ORDINANCE NO. 06-05

AN ORDINANCE APPROVING A REZONING OF TWO PARCELS CONSISTING OF A TOTAL OF 4.802± ACRES FROM A-1 (AGRICULTURAL DISTRICT) TO R-4 (SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT) WITH PRD (PLANNED RESIDENTIAL DEVELOPMENT) FOR PROPERTIES LOCATED AT 1776 STRATFORD ROAD. (KIMBALL PROPERTY)

WHEREAS, the Planning Commission at its meeting of December 7, 2005 recommended approval of a Rezoning of two parcels consisting of a total of 4.802± acres from A-1 (Agricultural District) to R-4 (Single and Two-family Residential District) with PRD (Planned Residential Development District) Overlay for properties located at 1776 Stratford Road (PC 05-080), and

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

SECTION 1. That the Rezoning of two parcels consisting of a total of 4.802± acres from A-1 (Agricultural District) to R-4 (Single and Two-family Residential District) with a PRD (Planned Residential Development District) Overlay for properties located at 1776 Stratford Road, be the same and is hereby confirmed, approved, and accepted.

SECTION 2. 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 Revised Code.

VOTE ON RULE SUSPENSION: YEAS 5 NAYS 1
ABSTAIN 0

PASSED: Jan 23, 2006 YEAS 5 NAYS 1
ABSTAIN 0

ATTEST: Cindy Queen
CITY CLERK

Wendell Wheeler
MAYOR

Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: PC 05-080
REQUEST: Rezoning
PROJECT: Kimball Property
MEETING DATE: December 7, 2005

APPLICANT/OWNERS
Jacqueline and Philip Kimball
1776 Stratford Road
Delaware, OH 43015

REQUEST

Rezoning of two parcels consisting of a total 4.802± acres from A-1 (Agricultural District) to R-5 (Single-family Cluster and Attached Residential District) for properties located at 1776 Stratford Road.

PROPERTY LOCATION & DESCRIPTION
The properties are located at on the west of Stratford Road just north of Hull Drive at 1776 Stratford Road. The zoning of the property automatically became A-1 upon its recent annexation into the City of Delaware. The surrounding zoning is R-6 (Multi-family Residential District) with a PUD (Planned Unit Development) Overlay to the north (Timmons Woods), A-1 (Agricultural District) to the east and west, and Delaware Township Farm Residential District to the south.

BACKGROUND
The property was recently annexed to the City. Presently there is a single-family residence and two accessory structures on the southern parcel (1.806 acres) while the northern parcel (3.268 acres) is vacant. These acreage figures include 0.272 acres of right-of-way, which is not in the City and not being zoned with this application. The applicant, who presently resides on the property, operates a legal non-conforming home occupation from the residence and accessory structures. A pre-annexation agreement (PAA) was approved in April 2005 with the acceptance of the annexation. The PAA specifies the property will be developed in accordance with the Comprehensive Plan land use recommendation of Low-Density Multi-Family. It also states the stream running along the northern property line will be protected as required by the Zoning Code. A specific development or developer has not been determined at this time nor is it required. The property is currently for sale and is being marketed for the purposes of development.

STAFF ANALYSIS

- **LAND USE**: The area consists of higher density residential to the north (Timmons Woods Condominiums) and low density single-family residential to the south in Delaware Township. Since the original 2003 Comprehensive Plan did not provide for an appropriate transition between the residential uses in the area, the City amended the Comprehensive Plan land use designation for this property from Moderate Density Multi-Family to Low Density Multi-Family in December 2004. The proposed zoning district is consistent with the Comprehensive Plan land use designation. A copy of the applicable Zoning Code text is included with this packet.

  The R-5 Zoning District allows, among other uses, cluster single-family dwellings, two-family dwelling, attached single-family dwellings, and multiple-family dwellings. A single-family dwelling on one individual lot of record is not permitted. The existing residence would become a legal non-conforming use. It is allowed to exist as it presently does with restrictions on enlargement and discontinuation of use as stated in Chapter 1151. Given the fact the property is for sale and marketed for development, Staff is not concerned with the creation of a legal non-conforming use as a result of this rezoning.

- **DENSITY/INTENSITY**: Timmons Woods condominiums to the north is designated by the Comprehensive Plan as Moderate-Density Multi-Family land use (8-10 du/ac), the single-family homes to the south are a Low-Density Single-Family land use designation (2-3.25 du/ac), and to the west are properties fronting US 23. The Kimball property is recommended for Low Density Multi-Family (6-8 du/ac) land use. As stated in the PAA, the property will be developed at a density of 6-8 du/ac, as recommended by the Comprehensive Plan, provided the environmental constraints of the property (stream, topography, etc.) do not make such densities infeasible. The proposed zoning district is consistent with the Comprehensive Plan density recommendation.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning of 4.802± acres from A-1 (Agricultural District) to R-5 (Single-family Cluster and Attached Residential District) for the properties located at 1776 Stratford Road.

CONCLUSIONS

- The proposed Zoning District is consistent with the Comprehensive Plan land use recommendation.
- The proposed Zoning District allows for a transitional density between the residential uses in the area as recommended by the Comprehensive Plan.

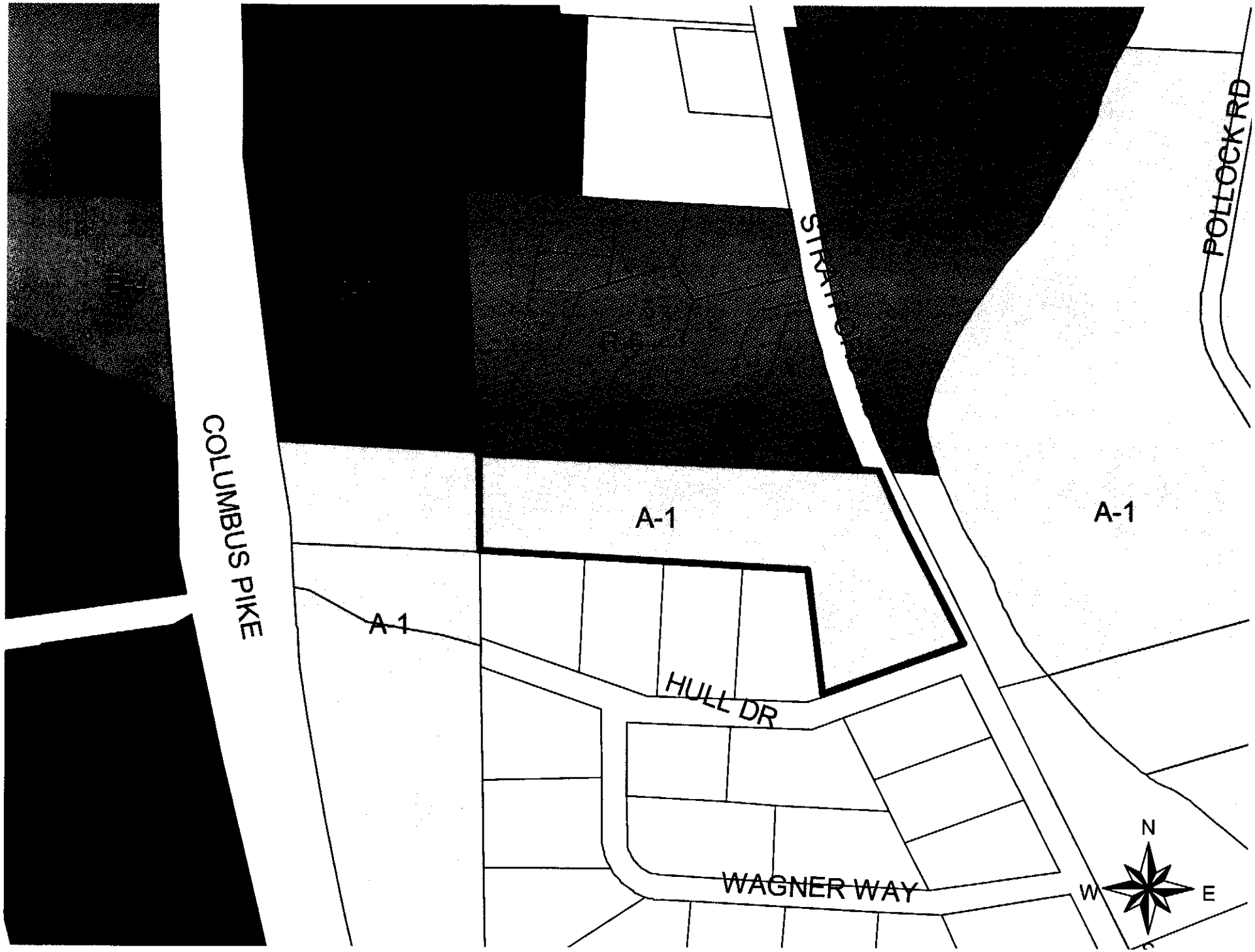
COMMISSION NOTES:

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled*_____

CONDITIONS/MISCELLANEOUS:


COTTSWOLD DR
SOMERSET
COLUMBUS PIKE
STRATFORD RD
POLLOCK RD
W HULL DR
HULL DR
WAGNER WAY
STRATFORD DR
N
W
E
S


STRATFORD RD
HULL DR
COLUMBUS PIKE
W
E


COLUMBUS PIKE
A-1
A-1
A-1
HULL DR
WAGNER WAY
POLLOCK RD
N
W
E

N
W
STRATFORD RD
HULL DR
WAGNER WAY
ldsf
ldsf
COLUMBUS PIKE

EXHIBIT B

SCIOTO LAND SURVEYING SERVICE, INC.

