



Legislation Details (With Text)

File #: 1171-2008 **Version:** 3

Type: Ordinance **Status:** Passed

File created: 6/26/2008 **In control:** Zoning Committee

On agenda: 7/21/2008 **Final action:** 7/23/2008

Title: To grant a Variance from the provisions of Sections 3363.23, Building Lines-Definitions; and 3363.24, Building Lines in an M, Manufacturing District, of the Columbus City Codes; for the property located at 1900 LONDON-GROVEPORT ROAD (43137), to permit the construction of an eight foot (8') high chain link security fence in advance of the building setback lines and to declare an emergency (Council Variance # CV08-020).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1171-2008Attachments.pdf, 2. ORD1171-2008Labels.pdf, 3. ORD1171-2008DataSheet.pdf, 4. ORD1171-2008AttachmentsAmended.pdf, 5. ORD1171-2008DataSheetAmended.pdf

Date	Ver.	Action By	Action	Result
7/23/2008	3	CITY CLERK	Attest	
7/22/2008	3	MAYOR	Signed	
7/21/2008	1	Zoning Committee	Amended to Emergency	Pass
7/21/2008	3	Zoning Committee	Approved as Amended	Pass
7/21/2008	3	Zoning Committee	Amended as submitted to the Clerk	Pass
7/21/2008	3	COUNCIL PRESIDENT	Signed	
7/14/2008	1	Columbus City Council	Read for the First Time	
7/8/2008	1	Dev Zoning Reviewer	Reviewed and Approved	
7/8/2008	1	Dev Reviewer	Reviewed and Approved	
7/8/2008	1	Dev Zoning Drafter	Sent for Approval	
7/8/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
7/8/2008	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
6/26/2008	1	Dev Zoning Drafter	Sent for Approval	

Council Variance Application CV08-020

APPLICANT: Whirlpool Corporation; c/o Christopher N. Slagle, Atty.; 100 South Third Street; Columbus, OH 43215.

PROPOSED USE: Industrial development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval of the rezoning (Z08-027) from R, Rural and L-M, Limited Manufacturing Districts to L-M, Limited Manufacturing District to allow industrial development on the subject site. The applicant is requesting variances concurrent with the rezoning to permit the construction of an eight foot (8') high chain link security fence along the perimeter of the subject site in advance of the building setback lines. Staff supports the proposed variances because if the fence were six feet (6') or less in height it would not be subject to building setback lines, and the eight-foot high fence poses no vision clearance issues because it is constructed of chain link and will

be predominately transparent. The site is located within the planning area of the *South Central Accord* (2004), which recommends industrial uses for this location.

To grant a Variance from the provisions of Sections 3363.23, Building Lines-Definitions; and 3363.24, Building Lines in an M, Manufacturing District, of the Columbus City Codes; for the property located at **1900 LONDON-GROVEPORT ROAD (43137)**, to permit the construction of an eight foot (8') high chain link security fence in advance of the building setback lines **and to declare an emergency**(Council Variance # CV08-020).

WHEREAS, by application #CV08-020 the owner of property at **1900 LONDON-GROVEPORT ROAD (43137)**, is requesting a Council Variance in conjunction with a rezoning request (Z08-027) to permit the construction of an eight foot (8') high chain link security fence in advance of the building setback lines for an industrial development; and

WHEREAS, Section 3363.23, Building Lines-Definitions, requires that no building or structure or portion of a building or structure other than an unenclosed balcony or unenclosed ground floor porch and steps from such porch to the ground shall be erected, constructed or extended between a building line and the street property line, while the applicant proposes to construct an eight foot (8') high chain link security fence in advance of the building setback lines for an industrial development; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, Section 3363.24, Building Lines in an M, Manufacturing District, requires a building line of twenty-five feet (25') from Shook Road, and sixty feet (60') feet from London-Groveport Road, while the applicant proposes a building line of no less than five feet (5') for an eight foot (8') high chain link security fence; and

