

*MEMORANDUM*

TO: Dublin City Council  
Terry Foegler, City Manager  
Paul A. Hammersmith, PE, Director of Engineering/City Engineer

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

DATE: January 21, 2010

RE: Ordinance No. 05-10 – Acquisition of Property Interests from 970 High Ridge Associates, LLC - Emerald Parkway Improvement Project

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**INTRODUCTION:**

This ordinance authorizes the City Manager of the City of Dublin (the "City") to execute all necessary conveyance documentation, including a general warranty deed, utilities easement, and a temporary construction easement, in order to acquire property interests from 970 High Ridge Associates, LLC ("970 High Ridge"). Acquisition of these property interests is necessary so that the City owns, as right of way, the areas improved by the City in its Emerald Parkway improvement project constructed during the final quarter of 2008.

970 High Ridge is the landowner of land occupied by tenant Verizon Wireless. The subject site is located along the south side of Emerald Parkway and on the north side of the limited access of I-270 between Dublin Road to the east, and Coffman Road to the west.

**PROJECT BACKGROUND:**

The City has already constructed various road and site improvements to Emerald Parkway for the benefit of Cardinal Health, Verizon and the surrounding community. Specifically, the City improved the intersection of Emerald Parkway and Cardinal Place, directly across from the intersection of McDevitt Drive. Again, these improvements were constructed during the final quarter of 2008.

970 High Ridge initially executed a Right of Entry Agreement which allowed the City to enter upon 970 High Ridge's land and construct the improvements. It was presumed that 970 High Ridge would thereafter convey to the City those property interests that the City required as right-of-way. 970 High Ridge is conveying the necessary property interests to the City for the City's appraised amount of forty three thousand three hundred fifty dollars (\$43,350.00).

**DEDICATION SPECIFICS:**

970 High Ridge is dedicating a 0.075 acres, more or less, fee simple interest; a 0.169 acres, more or less, utilities easement; and a 0.191 acres, more or less, temporary construction easement to the City. The maps to the legal descriptions attached to the legislation provide an accurate depiction of those property interests being acquired.

**RECOMMENDATION:**

The Law Department recommends approval of Ordinance No. 05-10 at the second reading/public hearing on February 8, 2010.

# RECORD OF ORDINANCES

Ordinance No. 05-10 Passed \_\_\_\_\_, 20\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTATION TO ACQUIRE A 0.075 ACRES, MORE OR LESS, FEE SIMPLE INTEREST; A 0.169 ACRES, MORE OR LESS, UTILITIES EASEMENT; AND A 0.191 ACRES, MORE OR LESS, TEMPORARY CONSTRUCTION EASEMENT FROM 970 HIGH RIDGE ASSOCIATES, LLC.**

**WHEREAS**, the City of Dublin has constructed road and site improvements on Emerald Parkway; and

**WHEREAS**, said road and site improvements necessitate the conveyance of a 0.075 acres, more or less, fee simple interest; a 0.169 acres, more or less, utilities easement; and a 0.191 acres, more or less, temporary construction easement from 970 High Ridge Associates, LLC to the City of Dublin, these property interests being further described in the attached Exhibit "A", Exhibit "B" and Exhibit "C"; and

**WHEREAS**, the City desires to execute any necessary conveyance documentation to obtain the aforementioned property interests.

**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 all necessary conveyance documentation to acquire a 0.075 acres, more or less, fee simple interest; a 0.169 acres, more or less, utilities easement; and a 0.191 acres, more or less, temporary construction easement in and to the premises described in the attached Exhibit "A", Exhibit "B" and Exhibit "C" from 970 High Ridge Associates, LLC.

Section 2. The landowner shall be compensated in the amount of Forty Three Thousand Three Hundred Fifty Dollars (\$43,350.00) for the acquisition of the aforementioned property interests.

Section 3. This Ordinance shall take effect and be in force on the earliest date permitted by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor - Presiding Officer

ATTEST:

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

**EXHIBIT A**

PARCEL 970 HIGH RIDGE ASSOCIATES, LLC 2-WD  
Emerald Parkway  
Version Date 02-29-08

**CITY OF DUBLIN  
RIGHT OF WAY ACQUISITION  
FROM  
970 HIGH RIDGE ASSOCIATES LLC**

Situated in the City of Dublin, County of Franklin, State of Ohio and being in V.M.S. 2542, and being a part of a 4.732 acre tract of land, and a 5.442 acre tract of land conveyed to 970 High Ridge Associates LLC, as Parcel 1 and Parcel 2 respectively, as recorded and described in Instrument 199907290192161, of the Franklin County Recorder's Office.

