ORDINANCE NO. 00-28

AN ORDINANCE AMENDING SECTION 1131.02 (ZONING MAP) OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, BY REZONING PORTIONS OF 36.865 ACRES LOCATED BETWEEN VILLAGE GATE APARTMENTS AND THE KENSINGTON PLACE SUBDIVISION AND NORTH OF BOWTOWN ROAD FROM R-6, MULTI-FAMILY RESIDENTIAL DISTRICT AND A-1 AGRICULTURAL DISTRICT AND EXISTING R-4 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT TO R-4, SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT WITH LIMITATION TEXT.

WHEREAS, the City Planning Commission, at its meeting of March 22, 2000, recommended the approval of the rezoning for portions of 36.865 acres located between Village Gate Apartments and the Kensington Place Subdivision and north of Bowtown Road from R-6, Multi-Family Residential District and A-1 Agricultural District and R-4 Single and Two-Family Residential District to R-4, Single and Two-Family Residential District, submitted by Presidential Real Estate (PC00-22), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the zoning district boundaries be changed to reflect the adjusted boundaries of the attached drawing and legal description (Exhibit A), rezoning 36.865 acres located between Village Gate Apartments and the Kensington Place Subdivision and north of Bowtown Road from R-6, Multi-Family Residential District and R-4 Single and Two-Family Residential District to R-4, Single and Two-Family Residential District Residential District with Limitation Text.

SECTION 2. That at the request of Smith Tandy, the following Limitation Text shall apply to the 36.865 acres described in said Exhibit "A" hereto:

The following uses are excluded from the said 36.865 acres area
Two-family dwelling

SECTION 3. That the clerk is hereby instructed to endorse upon said plat the approval of this council and to certify copies of this ordinance to the County Recorder, County Auditor, and the Director of Regional Planning.

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON RULE SUSPENSION: YEAS 7 NAYS 0

PASSED: April 24, 2000 YEAS 6 NAYS 1

ATTEST: Lori Vance
CITY CLERK

Tammy Thompson
MAYOR

EXHIBIT "A"

CONSULTING ENGINEERING
ARCHITECTURE
LAND PLANNING
LAND SURVEYING
HIGHWAY DESIGN
SUBDIVISION DESIGN
FEASIBILITY STUDIES
LANDSCAPE ARCHITECTURE
CONSTRUCTION INSPECTION
COMMUNITY PLANNING

STULTS and
ASSOCIATES, INC.
ARCHITECTS • ENGINEERS
PLANNERS • SURVEYORS

H. EDWARD SNODGRASS
PRESIDENT

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JOHN R. FABER, P.S.
GUY W. GRISDALE, P.S.
GLENN A. HALMBACHER, P.E., P.S.
CHARLES L. ORTH, REG. L.A.
J. MARK SCHLUETZ, A.I.A.
CHAD P. WEISER, REG. L.A.
DANIEL W. WHITED, P.E.
WILLIAM R. WINTER, P.S.

JAE C. KAUH, A.I.A.
CONSULTANT

DESCRIPTION OF A 36.865 ACRES

FOR ZONING PURPOSES

APRIL 5, 2000

Situated in the City of Delaware, County of Delaware, State of Ohio, being located in part of Farm Lots 17, 26, 27 and 28 of Section 4, Township 5, Range 19, United States Military Lands, being parts of those tracts conveyed to Robert E. Troxell in Deed Book 408, Page 384 and Deed Book 518, Page 772, part of an original 55.386 acre tract conveyed to Presidential Real Estate, Inc. in Deed Book 612, Page 44, part of an original 10.918 acre tract conveyed to Presidential Real Estate, Inc. in Deed Book 611, Page 631, part of that tract conveyed to Presidential Real Estate, Inc. in Deed Book 655, Page 615, and part of an original 7.666 acre tract conveyed to Rickey A. Long and S. Patty Long in Deed Book 510, Page 641 and being bounded and described as follows:

Beginning at a point on the northerly right-of-way line of Bowtown Road, at the southeast corner of Lot 764 of Warner Subdivision as recorded in Plat Book 16, Page 56 and being in the westerly line of a 1.083 acre tract conveyed to Terry L. Newell and Brenda L. Newell by Deed Book 587, Page 660;

Thence, North 87° 34' 00" West, along the northerly line of said Bowtown Road, a distance of 182.10 feet to a point;

Thence, North 01° 39' 40" East, a distance of 343.19 feet to a point of curvature;

Thence, along the arc of a curve to the right having a radius of 280.00 feet, a delta angle of 40° 32' 08" having a chord bearing of North 21° 55' 44" East, a chord distance of 193.99 feet to a point of reverse curvature;

Thence, along the arc of a curve to the left, having a radius of 220.00 feet, a delta angle of 02° 52' 24", having a chord bearing of North 40° 45' 35" East, a chord distance of 11.03 feet to a point;

Thence, North 50° 40' 36" West, a distance of 126.65 feet to a point;

Thence, North 37° 04' 20" East, a distance of 45.04 feet to a point;

