



## CITY OF PATASKALA BOARD OF ZONING APPEALS

City Hall, Council Chambers  
621 West Broad Street  
Pataskala, Ohio 43062

### STAFF REPORT

January 10, 2022

#### Variance Application VA-22-030

<b>Applicant:</b>	Joe Wolfe
<b>Owner:</b>	RRWCP Columbus Property, LLC.
<b>Location:</b>	3600 Etna Parkway, Pataskala, OH 43062 (PID: 063-140508-00.000)
<b>Acreage:</b>	+/- 97.074-acres
<b>Zoning:</b>	PM – Planned Manufacturing
<b>Request:</b>	Requesting approval of a Variance from Section 1295.09(b)(2)(C) to allow for a freestanding ground sign to be located within the public right-of-way.

#### Description of the Request:

The Applicant is seeking approval of a Variance from Section 1295.09(b)(2)(C) to allow for a freestanding ground sign to be located within the public right-of-way.

#### Staff Summary:

The 97.074-acre property located at 3600 Etna Parkway is currently occupied by a 1,091,908-square foot warehouse, with associated parking and loading areas. A future 946,000-square foot warehouse is currently under review to be constructed in the future. Both warehouses will be served by a private road running along the north border of the parcel with connections to the East onto Etna Parkway and to the west onto Mink Street.

The Applicant is proposing to install a ground sign for the development, Red Chip Farms. A permit to install this sign (#22-627) was already applied for and approved as it met Pataskala Code, however, after the fact, it was determined that the original proposed sign location fell within of an AEP Transmission Easement, and the power company will not let any above ground structures be installed there. The Applicant is now proposing to shift the sign 10-feet to the east, just outside the easement and within the public right-of-way.

Pursuant to Section 1295.09(b)(2)(C) of the Pataskala Code, any freestanding ground sign shall be located a minimum of 10-feet from a public right-of-way. As proposed, the new sign will have one edge on the property line, 0-feet away, and extend 14'-3" inside the right-of-way.

According to the Narrative Statement as submitted by the Applicant, the request is being made to allow the monument sign to be visible to trucks and emergency services. Further stated, the already wide right-of-way of Etna Parkway, and the large AEP easement would require that the sign be set back from the roadway to a point where it is not readily visible. The Applicant believes that this would be a one-time exception, as the other sign locations do not have the easement or large right-of-way in the area where they would be placed. Also stated, the Applicant believes the request will not adversely affect public welfare, or the delivery of government services.

**Staff Review:** *The following review does not constitute recommendations but merely conclusions and suggestions from staff.*

As mentioned above, Section 1295.05(b)(2)(C) of the Pataskala Code states that a freestanding ground sign must be located a minimum of 10-feet from any street right-of-way. As the proposed sign would be located within the public right-of-way, the Variance request is for the full 10 foot distance, or 100% of the requirement.

The existing right-of-way for Etna Parkway 150-feet in width total, or 75-feet from the centerline of the road. The AEP transmission easement is 150-feet in width. Any signage installed would need to be approximately 225-feet from the center line of the road.

As the proposed sign itself was already reviewed and approved by the Planning and Zoning Department, the other aspects of the sign meet Pataskala Code. The only item which has changed is the location of the sign.

Public Service Director (Full comments attached)

Considering that the right-of-way along Etna Parkway is 150', that it is highly unlikely that the right-of-way where the sign is proposed to be placed will be used for public improvements in the near future, if ever, and that the sign is proposed to be placed on the back side of the ditch and out of the way, I do not have any concern with the proposed location of this sign; however, I will note that any private property placed in the public right-of-way, whether approved, permitted, otherwise, or not, is at the risk of the owner, as the City reserves all rights to City-owned right-of-way, and if future endeavors necessitate removal, it will be removed and not replaced

Southwest Licking Community Water and Sewer District (Full comments attached)

The proposed sign location appears be within the proposed 24" sanitary sewer alignment along Etna Parkway. It would be the Districts' preference that the sign not be located within the excavation area of the proposed sanitary sewage system. Construction in that area would start spring/summer of 2023.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	PM – Planned Manufacturing	AEP Laydown Yard Agricultural
East	PM – Planned Manufacturing	Agricultural AEP Substation
South	PM – Planned Manufacturing	Single-Family Homes Agricultural
West	GB – General Business	Single-Family Home Agricultural