WHEREAS, the City Departments recommend approval of the requested variance because if the fence were six feet (6') or less in height it would not be subject to building setback lines, and the eight-foot high fence poses no vision clearance issues because it is constructed of chain link and will be predominately transparent, and;

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance for the proposed development; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **1900 LONDON-GROVEPORT ROAD (43137)**, in using said property as desired; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of Sections 3363.23, Building Lines-Definitions; and 3363.24, Building Lines in an M, Manufacturing District, of the Columbus City Codes; is hereby granted for the property located at **1900 LONDON-GROVEPORT ROAD (43137)**, insofar as said sections prohibit the construction of an eight foot (8') high chain link security fence with a building line of no less than five feet (5'), said property being more particularly described as follows:

1900 LONDON-GROVEPORT ROAD (43137), being 191.5± acres located at the northwest corner of Shook and London-Groveport Roads, and being more particularly described as follows:

**Tract One
87.152 acres**

Situated in the State of Ohio, County of Franklin, Hamilton Township, City of Columbus, and Village of Obetz, in the northwest and southwest quarter of Section 36, Township 4, Range 22, Congress Lands and being an 87.152 acre lot split containing 68.709 acres out of a 156.253 acre tract deeded to Pizzuti Land LLC in Instrument Numbers 200611210233257 and 200611210233258 and 16.444

acres out of a 33.215 acre tract deeded to Pizzuti Land LLC in Instrument Number 200710160180944 and all of a 2.00 acre tract deeded to Pizzuti Land LLC in Instrument Number 200707160123440 of the Recorder's Office, Franklin County, Ohio, (all deed and plat references made being to said recorder's office, unless otherwise noted), being more particularly described as follows:

Beginning at an aluminum disk stamped "FCGS 9930" in a concrete monument (set over a found stone), on the centerline intersection of Shook Road (60 feet wide) and London-Groveport Road, State Route 317, formerly known as State Route 665 (width varies), said point being in the southeast corner of said 2.00 acre tract, said point also being the true **POINT OF BEGINNING (P.O.B.)** of the herein described 87.152 acre tract;

Thence along the centerline of said London-Groveport Road, **North 85 Degrees 50 Minutes 57 Degrees Seconds West, 264.00 feet**, to a magnail found on said centerline, said point being on the southwest corner of said 2.00 acre tract;

Thence leaving said centerline along the westerly line of said 2.00 acre tract, and passing a 5/8" rebar found with a cap stamped "BRH GROUP", a distance of 40.00 feet, **North 03 Degrees 37 Minutes 38 Degrees Seconds East, a total distance of 60.00 feet**, to a 5/8" rebar found with a cap stamped "BRH GROUP" on the westerly line of said 2.00 acre tract, said point being on the northerly right-of-way line of said London-Groveport Road, said point also being at the northeasterly corner of a 0.178 acre tract deeded to the City of Columbus as recorded in Instrument Number 200009010176507;

The following four (4) courses follow along a 0.178 acre tract deeded to the City of Columbus in Instrument Number 200009010176507:

Thence along said northerly right-of-way line and also along the northerly line of said 0.178 acre tract, **North 85 Degrees 50 Minutes 57 Seconds West, 539.90 feet**, to a point on said right-of-way line, said point being on the northwesterly corner of said 0.178 acre tract;

Thence leaving said right-of-way line and also along a southerly line of said 0.178 acre tract, **South 82 Degrees 30 Minutes 02 Seconds East, 171.20 feet**, to a point;

Thence along said southerly line, **South 80 Degrees 08 Minutes 19 Seconds East, 100.50 feet** to a concrete monument found north 0.09 feet, west 0.26 feet on the southerly line of said 0.178 acre tract;

Thence along said southerly line and passing a 1/2" rebar found at a distance of 228.90 feet, **South 85 Degrees 50 Minutes 57 Seconds East, a total distance of 269.17 feet**, to a 5/8" rebar found with a cap stamped "BRH GROUP" on the westerly line of said 2.00 acre tract, said point being at the southeasterly corner of said 0.178 acre tract;

