



City of Dublin

Office of the City Manager

5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council

From: Dana L. McDaniel, City Manager 

Date: August 4, 2016

Initiated By: Jennifer D. Readler, Law Director
Philip K. Hartmann, Assistant Law Director

Re: ORDINANCE 27-16 - AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY SETTLEMENT AND CONVEYANCE DOCUMENTS TO ACQUIRE A 0.206 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.122 ACRE, MORE OR LESS, PERMANENT EASEMENT; A 0.099 ACRE, MORE OR LESS, PERMANENT EASEMENT; AND A 0.101 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM PEWAMO, LTD., FOR THE PROPERTY LOCATED ALONG STATE ROUTE 161 FOR THE CONSTRUCTION AND EXTENSION OF INDUSTRIAL PARKWAY FOR THE ACADEMIC DRIVE PHASE 1 PROJECT.

BACKGROUND

The City of Dublin (the "City") constructed a roadway, extending Industrial Parkway to the south from the roundabout at Industrial Parkway and State Route 161, for the Academic Drive Phase 1 project (the "Project").

The City initiated a quick-take eminent domain action against Pewamo, LTD. (predecessor in interest of Duroc Trust, the current owner) (the "Property Owner") to obtain immediate access and possession of the property for construction of the Project.

The City took possession of a fee simple interest, two permanent easements, and one temporary easement in order to construct the roadway. This property is located south of the Industrial Parkway/SR 161 roundabout. The northern portion of the property is located in Union County, identified as Union County Parcel No. 16-0001001.0000. The City desires one fee simple interest, one permanent easement, and one temporary easement from this parcel. The southern portion of the property is located in Franklin County, identified as Franklin County Parcel No. 274-000010. The City desires one permanent easement from this parcel. Aerial photos depicting the property interests taken as well as the newly-constructed roadway are attached to this memorandum.

The City has reached an amicable agreement with the Property Owner to purchase the property interests for an amount above the City's appraised value of \$59,875. The City obtained an appraisal of the property interests from professional real estate appraiser Robert J. Weiler, MAI, CRE. Pursuant to Mr. Weiler's appraisal report, the property interests were valued at \$59,875. This was based on a land valuation of \$200,000/acre for the property interests located in Union County and a land valuation of \$90,000/acre for the permanent easement located in Franklin County.

The Property Owner also obtained an appraisal report from Debi Wilcox, MAI, CCIM. Ms. Wilcox valued the compensation due to the Property Owner for the property interests taken to be

\$1,559,895. This was based on a land valuation of \$350,000/acre for the fee simple interest and two permanent easements; \$325,000/acre for the temporary easement; and an assessment of residual damage to the property valued at \$1,428,337.

After the mediation, the City came to an amicable agreement with the Property Owner to pay \$227,000 to settle the dispute of compensation. The parties also agreed to provide the Property Owner with a full-movement access point to the residual property at a mutually agreeable position when the remainder of the property is developed.

ACQUISITION

Under this recommended settlement arrangement, the City will be acquiring only the necessary property interests.

RECOMMENDATION

Staff recommends approval of Ordinance No. 27-16 at the second reading/public hearing on August 22, 2016.

RECORD OF ORDINANCES

Ordinance No. 27-16

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY SETTLEMENT AND CONVEYANCE DOCUMENTS TO ACQUIRE A 0.206 ACRE, MORE OR LESS, FEE SIMPLE INTEREST; A 0.122 ACRE, MORE OR LESS, PERMANENT EASEMENT; A 0.099 ACRE, MORE OR LESS, PERMANENT EASEMENT; AND A 0.101 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM PEWAMO, LTD., FOR THE PROPERTY LOCATED ALONG STATE ROUTE 161 FOR THE CONSTRUCTION AND EXTENSION OF INDUSTRIAL PARKWAY FOR THE ACADEMIC DRIVE PHASE 1 PROJECT.

WHEREAS, the City of Dublin (the "City") constructed roadway improvements to extend Industrial Parkway to the south, for the Academic Drive Phase 1 project (the "Project"); and

WHEREAS, the Property is currently owned by Duroc Trust, which is the successor in interest of Pewamo, Ltd. (the "Property Owner"); and

WHEREAS, the City initiated a quick-take eminent domain proceeding against Pewamo, Ltd. by filing a Petition for Appropriation in Franklin County captioned *City of Dublin v. Pewamo, Ltd., et al.*, Case No. 14 CV 009697, to obtain immediate possession of the property to construct the Project; and

WHEREAS, the City and the Property Owner engaged in mediation to resolve their disagreement in compensation due to the Property Owner; and

WHEREAS, after engaging in amicable discussions and mediation, the City has come to an agreement with the Property Owner to acquire the property interests; and

WHEREAS, the City desires to execute the necessary settlement agreement and conveyance documents to complete the transaction.

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 the Settlement Agreement, a copy of which is attached hereto and incorporated herein as Exhibit "B," and all necessary conveyance documents to acquire the 0.206-acre fee simple interest; the 0.122-acre permanent easement; the 0.099-acre permanent easement; and the 0.101-acre temporary easement as described and depicted in the Exhibits labeled "A," all attached hereto.

Section 2. This Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 3. This Ordinance shall take effect in accordance with 4.04(b) of the Dublin Revised Charter.

Passed this _____ day of _____, 2016.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

EXHIBIT A

EXHIBIT A

Ver. Date: 06/25/2014

Page 1 of 2

PARCEL 1-WD ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN THE FOLLOWING DESCRIBED PROPERTY WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

Situated in the State of Ohio, County of Union, City of Dublin, Township of Washington (of Franklin County), Virginia Military Survey Number 6748, being a part of a 4.563 acre tract in the name of Pewamo, Ltd., a Limited Liability Company (the grantor), as recorded in Official Record 579, Page 727, all references being to those of record in the Recorder's Office, Union County, Ohio, and being more particular described as follows:

Commencing, for reference, at a railroad spike (found) where the centerline of Eiterman Road intersects the Franklin/Union County Line;

Thence, leaving said centerline along the Franklin/Union County Line, North 88 degrees 04 minutes 58 seconds West, a distance of 1606.91 feet to a point on the grantor's easterly property line, said point being on the westerly line of a 14.004 acre tract in the name of Ohio University, an Instrumentality of the State of Ohio, as recorded in Official Record 973, Page 13;

Thence, along said property line, North 04 degrees 37 minutes 50 seconds West, a distance of 94.25 feet, to an iron pin (set), and being **The Point of Beginning** of the parcel herein described:

Thence, leaving said property line, through the grantor's tract, northwesterly, an arc distance of 165.49 feet, along the arc of a curve deflecting to the left, having a central angle of 26 degrees 20 minutes 18 seconds, a radius of 360.00 feet, and a chord that bears North 17 degrees 47 minutes 59 seconds West, a distance of 164.04 feet to an iron pin (set);

Thence, continuing through the grantor's tract, North 30 degrees 58 minutes 08 seconds West, a distance of 110.85 feet to an iron pin (set) on the southerly existing right of way line of State Route 161, and the southerly line of a 2.965 acre tract in the name of the City of Dublin, as recorded in Official Record 872, Page 66;

Thence, along said right of way line, North 72 degrees 02 minutes 56 seconds East, a distance of 88.95 feet to a magnail (set) on the grantor's easterly property line and the westerly property line of said Ohio University tract;

Thence, along said property line, South 04 degrees 37 minutes 50 seconds East, a distance of 279.56 feet to **The Point of Beginning** and containing 0.206 acres, more or less.

The bearings in the above description are based on grid north, on the state plane coordinate system, NAD83, CORS96, Ohio South Zone, established by using the Ohio Department of Transportation's Virtual Reference System (VRS) of a global positioning system (GPS) survey.

All iron pins set are 5/8"x30" rebar, capped with a yellow id stamped "Mullaney P.S. 7900".

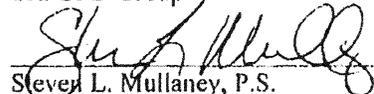
All references being to those of record in the Recorder's Office, Union County, Ohio.

Subject to any and all easements, rights of way, conditions and restrictions of record, all legal highways, zoning ordinances, rules and regulations.

This description was prepared based on an actual field survey by GPD Group dba Glaus, Pyle, Schomer, Burns, & DeHaven, Inc. performed under the direct supervision of Steven L. Mullaney, Registered Surveyor #7900, in March, 2014.



Glaus, Pyle, Schomer, Burns, & DeHaven, Inc.
dba GPD Group

 6/25/2014
Steven L. Mullaney, P.S.
Professional Surveyor No. 7900

June 25, 2014
O:\2014\2014085\01 Academic Drive - Phase II\ROW\legals\01-WD.docx

GPD Group
Glaus, Pyle, Schomer, Burns, &
DeHaven, Inc.

1801 Watermark Drive, Suite 150
Columbus, Ohio 43215
Phone: 614-210-0751 / Fax: 614-210-0752

APPROVAL STAMP

Regulation Approved OK
City Approved OK
Flood Prone Area OK
Closure OK
Initial MLK Date 6-26-14

Pre-approval of description
does not include the
Planning Commission lot split
approval, zoning, Health
Department, or any other
approvals needed for transfer

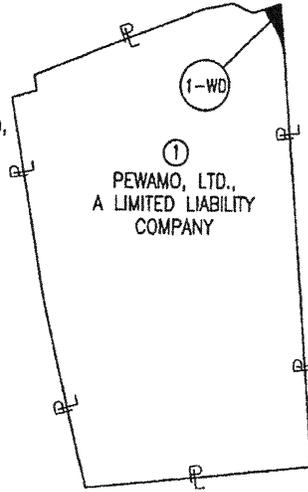


1901 Watermark Drive, Suite 150
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614.210.0751 Fax 614.210.0725

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**EXHIBIT B
PARCEL 1-WD
ACADEMIC DRIVE PHASE 1**

WASHINGTON TOWNSHIP (OF FRANKLIN COUNTY),
V.M.S. 6748, CITY OF DUBLIN,
UNION COUNTY, OHIO



CITY OF DUBLIN
(64-WD)
16-0001001.1000
2.965 ACRES
O.R. 872, PG. 66

CITY OF DUBLIN, OHIO, AN OHIO
MUNICIPAL CORPORATION
(67-WD)
39-0001014.0030
0.609 ACRES
O.R. 769, PG. 599

①
PEWAMO, LTD.,
A LIMITED LIABILITY COMPANY
16-0001001.0000
4.563 ACRES
O.R. 579, PG. 727

②
OHIO UNIVERSITY, AN
INSTRUMENTALITY OF THE
STATE OF OHIO
39-0001003.0000
14.004 ACRES
O.R. 973, PG. 13

0.206 ACRES

C1
Δ = 26°20'18" LT.
R = 360.00'
L = 165.49'
Ch Brg = N 17°47'59" W
Ch = 164.04'

FEMA FLOOD ZONE "X"
MAP #39049C
PANEL 0131K
JUNE 17, 2008

UNION COUNTY
FRANKLIN COUNTY

N 88°04'58" W
1606.91'



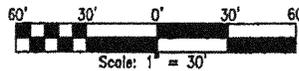
Steven L. Mullaney 6/25/2014
STEVEN L. MULLANEY, P.S. 7900 DATE

LEGEND:

- △ RAILROAD SPIKE FOUND
- I.P.S. 5/8" REBAR WITH CAP STAMPED "MULLANEY P.S. 7900"
- M.N.S. MAGNAIL SET

BASIS OF BEARINGS:

THE BEARINGS FOR THIS SURVEY ARE BASED ON GRID NORTH, ON THE STATE PLANE COORDINATE SYSTEM, NAD83, CORS96, OHIO SOUTH ZONE, ESTABLISHED BY USING THE O.D.O.T. VIRTUAL REFERENCE SYSTEM (VRS) OF A GLOBAL POSITIONING SYSTEM (GPS) SURVEY.



ETERMAN RD

P.O.C.

P.O.B.

I.P.S.

C1

①-WD

①-WD

①-WD

①

PEWAMO, LTD.,
A LIMITED LIABILITY
COMPANY

M.N.S.

Ex R/W

Ex R/W

Ex R/W

88.95'
N 72°02'56" E

N 30°38'08" W 110.85'

279.56'

S 04°37'50" E

94.25'

N 04°37'50" W

1606.91'

N 88°04'58" W

1606.91'

N 17°47'59" W

164.04'

165.49'

360.00'

26°20'18" LT.