**Variance Requirements:**

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

- a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- b) *Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
- c) *Whether the variance requested is substantial;*
- d) *Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
- e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- f) *Whether the variance, if granted, will be detrimental to the public welfare;*
- g) *Whether the variance, if granted, would adversely affect the delivery of government services;*
- h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
- i) *Whether the property owner's predicament can be obviated through some other method than variance;*
- j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
- k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Furthermore, Section 1211.07(2) allows other factors to be considered, including comments from City staff, when determining if an area variance is warranted. The following factors from Section 1211.07(2) are applicable to Variance Application VA-22-030:

- None

**Department and Agency Review**

- Zoning Inspector – No comments.
- Public Service – See attached.
- City Engineer – No comments.
- SWLCWSD – See attached.
- Police Department – No comments.
- West Licking Joint Fire District – No comments.
- Licking Heights School District – No comments.

**Conditions:**

Should the Board choose to approve the applicant's request, the following conditions may be considered:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. The Applicant understands that by placing private property within the public right-of-way whether approved, permitted, or otherwise; such action is at their own risk and that the City and/or other entity with the right to access said right-of-way, reserves all rights to City-owned right-of-way, and if future endeavors necessitate removal, it will be removed and not replaced.

**Resolution:**

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve a variance from Section 1295.05(b)(2)(C) of the Pataskala Code for variance application VA-22-030 ("with the following conditions" if conditions are to be placed on the approval)."

**From:** [Alan Haines](#)  
**To:** [Jack Kuntzman](#)  
**Cc:** [Antonio Anzalone](#)  
**Subject:** RE: Pataskala BZA Review Memo for 01-10-2023  
**Date:** Wednesday, December 21, 2022 3:35:46 PM

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Jack,

My comments on the subject BZA hearing are as follows:

1. VA-22-030
  - a. Considering that the right-of-way along Etna Parkway is 150', that it is highly unlikely that the right-of-way where the sign is proposed to be placed will be used for public improvements in the near future, if ever, and that the sign is proposed to be placed on the back side of the ditch and out of the way, I do not have any concern with the proposed location of this sign; however, I will note that any private property placed in the public right-of-way, whether approved, permitted, otherwise, or not, is at the risk of the owner, as the City reserves all rights to City-owned right-of-way, and if future endeavors necessitate removal, it will be removed and not replaced.

Let me know if questions.

Regards,

Alan W. Haines, P.E.  
Public Service Director  
City of Pataskala

621 W. Broad St.  
Suite 2B  
Pataskala, Ohio 43062

Office: 740-927-0145  
Cell: 614-746-5365  
Fax: 740-927-0228

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**From:** Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>  
**Sent:** Tuesday, December 20, 2022 3:08 PM  
**To:** Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Kevin Miller <kevin.miller@lhschools.org>; 'Chris Gilcher' <cgilcher@swlcws.com>; Alan Haines <ahaines@ci.pataskala.oh.us>  
**Cc:** Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>  
**Subject:** Pataskala BZA Review Memo for 01-10-2023

Good Afternoon,

You are receiving this email because one or more of the Application(s) submitted for the **January 10, 2023** Board of Zoning Appeals are within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

**From:** [Chris Gilcher](#)  
**To:** [Jack Kuntzman](#)  
**Subject:** RE: Pataskala BZA Review Memo for 01-10-2023  
**Date:** Monday, January 2, 2023 8:25:48 PM  
**Attachments:** [image001.png](#)

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**CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.**

Jack,

I am pushing to start construction this spring/summer.

Thanks,

CJ Gilcher  
Utilities Superintendent  
8718 Gale Road  
Hebron, Ohio 43025  
Ph: 740-928-2178



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**From:** Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>  
**Sent:** Friday, December 30, 2022 3:24 PM  
**To:** Chris Gilcher <cgilcher@swlcws.com>  
**Subject:** RE: Pataskala BZA Review Memo for 01-10-2023

Thank you CJ.

Any idea when the proposed sanitary alignment would take place? They have to move the sign because of the AEP easement, and depending on time frame for the alignment, it may change their strategy somewhat.

Let me know, and have a Happy New Year.

