ORDINANCE NO. 01-128

AN ORDINANCE ACCEPTING THE AMENDMENT OF SECTION 1131.02 (ZONING MAP) OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, BY REZONING 170.309± ACRES (4 LOTS) LOCATED EAST OF GLENN ROAD, SOUTH OF US 36/SR 37, NORTH OF THE RAILROAD TRACKS, AND WEST OF THE RAILROAD TRACKS FROM B-3, COMMUNITY BUSINESS DISTRICT AND M-1, LIGHT MANUFACTURING DISTRICT TO B-3, COMMUNITY BUSINESS DISTRICT AND M-2, GENERAL MANUFACTURING DISTRICT AND SUBJECT TO TEXT LIMITATIONS ON THE M-2 PORTION, SUBMITTED BY CARTER BURGESS AND DANIEL SCHOEDINGER.

WHEREAS, the City Planning Commission, at its meeting of September 12, 2001, recommended the approval of the rezoning for the 170.309± acres (4 lots) located east of Glenn Road, south of US 36/SR 37, north of the railroad tracks, and west of the railroad tracks from B-3 (Community Business District) and M-1 (Light Manufacturing District) to B-3 (Community Business District) and M-2 (General Manufacturing District), 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 descriptions (Exhibit A), rezoning the 170.309± acres (4 lots) located east of Glenn Road, south of US 36/SR 37, north of the railroad tracks, and west of the railroad tracks from B-3 (Community Business District) and M-1 (Light Manufacturing District) to B-3 (Community Business District) and M-2 (General Manufacturing District) and

SECTION 2. That, at the request of the Applicant, the following Limitation Text shall apply to the property described in said Exhibit "A" hereto:

A. For the M-2 portions of the rezoning, the following uses are excluded from the said 170.309± acres, either as permitted uses or as conditional uses:

(1) Those uses listed as conditional uses in Sections 1147.02(d)(3) and 1147.02(f) of the Codified Ordinances, as those Sections exist on September 12, 2001, as described in Exhibit "B", except that wireless telecommunication facilities will be

permitted in accordance with Chapter 1178 of the Codified Ordinances; and

(2) Those manufacturing uses which are not permitted [or conditionally permitted] in the M-1 district; namely Meat Packing Facilities and Train/Railroad Yards.

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.

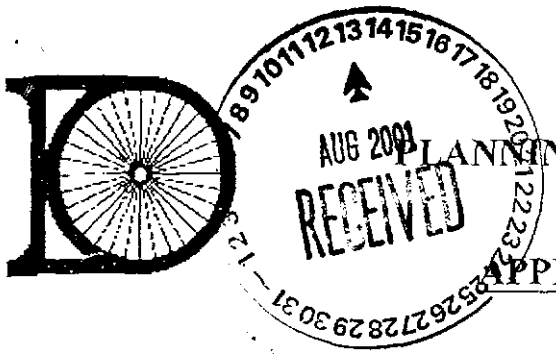
SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in 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____ NAYS____
ABSTAIN ____

PASSED: November 12, 2001 YEAS 6 NAYS 0
ABSTAIN ____

ATTEST: Roby Mathias
CITY CLERK

Tommy W. Thompson
MAYOR



CITY OF DELAWARE, OHIO
PLANNING AND COMMUNITY DEVELOPMENT
(740) 368-1650

APPLICATION FOR ZONING CHANGE

PC01-072

I/WE GlennDel Partners and Robert J. and Susan J. Davidson BEING OWNERS/LESSEES OF

See item 1 on Exhibit A hereto

(No.) (Street) (City) (State)

WISH TO PETITION THE COUNCIL OF THE CITY OF DELAWARE, FOR THE CHANGE OF

LOT NUMBER(S) See item 2 on Exhibit A hereto FOR a. 164.724± b. 5.585± ACRES

LOCATED AT See item 2 on Exhibit A hereto

FROM a. M-1 and B-3 b. M-1 (Present Zoning) TO a. M-2 b. B-3 (Proposed Zoning) CLASSIFICATION.

NOTE: Please attach a legal description for each proposed zoning district and please detail if multiple zoning districts.

IN THE SPACE PROVIDED BELOW, GIVE A DETAILED ACCOUNT OF THE INTENDED US OF LOT/LOTS, LISTING ALL PERTINENT FACTORS SUCH AS NUMBER OF EMPLOYEES, PRODUCT AND METHOD OF PRODUCTION, AUTOMOBILE OR TRUCK FACILITIES REQUIRED, OPERATING HOURS, WASTES AND REASONS WHY YOU WISH THIS CHANGE CONSIDERED (You may use a separate sheet if necessary):

See item 3 on Exhibit A hereto

Applicant Name: Carter Burgess

Applicant Address: 3001 Meacham Blvd., Suite 200, Fort Worth, Texas 76137-4608

Contact Person: Gil Mayfield Phone: 817-222-8640

Owner Name: See item 4 on Exhibit A hereto

Owner Address: See item 4 on Exhibit A hereto

Contact Person: See item 4 on Exhibit A hereto Phone: See item 4 on Exhibit A hereto

On the lines provided, please list all property owners that are within 150 feet of EACH property line for the property in question. Also, list the TAX MAILING ADDRESSES for each of these property owners so that they may be notified of this request. You may use a separate sheet if necessary.

PROPERTY OWNER	TAX MAILING ADDRESS
See item 5 on Exhibit A hereto	

Each filing of an application, except those initiated by the Planning Commission, shall be accompanied by a check payable to the City of Delaware or a cash payment sufficient in the amount to cover the costs of reviewing the application by City staff, publishing, posting and/or mailing notices of hearings and shall be payable in the following manner:

Planned Unit Development, Major Subdivisions and Rezonings:

FIRST ACRE	$250.00
NEXT 4 ACRES	$100.00/ACRE
NEXT 5 ACRES	$50.00/ACRE
EACH ADDITIONAL ACRE	$25.00/ACRE

I/WE GlennDel Partners and Robert J. and Susan J. Davidson BEING OWNERS/LESSEES

OF See item 1 on Exhibit A hereto
(No.) (Street) (City) (State)

DO HEREBY VERIFY THE TRUTH AND CORRECTNESS OF ALL FACTS AND INFORMATION PRESENTED WITH THIS APPLICATION.