EXHIBIT A

Ver. Date: 06/27/2014

Page 1 of 2

**PARCEL 1-P1
DESCRIPTION OF A PERMANENT EASEMENT
FOR UTILITIES, DRAINAGE AND GRADING**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

Situated in the State of Ohio, County of Union, City of Dublin, Township of Washington (of Franklin County), Virginia Military Survey Number 6748, being a part of a 4.563 acre tract in the name of Pewamo, Ltd., a Limited Liability Company (the grantor), as recorded in Official Record 579, Page 727, all references being to those of record in the Recorder's Office, Union County, Ohio, and being more particular described as follows:

Commencing, for reference, at a railroad spike (found) where the centerline of Eiterman Road intersects the Franklin/Union County Line;

Thence, leaving said centerline along the Franklin/Union County Line, North 88 degrees 04 minutes 58 seconds West, a distance of 1606.91 feet to a point on the grantor's easterly property line, said point being on the westerly line of a 14.004 acre tract in the name of Ohio University, an Instrumentality of the State of Ohio, as recorded in Official Record 973, Page 13, and being **The Point of Beginning** of the easement herein described:

Thence, continuing along the Franklin/Union County Line, North 88 degrees 04 minutes 58 seconds West, a distance of 10.07 feet to a point;

Thence, leaving the Franklin/Union County Line, through the grantor's tract, for the following five (5) calls:

1. North 04 degrees 37 minutes 50 seconds West, a distance of 93.10 feet, to a point;
2. Northwesterly, an arc distance of 160.89 feet, along the arc of a curve deflecting to the left, having a central angle of 26 degrees 20 minutes 18 seconds, a radius of 350.00 feet, and a chord that bears North 17 degrees 47 minutes 59 seconds West, a distance of 159.48 feet, to a point;
3. North 30 degrees 58 minutes 08 seconds West, a distance of 86.59 feet, to a point;
4. South 72 degrees 02 minutes 56 seconds West, a distance of 77.10 feet, to a point;
5. North 24 degrees 19 minutes 21 seconds East, a distance of 35.00 feet, to the southerly existing right of way of State Route 161, and the southerly property line of a 2.965 acre tract in the name of the City of Dublin, as recorded in Official Record 872, Page 66;

Thence, along said right of way line, North 72 degrees 02 minutes 56 seconds East, a distance of 57.84 feet to a point;

Thence, leaving said right of way line, through the grantor's tract, South 30 degrees 58 minutes 08

seconds East, a distance of 110.85 feet, to a point;

Thence, continuing through the grantor's tract, southeasterly, an arc distance of 165.49 feet, along the arc of a curve deflecting to the right, having a central angle of 26 degrees 20 minutes 18 seconds, a radius of 360.00 feet, and a chord that bears South 17 degrees 47 minutes 59 seconds East, for a distance of 164.04 feet, to a point on the grantor's easterly property line and the westerly property line of a 14.004 acre tract in the name of Ohio University, an Instrumentality of the State of Ohio, as recorded in Official Record 973, Page 13;

Thence, along said property line, South 04 degrees 37 minutes 50 seconds East, a distance of 94.25 feet to **The Point of Beginning** and containing 0.122 acres, more or less.

The bearings in the above description are based on grid north, on the state plane coordinate system, NAD83, CORS96, Ohio South Zone, established by using the Ohio Department of Transportation's Virtual Reference System (VRS) of a global positioning system (GPS) survey.

All references being to those of record in the Recorder's Office, Union County, Ohio.

Subject to any and all easements, rights of way, conditions and restrictions of record, all legal highways, zoning ordinances, rules and regulations.

This description was prepared based on an actual field survey by GPD Group dba Glaus, Pyle, Schomer, Burns, & DeHaven, Inc. performed under the direct supervision of Steven L. Mullaney, Registered Surveyor #7900, in March, 2014.



Glaus, Pyle, Schomer, Burns, & DeHaven, Inc.
dba GPD Group

Steven L. Mullaney 6/27/2014
Steven L. Mullaney, P.S.
Professional Surveyor No. 7900

June 27, 2014
O:\2014\2014085\01 Academic Drive - Phase 1\ROW\legals\01-PI.docx

GPD Group
Glaus, Pyle, Schomer, Burns, &
DeHaven, Inc.

1801 Watermark Drive, Suite 150
Columbus, Ohio 43215
Phone: 614-210-0751 / Fax: 614-210-0752

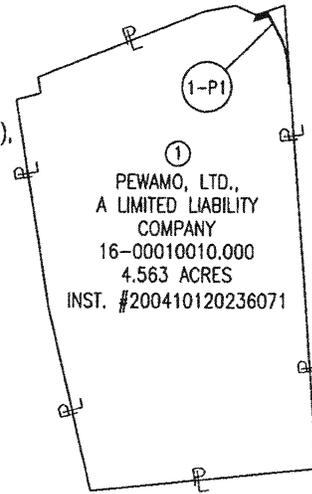


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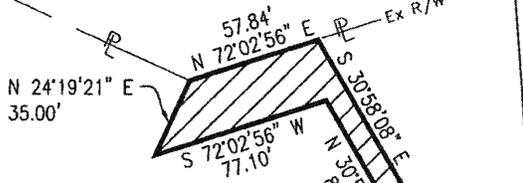
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**EXHIBIT B
PARCEL 1-P1
ACADEMIC DRIVE PHASE 1**

WASHINGTON TOWNSHIP (OF FRANKLIN COUNTY),
V.M.S. 6748, CITY OF DUBLIN,
UNION COUNTY, OHIO



CITY OF DUBLIN
(64-WD)
16-0001001.1000
2.965 ACRES
O.R. 872, PG. 66



CITY OF DUBLIN, OHIO, AN OHIO
MUNICIPAL CORPORATION
(67-WD)
39-0001014.0030
0.609 ACRES
O.R. 769, PG. 599

0.122 ACRES

①
PEWAMO, LTD.,
A LIMITED LIABILITY COMPANY
16-0001001.0000
4.563 ACRES
O.R. 579, PG. 727

C1
Δ = 26°20'18" LT.
R = 350.00'
L = 160.89'
Ch Brg = N 17°47'59" W
Ch = 159.48'

②
OHIO UNIVERSITY, AN
INSTRUMENTALITY OF THE
STATE OF OHIO
39-0001003.0000
14.004 ACRES
O.R. 973, PG. 13

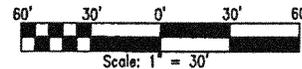
C2
Δ = 26°20'18" RT.
R = 360.00'
L = 165.49'
Ch Brg = S 17°47'59" E
Ch = 164.04'

FEMA FLOOD ZONE "X"
MAP #39049C
PANEL 0131K
JUNE 17, 2008



①
PEWAMO, LTD.,
A LIMITED LIABILITY COMPANY
274-000010-00
54.247 ACRES
INST. 200410120236071

②
OHIO UNIVERSITY, AN
INSTRUMENTALITY OF THE
STATE OF OHIO
273-011342-00
32.172 ACRES
INST. 201207030095114



BASIS OF BEARINGS:
THE BEARINGS FOR THIS SURVEY ARE BASED ON GRID
NORTH, ON THE STATE PLANE COORDINATE SYSTEM,
NAD83, CORS96, OHIO SOUTH ZONE, ESTABLISHED BY
USING THE O.D.O.T. VIRTUAL REFERENCE SYSTEM (VRS)
OF A GLOBAL POSITIONING SYSTEM (GPS) SURVEY.