173 NORTH SANDUSKY STREET • DELAWARE, OHIO 43015 • 740-369-7577

JACQUELINE T. AND K. PHILIP KIMBALL ANNEXATION

MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF DELAWARE, OHIO

PART OF FARM LOT 15, QUARTER-TOWNSHIP 1,
TOWNSHIP 4, RANGE 19, U.S.M.L.
DELAWARE TOWNSHIP, DELAWARE COUNTY, OHIO

PREVIOUSLY ANNEXED TERRITORY

- PLAT BOOK 9, PAGE 114 ORDINANCE NO. 72-29
- PLAT BOOK 20, PAGE 154 ORDINANCE NO. 87-108A
- PLAT CABINET 1, SLIDE 491 ORDINANCE NO. 95-16
- PLAT CABINET 1, SLIDE 545 ORDINANCE NO. 95-69
- PLAT CABINET 2, SLIDE 782 ORDINANCE NO. 02-106

THIS PETITION IS FILED AS AN EXPEDITED II ANNEXATION PROCEEDING UNDER SECTIONS 709.021 AND 709.023 O.R.C.

AS TO BOTH TRACT 1 AND 2

968.42' OF TOTAL BOUNDARY IS CONTIGUOUS TO THE CITY OF DELAWARE.

2574.91' OF PERIMETER OF TERRITORY TO BE ANNEXED.

37.610% OF PERIMETER IS CONTIGUOUS TO THE CITY OF DELAWARE.

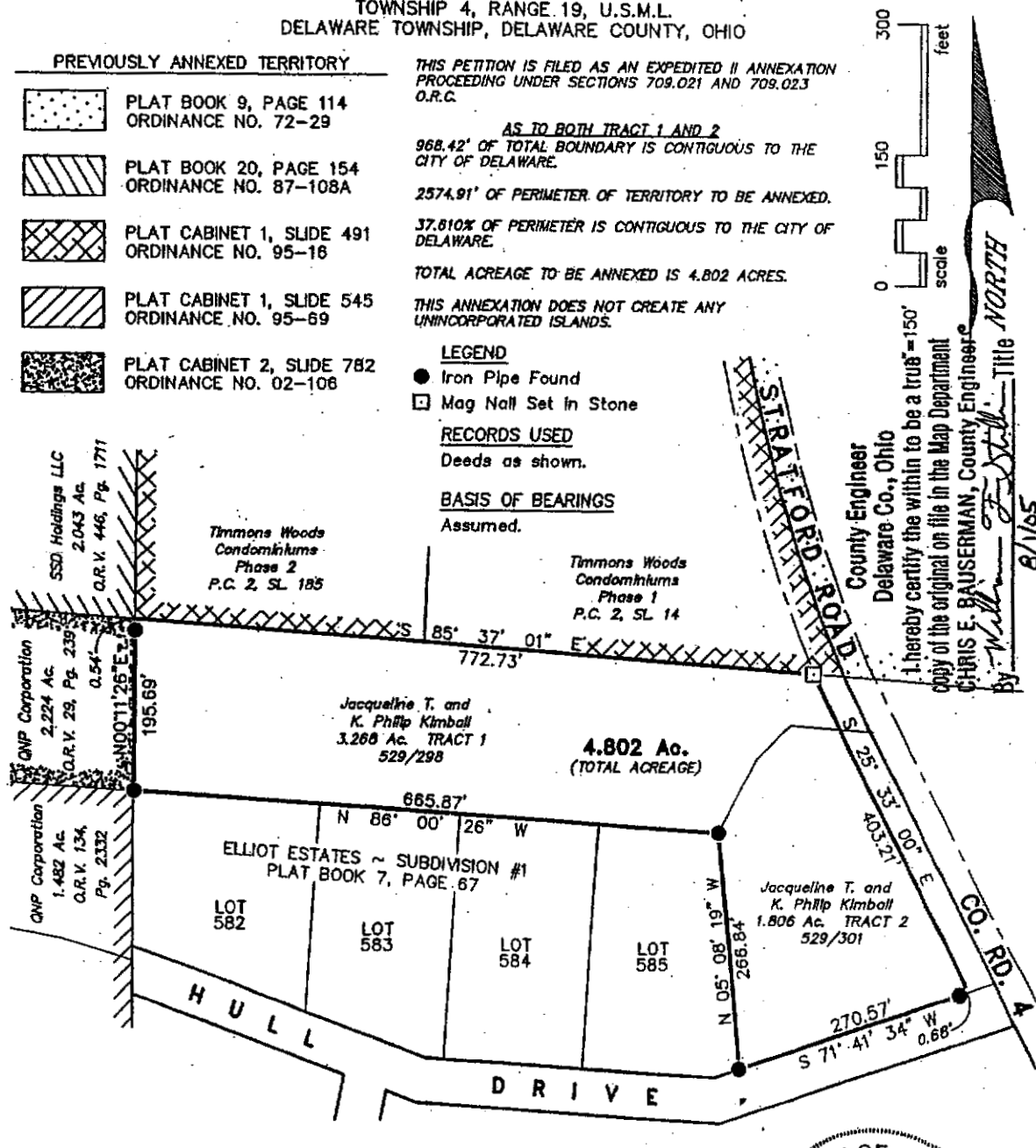
TOTAL ACREAGE TO BE ANNEXED IS 4.802 ACRES.

THIS ANNEXATION DOES NOT CREATE ANY UNINCORPORATED ISLANDS.

LEGEND
- ● Iron Pipe Found
- ⊡ Mag Nail Set in Stone

RECORDS USED
Deeds as shown.

BASIS OF BEARINGS
Assumed.



County Engineer
Delaware Co., Ohio
I hereby certify the within to be a true copy of the original on file in the Map Department
CHRIS E. BAUSERMAN, County Engineer
By: _____ Title
8/1/05

THIS SURVEY IS FOR ANNEXATION PURPOSES ONLY, AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37 OF THE ADMINISTRATIVE CODE OF THE STATE OF OHIO.

7-13-05
ISTVAN GAJARY, SURVEYOR
Registration No. 8183

REVISED: JULY 10, 2005
MAY 27, 2005
Date of Survey

STATE OF OHIO
ISTVAN GAJARY
8183
REGISTERED
PROFESSIONAL SURVEYOR

RECEIVED
JUN 15 2005
ADMINISTRATIVE SERVICES

PRE-ANNEXATION AGREEMENT

THIS AGREEMENT is entered into by and between the CITY OF DELAWARE, an Ohio chartered municipal corporation (hereinafter the "City"), and PHILIP AND JACQUELINE KIMBALL (hereinafter the "Kimballs").