Witness

Witness
MATT MAHLE

GlennDel Partners
By
Owners/Lessee Signature

c/o Mark Furlong, 4099 Hunting Creek Drive
Mailing Address
Grove City, OH 43123

614-871-5552
Phone

Sworn to before me and subscribed in my presence this 13 day of August, 2001.

Notary Public

SIGNATURES CONTINUED ON ATTACHED PAGE

FEE: $ 4925.00 2 checks RECEIVED BY: DMCook DATE: 8-15-01

Revised 11/99 #135303 #230123

ANDREA CARTER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 10-19-05

SIGNATURES CONTINUED

Witness

Robert J. Davidson

Witness

8561 Turnberry Court
Mailing Address
Dublin, Ohio 43017

(614)764-2493
Phone

Sworn to before me and subscribed in my presence this 13 day of August, 2001.

Notary Public

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

Witness

Susan J. Davidson

Witness

8561 Turnberry Court
Mailing Address
Dublin, Ohio 43017

(614)764-2493
Phone

Sworn to before me and subscribed in my presence this 13 day of August, 2001.

Notary Public

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

DELAWARE PLANNING COMMISSION

Carter-Burgess - US 36/SR 37E

REZONING REVIEW

CASE NUMBER: PC01-072 MEETING DATE: August 29, 2001

APPLICANT/OWNER: Carter-Burgess
3001 Meacham Blvd.
Fort Worth, TX 76137

GlennDel Partners
c/o Mark Furlong
4099 Hunting Creek
Grove City, OH 43123

Robert & Susan Davidson
8561 Turnberry Court
Dublin, OH 43017

REQUEST: Approval of a Rezoning from M-1 (Light Manufacturing District) and B-3 (Community Business District) to M-2 (General Manufacturing District) and B-3 for the 170.309± acres owned by GlennDel Partners plus Robert and Susan Davidson that are generally located on the south side of US 36/SR 37 and east of Glenn Road.

BACKGROUND: The Applicant has a Client that intends to build a major warehouse-distribution facility at this location. The project would create several hundred jobs that are expected to pay above-average wages.

STAFF REVIEW: The M-1 zoning text that was in effect when this Application was filed allowed the proposal as a Permitted Use. After October 1, 2001, however, that zoning text would change to the newly-adopted text, which does not allow a distribution facility in the M-1 District, making the proposed facility a legal, non-conforming use.

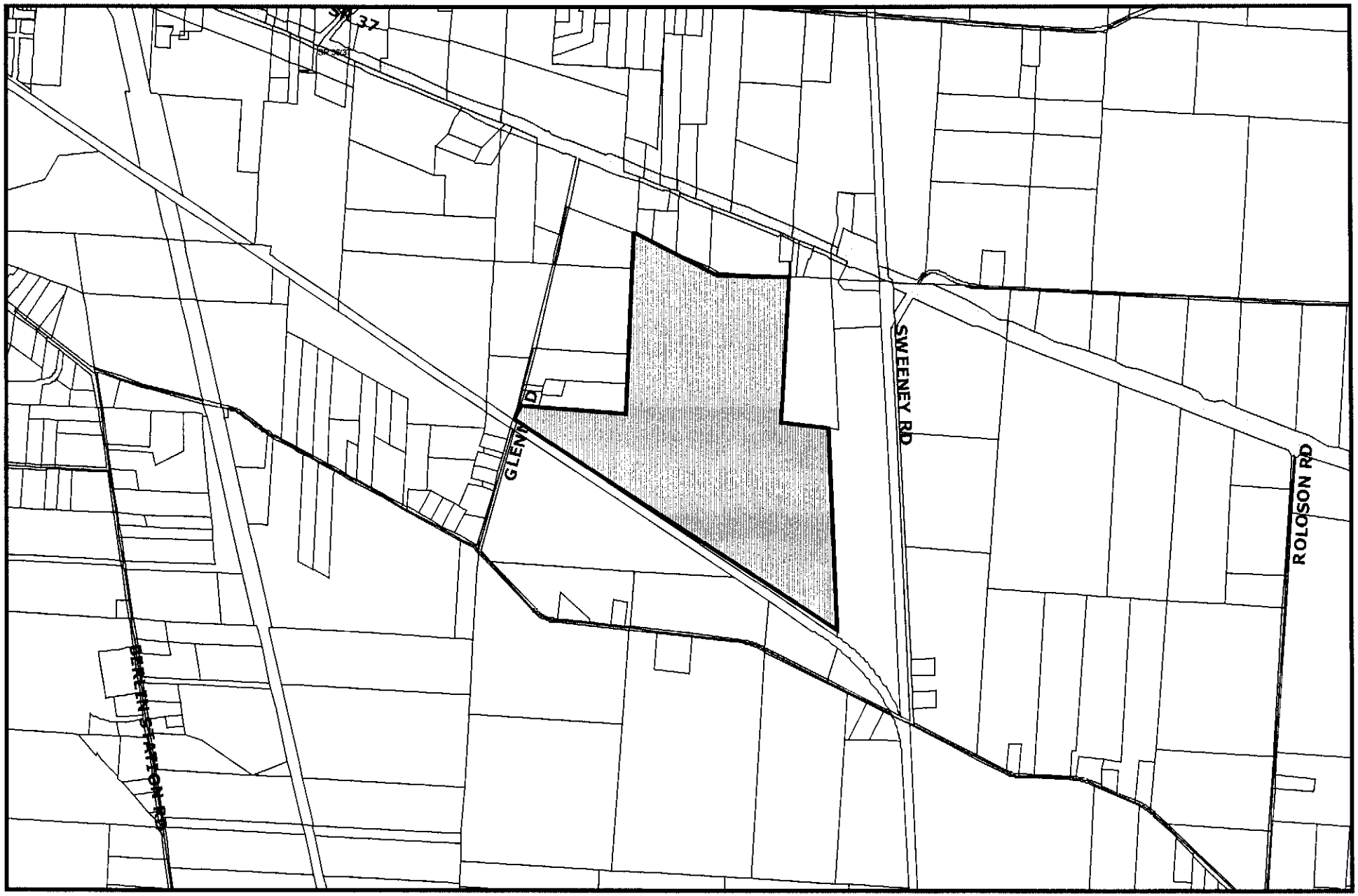
The Applicant wants to avoid being a non-conforming use and, because the new M-2 zoning text allows the proposed land use as a Permitted Use, they are seeking the indicated rezonings from M-1 to M-2.