**JACK R. KUNTZMAN**  
City Planner

City of Pataskala  
621 West Broad Street, Suite 2-A  
Pataskala, Ohio 43062  
Phone: 740-964-1316

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**From:** Chris Gilcher <[cgilcher@swlcws.com](mailto:cgilcher@swlcws.com)>  
**Sent:** Friday, December 30, 2022 11:52 AM  
**To:** Jack Kuntzman <[jkuntzman@ci.pataskala.oh.us](mailto:jkuntzman@ci.pataskala.oh.us)>; Felix Dellibovi <[fdellibovi@ci.pataskala.oh.us](mailto:fdellibovi@ci.pataskala.oh.us)>; Bruce Brooks <[bbrooks@pataskalapolice.net](mailto:bbrooks@pataskalapolice.net)>; Doug White <[DWhite@westlickingfire.org](mailto:DWhite@westlickingfire.org)>; Kevin Miller <[kevin.miller@lhschools.org](mailto:kevin.miller@lhschools.org)>; Alan Haines <[ahaines@ci.pataskala.oh.us](mailto:ahaines@ci.pataskala.oh.us)>  
**Cc:** Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)>; Lisa Paxton <[lpaxton@ci.pataskala.oh.us](mailto:lpaxton@ci.pataskala.oh.us)>  
**Subject:** RE: Pataskala BZA Review Memo for 01-10-2023

**CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.**

Jack,

Please see the following comments below:

**VA-22-030:** The proposed sign location appears be within the proposed 24" sanitary sewer alignment along Etna Parkway. It would be the Districts preference that the sign not be located within the excavation area of the proposed sanitary sewage system.

Thanks,

CJ Gilcher  
Utilities Superintendent  
8718 Gale Road  
Hebron, Ohio 43025  
Ph: 740-928-2178



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**From:** Jack Kuntzman <[jkuntzman@ci.pataskala.oh.us](mailto:jkuntzman@ci.pataskala.oh.us)>



# CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A  
Pataskala, Ohio 43062

## VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information		
Address: 3600 Etna Parkway		
Parcel Number: 063-140508-00.000		
Zoning: M-1	Acres: 97.074	
Water Supply:		
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking	<input type="checkbox"/> On Site
Wastewater Treatment:		
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking	<input type="checkbox"/> On Site

Applicant Information		
Name: Joe Wolfe		
Address: 1555 W Main St		
City: Newark	State: OH	Zip: 43055
Phone: 614-362-4720	Email: jwolfe@verdantas.com	

Property Owner Information		
Name: RRRWCP Columbus Property, LLC		
Address: PO Box 11747		
City: Columbia	State: SC	Zip: 29211
Phone: 980-233-3837	Email: jbarker@redrockdevelopments.com	

Staff Use
Application Number: VA-22-030
Fee: \$300.00
Filing Date: 12-16-2022
Hearing Date: 1-10-2023
Receipt Number: 000964

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Narrative
<input checked="" type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

Variance Information
Request (Include Section of Code):
Requesting a variance in the sign setback minimum (1205.15 E)
Describe the Project:
This project includes the development of a 1,091,908 SF industrial building on undeveloped land.



## Documents to Submit

**Variance Application:** Submit 1 copy of the variance application.

**Narrative Statement:** Submit 1 copy of a narrative statement explaining the following:

- The reason the variance is necessary
- The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:
  - a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;*
  - b) *Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
  - c) *Whether the variance requested is substantial;*
  - d) *Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;*
  - e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
  - f) *Whether the variance, if granted, will be detrimental to the public welfare;*
  - g) *Whether the variance, if granted, would adversely affect the delivery of governmental services;*
  - h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
  - i) *Whether the property owner's predicament can be obviated through some other method than variance;*
  - j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
  - k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*
- A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.

**Site Plan:** Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- Location and dimensions of all existing and proposed buildings and structures.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Driveways
- Floodplain areas
- Location of existing wells and septic/aerator systems.
- Any other information deemed necessary for the variance request

**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

**Area Map:** Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

## Signatures

I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this variance request.