Beginning, for reference, at a drill hole found in concrete at the northeast corner of said Grantor's 4.732 acre Parcel 1 and also being the northwesterly corner of a 31.534 acre tract of land conveyed to Cardinal Health, Inc, as recorded and described in Instrument 199708070065980, in the southerly Right-of-Way of Emerald Parkway as described in O.R. 29651H16, and also being **TRUE POINT OF BEGINNING**;

Thence **S 46°43'45"E** a distance of **11.00 feet** along the line between Grantor and Cardinal Health to a PK Nail set at the beginning point of a non-tangent curve;

Thence with a new line along a curve to the right having a radius of 1970.86 feet, a delta of 7°53'09", a length of 271.26 feet, with chord bearing of **S 46°46'43" W** a distance of **271.04 feet** to an iron pin set;

Thence with a new line **S 63°43'29" W** a distance of **51.75 feet** to an iron pin set, in the southerly right of way line of Emerald Parkway;

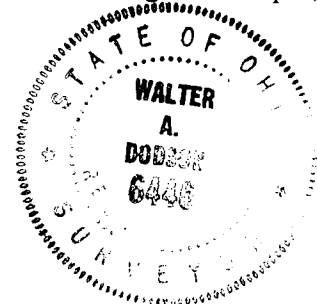
Thence **N 52°04'59" E** a distance of **3.86 feet** along the southerly right of way line of Emerald Parkway to a ¾" ID pipe found in fair condition with cap stamped "CEA";

Thence along the southerly right of way line of Emerald Parkway with a tangent curve to the left, having a radius of 1959.86 feet, a delta of 9°14'59", a length of 316.40 feet, and with a chord bearing of **N 47°27'30" E** a distance of **316.05 feet** to the **TRUE POINT OF BEGINNING**.

The above described area contains **0.075 acres** within the Franklin County Auditor's Parcel Number 273-001687. Grantor claims title by Instrument 199907290192161, 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 Emerald Parkway being held as N52°04'59"E as shown.

*Walter A. Dodson* 3-11-08  
Walter A. Dodson, P.S. 6446, Ohio  
Burgess & Niple, Inc.



PARCEL 970 HIGH RIDGE ASSOCIATES, LLC 2-U  
Emerald Parkway  
Version Date 02-29-08

**CITY OF DUBLIN  
UTILITY EASEMENT  
FROM  
970 HIGH RIDGE ASSOCIATES LLC**

Situated in the City of Dublin, County of Franklin, State of Ohio and being in V.M.S. 2542, and being a part of a 4.732 acre tract of land, and a 5.442 acre tract of land conveyed to 970 High Ridge Associates, LLC, as Parcel 1 and Parcel 2 respectively, as recorded and described in Instrument 199907290192161, of the Franklin County Recorder's Office.

Beginning, for reference, at a drill hole found in concrete at the northeast corner of said Grantor's 4.732 acre Parcel 1 and also being the northwesterly corner of a 31.534 acre tract of land conveyed to Cardinal Health, Inc, as recorded and described in Instrument 199708070065980, in the southerly Right-of-Way of Emerald Parkway as described in O.R. 29651H16;

Thence **S 46°43'45"E** a distance of **11.00 feet** along the line between Grantor and Cardinal Health to a PK Nail set at the **TRUE POINT OF BEGINNING**;

Thence continuing **S 46°43'45"E** a distance of **10.00 feet** along the line between Grantor and Cardinal Health to a point;

Thence the following three new lines across the Grantor's lands:

with a curve to the right having a radius of 1980.86 feet, a delta of 7°55'00", a length of 273.70 feet, with chord bearing of **S 46°47'47" W** a distance of **273.48 feet** to a point;

**S 63°43'29" W** a distance of **51.87 feet** to a point;

and **S 52°04'59" W** a distance of **411.84 feet** to a point in the Grantor's westerly line of said 5.442 acre Parcel 2;

