



City of Gahanna

200 South Hamilton
Road
Gahanna, Ohio 43230

Signature

Ordinance: ORD-0002-2024

File Number: ORD-0002-2024

AN ORDINANCE TO ACCEPT A GENERAL WARRANTY DEED FROM 307-309 W JOHNSTOWN ROAD LLC FOR 0.197 +/- ACRES OF RIGHT-OF-WAY DEDICATION ALONG A PARCEL LOCATED AT 307-319 W JOHNSTOWN ROAD

WHEREAS, the City's 2019 Thoroughfare Plan defines right-of-way requirements for arterials, collectors, and residential streets; and

WHEREAS, in order to meet the right-of-way width requirements identified in the Thoroughfare Plan, additional right-of-way frontage is needed along a parcel located at 307-319 West Johnstown Road; and

WHEREAS, the City required this accommodation as a part of its review and approval process for the development of the Everett Apartments; and

WHEREAS, this right-of-way dedication will lessen the future requirements of the City to purchase additional right-of-way when other necessary improvements in the right-of-way are made.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That this Council hereby accepts the General Warranty Deed from 307-319 W JOHNSTOWN ROAD LLC for right-of-way dedication of 0.197 +/- acres along Parcel No. 025-000849-00, 307-319 W Johnstown Road, in accordance with the terms set forth for property more particularly described in EXHIBIT A and EXHIBIT B attached hereto and made a part herein.

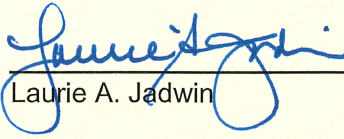
Section 2. That this Ordinance shall be in full force and effect after passage by this Council and 30 days after signature of approval by the Mayor.

At a regular meeting of the City Council on February 5, 2024, a motion was made by Renner, seconded by Padova, that this Ordinance be Adopted. The vote was as follows:

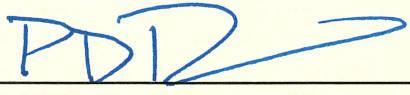
Ms. Bowers, yes; Ms. Jones, yes; Ms. McGregor, yes; Ms. Padova, yes; Mr. Renner, yes; Mr. Schnetzer, Absent; Mr. Weaver, yes.

President Merisa K Bowers Date 2/5/2024
Merisa K. Bowers

Attest by Jeremy A. VanMeter Date 2/5/2024
Jeremy A. VanMeter
Clerk of Council

Approved by the Mayor 
Laurie A. Jadwin

Date 2.5.2024

Approved as to Form 
Priya D. Tamilarasan
City Attorney

Date 2/5/24

GENERAL WARRANTY DEED
(R.C. §5302.05)

KNOW ALL PERSONS BY THESE PRESENT that **307-319 W JOHNSTOWN ROAD LLC** (the “Grantor”), for One Dollar (\$1.00) and other good and valuable consideration, which Grantor acknowledges receipt and sufficiency, given by the **CITY OF GAHANNA, OHIO**, a municipal corporation, (the “Grantee”), whose tax mailing address is 200 South Hamilton Road, Gahanna, Ohio 43230, does forever grant to Grantee, its successors and assigns, all right, title, interest and estate to the following described real property (the “Property”) in fee simple absolute with all general warranty covenants under Ohio Revised Code, Section 5302.06:

Property: .197 Acres +/-

Property is situated in the State of Ohio, County of Franklin, City of Gahanna, and further being described in the attached, **Exhibit A**, which is fully incorporated and made a part hereof.

<u>Franklin County Tax Parcel(s):</u>	Split and R/W drop from <u>025-000849-00</u>
<u>Prior Record Reference(s):</u>	IN: <u>202104220071577</u>
<u>Property Address(es):</u>	<u>307-319 W Johnstown Rd., Gahanna, Ohio 43230</u>

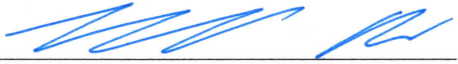
TERMS & CONDITIONS

1. This General Warranty Deed and all of its provisions are covenants forever (i) burdening, benefitting and running with the land of the Property in its chain-of-title, and (ii) inuring and binding to the benefit and detriment of Grantor and Grantee and their respective, applicable beneficiaries, heirs, administrators, executors, successors, and assigns.
2. Grantor forever releases and discharges Grantee from all just compensation claims under the Ohio Constitution, Article 1, Section 19, arising from granting the Property to Grantee. Grantor agrees this section survives the termination of this General Warranty Deed or any reversion of the Property.
3. Grantee (i) intends to immediately utilize the Property for public right-of-way purposes upon Grantor’s execution of this General Warranty Deed, and (ii) will subsequently accept, dedicate, and name the Property as public right-of-way contingent upon the passage of appropriate legislation by Gahanna City Council.