Thence, North 1° 39' 40" East, a distance of 366.06 feet to a point;

Thence, North 88° 27' 07" West, a distance of 231.24 feet to a point;

Thence, North 47° 21' 49" West, a distance of 142.07 feet to a point;

Thence, North 15° 09' 31" West, a distance of 59.71 feet to a point;

Thence, North 68° 06' 39" East, a distance of 121.87 feet to a point on a curve;

Thence, along the arc of a curve to the right, having a radius of 130.00 feet, a delta angle of 11° 35' 02", and having a chord bearing of North 15° 44' 28" West, a chord distance of 26.24 feet to a point;

Thence, North 88° 20' 21" West, a distance of 127.66 feet to a point in the easterly line of a 22.00 acre tract conveyed to Bowtown Apartments, LTD by Deed Book 646, Page 757;

Thence, North 01° 39' 39" East, along said easterly line a distance of 619.90 feet to a point at the northeasterly corner of said 22.00 acre tract;

Thence, North 87° 44' 39" West, along the northerly line of said 22.00 acre tract, a distance of 116.80 feet to a point;

Thence, North 00° 48' 39" East, a distance of 658.84 feet to a point;

Thence, North 16° 08' 52" East, a distance of 223.95 feet to a point in the easterly line of said 7.666 acre tract, being a westerly line of said original 55.386 acre tract;

Thence, North 00° 48' 37" East, along said westerly line a distance of 787.24 feet to a point at a northwesterly corner of said 55.336 acre tract;

Thence, South 87° 35' 30" East, along the northerly line of said tract a distance of 426.60 feet to a point at the northeasterly corner of said tract, and the northwesterly corner of Kensington Place, Section 3, Part 2, as recorded in Cabinet 2, Slide _____;

Thence, South 01° 08' 06" West, along the westerly line of said Kensington Place, Section 3, Part 2, and part of the westerly line of Kensington Place Section 2, Part 1, as recorded in Cabinet 2, Slide 216, a distance of 1517.06 feet to a point at the northwesterly corner of said 10.918 acre tract, said corner being the southwesterly corner of said Kensington Place, Section 3;

Thence, South 87° 35' 45" East, along the northerly line of said 10.918 acre tract and the southerly line of said Kensington Place Section 3, a distance of 323.43 feet to a point at the northeasterly corner of said 10.918 acre tract;

Thence, South 01° 39' 40" West, along the easterly line of said 10.918 acre tract and the westerly line of Kensington Place Section 2 as recorded in Cabinet 2, Slide 56, and part of the westerly line of Kensington Place Section 1 as recorded in Cabinet 1, Slide 644, a distance of 1635.68 feet to a point at the northeasterly corner of said 1.083 acre tract;

Thence, North 87° 34' 00" West, along the northerly line of said 1.083 acre tract, a distance of 120.01 feet to a point at the northwesterly corner of said tract;

Thence, South 01° 39' 40" West, along the westerly line of said tract, a distance of 362.97 feet to the PLACE OF BEGINNING.

Containing 36.865 acres of land, more or less. There being 1.044 acres in Farm Lot 17, 17.161 acres in Farm Lot 26, 17.850 acres in Farm Lot 27 and 0.810 acres in Farm Lot 28.

Subject however, to all rights-of-way, easements or restrictions of record, if any.

The above description was prepared for zoning purposes only, and is not intended to be used for transfer.

Bearings are based on those within Deed Book 612, Page 44, conveying said 55.386 acre tract to Presidential Real Estate, Inc.