Applicant (Required):

Date:

12-12-22

Property Owner (Required):

Date:

12-15-22



**Environment / Energy / Infrastructure**

December 12, 2022

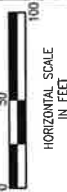
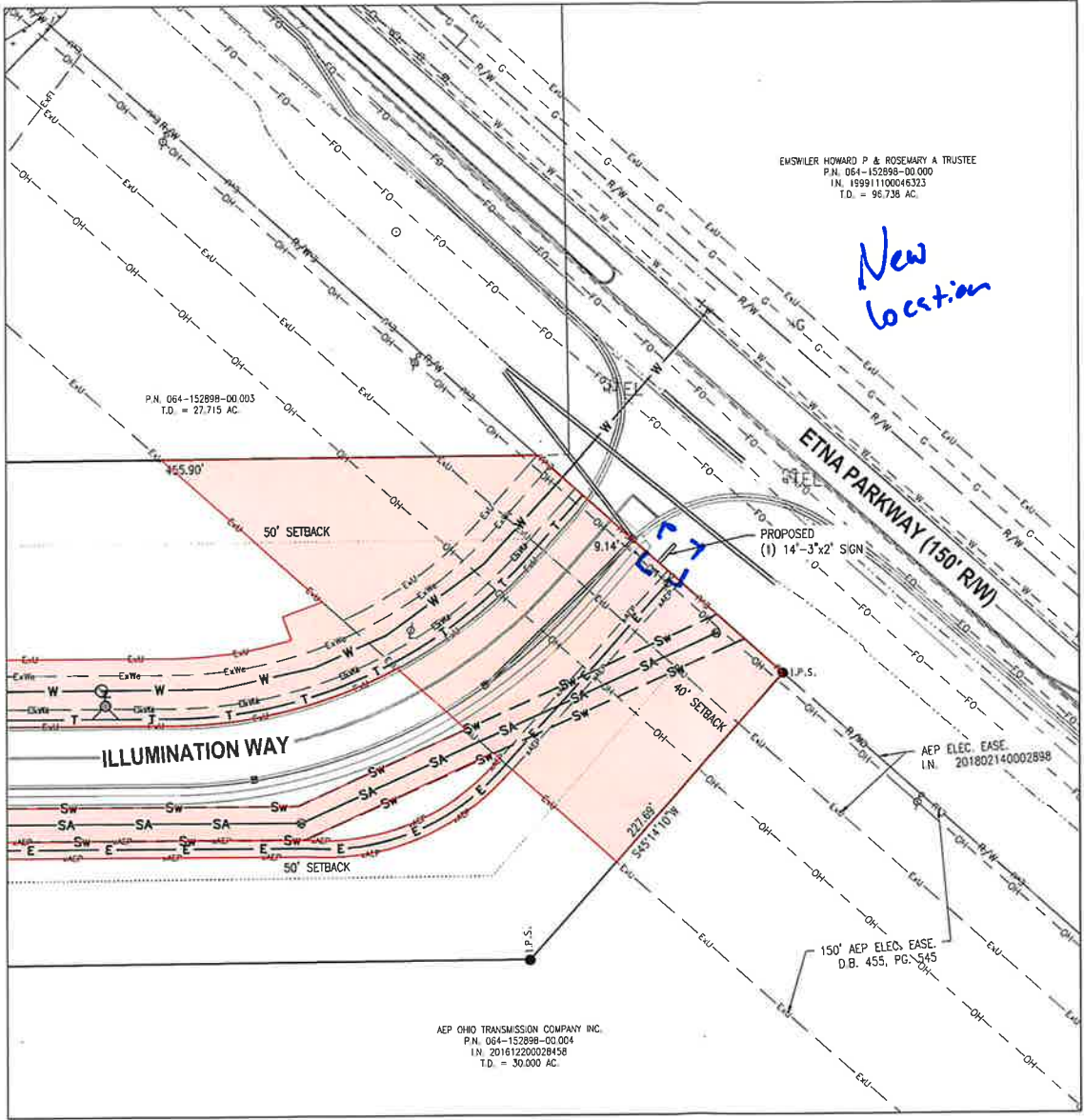
City of Pataskala Planning & Zoning Department  
621 West Broad Street, Suite 2A  
Pataskala, OH 43062

**Narrative Statement:**

The requested variance is for the entrance monument sign to be located within the Etna Parkway right-of-way. The reason the request is being made is to allow the monument entrance sign to be visible to the traveling public, freight trucks used in the operations, and emergency services to find the location with the greatest efficiency. The configuration of the Etna right-of-way and the dual AEP power line right-of-way (transmission and distribution lines), would require the sign to be set back from the roadway to a point where it is not readily visible to traffic on Etna Parkway. This condition creates a hardship on the property that is unique to the parcel.

The placement of the sign within the Etna right-of-way will allow the sign not only to be visible but also will create a consistent design for monument signs within the Pataskala Corporate Park since other locations will not be dealing with dual AEP rights-of-way as well as right-of-way that is designed to allow future widening of Etna Parkway if/when needed.