PURPOSE:

The Kimballs own property that is contiguous with the boundaries of the City of Delaware. The property owned by the Kimballs is shown on Exhibit A attached hereto and made a part hereof. The property would benefit from certain City services, including police, economic development assistance, and street maintenance. The City can offer such municipal services to the property if the property is annexed to the City. The mutual purposes of both the City and the Kimballs can be accomplished through the annexation of the property to the City. Therefore, in order to gain mutual benefits, the City and the Kimballs agree as follows:

1. Annexation Petition. The Kimballs will, at their sole cost, prepare and file an annexation petition within thirty (30) days of the later of the full execution of this Agreement or the lifting of the moratorium on residential rezonings and development plans passed by City Council on August 11, 2003. The Kimballs will sign the annexation petition agreeing to annex the Kimballs' property to the City. Once this agreement is signed and accepted by the City, the Kimballs and the City both agree that the parties will continue to support the annexation to the City through the entire annexation process, including any appeal or court action. The City agrees it will not take any action that would result in the property becoming non-contiguous to the City or otherwise make the property not qualify for annexation. The parties agree that if more than one (1) year elapses from the filing of the annexation petition, either party, at its sole option, may withdraw from the annexation if the annexation is not completed and if there are appeals still

pending. Notwithstanding the foregoing, the City agrees that, in connection with the rezoning of the property owned by the Kimballs for the identified use set forth in Paragraph 5 below: (i) if the rezoning application, preliminary or final development plan is not approved by City Council with a density consistent with the recommendations set forth in the 2003-2008 Comprehensive Plan provided environmental site constraints, as further studied through the planning and development process, do not make such recommendations infeasible; or (ii) if a referendum defeats the rezoning; or (iii) if the aforesaid one (1) year elapses from the filing of the petition, the annexation is not completed, there are appeals still pending and either party withdraws from the annexation; or (iv) if the City passes any ordinance which would prohibit or restrict the property from being used as set forth in Paragraph 5 below (including, but not limited to, a building or zoning moratorium), the City will cooperate and agree by ordinance to consent to an R. C. §709.38 procedure at the request of the Kimballs. The City will then diligently and in a workman like manner pursue the procedure to completion in cooperation with the Kimballs.

2. Service Resolution. Pursuant to R.C. §709.031(B), the City agrees to enact the City Service Resolution setting out the services that will be provided to the area sought to be annexed, including the property owned by the Kimballs. The City agrees to provide witnesses for any hearing before the County Commissioners and to provide affidavits in support of its Service Resolution.

3. Sewer. The City has a force main sewer that runs along the front of the property on Hull Drive. The parties agree that the Kimballs or their successors in interest may construct and maintain a pump station on the property and connect to the force main upon obtaining all necessary engineering approvals and permits, per the approval of the Director of Utilities.

4. Roadway Access. The City agrees that the property will have limited access to Hull Drive via a twenty-foot wide easement granted to the Kimballs by the Trustees of Stratford

St. Paul's Methodist Church that runs south from the southeast corner of the property to the public turn-around on Hull Drive, a copy of which is attached as Exhibit B. The City recognizes the turn-around as a public right-of-way, as shown on the survey attached hereto as Exhibit C, and further agrees to grant an easement to the Kimballs or their successors in interest if the turn-around is abandoned. The City will permit a curb cut on Stratford Road and a curb cut on Hull Drive in addition to the limited access easement. The Kimballs or their successors in interest agree not to obstruct the future dedication of Hull Drive as a public right-of-way.

5. Use. The 2003-2008 Comprehensive Plan recommends Low Density Multi-Family for the Kimball property. The parties agree that the most appropriate use of the property is low density multi-family residential and that a non-binding Concept Plan prepared by the Kimballs is attached hereto as Exhibit D.

6. Nonconforming Uses. The Kimballs presently utilize the property for various home occupations, including; (i)making art in various sculptural forms and two-dimensional work; (ii)wholesale sales of such art; and (iii)occasional retail sales of such art. The Kimballs also utilize the property for beekeeping. Legally nonconforming uses will have the same protections as provided for any other legally nonconforming use under the City's Zoning Code. All nonconforming uses will terminate at such time at the property is transferred or sold for development.

7. Wildlife Habitat. Delaware County has approved a wildlife habitat behind the stone barn. The City agrees that the Kimballs may maintain this area in its natural state and will not require that this area be mowed provided that such natural state does not result in a public nuisance per code. The City also agrees that the Kimballs may maintain that area behind the existing house and the area including the ravine, woods and field to the west may be maintained in its natural state and will not require that such areas be mowed. The Kimballs and their

successors agree to dedicating to the City, another public agency or an appropriate non-profit conservation organization a 60-foot-wide conservation easement along the stream that transects the property, to be measured by calculating thirty (30) feet on each side from the centerline of the stream, if the Kimball property is rezoned and if development plans for the property are approved in accordance with Paragraph 5 herein. The easement will be granted within thirty (30) days of the approval of the final development plans for the property by City Council. The easement will, in no event, obstruct use of the property as contemplated in Paragraph 5 herein.

8. Stone Barn. The City agrees that it will not object to the removal the stone barn. If the stone barn is torn down, the Kimballs or their successors in interest will be permitted to store the stones on the property, in a neat and orderly manner, for the purposes of reusing and integrating the stones in the design of any proposed development.

9. Miscellaneous.

(a) This Agreement and the rights and obligations of the parties hereunder shall be subject to the terms and conditions hereof and inure to the benefit of and be binding on the respective successors and assigns.

(b) Failure of any party to satisfy its obligations as set forth herein shall render this Agreement null and void.

(c) This Agreement supersedes any and all prior agreements, arrangements, negotiations or understandings and acknowledgments between the City and the Kimballs or any related party, relative to matters contained herein whether oral or written. No amendment, modification or alteration of this Agreement shall be valid unless in writing and signed by the parties hereto.

(d) If for any reason any one or more articles, sections, sentences, clauses or parts of this Agreement are held invalid by any court of law or duly authorized

public body, such determination shall not affect, impair or invalidate the remaining provisions of this Agreement but shall be confined in its operation to the specific articles, sections, sentences, clauses or parts of this Agreement held invalid and the invalidity of any article, section, sentence, clause or part of the Agreement in any one or more instance shall not prejudice in any way the validity of the Agreement in any other instance.

(e) The City agrees that Council shall act within thirty (30) days of the Kimballs' execution of the Agreement to authorize the City Manager to execute this Agreement.

Signed and Acknowledged
in the presence of

GABRIEL WERNZ
Witness – printed name

GABRIEL WERNZ
Witness – printed name

Philip Kimball

Jacqueline Kimball

Michele Kohler
Witness – printed name

Daniel B. Bennington
Witness – printed name

CITY OF DELAWARE

By: R. Thomas Homan City Manager
(Printed Name/Title)

Date: 6.6.05

Per authority granted in Ordinance No. 05-28 passed 4-25, ~~2003~~. 2005

Approved as to form:

Daniel B. Bennington
City Attorney

LIST OF EXHIBITS TO PRE-ANNEXATION AGREEMENT

Exhibit A - Description and/or map of property owned by Philip Kimball

Exhibit B – Access Easement

Exhibit C – Survey showing public turn-around

Exhibit D – Site plan

Scioto Land Surveying Service

Surveyors

173 North Sandusky Street
Delaware, Ohio 43015

Phone (740) 369-7577
Phone (740) 548-7577
FAX (740) 362-7577

Karen S. Coffman, P.S. 7845
Istvan Gajary, P.S. 8183
Retired, Frank Celio, P.S. 6612

January 7, 2003

Description of a 3.268 acre tract for
Jacqueline T. and Philip Kimball

Tract 1

Situated in the Township of Delaware, County of Delaware, State of Ohio, being part of Farm Lot 15 in Quarter-Township 1, Township 4, Range 19 of the United States Military Lands and being more particularly described as follows:

Beginning at an iron pipe found at the northeast corner of Elliot Estates Subdivision #1, as delineated in Plat Book 7, Page 67;

thence along the north line of said Elliot Estates Subdivision #1 **North 86° 00' 26" West 665.87 feet** to an iron pipe found, being the northwest corner of said Elliot Estates Subdivision #1, also being the northeast corner of a 1.482 acre tract now or formerly owned by QNP Corporation, as described in Official Records Volume 134, Page 2332, also being the southeast corner of a 2.224 acre tract now or formerly owned by QNP Corporation, as described in Official Records Volume 29, Page 239;

thence along the east line of the said 2.224 acre tract **North 00° 11' 26" East 195.69 feet** to a point, being the northeast corner of the said 2.224 acre tract, also being the southeast corner of a 2.043 acre tract now or formerly owned by RF Venture X, LLC, as described in Official Records Volume 121, Page 99, also being the southwest corner of Timmons Woods Condominiums, Phase 2, as delineated in Plat Cabinet 2, Slide 185 (passing an iron pipe found at 195.15 feet);

thence along the south line of said Timmons Woods Condominiums, Phase 2, and along the south line of Timmons Woods Condominiums, Phase 1, as delineated in Plat Cabinet 2, Slide 14 **South 85° 37' 01" East 807.35 feet** to a point, being the southeast corner of said Timmons Woods Condominiums, Phase 1, also being in the centerline of County Road 4 (Stratford Road) (passing a Mag Nail set in stone at 772.73 feet);

thence along the said centerline of County Road 4 **South 25° 33' 00" East 69.24** feet to a Mag Nail set;

thence **North 85° 37' 01" West 90.60 feet** to an iron bar set (passing an iron bar set at 34.62 feet);

thence **South 44° 05' 51" West 54.69 feet** to an iron bar set;

thence **South 26° 36' 37" West 95.67 feet** to the POINT OF BEGINNING:

containing 3.268 acres, being part of a 5.075 remainder of an original 7.299 acre tract as recorded in Official Records Volume 63, Page 2217;

subject to all easements, restrictions and rights-of-way, if any, of record.