STEVEN L. MULLANEY, P.S. 7900 DATE

LEGEND:

△ RAILROAD SPIKE FOUND

EXHIBIT A

Ver. Date: 06/03/2014

Page 1 of 2

**PARCEL 1-P2
DESCRIPTION OF A PERMANENT EASEMENT
FOR UTILITIES, DRAINAGE AND GRADING**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

Situated in the State of Ohio, County of Franklin, City of Dublin, Virginia Military Survey Number 6748, being a part of a 54.247 acre tract in the name of Pewamo, Ltd., a Limited Liability Company (the grantor), as recorded in Instrument Number 200410120236071, all references being to those of record in the Recorder's Office, Franklin County, Ohio, and being more particular described as follows:

Commencing, for reference, at a railroad spike (found) where the centerline of Eiterman Road intersects the Franklin/Union County Line;

Thence, leaving said centerline along the Franklin/Union County Line, North 88 degrees 04 minutes 58 seconds West, a distance of 1606.91 feet to a point on the grantor's easterly property line, said point being on the westerly line of a 32.172 acre tract in the name of Ohio University, an Instrumentality of the State of Ohio, as recorded in Instrument Number 201207030095114, and being **The Point of Beginning** of the easement herein described:

Thence, leaving the Franklin/Union County Line along said property line, South 04 degrees 37 minutes 50 seconds East, a distance of 483.83 feet to a point;

Thence, leaving said property line, through the grantor's tract, northwesterly, an arc distance of 158.85 feet, along the arc of a curve deflecting to the right, having a central angle of 07 degrees 13 minutes 24 seconds, a radius of 1260.00 feet, and a chord that bears North 08 degrees 14 minutes 32 seconds West, a distance of 158.75 feet to a point;

Thence, continuing through the grantor's tract, North 04 degrees 37 minutes 50 seconds West, a distance of 326.55 feet, to a point on the Franklin/Union County Line;

Thence, along the Franklin/Union County Line, South 88 degrees 04 minutes 58 seconds East, a distance of 10.07 feet to **The Point of Beginning** and containing 0.099 acres, more or less.

The bearings in the above description are based the bearing between Franklin County Monuments "WE130" & "FRANK72" being South 84 degrees 36 minutes 52 seconds East, as measured on the state plane coordinate system, NAD83, CORS96, Ohio South Zone, established by using the Ohio Department of Transportation's Virtual Reference System (VRS) of a global positioning system (GPS) survey.

Page 1 of 2

All references being to those of record in the Recorder's Office, Franklin County, Ohio.

Subject to any and all easements, rights of way, conditions and restrictions of record, all legal highways, zoning ordinances, rules and regulations.

This description was prepared based on an actual field survey by GPD Group dba Glaus, Pyle, Schomer, Burns, & DeHaven, Inc. performed under the direct supervision of Steven L. Mullaney, Registered Surveyor #7900, in March, 2014.



Glaus, Pyle, Schomer, Burns, & DeHaven, Inc.
dba GPD Group

Steven L. Mullaney 6/3/2014
Steven L. Mullaney, P.S.
Professional Surveyor No. 7900

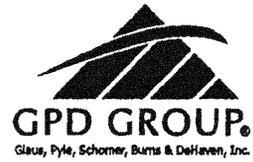
June 3, 2014

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GPD Group
Glaus, Pyle, Schomer, Burns, &
DeHaven, Inc.

1801 Watermark Drive, Suite 150
Columbus, Ohio 43215
Phone: 614-210-0751 / Fax: 614-210-0752

EXHIBIT B
 PARCEL 1-P2
 ACADEMIC DRIVE PHASE 1



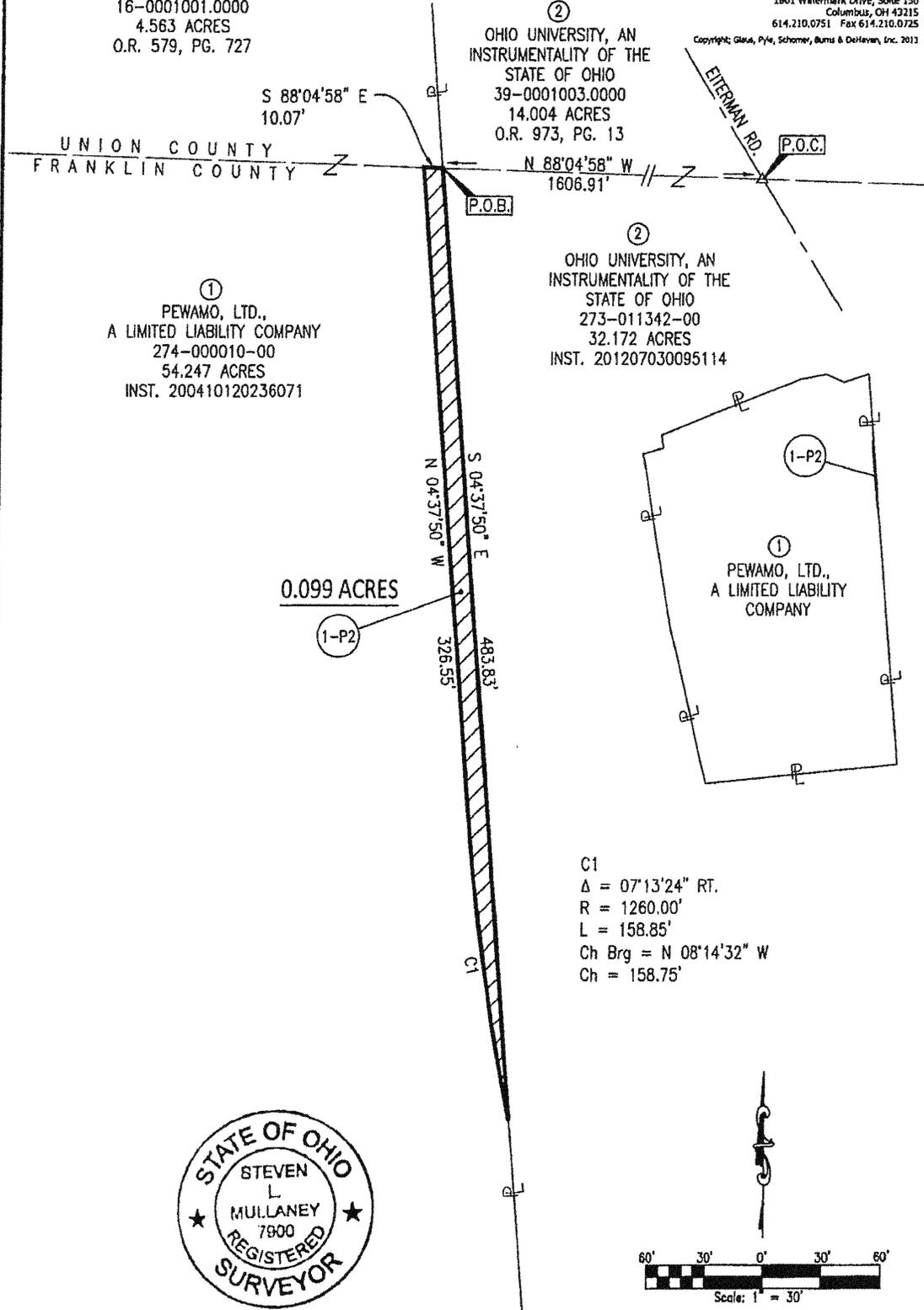
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 614.210.0751 Fax 614.210.0725