Thence along the westerly line of said 2.00 acre tract, **South 03 Degrees 37 Minutes 38 Seconds West, 40.00 feet**, to a magnail found on the centerline of said London-Groveport Road, said point being at the southwesterly corner of said 2.00 acre tract;

Thence along the centerline of said London-Groveport Road, **North 85 Degrees 50 Minutes 57 Seconds West, 1383.74 feet**, to a 5/8" rebar set on the centerline of said London-Groveport Road;

The following three (3) courses cross said 156.253 acre tract:

Thence leaving said centerline, **North 03 Degrees 55 Minutes 26 Seconds East, 637.01 feet**, to a 5/8" rebar set;

Thence **South 85 Degrees 58 Minutes 35 Seconds East, 604.39 feet**, to a 5/8" rebar set;

Thence **North 03 Degrees 37 Minutes 38 Seconds East**, and crossing said 33.215 acre tract, **2428.00 feet** to a 5/8" rebar set;

The following seven (7) courses cross said 33.215 acre tract:

Thence **North 72 Degrees 48 Minutes 40 Seconds East, 352.85 feet**, to 5/8" rebar set on a point of curvature;

Thence along a curve to the left 138.03 feet, having a central angle of 22 Degrees 43 Minutes 33 Seconds, a radius of 348.00 feet and a chord bearing **North 61 Degrees 26 Minutes 54 Seconds East, 137.13 feet**, to a 5/8" rebar set on a point of tangency;

Thence **North 50 Degrees 05 Minutes 07 Seconds East, 357.02 feet** to a 5/8" rebar set on a point of curvature;

Thence along a curve to the right 220.65 feet, having a central angle of 43 Degrees 53 Minutes 50 Seconds, a radius of 288.00 feet

and a chord bearing **North 72 Degrees 02 Minutes 03 Seconds East, 215.29 feet**, to a 5/8" rebar set on a point of tangency;

Thence **South 86 Degrees 01 Minutes 02 Seconds East, 69.46 feet** to a 5/8" rebar set;

Thence **South 57 Degrees 08 Minutes 30 Seconds East, 46.36 feet** to a 5/8" rebar set on the westerly right-of-way line of said Shook Road;

Thence **South 86 Degrees 04 Minutes 18 Seconds East, 30.00 feet** to a magnail set on the centerline of said Shook Road, said point being on the easterly line of said 33.215 acre tract, said point also being on the North-South half section line of said section 36;

Thence along said North-South half section line and along the centerline of said Shook Road and also along the easterly line of said 33.215 acre tract, **South 03 Degrees 55 Minutes 42 Seconds West, 910.11 feet** to an aluminum disk stamped "FCGS 9927" in a concrete monument on said centerline, said point being on the East-West half section line of said section 36, said point also being at the southeasterly corner of said 33.215 acre tract, said point also being at the northeasterly corner of a 1.609 acre tract deeded to the City of Columbus as recorded in Instrument Number 200009010176507;

Thence leaving said centerline and along the southerly line of said 33.215 acre tract, and also along the East-West half section line of said section 36, and also along the northerly line of said 1.609 acre tract, **North 85 Degrees 59 Minutes 38 Seconds West, 30.00 feet**, to a 5/8" rebar found with a cap stamped "BRH GROUP" on the westerly right-of-way line of said Shook Road, said point being at the northwesterly corner of said 1.609 acre tract, said point also being at the northeasterly corner of said 156.253 acre tract, said point also being on the southerly line of said 33.215 acre tract, said point being on the East-West half section line of said section 36;

Thence along said westerly right-of-way line and also along the westerly line of said 1.609 acre tract and also along the easterly line of said 156.253 acre tract, **South 03 Degrees 37 Minutes 38 Seconds West, 2336.06 feet**, to a 5/8" rebar found with a cap stamped "BRH GROUP" on said westerly right-of-way line, said point being at a southeasterly corner of said 156.253 acre tract, said point also being at the southwesterly corner of said 1.609 acre tract, said point also being on the northerly line of said 2.00 acre tract;