Surveyed by Karen S. Coffman, Surveyor, Registration Number 7845 on January 6, 2003. Basis of bearings is assumed. All iron bars set are set with a plastic cap marked "SLSS RS 6612".

DESCRIPTION FOR CLOSING ONLY
RPC Approval Required
Municipal Approval Required
Delaware County Engineer

APPROVED
Delaware County
Regional Planning Commission
No Plat Required
This Approval Will Expire On
5/21/04
Signed Karen L. Duff
04-475

Karen S. Coffman, Surveyor
Registration No. 7845

STATE OF OHIO
KAREN S. COFFMAN 7845
REGISTERED PROFESSIONAL SURVEYOR

APPROVED FOR Transfer
Chris Bauserman
Delaware County Engineer

Seeing is Believing, Measuring is Knowing

VOL 0529 PAGE 0300

SCIOTO LAND SURVEYING SERVICE, INC.

173 NORTH SANDUSKY STREET · DELAWARE, OHIO 43015 · 369-7577

PLAT OF SURVEY FOR

JACQUELINE T. AND PHILIP KIMBALL

PART OF FARM LOT 15, QUARTER-TOWNSHIP 1,
TOWNSHIP 4, RANGE 19, U.S.M.L.
DELAWARE TOWNSHIP, DELAWARE COUNTY, OHIO

5.075 Ac. REMAINDER OF AN ORIGINAL 7.299 Ac. TRACT O.R.V. 63, PAGE 2217

All lots delineated on this plat are located in Flood Zone "X", per Community Panel No. 390146 0115 J, dated April 21, 1999.

Prior to preparation of building plans and/or detailed site plans, each lot owner must coordinate with the Delaware General Health District to determine that the approved on-site sanitary system location is consistent with or compatible with the owner's desired site plan.

Notice is hereby given to any buyer of the lots delineated upon this plat, that on file with the Delaware County Regional Planning Commission and Delaware General Health District are SITE IMPROVEMENT PLANS for the development of said lots showing finish grade elevations, leaching field locations and building envelopes.

BE ADVISED: A sub-surface drainage system may exist on this site. The system and/or outlet if located on this property must be maintained at all times.

REGIONAL PLANNING

APPROVED
Delaware County
Regional Planning Commission
No Plat Required
This Approval Will Expire On
5/2/04
Signed
04-475
04-485

APPROVED
DELAWARE Township
Zoning Inspector
Sharon Haugh
Inspector
Date 5-6-04

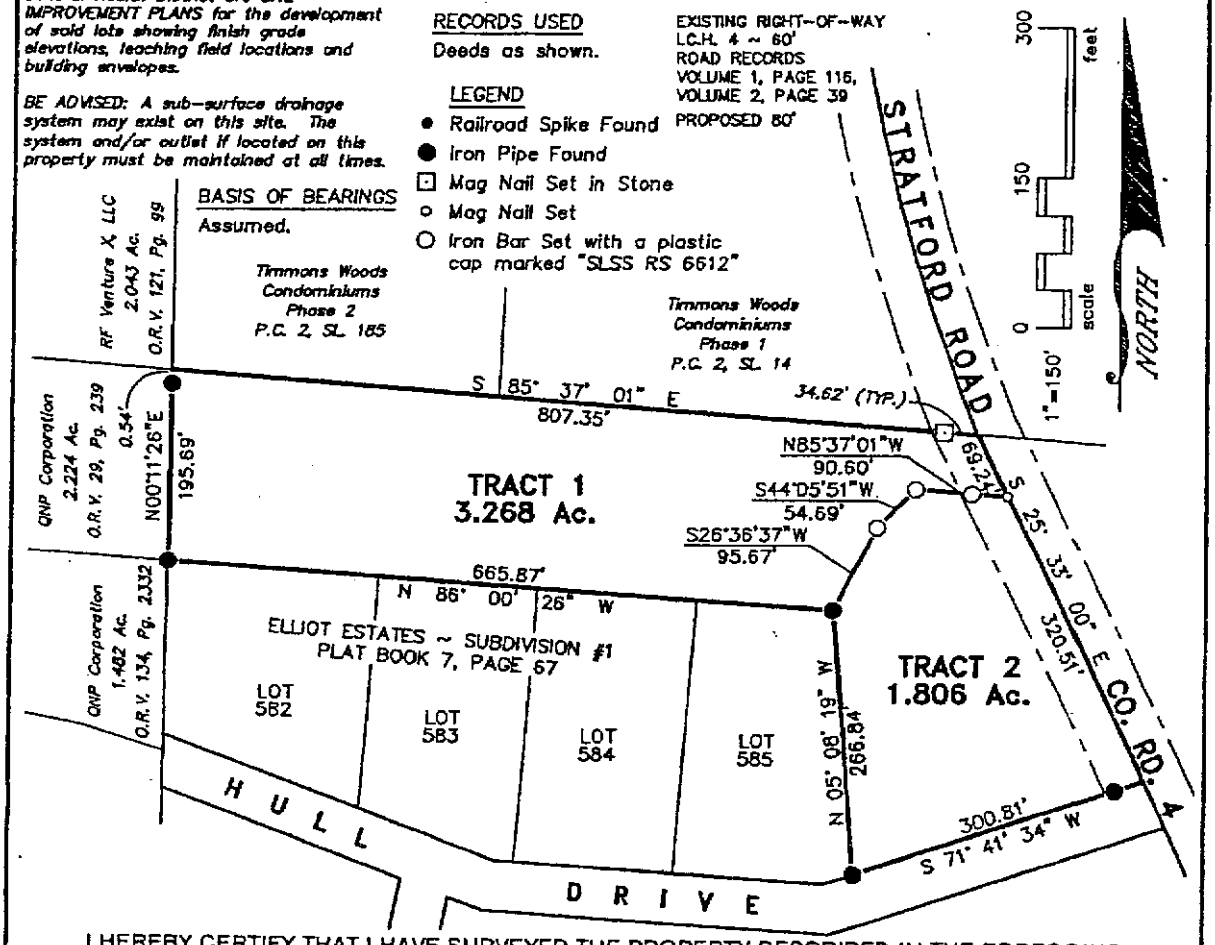
DELAWARE TOWNSHIP SETBACKS
FRONT – 90' FROM CENTERLINE
SIDE – 25'
REAR – 80' (15' ACCESSORY BLDG)

RECORDS USED
Deeds as shown.

LEGEND
- ● Railroad Spike Found
- ● Iron Pipe Found
- ⊡ Mag Nail Set in Stone
- ○ Mag Nail Set
- ○ Iron Bar Set with a plastic cap marked "SLSS RS 6612"

EXISTING RIGHT-OF-WAY
LC.H. 4 ~ 60'
ROAD RECORDS
VOLUME 1, PAGE 116,
VOLUME 2, PAGE 39
PROPOSED 80'

BASIS OF BEARINGS
Assumed.



I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND THAT SAID SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY, IF ANY, NOT LOCATED UNLESS NOTED.