GRANTOR'S EXECUTION

In witness whereof, Grantor, 307-319 W Johnstown Road LLC, who represents and warrants personally possessing legal authority and capacity to acknowledge this General Warranty Deed, does voluntarily acknowledge this General Warranty Deed on the effective date below.

307-319 W JOHNSTOWN ROAD LLC

By: 

Print Name: Mitchell Rubin

Print Title: Managing Member

State of Ohio)

County of Franklin)

Be it remembered on April 13, 2022, I affixed my seal evidencing this instrument was acknowledged before me by Mitchell Rubin.




Notary Public

Commission Expiration Date: November 4, 2026

Approved as to Form by:



Raymond J. Mularski – Gahanna City Attorney
200 South Hamilton Road
Gahanna, Ohio 43085

EXHIBIT A

DESCRIPTION OF 0.197 ACRES

Situated in the State of Ohio, County of Franklin, City of Gahanna, located in Quarter Section 4, Township 1 North, Range 17 West, United States Military Lands, and being a part of those 1.717 acre and 0.924 acre tracts described in a deed to **307-319 W Johnstown Road LLC**, of record in Instrument Number 202104220071577, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a 5/8 inch iron pin found at the existing centerline of right-of-way intersection for Stygler Road (60 feet wide-public) and Johnstown Road (variable width-public), being on the south line of Stygler Heights Subdivision, as recorded in Plat Book 24, page 75;

Thence **North 62 degrees 38 minutes 41 seconds East**, along the existing centerline of right-of-way for said Johnstown Road, and along the south line of said Stygler Heights Subdivision, a distance of **168.81 feet** to a point, said point being the northwest corner of said 0.924 acre tract, being the northeast corner of that tract of land described in a deed to Gilbert Figueroa ,of record in Instrument Number 202002210026450, (reference a mag nail found being North 18 degrees 50 minutes 35 seconds East, a distance of 0.16 feet), said point being the **TRUE POINT OF BEGINNING** for this description;

Thence **North 62 degrees 38 minutes 41 seconds East**, continuing along the existing centerline of right-of-way for said Johnstown Road, continuing along the south line of said Stygler Heights Subdivision, along the north line of said 0.924 acre tract, along the north line of said 1.717 acre tract and along the south line of that 3.673 acre tract described in a deed to JR Management Group, LLC, of record in Instrument Number 200110010225721, a distance of **285.52 feet** to a mag nail set, said mag nail being the northeast corner of said 1.717 acre tract, being the northwest corner of that tract of land described in a deed to William C. Morman and Michelle M. Morman, of record in Instrument Number 201505080060116;

Thence **South 03 degrees 55 minutes 32 seconds West**, along the east line of said 1.717 acre tract and along the west line of said Morman tract, a distance of **35.10 feet** to a 5/8" iron pin found, said iron pin being on the existing south right-of-way line for said Johnstown Road;

Thence **South 62 degrees 38 minutes 41 seconds West**, along the existing south right-of-way line for Johnstown Road, across said 1.717 acre tract and across said 0.924 acre tract, a distance of **285.66 feet** to a point on the west line of said 0.924 acre tract, being the east line of said Figueroa tract (reference a 5/8" iron pin found with "ASI 8438" cap bearing North 10 degrees 52 minutes 43 seconds East, a distance of 0.16 feet);

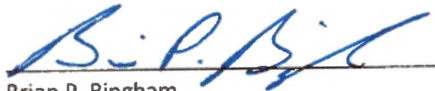
Thence **North 04 degrees 07 minutes 07 seconds East**, along the west line of said 0.924 acre tract and along the east line of said Figueroa tract, a distance of **35.18 feet** to the **TRUE POINT OF BEGINNING** for this description.

This description contains a total area of **0.197 acres** (0.197 acres lies within the present road occupied) all of which is located within Franklin County Auditor parcel number 025-000849.

Bearings described herein are based on North 62 degrees 38 minutes 41 seconds East for the southeast right-of-way line for Johnstown Road, measured from Grid North 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 an NGS OPUS solution.