In addition, part of the proposal is intended to "clean up" the boundaries of the areas zoned for B-3 and M-1. Currently, the B-3/M-1 District boundary parallels US 36/SR 37 at a distance of 600 feet, cutting across several property boundaries, resulting in those parcels being partly M-1 and partially B-3. The proposal is to have the Business and Manufacturing Districts boundaries conform to the property boundaries. There is a slight net gain in B-3 Zoning and a slight loss in Manufacturing, under the proposal.

The City and County have worked hard to get the Applicant to locate in Delaware and the City fully supports the proposed rezonings. The Comprehensive Plan shows Manufacturing and Commercial in this location, much as is proposed.

The M-2 is needed because it allows truck storage outside, which is important to a distribution facility. In the M-1 District, all uses must be inside the buildings, making it impossible for a Distribution Center to locate there.

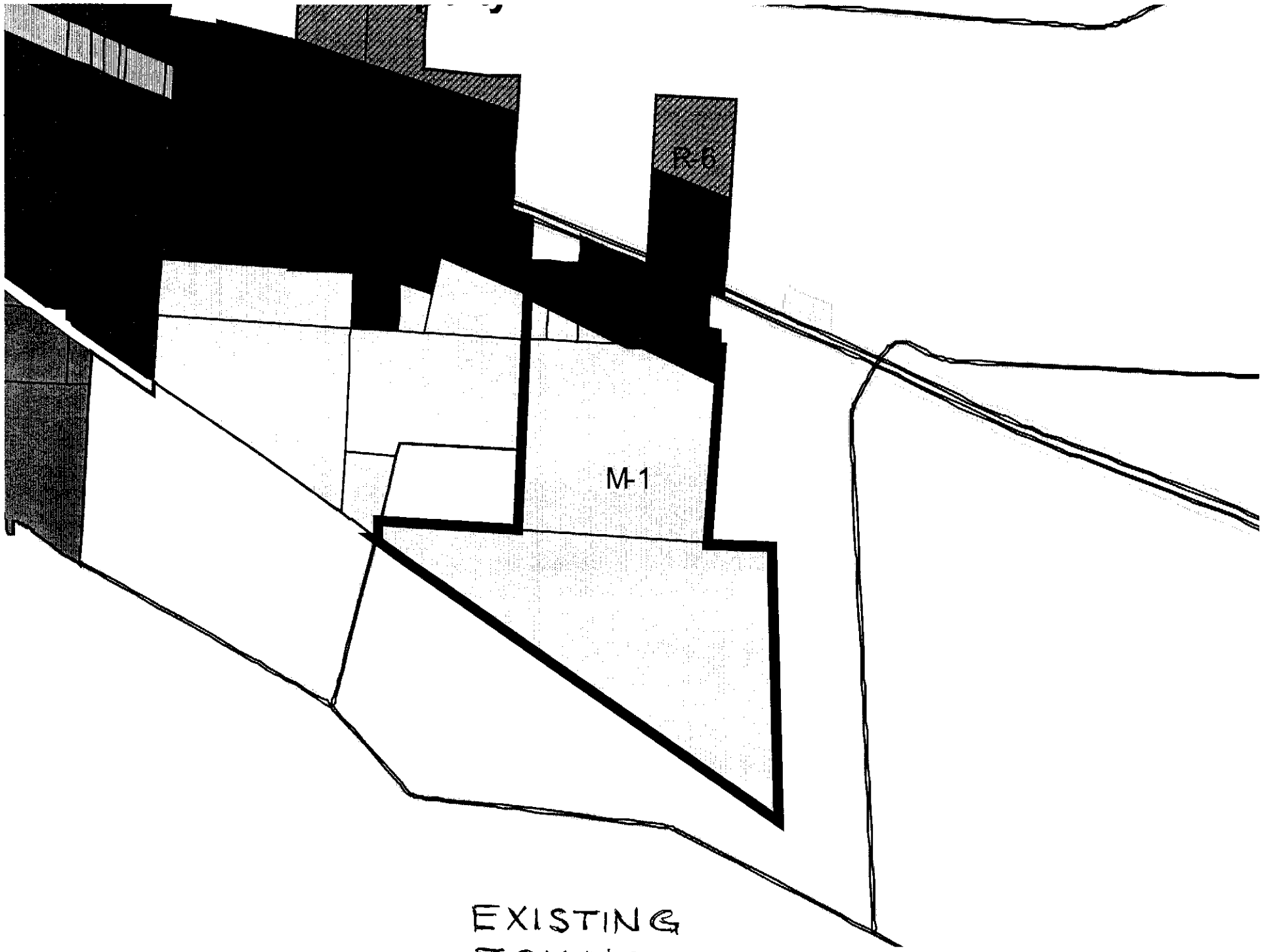
STAFF RECOMMENDATION: Staff recommends approval of the requested rezonings.