5/6/04
KAREN S. COFFMAN, SURVEYOR
Registration No. 7845

REVISED: JANUARY 29, 2003
JANUARY 6, 2003
Date of Survey

STATE OF OHIO
KAREN S. COFFMAN 7845
REGISTERED PROFESSIONAL SURVEYOR

Scioto Land Surveying Service Surveyors

173 North Sandusky Street
Delaware, Ohio 43015

Phone (740) 369-7577
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FAX (740) 362-7577

Karen S. Coffman, P.S. 7845
Istvan Gajary, P.S. 8183
Retired, Frank Celio, P.S. 6612

January 7, 2003

Description of a 1.806 acre tract for
Jacqueline T. and Philip Kimball

Tract 2

Situated in the Township of Delaware, County of Delaware, State of Ohio, being part of Farm Lot 15 in Quarter-Township 1, Township 4, Range 19 of the United States Military Lands and being more particularly described as follows:

Beginning at an iron pipe found at the northeast corner of Elliot Estates Subdivision #1, as delineated in Plat Book 7, Page 67;

thence **North 26° 36' 37" East 95.67 feet** to an iron bar set:

thence **North 44° 05' 51" East 54.69 feet** to an iron bar set;

thence **South 85° 37' 01" East 90.60 feet** to a Mag Nail set, being in the centerline of County Road 4 (Stratford Road) (passing an iron bar set at 55.98 feet);

thence along the said centerline of County Road 4 **South 25° 33' 00" East 320.51 feet** to a point, being on the north right-of-way line of Hull Drive;

thence along the said north right-of-way line of Hull Drive **South 71° 41' 34" West 300.81 feet** to an iron pipe found, being a southeast corner of Elliot Estates Subdivision #1, as delineated in Plat Book 7, Page 67;

thence along the east line of said Elliot Estates Subdivision #1 **North 05° 08' 19" West 266.84 feet** to POINT OF BEGINNING;

containing 1.806 acres, being part of a 5.075 remainder of an original 7.299 acre tract as recorded in Official Records Volume 63, Page 2217;

subject to all easements, restrictions and rights-of-way, if any, of record.

Surveyed by Karen S. Coffman, Surveyor, Registration Number 7845 on January 6, 2003. Basis of bearings is assumed. All iron bars set are set with a plastic cap marked "SLSS RS 6612".

DESCRIPTION FOR CLOSING ONLY
☒ RPC Approval Required
☐ Municipal Approval Required
Delaware County Engineer

Karen S. Coffman, Surveyor
Registration No. 7845

STATE OF OHIO
KAREN S. COFFMAN 7845
REGISTERED PROFESSIONAL SURVEYOR

APPROVED
Delaware County
Regional Planning Commission
No Plat Required
This Approval Will Expire On
8/21/04
Signed
04-48s

APPROVED FOR
Transfer
Chris Bauserman
Delaware County Engineer

VOL 0529 PAGE 0303

SCIOTO LAND SURVEYING SERVICE, INC.

173 NORTH SANDUSKY STREET · DELAWARE, OHIO 43015 · 369-7577

PLAT OF SURVEY FOR

JACQUELINE T. AND PHILIP KIMBALL

PART OF FARM LOT 15, QUARTER-TOWNSHIP 1,
TOWNSHIP 4, RANGE 19, U.S.M.L.
DELAWARE TOWNSHIP, DELAWARE COUNTY, OHIO

5.075 Ac. REMAINDER OF AN ORIGINAL 7.299 Ac. TRACT O.R.V. 63, PAGE 2217

All lots delineated on this plat are located in Flood Zone "X", per Community Panel No. 390146 0115 J, dated April 21, 1999.

Prior to preparation of building plans and/or detailed site plans, each lot owner must coordinate with the Delaware General Health District to determine that the approved on-site sanitary system location is consistent with or compatible with the owner's desired site plan.

Notice is hereby given to any buyer of the lots delineated upon this plat, that on file with the Delaware County Regional Planning Commission and Delaware General Health District are SITE IMPROVEMENT PLANS for the development of said lots showing finish grade elevations, leaching field locations and building envelopes.

BE ADVISED: A sub-surface drainage system may exist on this site. The system and/or outlet if located on this property must be maintained at all times.

REGIONAL PLANNING

APPROVED
Delaware County
Regional Planning Commission
No Plat Required
This Approval Will Expire On
5/2/04
Signed
04-475
04-485 (E)

APPROVED
DELAWARE Township
Zoning Inspector
Sharon Haugh
Inspector
Date 5-6-04

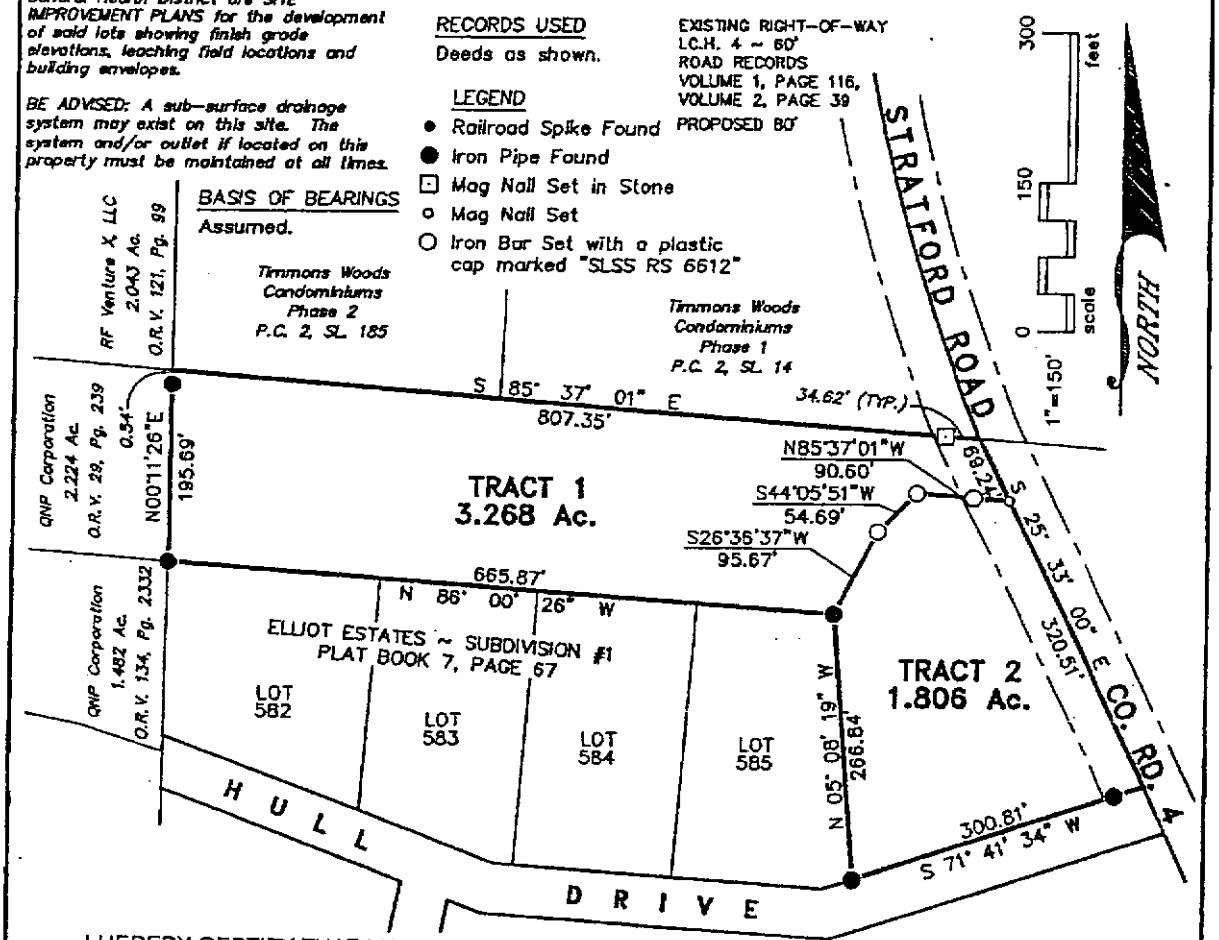
DELAWARE TOWNSHIP SETBACKS
FRONT - 90' FROM CENTERLINE
SIDE - 25'
REAR - 80' (15' ACCESSORY BLDG)

RECORDS USED
Deeds as shown.

EXISTING RIGHT-OF-WAY
L.C.H. 4 - 60'
ROAD RECORDS
VOLUME 1, PAGE 116,
VOLUME 2, PAGE 39
PROPOSED 80'

LEGEND
- ● Railroad Spike Found
- ● Iron Pipe Found
- □ Mag Nail Set in Stone
- ○ Mag Nail Set
- ○ Iron Bar Set with a plastic cap marked "SLSS RS 6612"

BASIS OF BEARINGS
Assumed.



I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND THAT SAID SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF ANY, NOT LOCATED UNLESS NOTED.