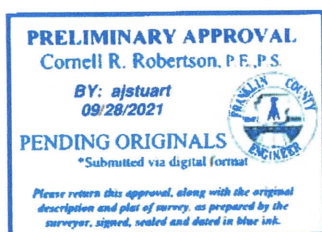
This description was prepared by Brian P. Bingham, Registered Professional Surveyor Number 8438, based on an actual survey of the premise, and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

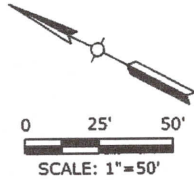

Brian P. Bingham
Registered Professional Surveyor No. 8438



10/4/2021
Date



STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF GAHANNA
 QUARTER SECTION 4, TOWNSHIP 1 NORTH, RANGE 17 WEST
 UNITED STATES MILITARY LANDS



Line Table		
Line #	Length	Direction
L1	35.18	N04° 07' 07"W
L2	35.10	S03° 55' 32"W

- ① PID: 025-002014
WILLIAM C. MORMAN AND
MICHELLE M MORMAN
IN 201505080060116
- ② PID: 025-002203
GILBERT FIGUEROA
IN 202002210026450

LEGEND

- M.N.F. Mag Nail Found
- M.N.S. Mag Nail Set
- ⊙ I.P.F. Iron Pin & Cap Found
- I.P.F. Iron Pin Found
- ⊙ P.F. Iron Pipe Found



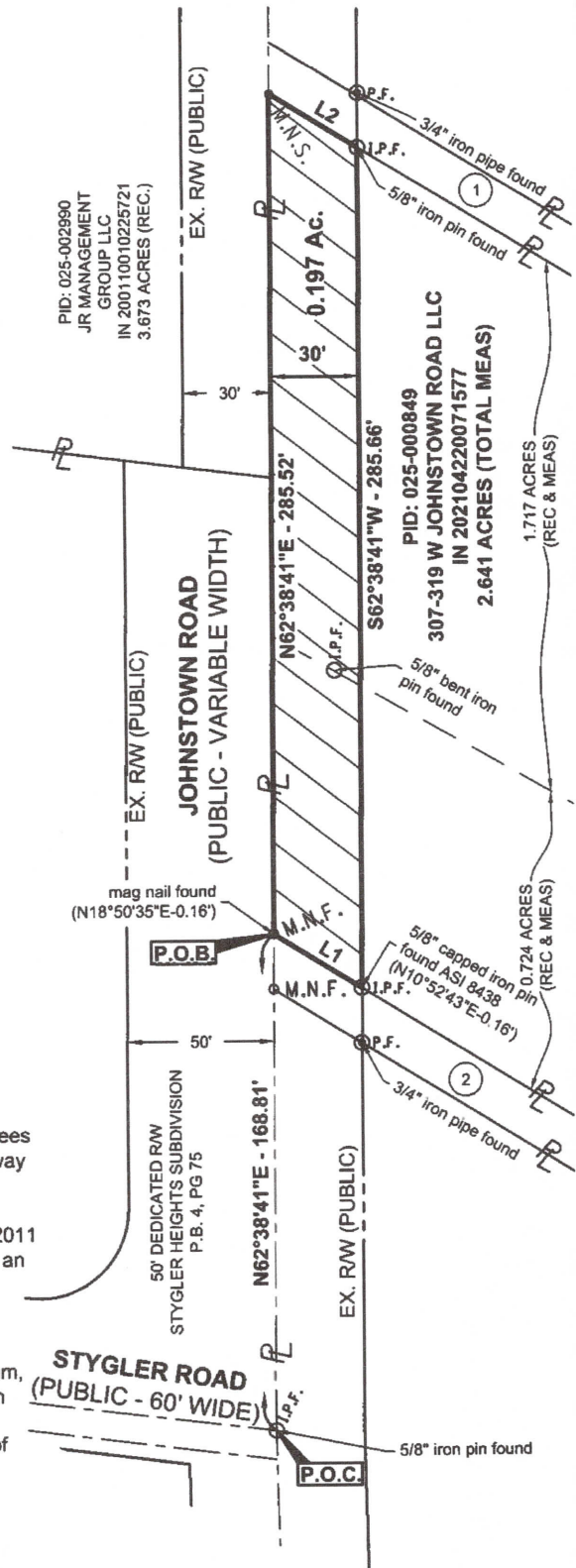
BASIS OF BEARINGS

Bearings described hereon are based on North 62 degrees 38 minutes 41 seconds East for the southeast right-of-way line for Johnstown Road, measured from Grid North, 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 an NGS OPUS solution.