Thence leaving said right-of-way line and along said northerly and southerly lines, **South 85 Degrees 50 Minutes 57 Seconds East, 30.00 feet**, to a magnail found on said centerline, said point also being at the northeasterly corner of said 2.00 acre tract, said point also being at the southeasterly corner of said 1.609 acre tract;

Thence along said centerline and along said easterly line of said 2.00 acre tract, **South 03 Degrees 37 Minutes 38 Seconds West, 330.00 feet**, to the **TRUE POINT OF BEGINNING (P.O.B.)**, containing 87.152 acres. Being 2.00 acres out of Parcel Number 495-234996, also being 16.444 acre out of Parcel Number 152-001916, and also being 68.709 acres out of Parcel Number 495-234526.

Anthony J. Robinson, Ohio Surveyor No. 8120, of BRH Group, Inc., Worthington Ohio, prepared the above description from actual field surveys performed in January 2004, also in July and August of 2006, and in March 2007. All iron pins set are 5/8"x30" rebar with a yellow plastic cap stamped "BRH GROUP". Basis of bearings are based on the same meridians as the Ohio State Plane coordinate system, South zone, NAD83, 86 adjusted, monuments used along the centerline of Shook Road: FCGS 9930 and FCGS 9927, centerline bearing and distance = North 03 Degrees 37 Minutes 38 Seconds East.

Tract Two 87.544 acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being in the Southwest Quarter of Section 36, Township 4, Range 22, Congress Land, and being a 87.544 acre lot split out of a 156.253 acre tract deeded to Pizzuti Land LLC in Instrument Numbers 200611210233257 and 200611210233258, of the Recorder's Office, Franklin County, Ohio, (all deed and plat references made being to said Recorder's Office, unless otherwise noted), being more particularly described as follows:

Beginning for a **POINT OF COMMENCEMENT (P.O.C.)** at an aluminum disk stamped "FCGS 9930" on a concrete monument (set over a found stone), on the centerline intersection of Shook Road (60 feet wide) and London-Groveport Road, State Route 317, formerly known as State Route 665 (width varies), said point also being at the southeast corner of a 2.00 acre tract deeded to Pizzuti Land LLC as recorded in Instrument Number 200707160123440;

Thence along the centerline of said London-Groveport Road and along the southerly line of said 2.00 acre tract and also along the southerly line of said 156.253 acre tract, **North 85 Degrees 50 Minutes 57 Seconds West, 1647.74 feet**, to a 5/8" rebar set on said centerline, said point being the **TRUE POINT OF BEGINNING (P.O.B.)** for the 87.544 acre lot split herein described;

Thence continuing along the centerline of said London-Groveport Road, **North 85 Degrees 50 Minutes 57 Seconds West, 153.82 feet** to a magnail set on said centerline;

Thence leaving said centerline of London-Groveport Road, **North 04 Degrees 09 Minutes 03 Seconds East 30.01 feet** to a 5/8" rebar set;

Thence **North 75 Degrees 02 Minutes 57 Seconds West 132.40 feet** to a magnail set;

Thence **North 82 Degrees 38 Minutes 57 Seconds West 605.00 feet** to a 5/8" rebar set, said point being on the easterly line of land deeded to The Ohio Department of Highways, Canal Parcel as stated on FRA-2352.6062;

The following two (2) courses follow along the easterly line of said Ohio Department of Highways, Canal Parcel land:

Thence **North 23 Degrees 09 Minutes 51 Seconds East 20.47 feet** to a 5/8" rebar set to an angle point on said easterly line;

Thence **North 14 Degrees 18 Minutes 53 Seconds East 120.70 feet** to a 5/8" rebar set at a northeasterly corner of said Ohio Department of Highways, Canal Parcel;

The following two (2) courses follow along the northerly line of said Ohio Department of Highways, Canal Parcel:

Thence **North 43 Degrees 51 Minutes 43 Seconds West 34.76 feet** to point, referenced by a bent or disturbed concrete monument found, 0.31 feet north and 0.29 feet west, at an angle point on said northerly line;

Thence **North 85 Degrees 50 Minutes 57 Seconds West, 57.12 feet** to a 5/8" rebar set at a northwesterly corner of said Ohio Department of Highways, Canal Parcel;

Thence along the westerly line of said Ohio Department of Highways, Canal Parcel, **South 13 Degrees 50 Minutes 08 Seconds West, 129.98 feet** to a 5/8" rebar set at an angle point on said westerly line;

Thence continuing along the westerly line of said Ohio Department of Highways, Canal Parcel, **South 22 Degrees 06 Minutes 01 Seconds West, 128.11 feet** to a magnail set on the centerline of said London-Groveport Road;

Thence along the centerline of said London-Groveport Road, **North 85 Degrees 50 Minutes 57 Seconds West, 16.55 feet** to a magnail set on said centerline of London-Groveport Road;

Thence continuing along the centerline of said London-Groveport Road, **North 86 Degrees 26 Minutes 57 Seconds West, 23.30 feet** to a magnail set on a point of a non-tangent curve on the easterly line of Norfolk & Westerly Railway Company line as established by the transfer from Maria Minor to the Scioto Valley Railway Company by Deed Book 210, Page 196;

Thence along the easterly right-of-way line of said Norfolk and Western Railway Company land, and also along the arc of a curve to the left 404.70 feet, having a central angle of 09 Degrees 54 Minutes 03 Seconds, a radius of 2342.00 feet, and a chord bearing **North 09 Degrees 10 Minutes 10 Seconds East 404.20 feet** to a 5/8" rebar set at a point of tangency on the easterly right-of-way line of said railroad lands;

Thence continuing along the easterly right-of-way line of said Norfolk and Western Railway Company land, **North 04 Degrees 13 Minutes 09 Seconds East 2257.00 feet** to a point on said easterly right-of-way line, said point being at the southwesterly corner of a 41.402 acre tract land deeded to Industrial CT Owner LLC in Instrument Number 200701250014803, referenced by a wood post 0.69 feet north and 1.00 feet west, and a 3/4" iron pipe with a cap stamped "FRANKLIN" found 0.19 feet south, 1.36 feet west;

Thence along the southerly line of said 41.402 acre tract and along the southerly line of a 57.283 acre tract deeded James E. Dill Trust as recorded in Instrument Number 200202210046773, and also along a half section line of Section 36, **South 85 Degrees 59 Minutes 38 Seconds East 1589.43 feet** to a 5/8" rebar set on said lines;

The following three (3) courses cross said 156.253 acre tract:

Thence **South 03 Degrees 37 Minutes 38 Seconds West, 2025.16 feet** to a 5/8" rebar set;

Thence **North 85 Degrees 58 Minutes 35 Seconds West, 604.39 feet** to a 5/8" rebar set;

Thence **South 03 Degrees 55 Minutes 26 Seconds West, 637.01 feet** to the **TRUE POINT OF BEGINNING (POB)**, containing 87.544 acres, and subject to all legal easements, restrictions, and right-of-way of record.

Andrew G. Planet, Ohio Surveyor No. 7802, of BRH Group, Inc., Worthington Ohio, prepared the above description from actual field surveys performed in January 2004, also in July and August of 2006, and in March 2007. All iron pins set are 5/8"x30" rebar with a yellow plastic cap stamped "BRH GROUP". Basis of bearings are based on the same meridians as the Ohio State Plane Coordinate System, South Zone, NAD83, 86 adjusted, monuments used along the centerline of Shook Road: FCGS 9930 and FCGS 9927, Centerline Bearing and Distance = North 03 Degrees 37 Minutes 38 Seconds East.

