGEND**

- ⊠ R.R.S. FOUND
- REBAR FOUND
- IRON PIN FOUND
- ⊠ MONUMENT BOX
- 3/4" IRON PIN SET

**PARCEL 36-T**  
**DUBLIN ROAD SOUTH**  
**MULTI-USE PATH**  
 CITY OF DUBLIN, FRANKLIN COUNTY, OHIO



**BASIS OF BEARINGS**

THE PROJECT BEARING DATUM IS BASED UPON STATE PLANE GRID BEARINGS FROM THE OHIO COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (86), AS MEASURED USING G.P.S. METHODS THROUGH THE FRANKLIN COUNTY ENGINEER'S STATIONS "FRANK 73", AND "FCGS 6642 RESET".



Stantec Consulting Services, Inc.  
 1500 Lake Shore Drive, Suite 100  
 Columbus, Ohio 43204  
 Phone: (614) 486-4383

Steven E. Rader 5/22/12  
 Registered Surveyor #7191 Date