This easement exhibit was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438, 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 10/4/2021
 Brian P. Bingham Date
 Registered Professional Surveyor No. 8438



PREPARED FOR:

BSR

0.197 ACRE RW DROP
 FOR
 307-319 W JOHNSTOWN ROAD
 GAHANNA, FRANKLIN COUNTY, OHIO

DATE:	07/29/2021
DRAWN BY:	CRH
CHECKED BY:	BPB
JOB NUMBER:	2021.00381

1 of 1

PLOT DATE: 8/2/2021 2:48 PM
 PLOT SCALE: 1"=50'

DESCRIPTION OF 0.197 ACRES

Situated in the State of Ohio, County of Franklin, City of Gahanna, located in Quarter Section 4, Township 1 North, Range 17 West, United States Military Lands, and being a part of those 1.717 acre and 0.924 acre tracts described in a deed to **307-319 W Johnstown Road LLC**, of record in Instrument Number 202104220071577, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a 5/8 inch iron pin found at the existing centerline of right-of-way intersection for Stygler Road (60 feet wide-public) and Johnstown Road (variable width-public), being on the south line of Stygler Heights Subdivision, as recorded in Plat Book 24, page 75;

Thence **North 62 degrees 38 minutes 41 seconds East**, along the existing centerline of right-of-way for said Johnstown Road, and along the south line of said Stygler Heights Subdivision, a distance of **168.81 feet** to a point, said point being the northwest corner of said 0.924 acre tract, being the northeast corner of that tract of land described in a deed to Gilbert Figueroa ,of record in Instrument Number 202002210026450, (reference a mag nail found being North 18 degrees 50 minutes 35 seconds East, a distance of 0.16 feet), said point being the **TRUE POINT OF BEGINNING** for this description;

Thence **North 62 degrees 38 minutes 41 seconds East**, continuing along the existing centerline of right-of-way for said Johnstown Road, continuing along the south line of said Stygler Heights Subdivision, along the north line of said 0.924 acre tract, along the north line of said 1.717 acre tract and along the south line of that 3.673 acre tract described in a deed to JR Management Group, LLC, of record in Instrument Number 200110010225721, a distance of **285.52 feet** to a mag nail set, said mag nail being the northeast corner of said 1.717 acre tract, being the northwest corner of that tract of land described in a deed to William C. Morman and Michelle M. Morman, of record in Instrument Number 201505080060116;

Thence **South 03 degrees 55 minutes 32 seconds West**, along the east line of said 1.717 acre tract and along the west line of said Morman tract, a distance of **35.10 feet** to a 5/8" iron pin found, said iron pin being on the existing south right-of-way line for said Johnstown Road;

Thence **South 62 degrees 38 minutes 41 seconds West**, along the existing south right-of-way line for Johnstown Road, across said 1.717 acre tract and across said 0.924 acre tract, a distance of **285.66 feet** to a point on the west line of said 0.924 acre tract, being the east line of said Figueroa tract (reference a 5/8" iron pin found with "ASI 8438" cap bearing North 10 degrees 52 minutes 43 seconds East, a distance of 0.16 feet);

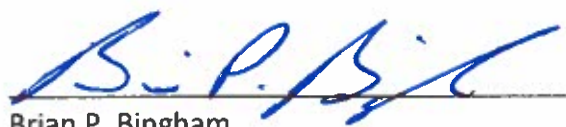
Thence **North 04 degrees 07 minutes 07 seconds East**, along the west line of said 0.924 acre tract and along the east line of said Figueroa tract, a distance of **35.18 feet** to the **TRUE POINT OF BEGINNING** for this description.

This description contains a total area of **0.197 acres** (0.197 acres lies within the present road occupied) all of which is located within Franklin County Auditor parcel number 025-000849.

Bearings described herein are based on North 62 degrees 38 minutes 41 seconds East for the southeast right-of-way line for Johnstown Road, measured from Grid North 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 an NGS OPUS solution.

This description was prepared by Brian P. Bingham, Registered Professional Surveyor Number 8438, based on an actual survey of the premise, and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.


Brian P. Bingham
Registered Professional Surveyor No. 8438




10/4/2021
Date

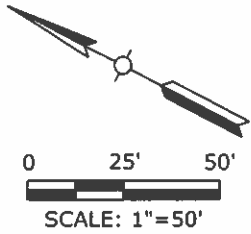
PRELIMINARY APPROVAL
Cornell R. Robertson, P.E., P.S.
BY: *ajstuart*
09/28/2021

PENDING ORIGINALS
*Submitted via digital format

Please return this approval, along with the original description and plat of survey, as prepared by the surveyor, signed, sealed and dated in blue ink.



STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF GAHANNA QUARTER SECTION 4, TOWNSHIP 1 NORTH, RANGE 17 WEST UNITED STATES MILITARY LANDS



Line Table		
Line #	Length	Direction
L1	35.18	N04° 07' 07"E
L2	35.10	S03° 55' 32"W

- ① PID: 025-002014
WILLIAM C. MORMAN AND
MICHELLE M MORMAN
IN 201505080060116
- ② PID: 025-002203
GILBERT FIGUEROA
IN 202002210026450

LEGEND

- M.N.F. Mag Nail Found
- M.N.S. Mag Nail Set
- ⊙ I.P.F. Iron Pin & Cap Found
- I.P.F. Iron Pin Found
- ⊙ P.F. Iron Pipe Found



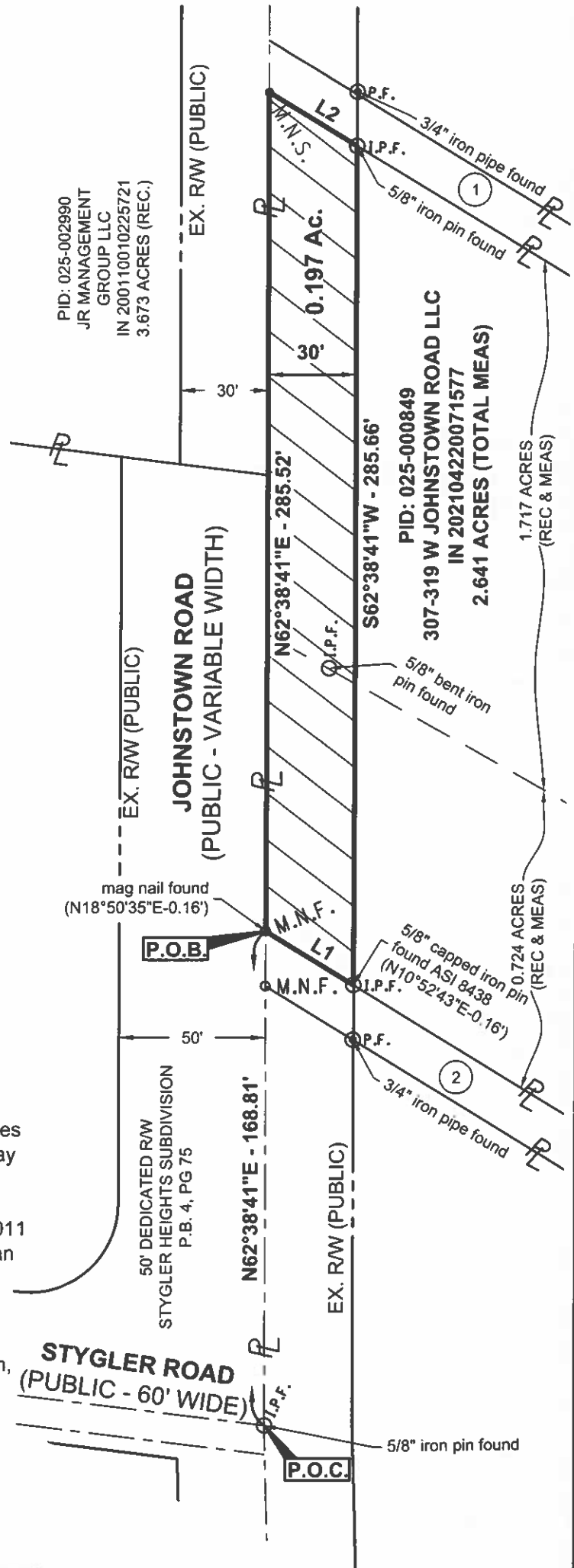
BASIS OF BEARINGS

Bearings described hereon are based on North 62 degrees 38 minutes 41 seconds East for the southeast right-of-way line for Johnstown Road, measured from Grid North, 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 an NGS OPUS solution.

This easement exhibit was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438, 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 10/4/2021
 Brian P. Bingham Date
 Registered Professional Surveyor No. 8438



PREPARED FOR:
BSR



0.197 ACRE R/W DROP
FOR
307-319 W JOHNSTOWN ROAD
GAHANNA, FRANKLIN COUNTY, OHIO

DATE:	07/29/2021
DRAWN BY:	CRH
CHECKED BY:	BPB
JOB NUMBER:	2021.00381

1 of 1

DATE: 8/20/21 2:48 PM, PLOT SCALE: 1"=50', EDITED BY: C.BENJAMIN, FRANKLIN COUNTY, OHIO, JOB NUMBER: 2021.00381, SURVEYOR: B.P. BINGHAM