



**To:** Members of Dublin City Council

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

**Date:** June 19, 2014

**Initiated By:** Stephen J. Smith, Law Director

**Re: ORDINANCE 60-14 - AUTHORIZING THE EXECUTION OF CONVEYANCE DOCUMENTS TO ACCEPT THE DONATION OF A 0.014 ACRE, MORE OR LESS, PERMANENT ACCESS EASEMENT FROM CHRISTOFF LAND AND DEVELOPMENT, LLC, FOR THE PROPERTY LOCATED AT 6465 SAWMILL ROAD TO PROVIDE PEDESTRIAN ACCESS TO BICYCLE PARKING RACKS, BENCHES AND OTHER SIMILAR FACILITIES OPEN TO THE GENERAL PUBLIC.**

## Background

The area designated was approved by the Administrative Review Team (ART) on December 5, 2013, as part of Minor Project Review for a new 3,064-square-foot Commercial Center Building within the Bridge Street District located on a vacant site at 6465 Sawmill Road, on the west side of Sawmill Road approximately 450 feet north of West Dublin-Granville Road. Proposed uses are General Retail and Eating and Drinking, as permitted uses. The structure allows the potential for a single tenant or multiple tenant configuration. The amount of restaurant space will be limited by parking requirements, which will be reviewed when tenants are proposed. The approved site plan provides a 630-square-foot pocket plaza at the southeast corner of the site along the public sidewalk. The plaza will be hardscaped and include benches, trash receptacles and bicycle racks.

Christoff Land and Development, LLC (the "Grantor") owns property from which the City desires a permanent access easement in order to provide pedestrian access to bicycle parking racks, benches, and other similar facilities. This property is identified as Franklin County Parcel No. 273-008330.

After engaging in amicable discussions, the Grantor has agreed to donate this permanent access easement to the City. This Ordinance authorizes the execution of conveyance documents to accept this grant of easement as a donation from the Grantor.

## Acquisition

The City will be accepting from the Grantor only the property interest necessary for purposes of the Project, as depicted in the legal description and depiction attached to this memorandum. The property interest is detailed below.

Franklin County Parcel No. 273-008330

<b>Property Interest Acquiring</b>	<b>Description</b>
Permanent Access Easement	0.014 acre ±

**Recommendation**

Ordinance No. 60-14 would authorize the City Manager to execute all necessary conveyance documentation to formally accept the necessary property interest described above.

The Law Department recommends approval of Ordinance No. 60-14 at the second reading/public hearing on July 1, 2014 in order to finalize the donation of the permanent access easement from Christoff Land and Development, LLC to the City, and continue moving forward with the Project.

# RECORD OF ORDINANCES

Ordinance No. 60-14

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

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE CONVEYANCE DOCUMENTS TO ACCEPT THE DONATION OF A 0.014 ACRE, MORE OR LESS, PERMANENT ACCESS EASEMENT FROM CHRISTOFF LAND AND DEVELOPMENT, LLC, FOR THE PROPERTY LOCATED AT 6465 SAWMILL ROAD TO PROVIDE PEDESTRIAN ACCESS TO BICYCLE PARKING RACKS, BENCHES AND OTHER SIMILAR FACILITIES OPEN TO THE GENERAL PUBLIC.**

**WHEREAS**, the City of Dublin (the "City") desires to provide pedestrian access to bicycle parking racks, benches, and other similar facilities open to the general public (the "Project"); and

**WHEREAS**, said Project requires that the City obtain a permanent access easement within from Christoff Land and Development, LLC (the "Grantor"), located at 6465 Sawmill Road and identified as Franklin County Parcel No. 273-008330, said property interest more fully described in the Exhibit "A" and depicted in Exhibit "B," all attached hereto; and

**WHEREAS**, the City desires to receive this permanent access easement as a donation from the Grantor, said easement described in the attached Exhibit "A" and depicted in the attached Exhibit "B" located in the City of Dublin, County of Franklin, State of Ohio; and

**WHEREAS**, this donation will require the Grantor to execute a grant of easement to the City without consideration or compensation.