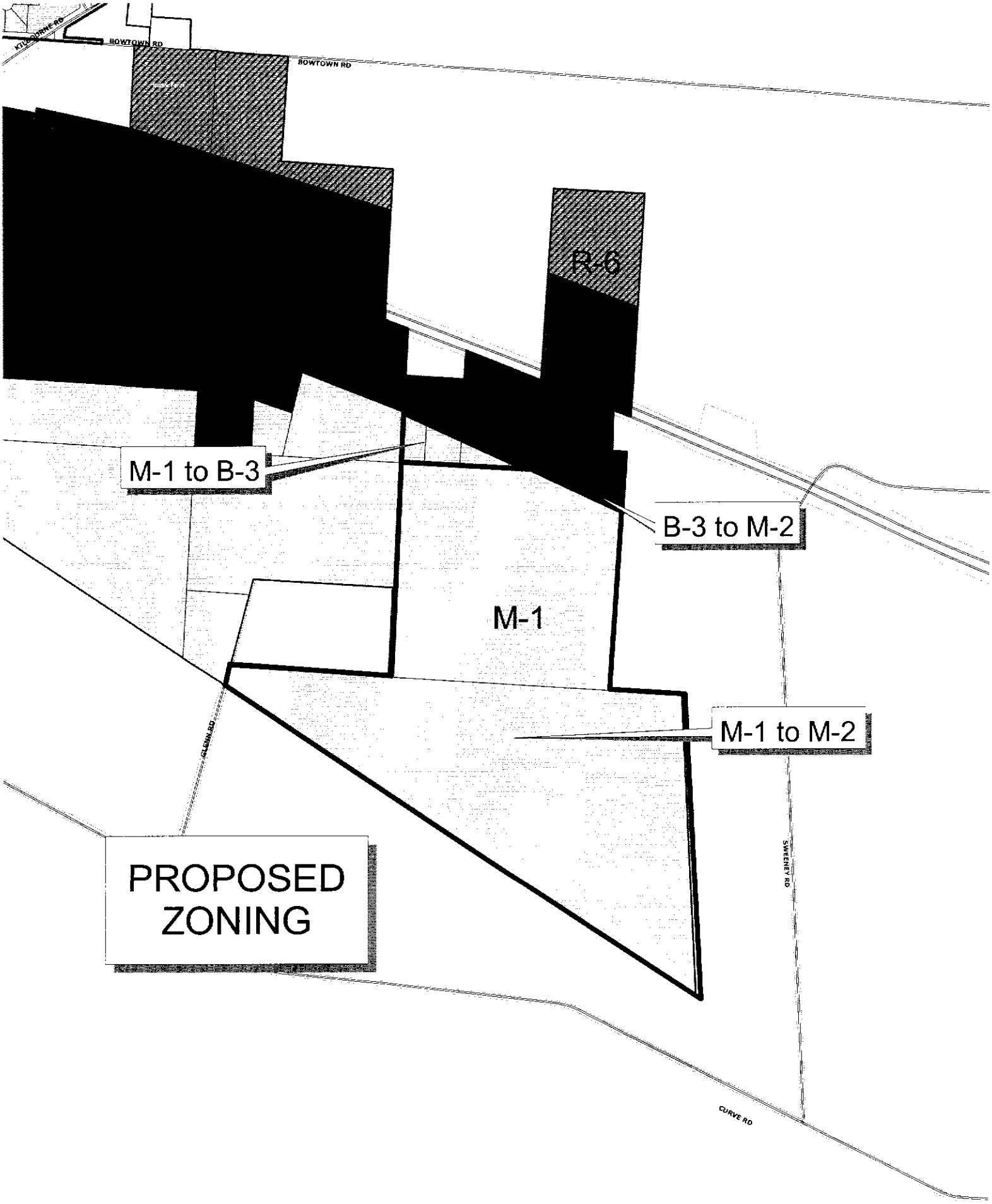
City of Dallastown
DNX
Planning & Community Development

PC01-072
CARTER BURGESS
SOUTH SIDE SR 36/37, EAST OF GLENN ROAD
REZONING M-1/B-3 TO M-2/B-3

N
W E
S



EXISTING
ZONING


BOWTOWN RD
BOWTOWN RD
R-6
M-1 to B-3
B-3 to M-2
M-1
M-1 to M-2
GLENN RD
SWEENEY RD
CURVE RD
PROPOSED
ZONING

PROPOSED TEXT LIMITATION

FOR THE REZONING 170.309± ACRES (4 LOTS) LOCATED EAST OF GLENN ROAD, SOUTH OF US 36/SR 3, NORTH OF THE RAILROAD TRACKS, AND WEST OF THE RAILROAD TRACKS FROM B-3 (COMMUNITY BUSINESS DISTRICT) AND M-1 (LIGHT MANUFACTURING DISTRICT) TO B-3 (COMMUNITY BUSINESS DISTRICT) AND M-2 (GENERAL MANUFACTURING DISTRICT).

At the request of the Applicant, the following Limitation Text shall apply to the M-2 portions of the rezoning and the following uses are excluded from the said 170.309± acres, either as permitted uses or as conditional uses:

(1) Those uses listed as conditional uses in Sections 1147.02(d)(3) and 1147.02(f) of the Codified Ordinances, as those Sections exist on September 12, 2001 and as described in the attached pages 140-143, except that wireless telecommunication facilities will be permitted in accordance with Chapter 1178 of the Codified Ordinances; and

(2) Those manufacturing uses which are not permitted [or conditionally permitted] in the M-1 district; namely Meat Packing Facilities and Train/Railroad Yards.

Chapter 1147
Industrial District Regulations

1147.01	Purpose.	1147.07	Airport regulations.
1147.02	Permitted uses.	1147.08	Outdoor storage regulations.
1147.03	Lot requirements.	1147.09	Accessory use regulations.
1147.04	Building setback and spacing requirements.	1147.10	Landscaping and screening requirements.
1147.05	Height regulations.	1147.11	Development plan review.
1147.06	Off-street parking and loading regulations.		

SECTION 1147.01 PURPOSE.

The Industrial Districts (M-1, M-2) and their regulations are established in order to achieve, among others, the following purposes:

(a) To provide convenient and sufficient zoning districts for industrial activities and for the production, distribution, and exchange of goods and services in order to serve and promote the economic development of the community.

(b) To protect residential neighborhoods adjacent to industrial districts by restricting the types of establishments, particularly at the common boundaries, which would create congestion, noise or other objectionable influences beyond the district boundaries, and by separating and insulating residential districts from the most intense industrial activities.

(c) To establish performance standards, parking specifications and yard regulations to ensure that industrial development is compatible with adjacent uses.

(d) To carry out the following specific purposes:

(1) To provide Light Industrial Districts (M-1) which accommodate those limited industrial uses conducted entirely within enclosed buildings that operate with a minimum of noise, glare, odor, dust, vibration, air and water pollution, fire and safety hazard or any potential nuisance characteristic. An M-1 District is designed to accommodate light industrial uses and activities, the operational and physical characteristics of which do not detrimentally affect surrounding zoning districts. All activities, operations and storage for permitted uses in an M-1 District shall be carried out in wholly enclosed buildings, except for accessory outdoor uses such as storage of materials and fleet vehicles.