Tract Three 16.771 acres

Situated in the State of Ohio, County of Franklin, Hamilton Township, Village of Obetz, and being in the northwest quarter of Section 36, Township 4, Range 22, Congress Lands, and being a 16.771 acre lot split out of a 58.760 acre tract (Record) deeded to James E. Dill, Jac T. Dill, and Philemon J. Dill, Jr., Tenants in Common in instrument numbers 199705210004226 and 199709260103004; and also deeded to James E. Dill, as trustee of the James E. Dill Trust Created under Declaration of Trust Dated February 17, 2002 (1/3 undivided interest) in Instrument Number 200202210046773, and also deeded to Jac T. Dill, as Trustee of the Jac T. Dill Trust created under declaration of Trust dated July 13, 2006 (1/3 undivided interest) in instrument number 200607200141989 of the Recorder's Office, Franklin County, Ohio, (all deed and plat references made being to said Recorder's Office, unless otherwise noted), being more particularly described as follows:

Beginning at a **POINT OF COMMENCEMENT (P.O.C.)** at an aluminum disk stamped "FCGS 9927" in a concrete monument (set over a found stone), found in the centerline of Shook Road (60 foot wide), said point being at the centerline intersection of the east-west half section line and the north-south half section line of said Section 36, said point also being at the southeast corner of said 58.760 acre tract, said point also being at the northeasterly corner of a 1.609 acre tract deeded to the City of Columbus as recorded in Instrument Number 200009010176507;

Thence leaving said centerline and along said east-west half section line of said Section 36, and along the southerly line of said 58.760 acre tract and also along the northerly line of a 156.253 acre tract deeded to Pizzuti Land LLC in Instrument Numbers 200611210233257 and 200611210233258, and also passing a 5/8" rebar found with a cap stamped "BRH GROUP", at a distance of 30.00 feet, **North 85 Degrees 59 Minutes 38 Seconds West, a total distance of 1040.02 feet** to a 5/8" rebar set on said lines, said point also being the **TRUE POINT OF BEGINNING (P.O.B.)** of the 16.771 acre lot split herein described;

Thence continuing along said east-west half section line of said Section 36 and said northerly and southerly lines, **North 85 Degrees 59 Minutes 38 Seconds West, 1128.07 feet** to a 5/8" rebar set on said lines, said point being at a southeasterly corner of a 41.402 acre tract deeded to Industrial CT Owner LLC as recorded in Instrument Number 200701250014803;

The following five (5) courses run along the northerly line of said 58.760 acre tract deeded to James E. Dill, Jac T. Dill, and Philemon J. Dill, Jr., and also along the southerly line of said 41.402 acre tract:

Thence **North 30 Degrees 49 Minutes 50 Seconds East, 167.01 feet** to a 5/8" rebar set at an angle point in said northerly and southerly lines;

Thence **North 41 Degrees 47 Minutes 15 Seconds East, 105.11 feet** to a 5/8" rebar set an angle point in said northerly and southerly line;

Thence **North 01 Degrees 55 Minutes 28 Seconds East, 145.70 feet** to a 5/8" rebar set an angle point in said northerly and southerly lines;

Thence **South 75 Degrees 33 Minutes 18 Seconds East, 106.30 feet** to a 5/8" rebar set an angle point in said northerly and southerly lines;

Thence **South 26 Degrees 44 Minutes 27 Seconds East, 48.00 feet** to a 5/8" rebar set an angle point in said northerly and southerly lines;

Thence continuing along said northerly line of said 58.760 acre tract, and also along the southerly line of said 41.402 acre tract, and also running along the southerly line of a 34.838 acre tract deeded to Pizzuti/Creekside Land Holdings LLC in Instrument Number 200407300176834 and passing a 5/8" rebar found capped "HLG ENGR. & SURVEYING" at the southeast corner of said 41.402 acre tract at a distance of 201.84 feet, **North 68 Degrees 56 Minutes 18 Seconds East, a total distance of 669.44 feet** to a 5/8" rebar found capped "HLG ENGR. & SURVEYING" at an angle point in the northerly line of said 58.760 acre tract, which point also being in the southerly line of said 34.838 acre tract;