Thence **N 37°55'01"W** a distance of **10.00 feet** along Grantor's westerly line to the southerly right of way line of Emerald Parkway;

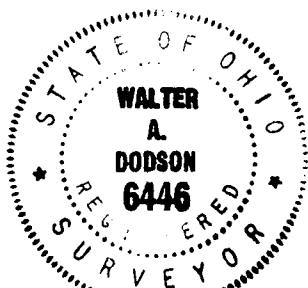
Thence **N 52°04'59"E** a distance of **412.86 feet** along the southerly right of way line of Emerald Parkway to an iron pin set;

Thence with a new line **N 63°43'29" E** a distance of **51.75 feet**, leaving the southerly right of way line of Emerald Parkway; to an iron pin set;

Thence with a curve to the left having a radius of 1970.86 feet, a delta of 7°53'09", a length of 271.26 feet, with chord bearing of **N 46°46'43" E** a distance of **271.04 feet** to an iron pin set to the **TRUE POINT OF BEGINNING**.

The above described area contains **0.169 acres** within the Franklin County Auditor's Parcel Number 273-001687. Grantor claims title by Instrument 199907290192161, 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 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 southerly Right-of-Way of Emerald Parkway being held as N52°04'59"E as shown, and as being the same as Grantor's deed, Instrument 199907290192161, of the Franklin County Recorder's Office.



*Walter A. Dodson* 3-11-08  
Walter A. Dodson, P.S. 6446, Ohio  
Burgess & Niple, Inc.