(2) To provide General Manufacturing Districts (M-2) which accommodate a broader range of industrial activities than those permitted in the M-1 District. Such intensive industrial establishments may utilize products, materials or processes that can create dust, smoke, fumes, glare, odors or other objectionable characteristics, but do not create any danger to the health, safety and general

welfare of the surrounding neighborhoods due to the application of performance standards. Uses in the M-2 Districts typically generate outdoor activities and outdoor storage in association with permitted principal uses.

SECTION 1147.02 PERMITTED USES.

(a) Uses Permitted by Right. A use listed in Schedule 1147.02 shall be permitted by right as a principal use in a district when denoted by the letter "P", provided that all requirements of other city ordinances and this Zoning Ordinance have been met.

(b) Conditional Uses. A use listed in Schedule 1147.02 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter 1148 have been met according to the procedures set forth in Chapter 1129.

(c) Accessory Uses. A use listed in Schedule 1147.02 shall be permitted as an accessory use in a district when denoted by the letter "A". Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Ordinance.

(d) Use Not Listed in Schedule. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Ordinance applicable to the specific use and parcel in question. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted:

(1) Upon amendment of this Ordinance and/or the Zoning Map as provided in Chapter 1130; or

(2) Upon a finding that a use is substantially similar as provided in Section ~~1129.09~~ **1129.11**.

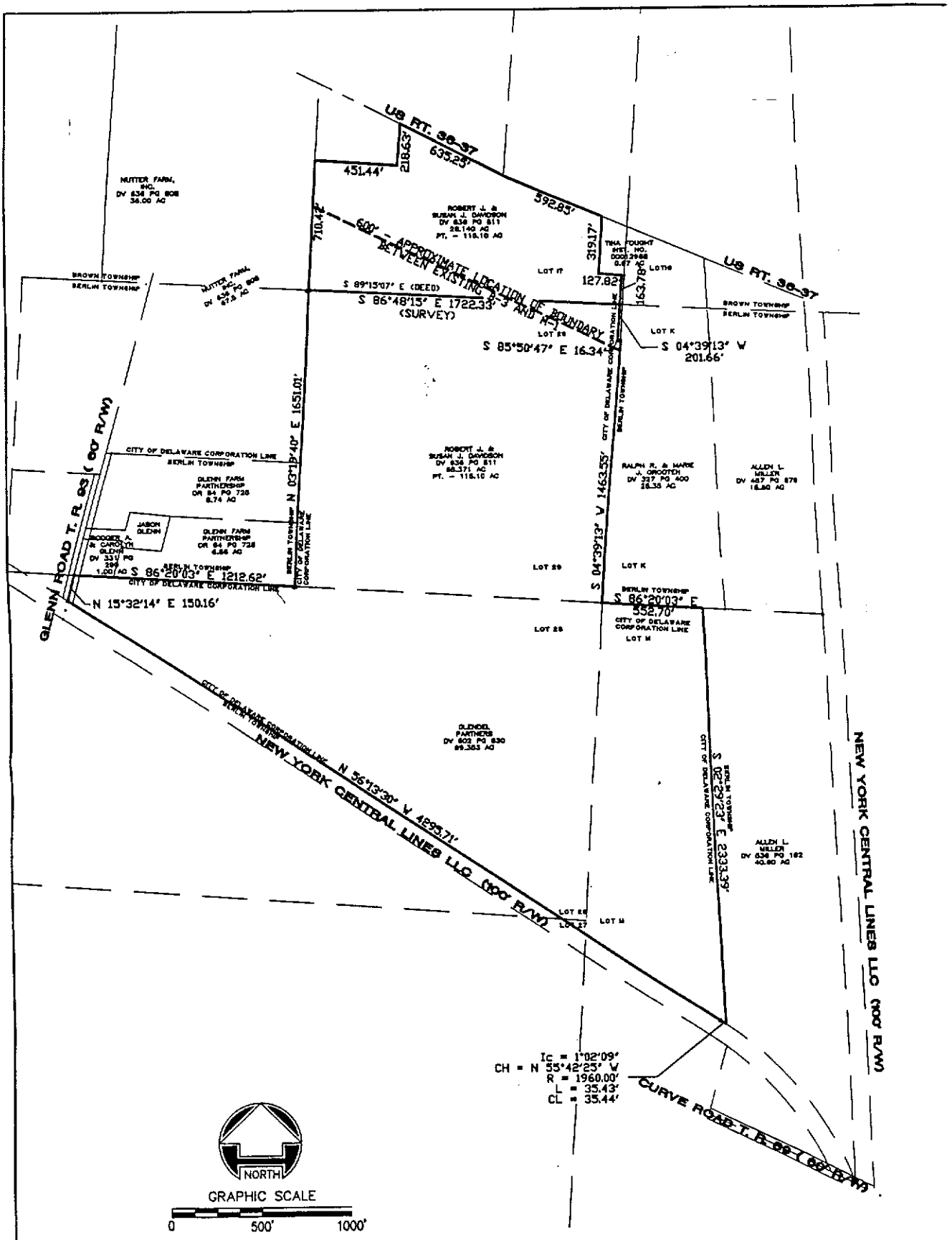
Schedule 1147.02
PERMITTED USES

	M-1 Light Industrial	M-2 General Manufacturing
(a) Offices		
(1) Research and development facility	P	P
(2) Office – professional, administrative and sales	P	A
(3) Training facility	P	P
(b) Storage and Distribution		
(1) Distribution facility/truck terminal	C	P
(2) Warehouse or indoor storage facility	P	P
(3) Storage (aboveground) of flammable liquids	C	C
(c) Outdoor Storage		
(1) Storage (general) of materials	A	P
(2) Storage of fleet vehicles for operation of principal use	A	P
(3) Storage of equipment for sale or rental	A	P
(d) Manufacturing and Processing		
(1) Assembly and production facility utilizing products from previously and elsewhere prepared materials	P	P
(2) Meat packing		P
(3) Manufacture of products from raw materials, including:		C
A. Explosives manufacture or storage, including small arms ammunition		C
B. Distillation of coal, petroleum, refuse, grain, wood or bones, except in manufacture of gas		C
C. Fertilizer or compost manufacture or storage		C
D. Mining & mixing of stone, sand & gravel		C
E. Production of acid, ammonia, chlorine or bleaching powder, bulk storage of corrosive acids & derivatives		C
F. Production of glue, paper, plastics, rubber & size/gelatin if process includes refining of products from animal refuse		C
G. Production of asphalt/asphalt products & charcoal		C