**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 Manager is hereby authorized to execute conveyance documents for a permanent access easement donated by Christoff Land and Development, LLC.

**Section 2.** This Ordinance shall take effect and be in force from and after the earliest date permitted by law.

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

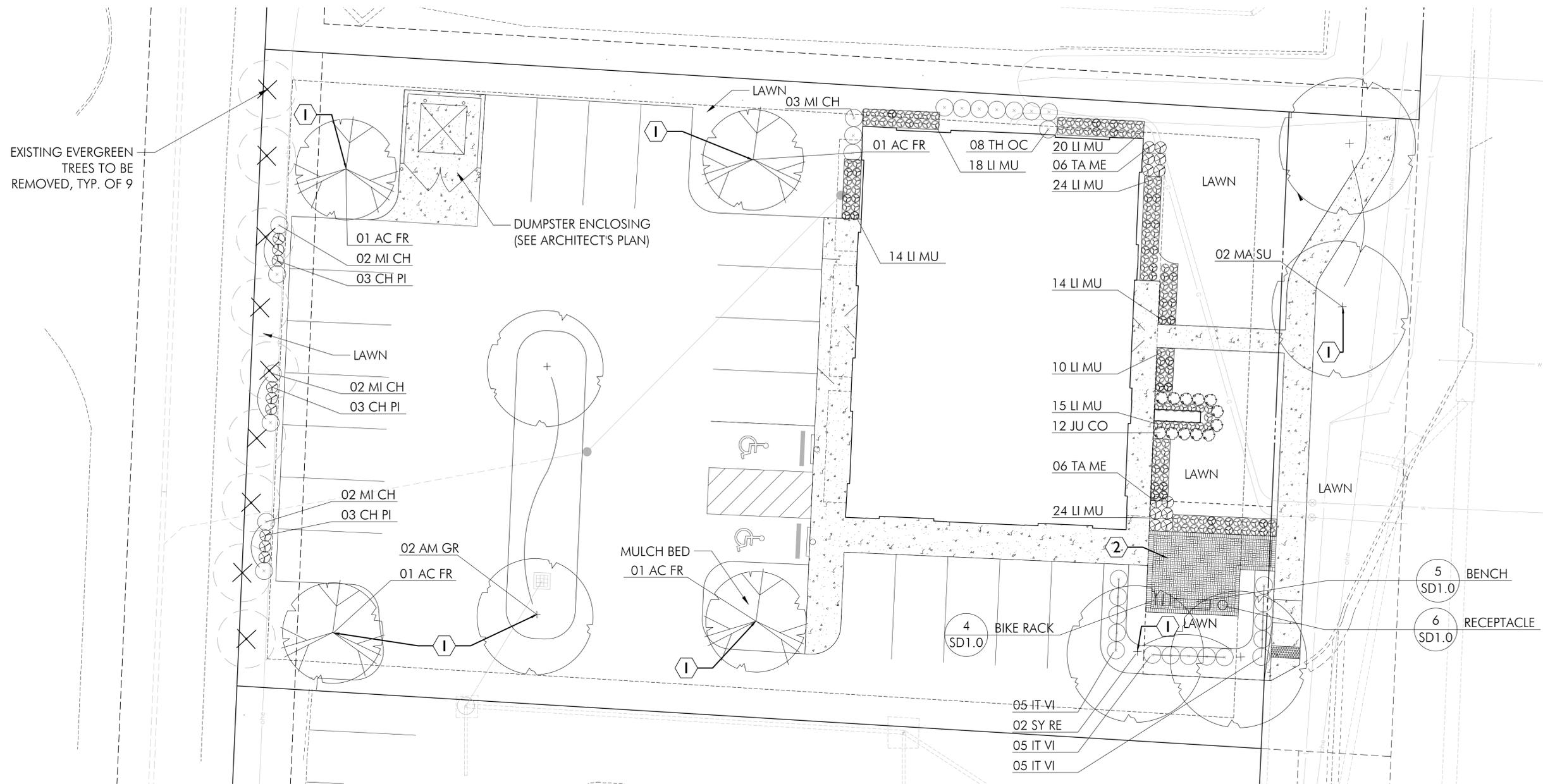
\_\_\_\_\_  
Mayor – Presiding Officer

ATTEST:

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



6465 Sawmill Road



EXISTING EVERGREEN TREES TO BE REMOVED, TYP. OF 9

DUMPSTER ENCLOSING (SEE ARCHITECT'S PLAN)

MULCH BED 01 AC FR

4 BIKE RACK SD1.0

5 BENCH SD1.0

6 RECEPTACLE SD1.0

**GENERAL PLANT INSTALLATION NOTES**

- Contractor to verify with the owner's representative and utility companies the locations of the existing utilities prior to start. Call Ohio Utilities Protection Services at (800)362-2764. Contractor to repair all damages to existing utilities, curbs, pavements, etc. resulting from landscape installations which occur during the construction of the project.
- Plant material shall be furnished in the quantities and/or spacing as shown or noted. In case of discrepancies between the plan and the plant list, the plan shall dictate.
- Contractor shall verify sizes and locations of all site elements and immediately inform the owner's representative of any discrepancy between the drawings and/or specifications and actual conditions. No work shall be done in any area where there is a discrepancy without owner's representative approval.
- Contractor shall be responsible for all finish grading in the project required to provide a proper seed and planting bed.
- Contractor shall provide the following soil amendments:  
Soil Amendment: Com-Til organic compost (or equal)  
7000 State Route 104  
South Lockbourne, Ohio 43137  
(614)645-3152  
Turf & Shrub Bed areas: Spread 3" of Com-Til over new landscape areas and incorporate into the top 8" of the soil by mechanical tiller.  
Trees and Shrubs: Mix 30% Com-Til to 70% existing soil from plant pit excavation. If excavated soil is not suitable, supplement with imported topsoil.
- All plant material to meet or exceed American Standard for Nursery Stock, current edition, as set forth by American Association of Nurseriesmen.
- All plant materials subject to inspection prior, during and after installation. Any plant not meeting the requirements will be cause for rejection by the owner's representative. All rejected plants shall be immediately removed and disposed of by the contractor and the replacement material shall be provided.

- All substitutions and plan changes must be approved by owner's representative prior to any action taken. Trees shall be protected and handled carefully at all times during transport & handling to prevent drying of tree or root ball by winds and to prevent any damage or breakage of the root ball. Bark shall be protected from bruising or abrasion.
- Water trees immediately after planting and continue to water until final acceptance by owner's representative.
- Plant locations and beds shall be located by contractor and approved by owner's representative prior to plant installation.
- Bed line to be 18" from base of plant material unless otherwise indicated on the drawings.
- All shrub and bed areas to be mulched with two inches (2") depth minimum shredded hardwood mulch. Submit sample to owner for approval.
- All areas outside of planting beds shall be sod as shown on the plans.
- Finished turf (sod) to be flush with top of adjacent curb or walk. Coordinate with owner's representative in field as required.
- The contractor shall guarantee all trees, shrubs and ground covers for a period of one (1) year from date of final acceptance. Replace material within seven (7) days of notification of the owner's representative.
- Perform cleaning during installation of landscape work and upon completion. Remove from site all excess landscape related material, soil debris and equipment. Repair damage resulting from landscaping operations. Sweep and hose down paved surfaces affected by landscaping operations. Coordinate with owner's representative and other contractors for final cleanup prior to cleaning.
- Maintenance: The landscape contractor shall maintain the completed landscape and irrigation systems until the date of final acceptance.  
Mowing - Minimum once per week, except in future expansion areas which will require a minimum of once per three weeks.  
Trimming - Shrubs, trees, ground covers, perennials, and annuals, minimum two times per year or as required.  
Fertilizing - Apply fertilizer at a rate equal to 1 lb. of actual nitrogen/1000 s.f. in the spring and fall to all turf and plantings except in future expansion turf areas (where applicable).  
Bed Edging - Edge all beds by hand, spade at least two times per year and top-mulch with dress wood mulch in fall and spring.