KAREN S. COFFMAN, SURVEYOR 5/6/04
Registration No. 7845

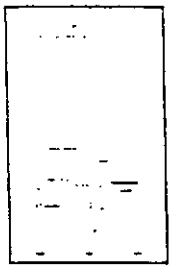
REVISED: JANUARY 29, 2003
JANUARY 6, 2003
Date of Survey

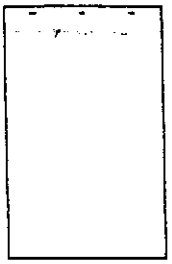
STATE OF OHIO
KAREN S. COFFMAN
7845
REGISTERED
PROFESSIONAL SURVEYOR

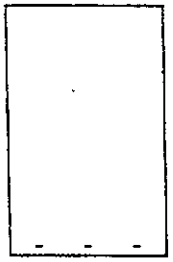
EXHIBIT A

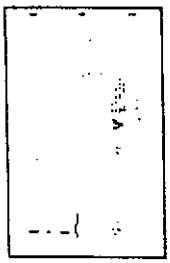
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Consulting Engineers
Community Planners
Freeway Studies
Subdivision Design
Highway Design
Construction Inspection
Land Surveying
Control Surveys
Construction Staking
Topographic Surveys
Landscape Architecture

STULTS and
ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS

N. EDWARD STOCKMASTER
PRESIDENT

505 Sunbury Road
Delaware, Ohio 43015-8795
(614) 363-8732
(614) 548-4737
(614) 436-5258 Fax
John E. Evans P.E.
David M. Gula P.E.
Andrew A. Hollenbacher P.E., P.S.
John A. Thomas P.E.
Charles L. Dale R.L.A.
Richard M. Tansbarger P.E.
William K. Vaughan P.E.
Matthew E. Winters P.E.
Mitchell W. Redding P.E., P.S.
CONSULTANT

December 1, 1993

Description of a 7.299 acre tract for Bernice W. Elliot.

Situated in the Township of Delaware, County of Delaware, State of Ohio, located in part of Farm Lot 15, Section 1, Township 4, Range 19, United States Military Lands, being the remaining 7.299 acres out of an original 39.84 acre tract as conveyed to Bernice W. Elliot in Deed Book 248, page 652 and being more particularly described as follows;

Beginning at a railroad spike found at the intersection of the centerline of County Road 4 (Old U.S. Route 23) and the easterly extension of the north right-of-way line of Hull Drive as platted and recorded in Elliot Estates Subdivision No. 1 in Plat Book 7, page 67;

Thence, South 71° 41' 16" West, along the said easterly extension and the north right-of-way line of said Hull Drive (passing an iron pin found at 31.07 feet), a total distance of 300.61 feet to an iron pin found at the southeasterly corner of Lot 585 of said Elliot Estates Subdivision No. 1;

Thence, North 05° 08' 19" West, along the east line of said Lot 585, a distance of 266.94 feet to a iron pin found at the northeasterly corner of said lot;

Thence, North 86° 20' 26" West, along the north line of said Elliot Estates Subdivision No. 1 and the north line of an 8.48 acre tract as conveyed to the Trustees of Stratford St. Paul's Methodist Church in Deed Book 279, page 356, (passing iron pins found at 445.87 feet and 1051.42 feet), a total distance of 1247.89 feet to a point on the centerline of U.S. Route 23 as shown on O.D.O.T. Plans for DEL-23, Sec. 8.77;

Thence, along said centerline, along the arc of a curve to the right (Sub-Delta = 01° 30' 35", Radius = 7639.44) having a chord bearing North 05° 14' 47" West, a chord distance of 201.29 feet to the southwesterly corner of a 2.6 acre tract as conveyed to the Ohio Mental Health Clinic and Guidance Center in Deed Book 760, page 718;

Thence, South 85° 37' 01" East, along the south line of said 2.6 acre tract and the south line of an 8.781 acre tract as conveyed to Ray W. and Audrey A. Bauman in Deed Book 330, page 569, (passing a concrete monument found 4 91.10 feet, an iron pin found 0.48 feet south of said line at 501.37 feet, and an iron pin found at 1274.10 feet), a total distance of 1308.72 feet to a railroad spike found at the southeasterly corner of said 8.781 acre tract, in the centerline of said County Road 4 (Old U.S. 23);

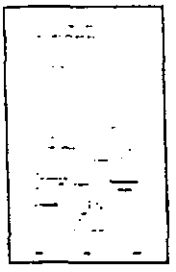
Thence, South 28° 33' 00" East, along said centerline, a distance of 389.75 to THE TRUE PLACE OF BEGINNING;

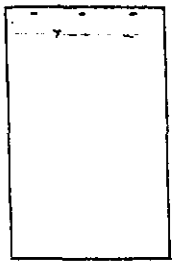
Containing 7.299 acres of land, more or less, there being 0.442 acres within said U.S. Route 23 right-of-way.

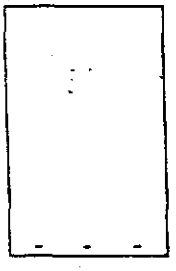
Subject to however, all easements, restrictions and rights-of-way of record, if any.

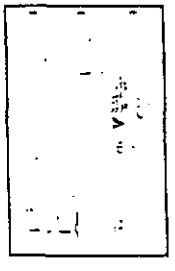
VOL 0566 PAGE 217

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Page 1 - 7.209 Acres

Bearings are based on the centerline bearing of County Road 4 (Old U.S. Route 23) South 25° 33' 00" east as shown on the plat of said Elliot Estates Subdivision No. 1, Plat Book 7, page 67.

All references being to records of the Recorder's Office, Delaware County, Ohio.

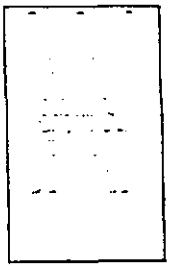
John R. Faber
Registered Surveyor No. 5784

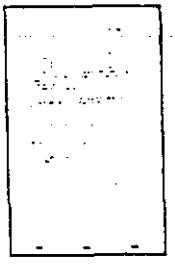
STATE OF OHIO
JOHN
R. FABER
5784
REGISTERED
PROFESSIONAL SURVEYOR

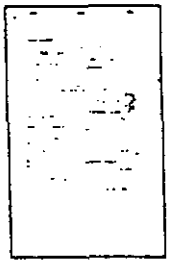
EXHIBIT B

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Easement Agreement

Whereas, Stratford St. Paul's Methodist Church, Inc., an Ohio nonprofit corporation, hereinafter called "Grantor", is the owner of certain real property which was conveyed to Grantor by deed recorded at Deed Book 279, page 356, of Delaware County, Ohio; and

Whereas, Jacqueline T. Kimball, hereinafter called "Grantee", is the owner of certain real property, adjoining that of the Grantor, which real property was conveyed to her by deed recorded at Deed Book 566, page 216, of Delaware County, Ohio; and

Whereas, Grantee wishes to obtain an easement upon and across a portion of the real property of the Grantor for the purposes of ingress and egress from and to the real property of the Grantee;

It is hereby agreed that Grantor, for valuable consideration consisting of the obligations of Grantee, her heirs, successors and assigns, as stated herein, does grant and convey unto Grantee, her heirs, successors and assigns, a certain easement over, across and upon the following described real property, the "easement parcel", of the Grantor:

Situated in the Township of Delaware, County of Delaware, State of Ohio, located in part of Farm Lot 15, Section 1, Township 4, Range 19, United States Military Lands, being a strip of land twenty (20) feet in width for ingress and egress purposes over an 8.48 acre tract conveyed to the Trustees of Stratford St. Paul's Methodist Church in Deed Book 279, page 356, and being more particularly described as follows:

Beginning, at a point in the southerly line of said 7.299 acre tract, being the northerly line of an 8.48 acre tract conveyed to the Trustees of Stratford St. Paul's Methodist Church in Deed Book 279, page 356, said point bearing North 86° 00' 26" West, a distance of 15.03 feet from the northwesterly corner of Lot 582 of Elliott Estates Subdivision No. 1 as platted and recorded in Plat Book 7, page 67;

Thence, South 00° 07' 22" West, crossing said 8.48 acre tract and along the westerly line of a gas easement 15 feet in width conveyed to Delaware Gas Company, a distance of 90.26 feet to a point in the northerly line of a public turn-around as platted with said Elliott Estates Subdivision No. 1;

Thence, North 89° 52' 38" West, along the northerly line of said turn-around, a distance of 20.00 feet to a point;

Thence, North 00° 07' 22" East, leaving said northerly line and crossing said 8.48 acre tract, a distance of 91.62 feet to a point in the southerly line of a 7.299 acre tract conveyed to Jacqueline T. Kimball in Deed Book 566, page 216;

Thence, South 86° 00' 26" East, along said southerly line, a distance of 20.05 feet to THE PLACE OF BEGINNING.