P = Permitted Use C = Conditional Use
A = Accessory Use Blank Cell = Prohibited Use

	M-1 Light Industrial	M-2 General Manufacturing
H. Production of celluloid or pyroxylin, or explosive or flammable cellulose or pyroxylin products		C
I. Creosote manufacture or treatment		C
(e) Transportation		
(1) Airport and airport-related uses – see Section 1147.07		C
(2) Heliport		C
(3) Train/railroad yard		P
(f) Other		
(1) Junk yard		C
(2) Public safety facility	C	C
(3) Public service/maintenance facility		C
(4) Public utility substation or distribution facility	C	C
(5) Recycling facility		C
(6) Adult entertainment business	See Chapter 1155	
(7) Wireless telecommunication facility	See Chapter 1178	
(g) Accessory Uses		
(1) -Employee medical clinics, cafeterias and recreational facilities	A	A
(2) Fences and walls	A	A
(3) Maintenance, waste disposal and storage facility within enclosed building	A	A
(4) Off-street parking and loading	A	A
(5) Signs	A	A
(6) Trash receptacles	A	A

P = Permitted Use C = Conditional Use
A = Accessory Use Blank Cell = Prohibited Use



RECEIVED
AUG 15 2001

EXHIBIT
SAILS DISTRIBUTION CENTER
SECTION 2, TOWNSHIP 4 N, RANGE 18 W, USML
CITY OF DELAWARE AND TOWNSHIP OF BERLIN
COUNTY OF DELAWARE, STATE OF OHIO

WOOLPERT
2780 AIRPORT DRIVE
SUITE 140
COLUMBUS, OHIO 43219
PHONE: 614.476.6000
FAX: 614.476.6225

DES.____ PROJECT
DRT DMK NO. 59226
CKD.____ DATE 8-7-01
SHEET 1 OF 1

EXHIBIT A

1. 170.690± acres located in the City of Delaware south of U.S. Route 36 between Glenn Road and the CSX Railroad as more particularly described on Exhibits B and C attached hereto.

2. a. located in the City of Delaware south of U.S. 36/S. R. 37, north of the CSX Railroad, east of Glenn Road and west of Sweeney Road, as more particularly described on Exhibit B attached hereto.

   b. located in the City of Delaware south of U.S. 36/S.R. 37, north of the CSX Railroad, east of Glenn Road and west of Sweeney Road, as more particularly described on Exhibit C attached hereto.

3. a. A warehouse/distribution facility with a small support office component and vehicle maintenance facility. This will also include parking for automobiles, trucks and trailers, storm water retention/detention facilities and access. The principal access to the subject site will be provided by the dedication of a public street from U.S. 36/S.R. 37 to the subject site across the property described on Exhibit C hereto. The initial phase of the project is anticipated to include approximately 904,000 square feet of floor space and to employ approximately 625 individuals. The facility will operate 24 hours per day and will not generate any wastes other than waste oil and grease from the maintenance facility, which will be collected on-site and disposed of in accordance with law, and paper and cardboard materials which will be recycled. The reason for this zoning change is that the portion of the facility located on the small part of the property zoned B-3 would not be permitted in that district, and the facility will not be a permitted use in the M-1 district after the amendment of that provision of the Delaware Zoning Code.

   b. There are currently no plans for the development of the small triangle of ground requesting for rezoning from M-1 to B-3. The reason for rezoning this small triangle is to include this small leftover triangle in the adjacent B-3 district to the north and to square up the boundaries of that B-3 district.

4.

GlennDel Partners
c/o Mark Furlong
4099 Hunting Creek Drive
Grove City, Ohio 43123
Contact: Mark Furlong
Phone: 614-871-5552

Robert J. and Susan J. Davidson
8561 Turnberry Court
Dublin, Ohio 43017
Contact: Robert J. Davidson
Phone: 614-764-2493

5.

Owner Name	Property Address	Tax Mailing Address
Nutter Farm Inc.	1) Parcel #41822001008000 37 SR E Delaware, OH 43015 2) 1555 37 SR E Delaware, OH 43015	Nutter Farm Inc. 35 Fountain Ave. Delaware, OH 43015
Glenn Farm Partnership	1) 491 Glenn Road Delaware, OH 43015 2) Parcel #41822001009001 Glenn Road Rear Delaware, OH 43015	Glenn Farm Partnership 533 Glenn Road Delaware, OH 43015
Rodger A. and Carolyn S. Glenn	533 Glenn Road Delaware, OH 43015	Rodger A. and Carolyn S. Glenn 533 Glenn Road Delaware, OH 43015
Peter John Manos et al	Parcel #41822001010000 Glenn Road Delaware, OH 43015	Peter John Manos, et al 50 N. Sandusky Street Delaware, OH 43015
Roger D. and Nancy C. Schultz	1) Parcel #41822001021000 1551 Curve Road Delaware, OH 43015 2) Parcel #41822001028000 1551 Curve Road Delaware, OH 43015 3) Parcel #41822001032000 1551 Curve Road Delaware, OH 43015	Roger D. and Nancy C. Schultz 1551 Curve Road Delaware, OH 43015
Harry L. and Betty L. O'Brien	2631 Curve Road Delaware, OH 43015	Harry L. O'Brien 2631 Curve Road Delaware, OH 43015