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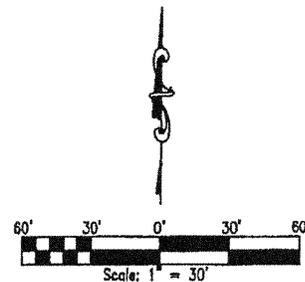
①
 PEWAMO, LTD.,
 A LIMITED LIABILITY COMPANY
 16-0001001.0000
 4.563 ACRES
 O.R. 579, PG. 727

V.M.S. 6748,
 CITY OF DUBLIN, FRANKLIN COUNTY, OHIO

②
 OHIO UNIVERSITY, AN
 INSTRUMENTALITY OF THE
 STATE OF OHIO
 39-0001003.0000
 14.004 ACRES
 O.R. 973, PG. 13



C1
 $\Delta = 07^{\circ}13'24''$ RT.
 $R = 1260.00'$
 $L = 158.85'$
 $Ch\ Brg = N\ 08^{\circ}14'32''\ W$
 $Ch = 158.75'$



Steven L. Mullaney 6/3/2014
 STEVEN L. MULLANEY, P.S. 7900 DATE

LEGEND:

△ RAILROAD SPIKE FOUND

BASIS OF BEARINGS:
 THE BEARINGS FOR THIS SURVEY ARE BASED ON THE BEARING BETWEEN
 FRANKLIN COUNTY MONUMENTS "WE130" & "FRANK72" BEING S 84°36'52" E,
 AS MEASURED ON THE STATE PLANE COORDINATE SYSTEM, NAD83, CORS96,
 OHIO SOUTH ZONE, ESTABLISHED BY USING THE O.D.O.T. VIRTUAL REFERENCE
 SYSTEM (VRS) OF A GLOBAL POSITIONING SYSTEM (GPS) SURVEY.

EXHIBIT A

Ver. Date: 07/03/2014

Page 1 of 2

**PARCEL 1-T
DESCRIPTION OF A TEMPORARY EASEMENT
FOR CONSTRUCTION AND GRADING**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

Situated in the State of Ohio, County of Union, City of Dublin, Township of Washington (of Franklin County), Virginia Military Survey Number 6748, being a part of a 4.563 acre tract in the name of Pewamo, Ltd., a Limited Liability Company (the grantor), as recorded in Official Record 579, Page 727, all references being to those of record in the Recorder's Office, Union County, Ohio, and being more particular described as follows:

Commencing, for reference, at a railroad spike (found) where the centerline of Eiterman Road intersects the Franklin/Union County Line;

Thence, leaving said centerline along the Franklin/Union County Line, North 88 degrees 04 minutes 58 seconds West, a distance of 1616.98 feet to a point;

Thence, leaving the Franklin/Union County Line, North 04 degrees 37 minutes 50 seconds West, a distance of 93.10 feet to **The Point of Beginning** of the easement herein described:

Thence, North 25 degrees 54 minutes 29 seconds West, a distance of 246.21 feet, to a point;

Thence, North 72 degrees 02 minutes 56 seconds East, a distance of 15.00 feet, to a point;

Thence, South 30 degrees 58 minutes 08 seconds East, a distance of 86.59 feet, to a point;

Thence, southeasterly, an arc distance of 160.89 feet, along the arc of a curve deflecting to the right, having a central angle of 26 degrees 20 minutes 18 seconds, a radius of 350.00 feet, and a chord that bears South 17 degrees 47 minutes 59 seconds East, a distance of 159.48 feet, to **The Point of Beginning** and containing 0.101 acres, more or less.

The bearings in the above description are based on grid north, on the state plane coordinate system, NAD83, CORS96, Ohio South Zone, established by using the Ohio Department of Transportation's Virtual Reference System (VRS) of a global positioning system (GPS) survey.

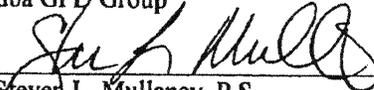
All references being to those of record in the Recorder's Office, Union County, Ohio.

Subject to any and all easements, rights of way, conditions and restrictions of record, all legal highways, zoning ordinances, rules and regulations.

This description was prepared based on an actual field survey by GPD Group dba Glaus, Pyle, Schomer, Burns, & DeHaven, Inc. performed under the direct supervision of Steven L. Mullaney, Registered Surveyor #7900, in March, 2014.