**CODED NOTES**

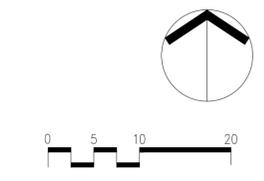
- Structural soil to be used. Extend 3' beyond edge of all parking lot peninsulas and area islands
- Brick Paver, See Detail 7, Sheet SD 1.0

**MASTER PLANT LIST**

QTY	KEY	BOTANICAL & COMMON NAME	SIZE	COND.	REMARKS
<b>TREES</b>					
02	AM GR	Amelanchier x grandiflora 'Autumn Brilliance' Autumn Brilliance Serviceberry	2" cal.	B & B	Single Stem
02	MA SU	Malus 'Sutyzam' Sugar Tyme Sugar Tyme Crabapple	1.5" cal.	B & B	Match Form
04	AC FR	Acer x freemanii 'Celebration' Celebration Maple	2.5" cal.	B & B	As Shown
02	SY RE	Syringa reticulata 'Ivory Silk' Ivory Silk Japanese Tree Lilac	1.5" cal.	B & B	Match Form
<b>SHRUBS</b>					
12	TAME	Taxus x media 'Everlow' Everlow Yew	24" Sprd.	Cont.	As Shown
09	CH PI	Chamaecyparis pisifera 'Golden Mop' Golden Mop Threadleaf False Cypress	18" Ht	Cont.	As Shown
15	IT VI	Itea virginica 'Henry's Garnet' Henry's Garnet Sweetspire	24" Ht	Cont.	As Shown
12	JU CO	Juniperus conferta 'Blue Pacific' Blue Pacific Shore Juniper	24" Sprd.	Cont.	As Shown
139	LI MU	Liriope muscari 'Big Blue' Big Blue Lily Turf	1 gal.	Cont.	As Shown
08	TH OC	Thuja occidentalis 'Smaragd' Emerald Green Arborvitae	4' Ht	B & B	As Shown
09	MI CH	Miscanthus sinensis 'Gracillimus' Gracillimus Maiden Grass	2 gal.	Cont.	As Shown

**LANDSCAPE CALCULATIONS**

- Interior green space calculation - 153.065 (D)(5)(c)  
Total pavement: 7,680 S.F.  
Required green space: 384 S.F. (5%)  
Provided green space: 1,429 S.F. (19%)
- Foundation planting - 153.065 (D)(7)(b)  
Required 1 shrub per each 10 linear feet of building facade (230 LF total) - 23 shrubs required  
Provided - 27



2 WORKING DAYS BEFORE YOU DIG  
OHIO UTILITIES PROTECTION SERVICE  
CALL TOLL FREE 800-362-2764

## **DESCRIPTION OF AN OPEN SPACE EASEMENT**

Situated in the State of Ohio, County of Franklin, City of Dublin, being located in Lot 1, Section 3, Township 2, Range 19, United States Military District, and being a part of Lot 5 of Meadowland Heights No. 1, of record in Plat Book 27, Page 60, said Lot 5 is described in a deed to **Christoff Land & Development, LLC**, of record in Instrument Number 201204130051695, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, being further bounded and described as follows:

Commencing for reference at the original southeast corner of said Lot 5, being the original northeast corner of Lot 4 of said Meadowland Heights No. 1, as said Lot 4 is described in a deed to Maria M. Ciotola, Trustee of the Maria M. Ciotola Trust dated May 20, 2010, of record in Instrument Number 201005210063158, being the southeast corner of a 22.5 foot wide right-of-way parcel described as Parcel 59-WD in a deed to the State of Ohio, of record in 20008220168621;

Thence **North 86 degrees 30 minutes 25 seconds West**, along the original south line of said Lot 5, along the original north line of said Lot 4, and along the south line of said Parcel 59-WD, a distance of **22.50 feet** to the existing west right-of-way line for Sawmill Road, being the southwest corner of said Parcel 59-WD;

Thence across said Lot 5 along the following five (5) described courses:

1. **North 02 degrees 31 minutes 35 seconds East**, along the existing west right-of-way line for said Sawmill Road, along the west line of said Parcel 59-WD, a distance of **11.80 feet** to the **TRUE POINT OF BEGINNING**;
2. **North 87 degrees 02 minutes 24 seconds West**, a distance of **21.00 feet** to a point;
3. **North 02 degrees 31 minutes 35 seconds East**, a distance of **30.00 feet** to a point;
4. **South 87 degrees 02 minutes 24 seconds East**, a distance of **21.00 feet** to a point on the existing west right-of-way line for said Sawmill Road, being on the west line of said Parcel 59-WD;

5. **South 02 degrees 31 minutes 35 seconds West**, along the existing west right-of-way line for said Sawmill Road, along the west line of said Parcel 59-WD, a distance of **30.00 feet** to the **TRUE POINT OF BEGINNING**.