Owner Name	Property Address	Tax Mailing Address
Allen L. Miller	Parcel #41822001043000 Curve Road Delaware, OH 43015	Allen L. Miller 50 Ross Street Delaware, OH 43015
Ralph R. and Marie J. Grooten	1) Parcel #41822001006000 37 SR E Delaware, OH 43015 2) Parcel #51830001120000 36 US Delaware, OH 43015 3) Parcel #51830001121000 36 US Delaware, OH 43015	Ralph R. and Marie J. Grooten 2376 St Rt 37 E Delaware, OH 43015
Mary J. Grooten, Trustee	2005 36 US Delaware, OH 43015	Mary J. Grooten, Trustee 2376 St Rt 37 E Delaware, OH 43015
Christopher A. and Nicki L. Acker	Parcel #51830001113000 36 US Delaware, OH 43015	Nicki Acker PO Box 620144 Fort Rucker, AL 36362
Donald R., Theresa G. and Matthew T. Hollis	2005 36 US Delaware, OH 43015	Donald R., Theresa G. and Matthew T. Hollis 2005 St Rt 37 E Delaware, OH 43015
Robert J. and Susan J. Davidson	Parcel #518300011180000 US 36 Delaware, OH 43015	Robert J. and Susan J. Davidson 3561 Turnberry Court Dublin, OH 43017
Tina I. Fought	2298 37 SR E Delaware, OH 43015	Tina I. Fought 2298 St Rt 37 E Delaware, OH 43015
Christopher L. and Sherri A. Miller	616 Glenn Road Delaware, OH 43015	Christopher L. and Sherri A. Miller 616 Glenn Road Delaware, OH 43015

Owner Name	Property Address	Tax Mailing Address
A. Wayne and Doris A. Stegner	1998 37 SR E Delaware, OH 43015	A. Wayne and Doris A. Stegner 1998 St Rt 37 East Delaware, OH 43015
Deborah K. Nibert	1968 36 US E Delaware, OH 43015	Deborah K. Nibert 1968 St Rt 37 E Delaware, OH 43015

EXHIBIT B

Parcel 1

Situate in Section 2, Township 4 North, Range 18 West, United States Military Lands, City of Delaware and the Township of Berlin, County of Delaware, State of Ohio, and being a 65.371 acre tract out of an original 115.10 acre tract of land as conveyed to Robert J. and Susan J. Davidson by deed of record in Deed Book 636, Page 811 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Delaware County Recorder's Office, unless noted otherwise) and being more particularly bounded and described as follows:

Commencing for reference at a railroad spike found at the intersection of the north line of the New York Central Railroad and the centerline of Glenn Road (Township Road 93) also being in the Corporation Line of the City of Delaware;

thence along the centerline of said Glenn Road and the west line of a 99.353 acre tract of land as conveyed to Glenndel Partners by deed of record in Deed Book 602, Page 630 North fifteen degrees thirty-two minutes fourteen seconds East (N15°32'14"E) for one hundred fifty and 16/100 feet (150.16') to spike found at the northwest corner of said 99.353 acre tract and the southwest corner of a 1.00 acre tract of land conveyed to Rodger Glenn by deed of record in Deed Book 331, Page 291, also being in the north line of Lot 28 and the south line of Lot 29;

thence leaving said centerline along the north line of said 99.353 acre tract and the south line of said 1.00 acre tract and the south line of a 6.86 acre tract of land as conveyed to Glenn Farm Partnership by deed of record in Official Record 64, Page 725 South eighty-six degrees twenty minutes three seconds East (S86°20'03"E) for one thousand two hundred twelve and 62/100 feet (1212.62') to a stone found at the southeast corner of said 6.86 acre tract and the southwest corner of said 115.10 acre tract being the **TRUE PLACE OF BEGINNING** of the herein described tract;

thence along the east line of said 6.857 acre tract, the east line of a 8.74 acre tract of land as conveyed to Glenn Farm Partnership by deed of record in Official Record 64, Page 725, the east line of a 36.00 acre tract of land as conveyed to Nutter Farm, Inc. by deed of record in Deed Book 636, Page 808, and the west line of said 115.10 acre tract North three degrees nineteen minutes forty seconds East (N03°19'40"E) for one thousand six hundred fifty-one and 01/100 feet (1651.01') to a cross set on a stone on the north line of said Lot 29 and the south line of Lot 17 also being in the north line of Berlin Township and the south line of Brown Township;

thence on a new dividing line across said 115.10 acre tract, along the north line of said Lot 29 and said Berlin Township and the south line of said Lot 17 and said Brown Township South eighty-six degrees forty-eight minutes fifteen seconds East (S86°48'15"E) for one thousand seven hundred twenty-two and 33/100 feet (1722.33') to an iron pin set on a west line of a 25.35 acre tract of land as conveyed to Ralph R. and Marie J. Grooten by deed of record in Deed Book 327, Page 400 and the east line of said 115.10 acre tract also being in said Corporation Line of the City of Delaware;

thence leaving the north line of said Lot 29 and said Berlin Township and the south line of said Brown Township, along a west line of said 25.35 acre tract and an east line of said 115.10 acre tract, also along said Corporation Line of the City of Delaware for the following three (3) courses:

1.) South four degrees thirty-nine minutes thirteen seconds West (S04°39'13"W) for two hundred one and 66/100 feet (201.66') to an iron pin set;

2.) South eighty-five degrees fifty minutes forty-seven seconds East (S85°50'47"E) for sixteen and 34/100 feet (16.34') to an iron pin set being on the east line of said Lot 29 and the west line of Lot K;

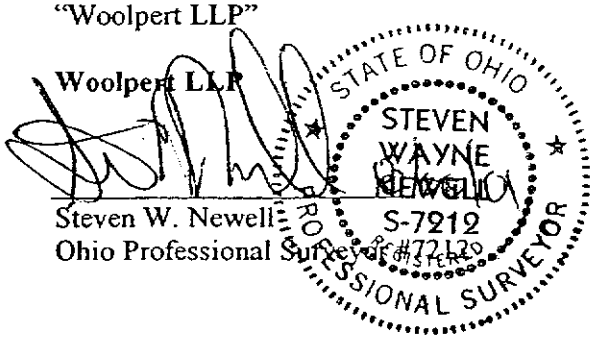
3.) along the east line of said Lot 29 and the west line of said Lot K South four degrees thirty-nine minutes thirteen seconds West (S04°39'13"W) for one thousand four hundred sixty-three and 55/100 feet (1463.55') to an iron pin set at the southwest corner of said 25.35 acre tract and the southeast corner of said 115.10 acre tract, said point also being at the southeast corner of said Lot 29, the northeast corner of said Lot 28, the southwest corner of Lot K, and the northwest corner of Lot M, and in the north line of said 99.353acre tract;

thence along the south line of said 115.10 acre tract and said Lot 29 and the north line of said 99.353 acre tract and said Lot 28 North eighty-six degrees twenty minutes three seconds West (N86°20'03"W) for one thousand seven hundred and 17/100 feet (1700.17') to the **TRUE POINT OF BEGINNING**, containing sixty-five and 371/1000 (65.371) acres, more or less, subject however to all covenants, conditions, restrictions, reservations, rights-of-way, and easements contained in any instrument of record pertaining to the above described tract of land.