- Pataskala Code Specific Answers:
  - a. The variance request is a benefit to the community and emergency services. Community benefits due to delivery/supply trucks being able to find the location and not turning around and blocking traffic. Emergency Services so they can respond to any need as quickly as possible.
  - b. The site not only deals with Etna Parkway right-of-way, but also AEP rights-of-ways, both a Distribution Line and a Transmission right-of-way. This condition would require the sign to be placed so far back into the site that the monument sign can not be read from Etna Parkway.
  - c. The Variance Request is not substantial due to the fact the placement for the sign will appear to the general public as a normal location and will be consistent with the surrounding area.
  - d. The requested location for the monument sign would maintain the character of the area due to the proposed placement being in a location that the general public would view as a normal and consistent location as compared to the surrounding region.
  - e. The proposed variance will not affect adjoining properties.
  - f. The proposed variance will actually be a benefit to the public welfare.
  - g. The proposed variance will actually positively affect the delivery of Government Services.
  - h. The owner was aware of the zoning classification and requirements when the property was purchased. However the issue in question did not come to light until construction had commenced and the sign location was identified.
  - i. No other method of relief is available.
  - j. The proposed variance will provide the minimum needed to rectify the condition.
  - k. The spirit and intent of the Zoning Ordinance will be maintained and justice will be done.



NO.	PLAN ISSUE/REVISION	REV. BY	DATE	DRAWN	CHECKED	DATE
1				VRM	AKS	12/15/2022
2						
3						
4						
5						

HULL & ASSOCIATES, LLC  
10000 W. 12th Street  
Suite 100, Pataskala, OH 43084  
Phone: (614) 334-5545  
Fax: (614) 334-5546  
www.hullinc.com