PROPOSED RIGHT-OF-WAY & UTILITY EASEMENT  
CITY OF DUBLIN, VMS 2542

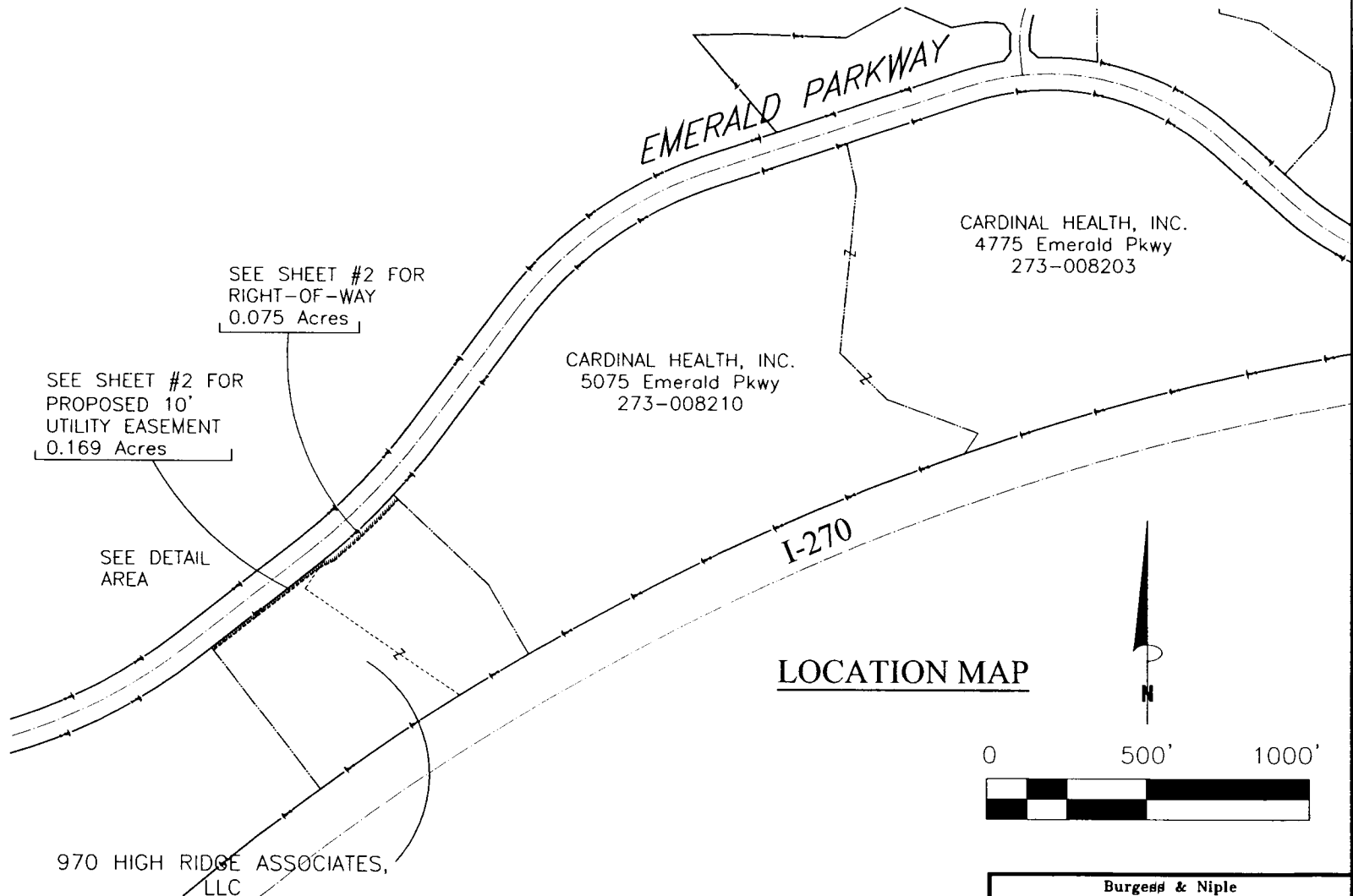
LEGEND

- Monument Found
- RRSF 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: "DODSON 6446"

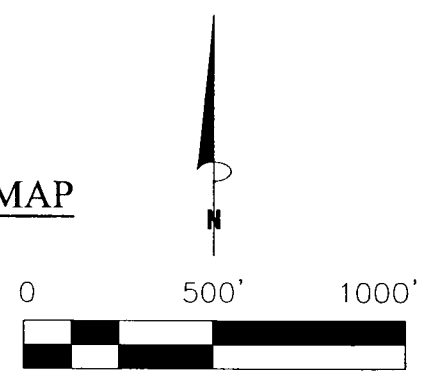
( ) parenthesis indicates record dimension if different than measured.