Glaus, Pyle, Schomer, Burns, & DeHaven, Inc.
dba GPD Group

 7/3/2014
Steven L. Mullaney, P.S.
Professional Surveyor No. 7900

July 3, 2014

O:\2014\2014085\01 Academic Drive - Phase 1\ROW\legals\01-T.docx

GPD Group
Glaus, Pyle, Schomer, Burns, &
DeHaven, Inc.

1801 Watermark Drive, Suite 150
Columbus, Ohio 43215
Phone: 614-210-0751 / Fax: 614-210-0752



GPD GROUP.

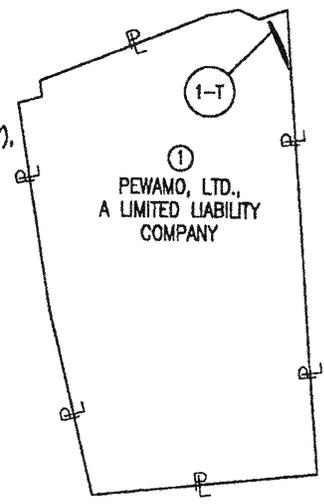
Glaus, Pyle, Schomer, Burns & DeHaven, Inc.

1801 Watermark Drive, Suite 150
Columbus, OH 43215
614.210.0751 Fax 614.210.0725

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EXHIBIT B PARCEL 1-T ACADEMIC DRIVE PHASE 1

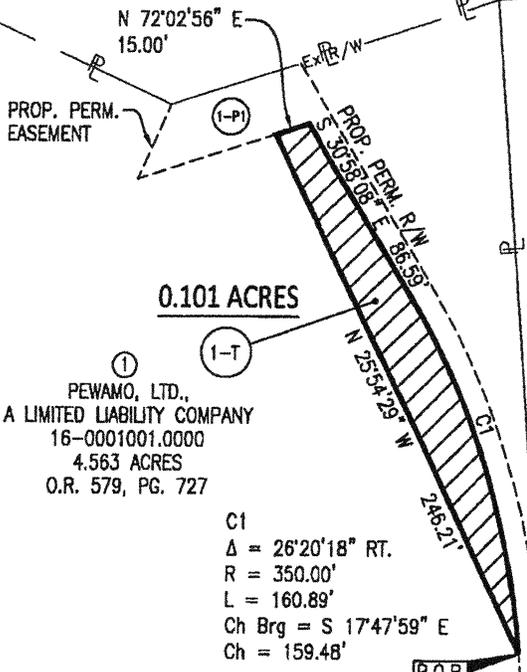
WASHINGTON TOWNSHIP (OF FRANKLIN COUNTY),
V.M.S. 8748, CITY OF DUBLIN,
UNION COUNTY, OHIO



1
PEWAMO, LTD.,
A LIMITED LIABILITY COMPANY

CITY OF DUBLIN
(64-WD)
16-0001001.1000
2.965 ACRES
O.R. 872, PG. 66

CITY OF DUBLIN, OHIO, AN OHIO
MUNICIPAL CORPORATION
(67-WD)
39-0001014.0030
0.609 ACRES
O.R. 769, PG. 599



PROP. PERM. EASEMENT

N 72°02'56" E
15.00'

0.101 ACRES

1
PEWAMO, LTD.,
A LIMITED LIABILITY COMPANY
16-0001001.0000
4.563 ACRES
O.R. 579, PG. 727

C1
Δ = 26°20'18" RT.
R = 350.00'
L = 160.89'
Ch Brg = S 17°47'59" E
Ch = 159.48'

FEMA FLOOD ZONE "X"
MAP #39049C
PANEL 0131K
JUNE 17, 2008

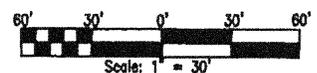
PROP. PERM. EASEMENT

2
OHIO UNIVERSITY, AN
INSTRUMENTALITY OF THE
STATE OF OHIO
39-0001003.0000
14.004 ACRES
O.R. 973, PG. 13



1
PEWAMO, LTD.,
A LIMITED LIABILITY COMPANY
274-000010-00
54.247 ACRES
INST. 200410120236071

2
OHIO UNIVERSITY, AN
INSTRUMENTALITY OF THE
STATE OF OHIO
273-011342-00
32.172 ACRES
INST. 201207030095114



Scale: 1" = 30'

BASIS OF BEARINGS:
THE BEARINGS FOR THIS SURVEY ARE BASED ON GRID NORTH, ON THE STATE PLANE COORDINATE SYSTEM, NAD83, CORS96, OHIO SOUTH ZONE, ESTABLISHED BY USING THE O.D.O.T. VIRTUAL REFERENCE SYSTEM (VRS) OF A GLOBAL POSITIONING SYSTEM (GPS) SURVEY.