CONSTRUCTION PLANS  
**RED CHIP FARMS**  
CITY OF PATASKALA, LICKING COUNTY, OHIO  
**SIGN EASEMENT EXHIBIT**

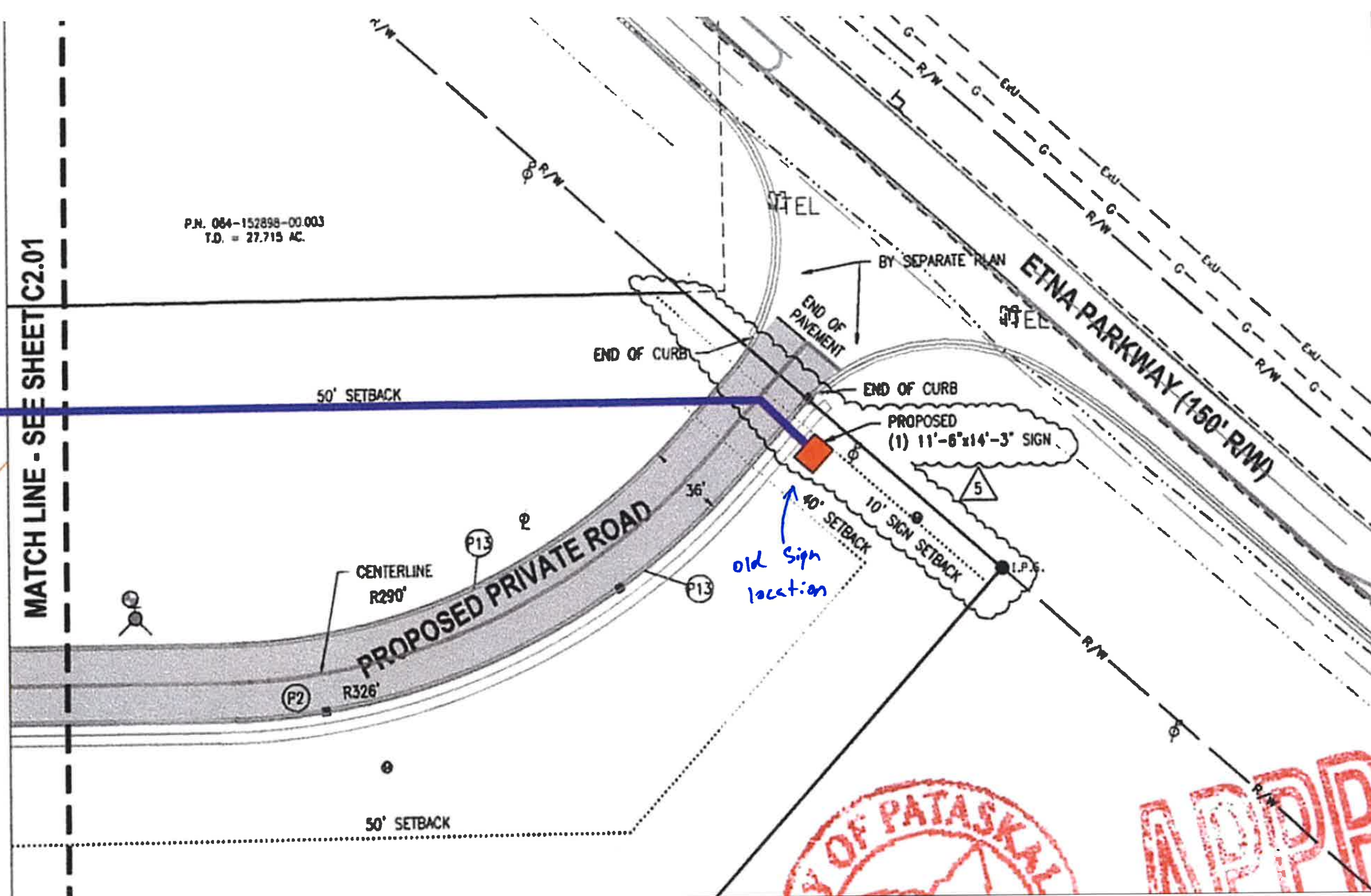
JOB NUMBER:  
**RKR001**

**EXHIBIT**



01

**MATCH LINE - SEE SHEET C2.01**

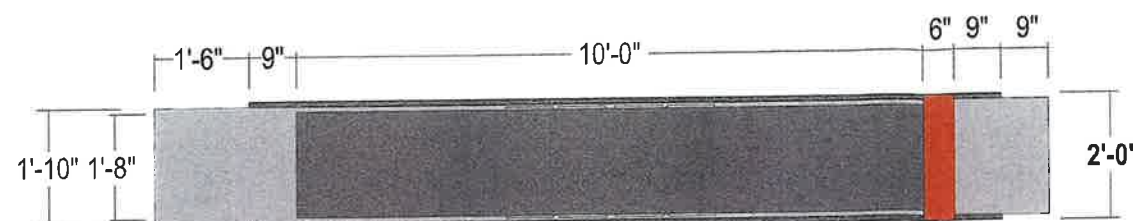




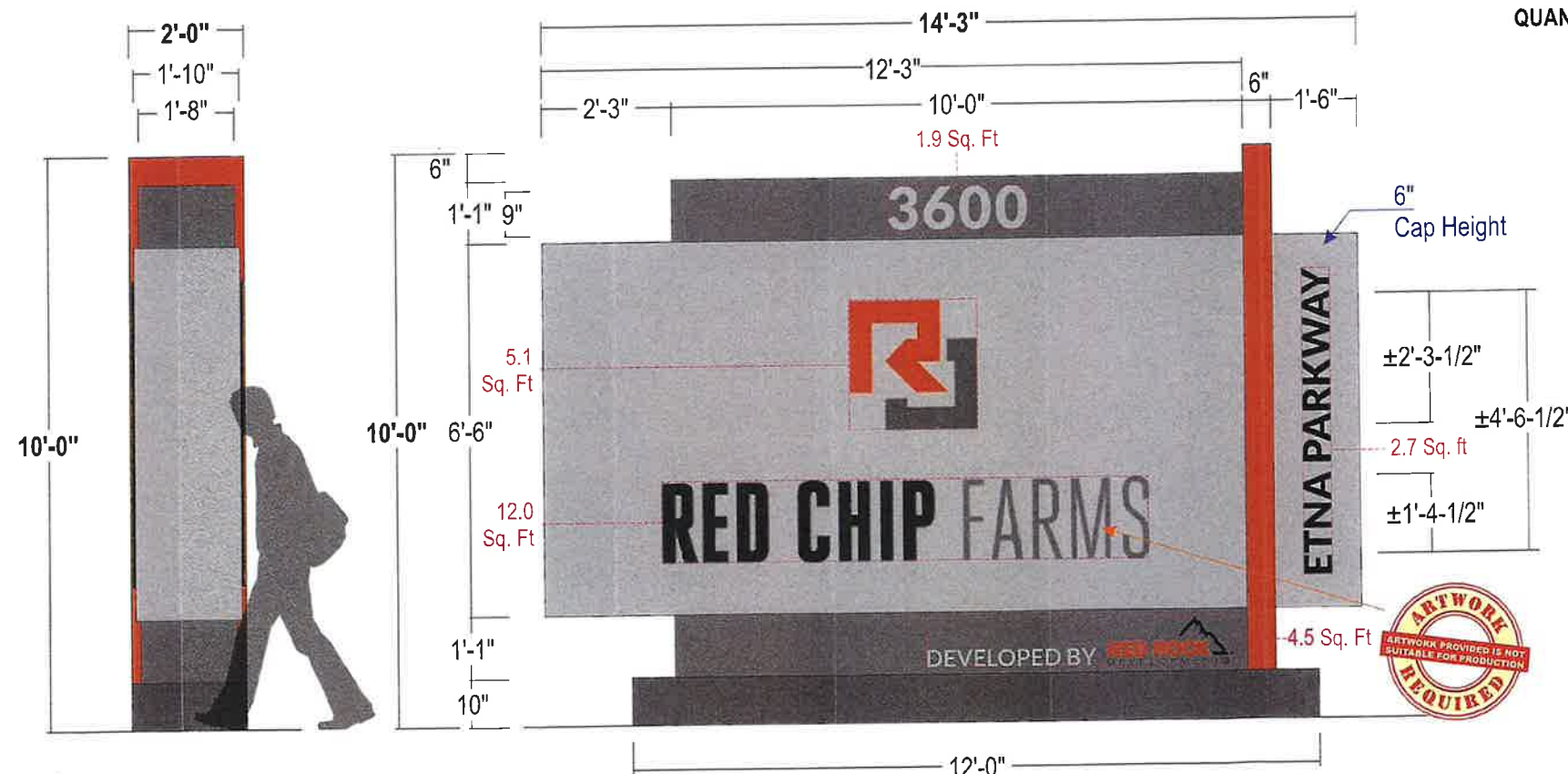
**E01 D/F NON-ILLUMINATED MONUMENT**  
Scale: 3/8"=1'-0"



132.7 square feet  
Copy 26.2 Sq. Ft - per Side  
(52.4 Total)



- CABINET:** Fab'd Cabinet w/ internal aluminum angle support structure skinned w/ .090" Aluminum; Painted to match colors shown
- GRAPHICS:** *Company Logo:* Direct Printed graphics to match colors shown  
*Address # & Street:* 1/2" Flat Cut Out Aluminum; Surface painted to match colors shown  
*'Developed by [logo]':* Surface applied Vinyl Graphics to match colors shown
- ILLUM.:** External Up-lighting (By Others)