P.O.B -Point Of Beginning

P.O.C -Point Of Commencement

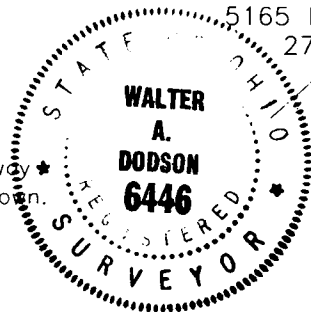


LOCATION MAP



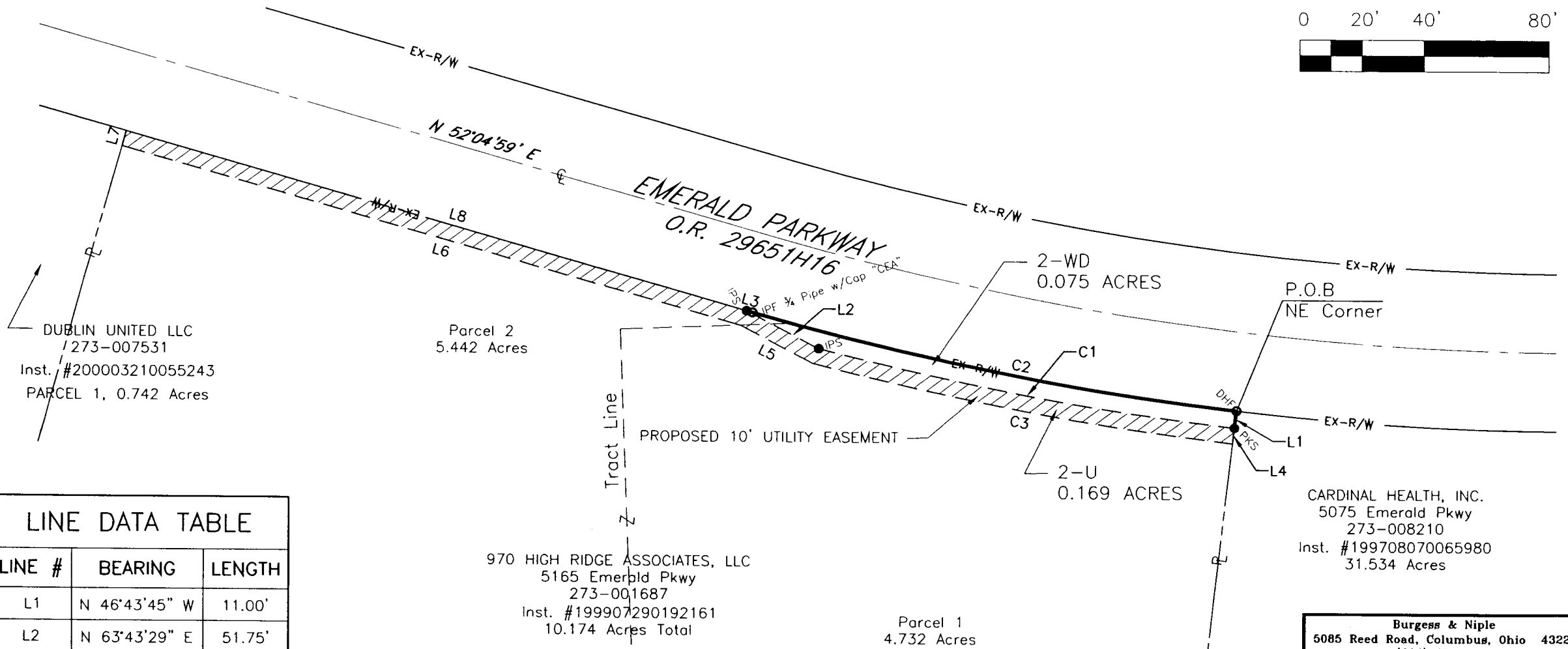
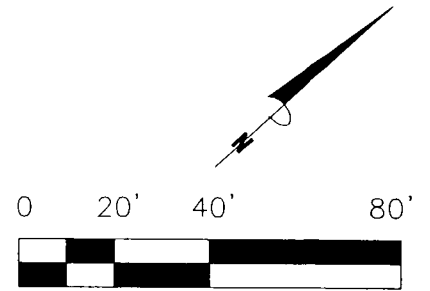
I do hereby certify that this plat was based upon actual surveys of the premises performed in January, 2008, and upon available public records. Bearings used in this description are based on Ohio State Plane Coordinates, SouthZone, NAD1983 (1986 adjustment), and are for the determination of angles only, with the southerly right-of-way line of Emerald Parkway being held as N52°04'59"E, as shown.

*Walter A. Dodson* 3-11-08  
Walter Allen Dodson PS 6446, Ohio



Burgess & Niple 5085 Reed Road, Columbus, Ohio 43220 (614) 469-2060		
Survey for: <b>CITY OF DUBLIN</b>		
970 HIGH RIDGE ASSOCIATES, LLC EMERALD PARKWAY		
Dwg: EJJ	Chk: WAD	02/29/08
Scale: SHOWN	Sht: 1 / 2	44959

PROPOSED RIGHT-OF-WAY & UTILITY EASEMENT  
CITY OF DUBLIN, VMS 2542



LINE DATA TABLE

LINE #	BEARING	LENGTH
L1	N 46°43'45" W	11.00'
L2	N 63°43'29" E	51.75'
L3	S 52°04'59" W	3.86'
L4	S 46°43'45" E	10.00'
L5	S 63°43'29" W	51.87'
L6	S 52°04'59" W	411.84'
L7	N 37°55'01" W	10.00'
L8	N 52°04'59" E	412.86'

CURVE DATA TABLE

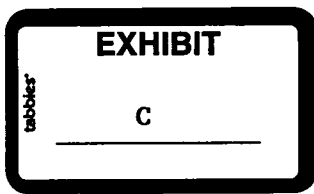
C #	Δ	L	R	C	CB
C1	7°53'09"	271.26'	1970.86'	271.04'	N 46°46'43" E
C2	9°14'59"	316.40'	1959.86'	316.05'	S 47°27'30" W
C3	7°55'00"	273.70'	1980.86'	273.48'	S 46°47'47" W