This description was prepared from a field survey performed by Woolpert LLP in June, 2001, with bearings based upon the Ohio State Plane Coordinate System, North Zone, North American Datum of 1983.

All iron pins set are 5/8" diameter, 30" long rebars with plastic caps stamped "Woolpert LLP"

Woolpert LLP



Steven W. Newell
Ohio Professional Surveyor #7212

Parcel 2

Situated in the Township of Berlin, County of Delaware, State of Ohio, being a part of Farm Lots 27, 28 and M, Quarter Township 2, Township 4, Range 18, U. S. Military Lands, and more particularly described as follows: Beginning at a bolt found in the centerline of Glenn Road (Township Road 93) on the north line of Farm Lot 28, and being the southwest corner of a 1.00 acre tract now or formerly owned by Roger A. and Carolyn S. Glenn as described in Deed Book 331, page 290; thence South 84° 20' 04" East, along the north line of Farm Lot 28 and Farm Lot M (passing a stone found at 20.4 feet, and another cornerstone found at 1212.80 feet; being the southeast corner of a 16.70 acre tract now or formerly owned by Clinton B. and Madeline D. Glenn as described in Deed Book 311, page 86; and also passing the northwest corner of Lot M, at 2912.79 feet more or less) a total distance of 3465.49 feet to a 7/8" O.D. iron pipe set at the northwest corner of lands now or formerly owned by Harry L. and Betty L. O'Brien; thence South 0° 29' 25" East a distance of 2333.35 feet to a 7/8" O.D. iron pipe set on the north right of way line of the Penn Central Railroad (formerly the C.C.C. and St. Louis Railroad); thence along a curve to the left, having a radius of 1960 feet, a chord which bears North 53° 42' 28" West, a chord distance of 35.40 feet to a 7/8" O.D. iron pipe set at the P.C. of the railroad; thence North 54° 13' 31" West, along the north right of way line of the Penn Central Railroad (being 50 feet north of and parallel to the centerline of the track (passing the west line of Lot M at 889.29 feet more or less, and passing the north line of Farm Lot 27 at 1045.39 feet more or less, and also passing a 7/8" O.D. iron pipe set at 4261.65 feet) a total distance of 4295.72 feet to a railroad spike set in the centerline of Glenn Road (Township Road 93); thence North 17° 32' 12" East, along the centerline of Glenn Road, a distance of 150.16 feet to the Place of Beginning, containing 99.353 acres more or less; there being 0.119 acre in Farm Lot 27, 67.493 acres in Farm Lot 28 and the remaining 31.741 acres in Farm Lot M.

The foregoing description results from a survey made by H. Edward Snodgrass, Reg. Surveyor #5555, Stults & Associates, Delaware, Ohio, November 12, 1975.

twenty-two and 33/100 feet (1722.33') to a point in a westerly line of said 115.10 acre tract;

thence along westerly lines of said 115.10 acre tract for the following three (3) courses:

1) North zero degrees fifty-two minutes forty-eight seconds East (N00°52'48"E) for seven hundred ten and 42/100 feet (710.42') to a point marking a corner of said 115.10 acre tract;

2) South eighty-eight degrees thirty-seven minutes zero seconds East (S88°37'00"E) for four hundred fifty-one and 44/100 feet (451.44') to a point marking a corner of said 115.10 acre tract;

3) North one degree twenty-three minutes zero seconds East (N01°23'00"E) for two hundred eighteen and 63/100 feet (218.63') to the **POINT OF BEGINNING**, containing twenty-six and 140/1000 (26.140) acres, more or less.

This description was based on Deed Book 636, Page 811.

Woolpert LLP

EXHIBIT C

Being a portion of the 26.140± acre tract described below, said portion being the part of said tract which is currently zoned M-1 and being estimated to be a triangle in the southwest portion of said tract containing 5.966± acres:

Situate in Section 2, Township 4 North, Range 18 West, United States Military Lands, City of Delaware, County of Delaware, State of Ohio, and being part of an original 115.10 acre tract as conveyed to Robert J. and Susan J. Davidson by deed of record in Deed Book 636, Page 811 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Delaware County Recorder's Office, unless noted otherwise) and being more particularly bounded and described as follows:

Beginning at the intersection of the centerline of U. S. 36/S. R. 37 and a westerly corner of said 115.10 acre tract also being in the Corporation Line of the City of Delaware;

thence along said centerline and said Corporation Line also being in a line of said 115.10 acre tract South sixty-six degrees thirty-seven minutes zero seconds East (S66°37'00"E) for six hundred thirty-five and 25/100 feet (635.25') to a corner thereof;

thence continuing along said centerline and said Corporation Line South seventy degrees nine minutes thirty-one seconds East (S70°09'31"E) for five-hundred nintey-two and 85/100 feet (592.85') to the northwest corner of 0.97 acre tract of land conveyed to Tina Fought by deed recorded in Inst. No. 00012988;

thence leaving said centerline and along said Corporation Line and the westerly and southerly lines of said 0.97 acre tract for the following three (3) courses:

1) South one degrees twenty-eight minutes twenty-one seconds West (S01°28'21"W) for three hundred nineteen and 17/100 feet (319.17') to a point marking a corner of said 0.97 acre tract;

2) thence South eighty-eight degrees one minutes thirty-nine seconds East (S88°01'39"E) for one hundred twenty-seven and 82/100 feet (127.82') to a point marking a corner of said 0.97 acre tract;

3) thence South one degrees fifty-seven minutes twenty-one seconds West (S01°57'21"W) for one hundred sixty-three and 78/100 feet (163.78') to a point marking a corner of said 0.97 acre tract;

thence across said 115.10 acre tract along the north line of said Berlin Township and the south line of said Brown Township North eighty-nine degrees fifteen minutes seven seconds West (N89°15'07"W) for one thousand seven hundred