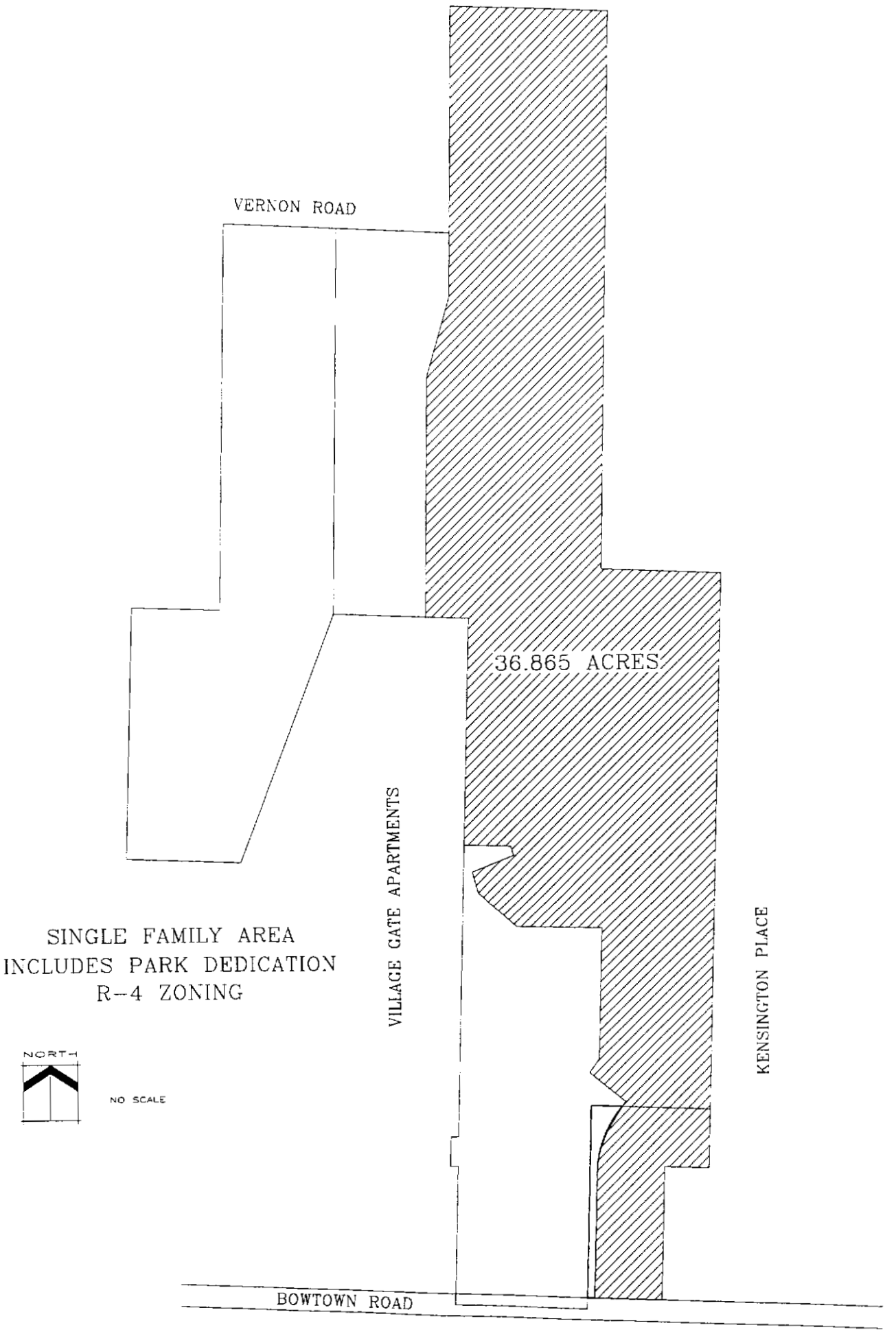
All references are to the records of the Delaware County Recorder's Office.

All iron pins set are 5/8" diameter solid iron pins with yellow plastic caps stamped "Stults & Assoc.".

William R. Winter
Professional Surveyor No. 6767



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VERNON ROAD
36.865 ACRES
VILLAGE GATE APARTMENTS
KENSINGTON PLACE
BOWTOWN ROAD
SINGLE FAMILY AREA
INCLUDES PARK DEDICATION
R-4 ZONING
NORTH
NO SCALE

CITY OF DELAWARE, OHIO
PLANNING COMMISSION
CONDITIONAL USE PERMIT APPLICATION

Date: 3-15-00 Case No.: PC 00-23

The undersigned owner of the premises hereinafter described, hereby applies for a Conditional Use Permit according to Section 1134.06(z) 1134.09 (9), on Lot _____, being the property located at SOUTH OF VERNON AVENUE EAST, Zoning District R-6, in the City of Delaware, County of Delaware, and State of Ohio.

The Conditional Use sought consists of A DENSITY OF 10 UNITS PER ACRE AND A HEIGHT OF THE PRINCIPLE BUILDING STRUCTURES NOT TO EXCEED 40 FEET.

which comes within the jurisdiction of the Planning Commission of the City of Delaware, Ohio.

Owner RICKEY LONG PATTY LONG PRESIDENTIAL REAL ESTATE INC,
Address 71 E. WILSON BRIDGE RD. #5
WORTHINGTON, OHIO 43085
Telephone 614-871-0427

*Applicant PRESIDENTIAL REAL ESTATE INC AND SMITH FAMILY DEVELOPMENT LTD
*Address SAME
*Telephone SAME

*If the Applicant is different from the Owner, then this application must be accompanied by a notarized letter authorizing the applicant to act as an agent for the property owner.

State of Ohio
County of _____, ss:

The undersigned, being first duly sworn and cautioned according to law, says that they are one of the owners or applicants of the aforesaid premises, and that they have provided the property owners names and tax mailing addresses of all properties within 150 feet of the boundaries of said lot, and do hereby verify the truth and correctness of all facts and information presented with this application.

PRESIDENTIAL REAL ESTATE, INC
MARK W. FURLONG VICE PRESIDENT
Owner/Applicant Printed Name

Mark W. Furlong
Owner/Applicant Signature

Sworn to and subscribed before me this 17 day of March 2000

MICHELE KOHLER
Notary Public, State of Ohio
My Commission Expires August 8, 2002

Michele Kohler
Notary Public

Date Received: _____ Received By: _____

Rev. 03/00