**Burgess & Niple**  
5085 Reed Road, Columbus, Ohio 43220  
(614) 459-2050

Survey for:  
**CITY OF DUBLIN**

970 HIGH RIDGE  
ASSOCIATES, LLC  
EMERALD PARKWAY

Dwg: E J G	Chk: W A D	02/29/08
Scale: SHOWN	Sht: 2 / 2	44959



ARCEL

970 HIGH RIDGE  
ASSOCIATES, LLC 2-T  
Emerald Parkway  
02-28-08

Version Date

**CITY OF DUBLIN  
TEMPORARY CONSTRUCTION EASEMENT  
FROM  
970 HIGH RIDGE ASSOCIATES, LLC**

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Situated in the City of Dublin, County of Franklin, State of Ohio and being in V.M.S. 2542, and being a part of a 4.732 acre tract of land, and a 5.442 acre tract of land conveyed to 970 High Ridge Associates, LLC, as Parcel 1 and Parcel 2 respectively, as recorded and described in Instrument 199907290192161, of the Franklin County Recorder's Office.

Being, a TEMPORARY CONSTRUCTION EASEMENT, variable in width, and lying along the southerly right-of-way line of Emerald Parkway, as shown on the attached drawing.

The above described area contains 0.191 acres within the Franklin County Auditor's Parcel Number 273-001687.

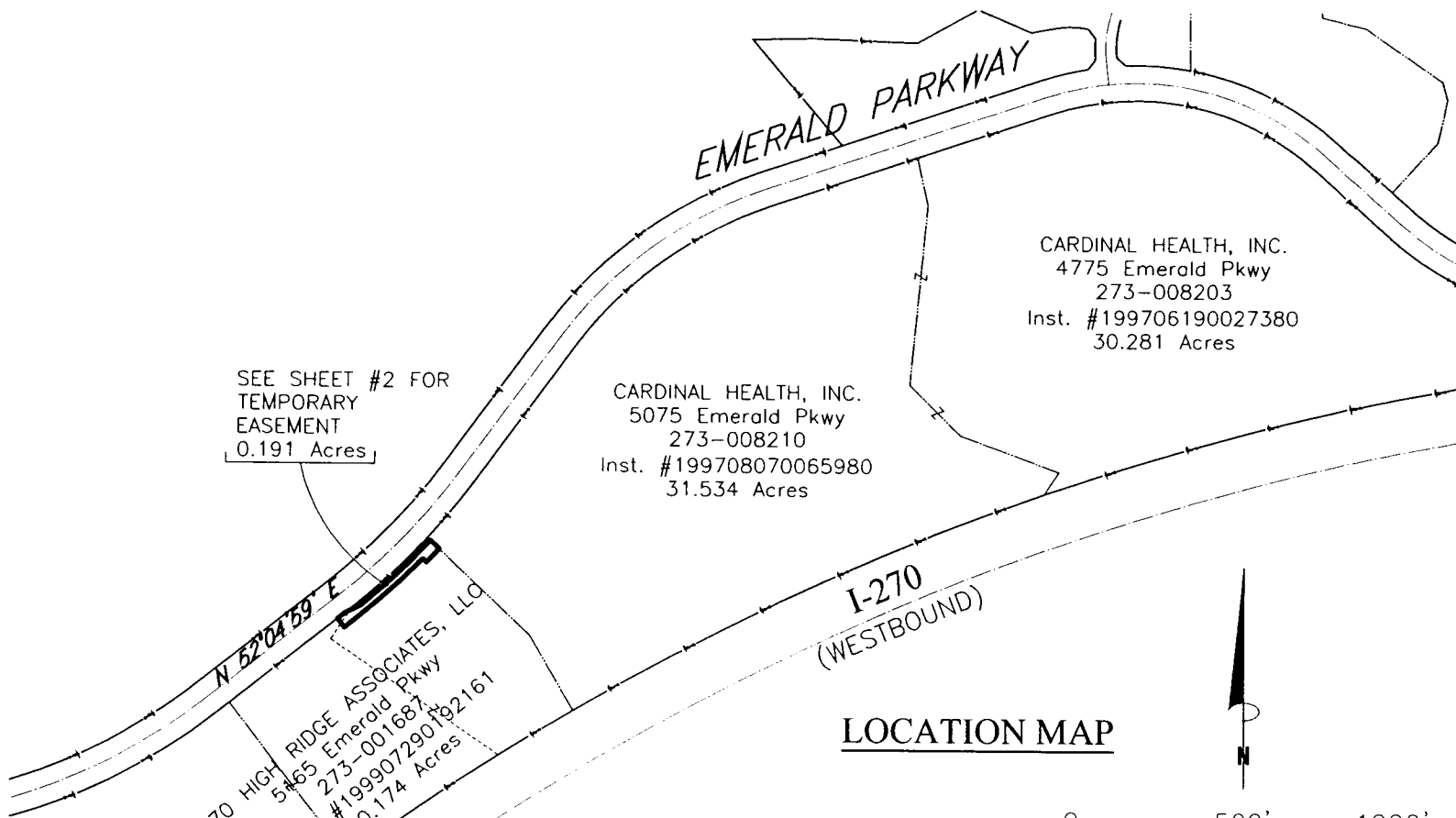
TEMPORARY CONSTRUCTION EASEMENT  
CITY OF DUBLIN