Thence continuing along the northerly line of said 58.760 acre tract, and also along the southerly line of said 34.838 acre tract, **North 75 Degrees 24 Minutes 22 Seconds East, 465.71 feet** a 5/8" rebar found capped "HLG ENGR. & SURVEYING" on said northerly and southerly line;

Thence crossing said 58.760 acre tract, **North 75 Degrees 24 Minutes 22 Seconds East, 194.83 feet** to a 5/8" rebar set on a point of curvature;

Thence continuing across said 58.760 acre tract along a curve to the left 187.04 feet, and having a central angle of 33 Degrees 29 Minutes 24 Seconds, a radius of 320.00 feet, a chord bearing of **North 58 Degrees 39 Minutes 40 Seconds East, 184.39 feet** to a 5/8" rebar set on a point of tangency;

Thence continuing across said 58.760 acre tract, **North 41 Degrees 54 Minutes 58 Seconds East, 150.95 feet** to a 3/4" pipe found with a cap stamped "POMEROY" at the southwest corner of a 2.500 acre tract deeded to David S. and Victoria L. Woods in Official Record 34334 page F15;

Thence along the southerly line of said 2.500 acre tract and passing over a 3/4" pipe found with a cap stamped "POMEROY" at 398.23 feet, **South 86 Degrees 01 Minutes 02 Seconds East, a total distance of 427.56 feet** to a magnail set on the centerline of said Shook Road, said point being on the north-south half section line of said Section 36;

Thence along said centerline and along the north-south half section line of said Section 36, **South 03 Degrees 55 Minutes 42 Seconds West, 127.36 feet**, to a magnail set on said lines,

The following eight (8) courses cross said 58.760 acre tract:

Thence leaving said centerline, **North 86 Degrees 04 Minutes 18 Seconds West, 30.00 feet**, to a 5/8" rebar set on the westerly right-of-way line of said Shook Road;

Thence leaving said right-of-way line, **North 57 Degrees 08 Minutes 30 Seconds West, 46.36 feet** to a 5/8" rebar set;

Thence **North 86 Degrees 01 Minutes 02 Seconds West, 69.46 feet** to a 5/8" rebar set on a point of curvature;

Thence along a curve to the left 220.65 feet, having a central angle of 43 degrees 53 Minutes 50 Seconds, a radius of 288.00 feet, and a chord bearing **South 72 Degrees 02 Minutes 03 Seconds West, 215.29 feet** to a 5/8" rebar set on a point of tangency;

Thence **South 50 Degrees 05 Minutes 07 Seconds West, 357.02 feet** to a 5/8" rebar set on a point of curvature;

Thence along a curve to the right 138.03 feet, having a central angle of 22 Degrees 43 Minutes 33 Seconds, a radius of 348.00 feet, and a chord bearing **South 61 Degrees 26 Minutes 54 Seconds West, 137.13 feet** to a 5/8" rebar set on a point of tangency;

Thence **South 72 Degrees 48 Minutes 40 Seconds West, 352.85 feet** to a 5/8" rebar set;

Thence **South 03 Degrees 37 Minutes 38 Seconds West, 402.84 feet** to the **TRUE POINT OF BEGINNING (P.O.B.)**, containing 16.771 acres, and subject to all legal easements, restrictions, and right-of-way of record.

Andrew G. Planet, Ohio Surveyor No. 7802, of BRH Group, Inc., Worthington Ohio, prepared the above description from actual field surveys performed in January 2004, July 2006, August 2006, and March 2007. All iron pins set are 5/8"x30" rebar with a yellow plastic cap stamped "BRH GROUP". Basis of bearings are based on the same meridians as the Ohio State Plane Coordinate System, South Zone, NAD83, 86 adjusted, monuments used along the centerline of Shook Road: FCGS 9930 and FCGS 9927, Centerline Bearing and Distance = North 03 Degrees 37 Minutes 38 Seconds East 2666.15 feet.

SECTION 2. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed development.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**