The above described easement contains a total area of **630 square feet** located within Franklin County Auditor's parcel number 273-008330.

The bearings described herein are based on the bearing of North 02 degrees 31 minutes 35 seconds West for the west right-of-way line of Sawmill Road, said bearing is measured from Grid North, as referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment), as established utilizing a GPS survey and NGS OPUS solution.

This description was prepared by Brian P. Bingham, Registered Professional Surveyor Number 8438, on May 22, 2014, is based on an actual field survey performed by American Structurepoint, Inc. and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

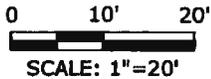
  
\_\_\_\_\_  
Brian P. Bingham  
Registered Professional Surveyor No. 8438



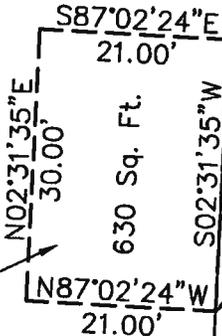
5/22/2014  
Date

Situated in the State of Ohio, County of Franklin and City of Dublin, being located in Lot 1, Section 3, Township 2, Range 19, United States Military District, and being part of Lot 5 of Meadowland Heights No. 1, of record in Plat Book 27, page 60, said Lot 5 is described in a deed to Christoff Land & Development, LLC, of record in Instrument Number 201204130051695, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio.

PID: 273-008330  
 CHRISTOFF LAND & DEVELOPMENT, LLC  
 INST. NO. 201204130051695  
 LOT 5  
 MEADOWLAND HEIGHTS NO. 1  
 P.B. 27 PG 60  
 6465 SAWMILL ROAD



Proposed Open Space Easement

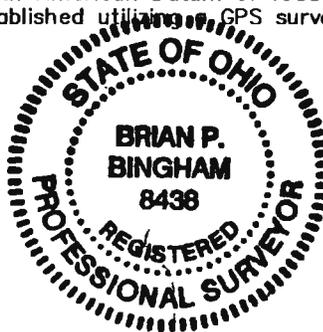


Point of Beginning

Point of Reference

PID: 273-008329  
 MARIA M. CIOTOLA, TRUSTEE OF THE MARIA M. CIOTOLA TRUST DATED MAY 20, 2010  
 INST. NO. 201005210063158  
 LOT 4  
 MEADOWLAND HEIGHTS NO. 1  
 P.B. 27 PG 60

The bearings described herein are based on the bearing of North 02 degrees 31 minutes 35 seconds West for the west right-of-way line of Sawmill Road, said bearing is measured from Grid North, as referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment), as established utilizing GPS survey and NGS OPUS solution.



This easement exhibit was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438, and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

*Brian P. Bingham*  
 Brian P. Bingham  
 Registered Professional Surveyor No. 8438

*5/22/2014*  
 Date

## PROPOSED OPEN SPACE EASEMENT

AMERICAN  
**STRUCTUREPOINT**  
 INC.

2550 CORPORATE EXCHANGE DRIVE  
 SUITE 300  
 COLUMBUS, OHIO 43231  
 TEL 614.901.2235 FAX 614.901.2236  
 www.structurepoint.com

DATE: 05/22/2014  
 DRAWN BY: BPB  
 JOB NO. 2013.01025

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PLOT SCALE: 1:1 EDIT DATE: 5/22/14 - 3:25 PM EDITED BY: BBINGHAM DRAWING FILE: O:\2013\01025\DRAWINGS\SURVEY\2013.01025.SV.2013-06-17.PROPERTY LINES.DWG