LINE DATA TABLE

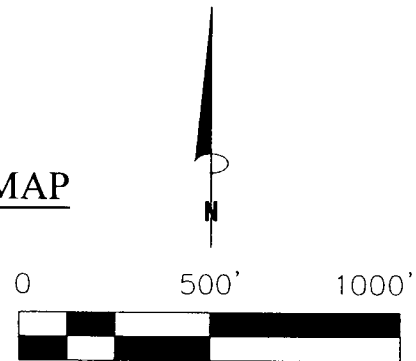
LINE #	BEARING	LENGTH
L1	S 46°43'45" E	35.00'
L2	N 45°37'24" W	15.00'
L3	S 52°04'59" W	28.12'
L4	N 37°55'01" W	31.00'
L5	N 52°04'59" E	24.26'
L6	N 63°43'29" E	51.75'

CURVE DATA TABLE

C #	Δ	L	R	C	CB
C1	1°32'00"	53.68'	2005.86'	53.68'	S 43°36'36" W
C2	7°42'23"	267.77'	1990.86'	267.57'	S 48°13'48" W
C3	7°53'09"	271.26'	1970.86'	271.04'	N 46°46'43" E

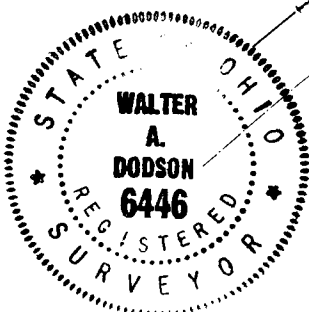


LOCATION MAP



LEGEND

- Monument Found
  - RRSF Railroad Spike Found
  - PKF PK NAIL Found
  - PKS PK NAIL SET
  - IPF Iron Pin Found
  - IPS Iron Pin Set-5/8" x 30" rebar set with plastic I.D. cap: "DODSON 6446"
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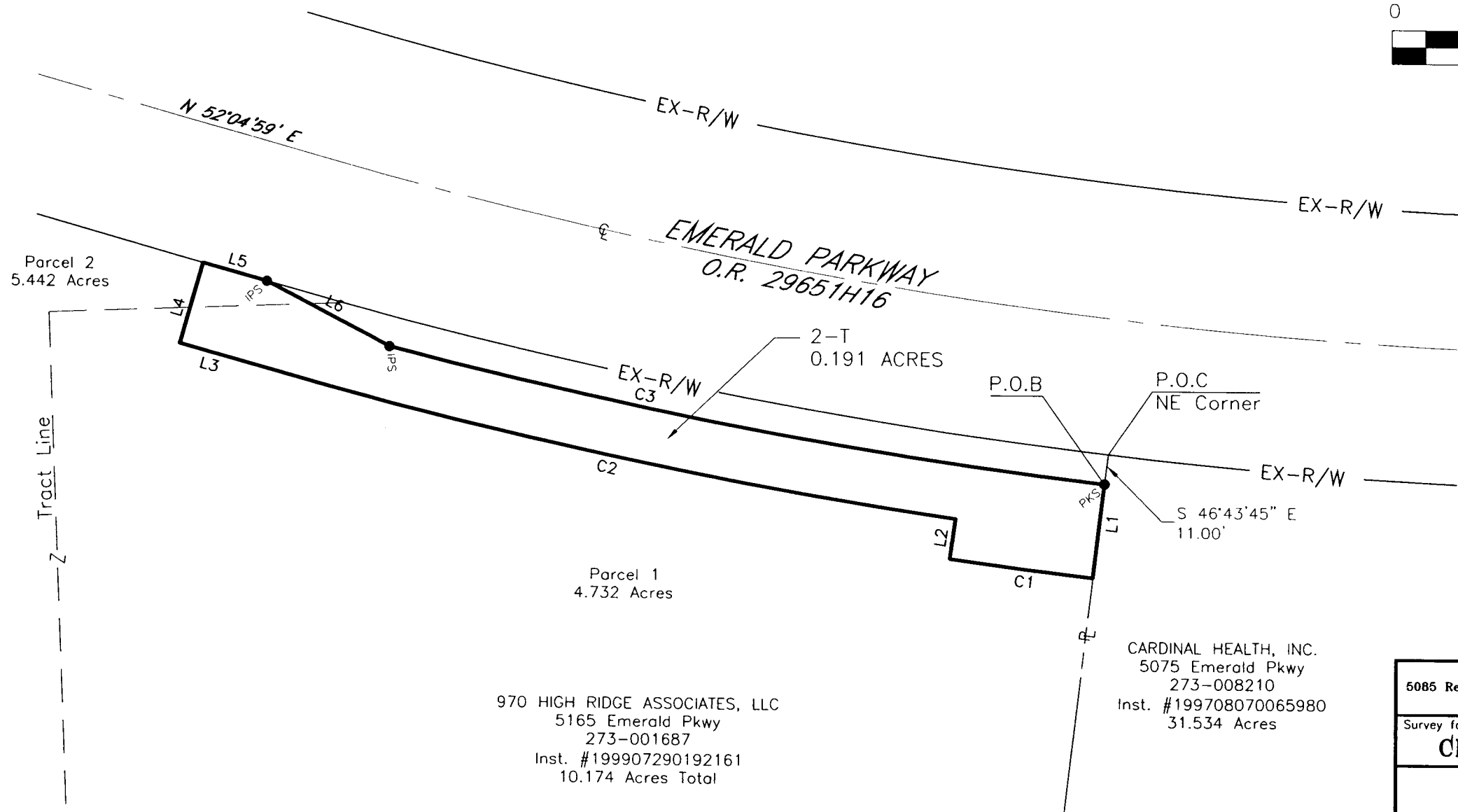
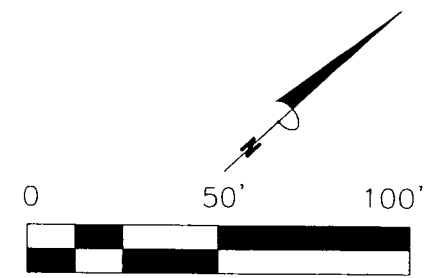


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*Walter A. Dodson 3-11-08*  
Walter Allen Dodson PS 6446, Ohio

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Survey for: <b>CITY OF DUBLIN</b>		
970 HIGH RIDGE ASSOCIATES, LLC EMERALD PARKWAY		
Dwg: EJJ	Chk: WAD	02/29/08
Scale: SHOWN	Sht: 1 / 2	44959

TEMPORARY CONSTRUCTION EASEMENT  
CITY OF DUBLIN



970 HIGH RIDGE ASSOCIATES, LLC  
5165 Emerald Pkwy  
273-001687  
Inst. #199907290192161  
10.174 Acres Total

CARDINAL HEALTH, INC.  
5075 Emerald Pkwy  
273-008210  
Inst. #199708070065980  
31.534 Acres

Burgess & Niple  
5085 Reed Road, Columbus, Ohio 43220  
(614) 469-2050

Survey for:  
**CITY OF DUBLIN**  
HIGH RIDGE ASSOCIATES, LLC  
EMERALD PARKWAY

Dwg: EJG	Chk: WAD	02/29/08
Scale: SHOWN	Sht: 2 / 2	44959