Bearings are based on a southerly line of a 7.299 acre tract conveyed to Jacqueline T Kimball (North 86° 00' 26" West) and described in Deed Book 566, page 216.

All references being to records of the Recorder's Office, Delaware County, Ohio.

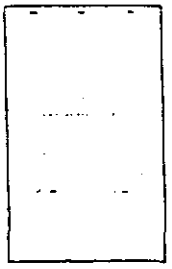
Delaware County
The Delaware Title Company, a
[illegible]

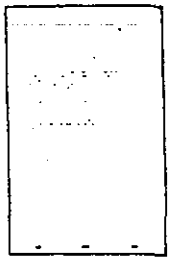
Page 1 of 3 Pages

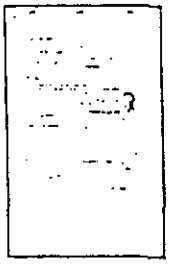
VOL. 0579 PAGE 489

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vol 0579 page 490

Said description having been prepared by Stults and Associates, Inc., and David B. McCoy, Registered Surveyor No. 7532, based upon a Plat of Easements survey prepared by them and dated July 22, 1994, a copy of which is attached hereto.

The easement, rights and privileges herein granted are perpetual and shall be solely for the purpose of installing and maintaining for the use and benefit of the Grantee, her heirs, successors and assigns, and the tenants of Grantee, her heirs, successors and assigns, and their licensees, employees, visitors and all other persons using the same for the convenience of them for ingress to and egress from the property of the Grantee, her heirs, successors and assigns, over, across and upon the easement parcel for use as an unobstructed walk, driveway and/or roadway by pedestrian travel or travel by motor vehicle together with the right to install, maintain and repair paving or surfacing material of any nature whatsoever thereon. Provided, however, that the easement, rights and privileges granted hereunder shall terminate when, or at such time as they are abandoned by the Grantee, her heirs, successors or assigns or when they fail to perform their obligations under this agreement.

The easement, rights and privileges herein granted are not exclusive and Grantor reserves and shall continue to enjoy, for the use and benefit of itself, its successors and assigns, for any and all purposes which do not interfere with or prevent the use by the Grantee, her heirs, successors or assigns contemplated by this easement; including, but not limited to the right of the Grantor, its successors and assigns to install and maintain a storm sewer and curtain drain to carry water away from and off of the real property of the Grantor.

Grantee hereby agrees that she, her heirs, successors and assigns, will hold the Grantor, its successors and assigns, harmless from any damage arising from her use of said easement.

Grantee shall assume and pay, when due, all taxes and special assessments levied or assessed against said easement parcel by reason of improvements installed or placed thereon at the request of or for the benefit of Grantee. Grantee agrees to pay promptly upon demand all such taxes and special assessments due by reason of such improvements.

If the easement parcel is disturbed for the purposes of installing or maintaining any such walk, driveway and/or roadway or other related facilities, or for the purposes of installing or maintaining such storm sewer and curtaindrain, the party having such work performed shall restore said parcel to the condition in which it was found at the time of the commencement of such work.

This instrument shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto.

Grantee agrees to and accepts the continuing obligations stated herein as a condition to, and in consideration of, the easement granted hereby. In witness whereof, this instrument is executed this 25 day of Sept. 1994.

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[redacted] [redacted] [redacted]

Executed and acknowledged
in the presence of:

D. Alan Fay

Alan C. Fay

Stratford St. Paul's Methodist Church, Inc., Grantor

By: Kaye Sinatra

Its: Chairman

State of Ohio
County of Delaware, SS:

The foregoing instrument was acknowledged before me this 25 day of Sept. 1994, by Kaye Sinatra, chairman (name and title of officer) of Stratford St. Paul's Methodist Church, Inc., an Ohio nonprofit corporation, on behalf of the corporation.

Notary Public

Executed and acknowledged
in the presence of:

Julie L. Hammond

Patricia D. Roach

Jacqueline T. Kimball, Grantee

State of Ohio
County of Delaware, SS:

The foregoing instrument was acknowledged before me this 27 day of Sept. 1994, by Jacqueline T. Kimball.

Notary Public PATRICK D. ROACH
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION EXPIRES 10/10/98

9 T 1776 Kimball Rd. Ext. Stratford 43015 MAIL (2)

This instrument prepared by: Craig E. Evans, Attorney at Law, 170 West Fifth Avenue, Columbus, Ohio 43201

DELAWARE COUNTY OHIO
FILED FOR RECORD OCT 17 1994
9:00 O'CLOCK A.M.
RECORDED
VOL. 579 PAGE 491
Kay U. Conklin
COUNTY RECORDER
FEE $ 18.00

20918
Page 3 of 3 Pages

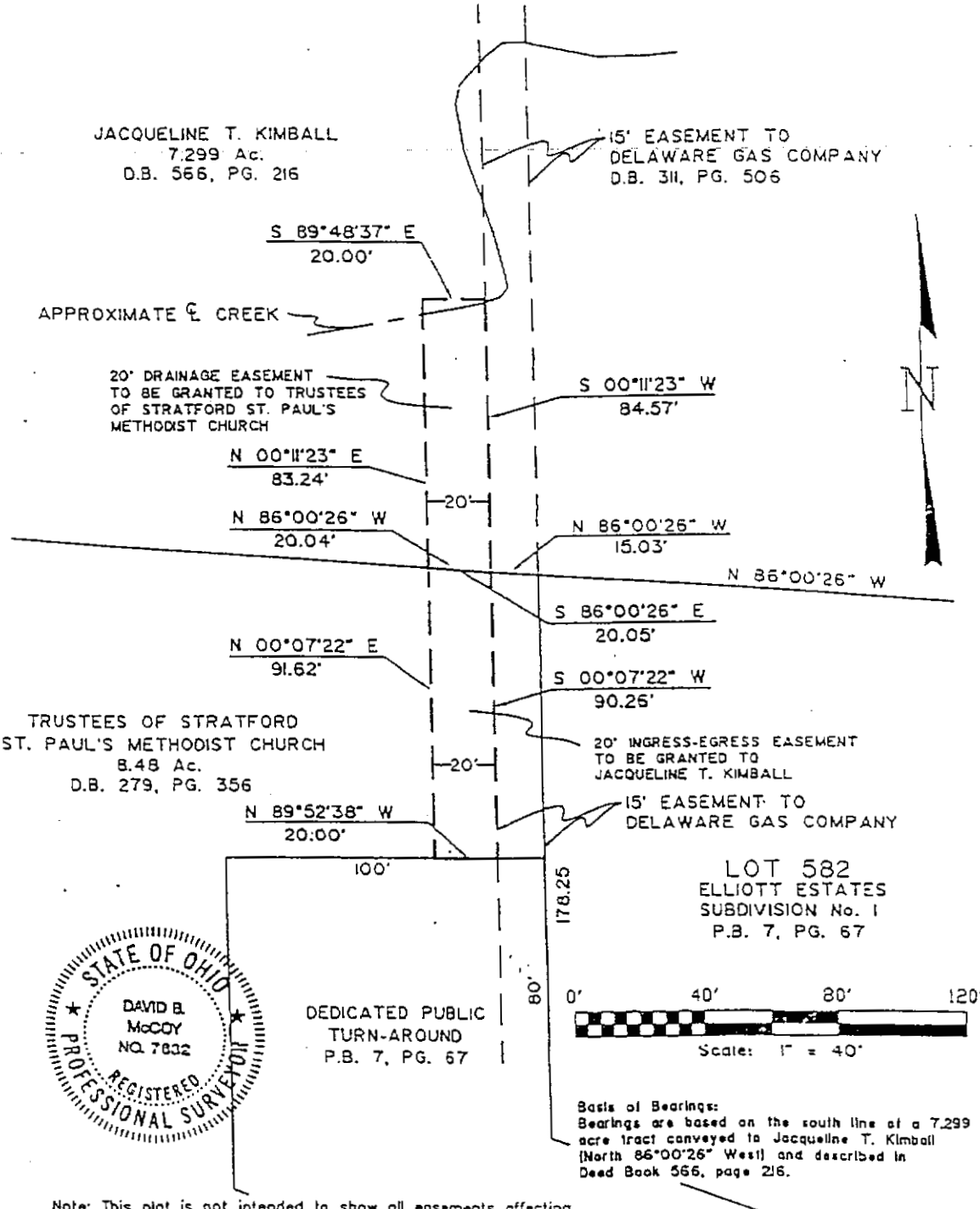
BOOK 0579 PAGE 491

EXHIBIT C

STULTS and ASSOCIATES, INC.
ENGINEERS · PLANNERS · SURVEYORS
585 SUNBURY ROAD (U.S. 36), DELAWARE, OHIO 43015-9795
DELAWARE: (614) 363-6792 COLUMBUS: (614) 548-4707
MARION: (614) 387-9180 FAX: (614) 436-5238