Steven L. Mullaney 7/3/2014
STEVEN L. MULLANEY, P.S. 7900 DATE

LEGEND:
Δ RAILROAD SPIKE FOUND

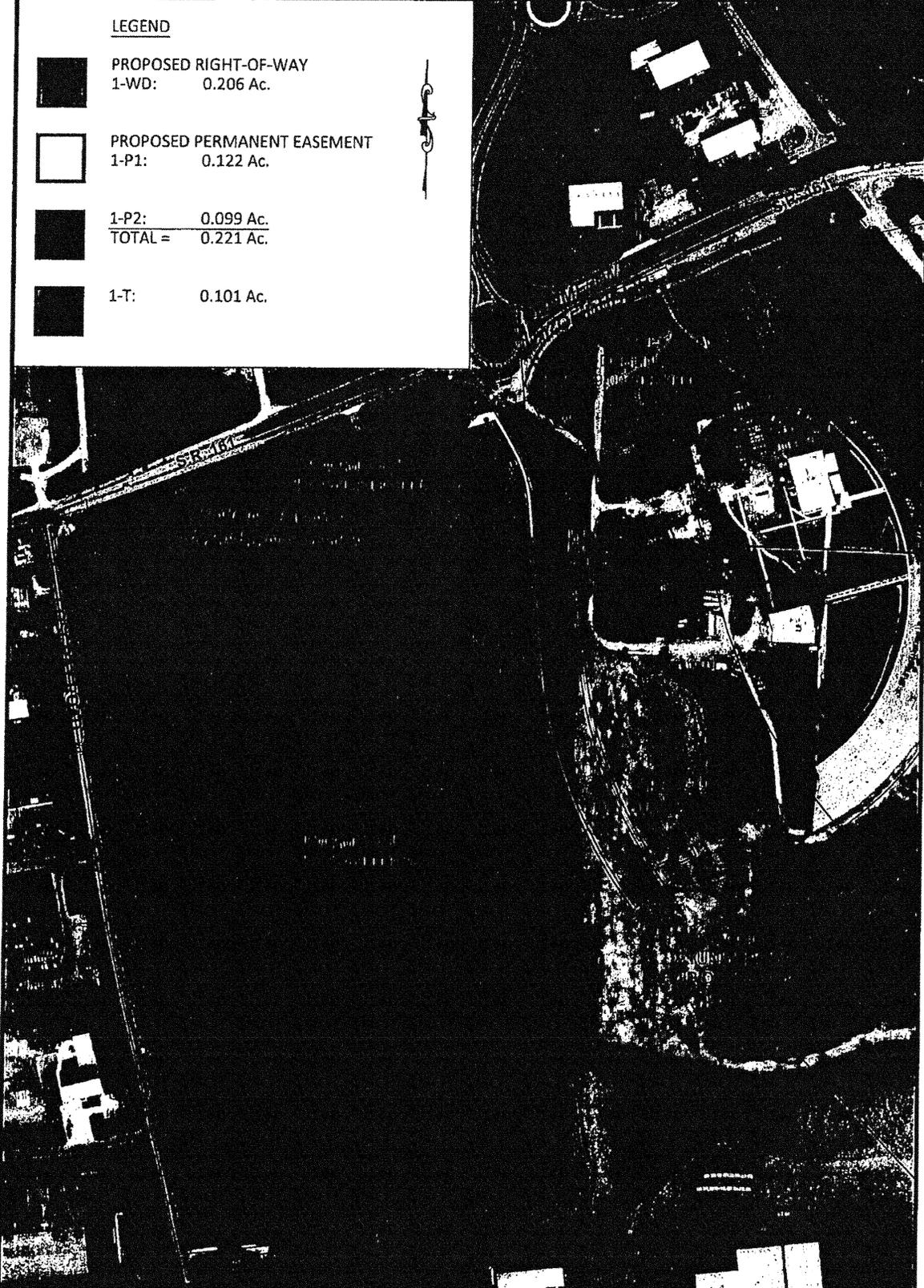


5800 Shier-Rings Road, Dublin, Ohio 43016-1238
Phone (614)410-4600 Fax (614)761-6608

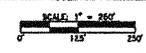
ATTACHMENT A
ACADEMIC DRIVE
PHASE 1
PEWAMO, LTD.
DUBLIN, OHIO 43017

LEGEND

-  PROPOSED RIGHT-OF-WAY
1-WD: 0.206 Ac.
-  PROPOSED PERMANENT EASEMENT
1-P1: 0.122 Ac.
-  1-P2: 0.099 Ac.
 TOTAL = 0.221 Ac.
-  1-T: 0.101 Ac.



DRAWN	CHECKED	DATE:	JOB NO.
MSS		08/20/14	14-009



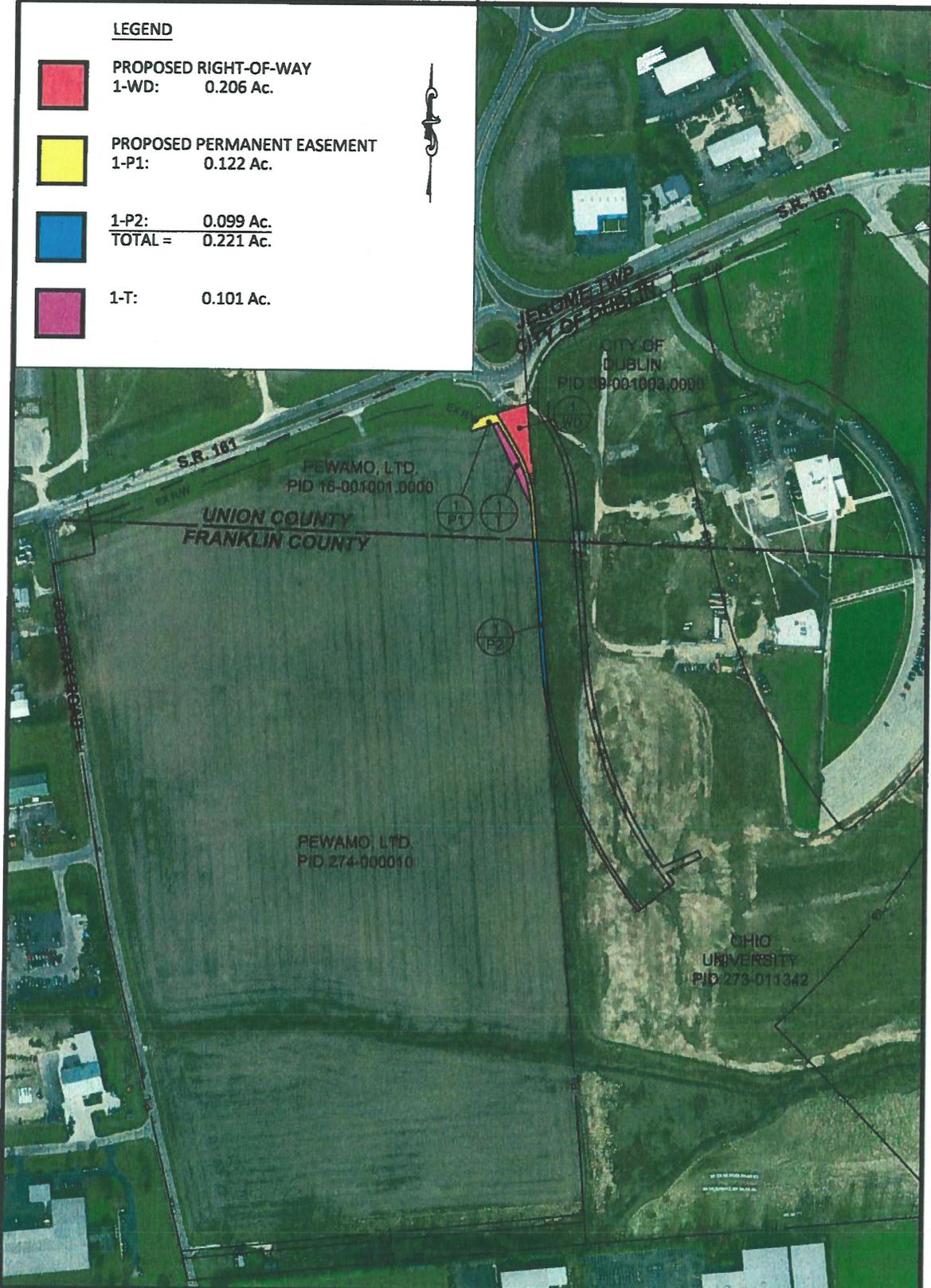


5800 Shier-Rings Road, Dublin, Ohio 43016-1238
 Phone (614)410-4800 Fax (614)761-8508

ATTACHMENT A
ACADEMIC DRIVE
PHASE 1
PEWAMO, LTD.
DUBLIN, OHIO 43017

LEGEND

- PROPOSED RIGHT-OF-WAY
 1-WD: 0.206 Ac.
- PROPOSED PERMANENT EASEMENT
 1-P1: 0.122 Ac.
- 1-P2: 0.099 Ac.
 TOTAL = 0.221 Ac.
- 1-T: 0.101 Ac.