PLAT OF EASEMENTS

FARM LOT 15, SECTION 1, TOWNSHIP 4, RANGE 19
UNITED STATES MILITARY LANDS
DELAWARE TOWNSHIP, DELAWARE COUNTY, OHIO



STATE OF OHIO
DAVID B. McCOY
NO. 7832
REGISTERED PROFESSIONAL SURVEYOR

Basis of Bearings:
Bearings are based on the south line of a 7.299 acre tract conveyed to Jacqueline T. Kimball (North 86°00'26" West) and described in Deed Book 566, page 216.

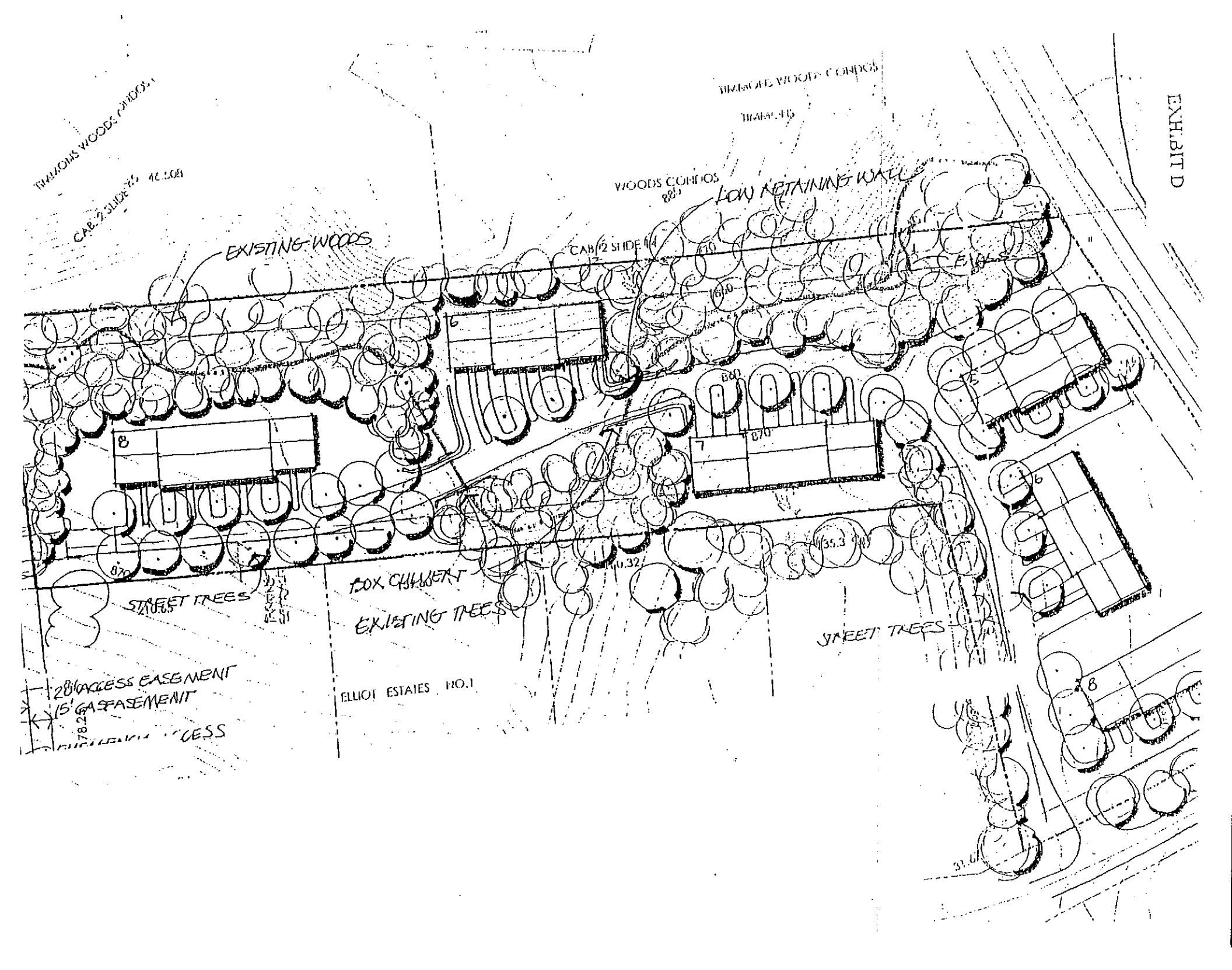
Note: This plat is not intended to show all easements affecting this tract. Easements, if any, contained in a title policy report will be shown upon request when accompanied by a copy of said report.

We hereby certify that the above plat was prepared from an actual survey and records and to the best of our knowledge is correct.

David B. McCoy
Registered Surveyor No. 7832

Date 7-22-94

File No. 94-188


EXHIBIT D
TIMBERS WOODS CONDOS
CAB. 2 SLIDE 85 40.50
WOODS CONDOS
LOW RETAINING WALL
EXISTING WOODS
CAB 12 SLIDE 14
870
880
8
7
6
35.3
10.32
FOX CHILBERT
EXISTING TREES
STREET TREES
STREET TREES
28' ACCESS EASEMENT
15' GAS EASEMENT
78.25
ELLIOT ESTATES NO.1
31.61

CITY OF DELAWARE, OHIO
PLANNING AND COMMUNITY DEVELOPMENT

OCT 2005
RECEIVED

REZONING APPLICATION

PC 05-080

I/we wish to change the zoning of lot number(s) 4.802 +/- acres comprising the _____ acres that are located at (street address) 1776 Stratford Road
from (present zoning) R to (proposed zoning) R-5

NOTE: Please refer to Attachment B for information on proposed zoning district.

For the Planning Commission public hearing plus for the City Council public hearing, the Applicant shall post a sign conforming to the following:

1. **A sign shall be posted on all road frontages of all parcels in the area proposed to be rezoned in a location visible from an adjacent street.**
2. **Each sign shall be at least three (3) feet by three (3) feet with letters not less than six (6) inches in height notifying the public of the date, time and location of the upcoming hearing.**
3. **Each sign shall be posted continuously for at least ten (10) days prior to the date of the required public hearing.**
4. **The sign shall be removed within five (5) business days of the decision of City Council.**

Why this zoning change should be approved: Recommendation of Comprehensive Plan and pursuant to terms of Pre-Annexation Agreement

Applicant Name: Jacqueline and K. Philip Kimball
Applicant Address: c/o Jill Tangeman, Esq. Plank & Brahm, 145 E. Rich St., Columbus, Ohio 43215

Contact Person: Jill Tangeman Phone: 614-228-4546

E-mail: jtangeman@plankbrahm.com Fax: 614-228-1472

Property Owner Name: Jacqueline and K. Philip Kimball

Property Owner Address: 1776 Stratford Road, Delaware, Ohio 43015

Contact Person: K. Philip Kimball Phone: 740-363-5335

E-mail: _____ Fax: _____

The undersigned does hereby verify the truth and correctness of all facts and information presented with this application and authorizes field inspections by City Staff.

Susan Hartz
Witness

Owner or Agent Signature K. Philip Kimball

Rushelle Weakley
Witness

K. Philip Kimball, LC JACQUELINE KIMBALL
Owner or Agent Printed Name

Sworn to before me and subscribed in my presence this 26 day of Oct, 2005

BRENDA G. PETTIT
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 6/9/09

Brenda G Pettit
Notary Public

FEE: $250 for a Single-family lot ... $500 plus $100 per acre for all other development

FEE: $ 250 RECEIVED BY: AP DATE: 10/26/05