DRAWN	CHECKED	DATE:	JOB NO.
MSS		08/20/14	14-009



SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS

This Settlement Agreement and Release of All Claims (“Agreement”) is entered into by and between the City of Dublin, Ohio, by and through its City Council (“Dublin”) and Duroc Trust (“Duroc”) (collectively, the “Parties”);

WHEREAS, Dublin initiated an appropriation action against Duroc’s predecessor in interest, Pewamo, Ltd. by filing a Petition to Appropriate and Fix Compensation on September 19, 2014 (the “Petition”) captioned as City of Dublin v. Pewamo, Ltd. et al., Case No. 14 CV 009697, pending in the Court of Common Pleas for Franklin County, Ohio (the “Appropriation Action”); and

WHEREAS, Dublin seeks to appropriate real property owned by Duroc (the “Property”) as legally described in Exhibit D to the Petition which is incorporated by reference as if fully rewritten herein, for the purpose of constructing and/or maintaining Academic Drive Phase I, a roadway open to the public free of charge (the “Project”); and

WHEREAS, after Dublin’s appropriation and Project, Duroc will own approximately 58.604 acres of property adjacent to the newly constructed Academic Drive Phase I (the “Remainder Property”); and

WHEREAS, Dublin has placed on deposit with the Clerk of Courts the amount of Fifty Nine Thousand Eight Hundred Seventy Five Dollars and Zero Cents (\$59,875.00) (the “Deposit Amount”) for compensation to Duroc for the Property and for damage to the residue; and

WHEREAS, Duroc disputes that the Deposit Amount is just compensation for the appropriation of the Property and for severance damages; and

WHEREAS, Dublin and Duroc have reached agreement as to monetary and non-monetary compensation to Duroc for appropriation of the Property and for severance damages and as to all other claims and defenses of the Parties that may or could have been raised in the Appropriation Action; and

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein, Dublin and Duroc hereby agree as follows:

1. Dublin agrees to pay Duroc the total sum of Two Hundred Twenty Seven Thousand Dollars and Zero Cents (\$227,000.00) (the "Settlement Sum") which shall consist of the Deposit Amount and an additional payment by Dublin to Duroc of One Hundred Sixty Seven Thousand One Hundred and Twenty Five Dollars and Zero Cents (\$167,125.00) which shall be paid on or before the time of filing of a Judgment Entry on Settlement in the Appropriation Action.

2. In addition to the Settlement Sum described above, Dublin agrees to provide Duroc a 36' wide full-movement access point (the "Agreed Access") to and from Duroc's Remainder Property at a mutually agreeable point to be established when the Remainder Property is developed, provided however, that the location of the Agreed Access shall be placed at a point along Academic Drive Phase I, between station 24+50.00 and station 22+00.00 as depicted on the Right of Way Plans and Construction Drawings signed by the City of Dublin Engineer on or about 7/25/2014 and as shown in Exhibit A hereto. The location, width and movement of the Agreed Access shall supersede any specification or requirement now existing or hereinafter imposed by Dublin with respect to access to the Remainder Property, provided however, that Dublin and Duroc may agree to additional access points to the Remainder

Property. Duroc shall not be required to pay any sums to Dublin for any increase in value to the Remainder Property for the Agreed Access.

3. In consideration of the foregoing, Duroc, for itself and its affiliates, subsidiaries, officers, directors, partners, members, owners, shareholders, employees, agents, representatives, parents, predecessors or successors, attorneys, assigns, heirs, executors, and administrators, and any other party who may claim under or through them, does hereby release and forever discharge, Dublin, its affiliates, subsidiaries, officers, directors, partners, members, owners, shareholders, employees, agents, representatives, parents, predecessors or successors, attorneys, assigns, heirs, executors, and administrators, from any and all claims, award, judgment, settlement amount, or any other monetary proceeds of any kind that may or could be obtained through or as a result of the Appropriation Action.

4. Upon approval of this Settlement Agreement through ordinance by Dublin City Council, Dublin and Duroc will submit an Agreed Judgment Entry on Settlement to the Court vesting title in the Property to Dublin.

5. Dublin and Duroc acknowledge that this Agreement represents the compromise of disputed contentions and claims between the Parties concerning the Appropriation Action and shall not be construed as an admission of the truth or falsity of any contentions or claims heretofore asserted.

6. This Agreement constitutes the entire agreement between Dublin and Duroc with respect hereto. There are no other agreements, oral or written, express or implied, between the parties, except this Agreement with respect to the matters set forth herein.

7. Dublin and Duroc represent and acknowledge that the terms of this instrument are contractual and not a mere recital.

8. This Agreement may be executed in separate identical counterparts, each of which shall constitute an original, and all of which shall constitute a single memorandum. It shall not be necessary, in making proof of this Agreement, to produce or account for more than one such counterpart.

9. This Agreement may be amended or altered only by a written document signed by all Parties hereto.

10. No course of dealing among or between Dublin and Duroc, no waiver by any or all of the Parties hereto, and no refusal or neglect of any of the Parties hereto, in exercising any rights hereunder or in enforcing compliance with the terms of this Agreement, shall constitute a waiver of any provision herein unless such power is expressed in writing by the waiving party.

11. Dublin and Duroc represent and warrant that they have been represented by counsel in all matters concerning this Agreement, and that they have been fully advised by their attorney(s) of their rights and obligations in the execution hereof, and that, further, they have read and understood the provisions hereof.

WHEREFORE, Dublin and Duroc enter into this Settlement Agreement and Release of All Claims on the dates set forth below.