- BASE:** Fab'd base w/ internal aluminum angle support structure; Painted to match colors shown
- INSTALL:** *To be Verified* Internal Steel Support Saddled welded into place  
Foundation and Support Pole TBV to match city code & Requirements;  
*Details TBV by Engineering*
- QUANTITY:** (1) ONE D/F MONUMENT SIGN REQUIRED
- Font:** Lato Black / Bold



COLOR PALETTE			
	<b>BACKER:</b> SW7019 Gauntlet Gray		<b>VERT. BAR/GRAPH:</b> Pantone 484C
	<b>PANEL:</b> SW7015 Repose Gray		<b>BASE/GRAPHICS:</b> Pantone 425 To be verified
			<b>GRAPHICS:</b> Black 3M 7725-12 Black
			<b>GRAPHICS:</b> To Be Verified



**SIDE B LAYOUT**  
Scale: 3/16"=1'-0"

**Stratus**<sup>TM</sup>

stratusunlimited.com  
8959 Tyler Boulevard  
Mentor, Ohio 44060  
888.503.1569



ADDRESS:  
3600 Etna Parkway  
Pataskala, OH 43062

PAGE NO.:  
**3**

ORDER NUMBER:  
1176621

SITE NUMBER:  
2

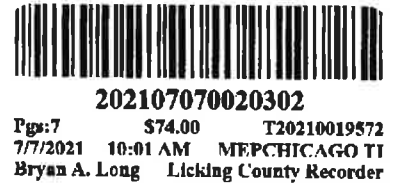
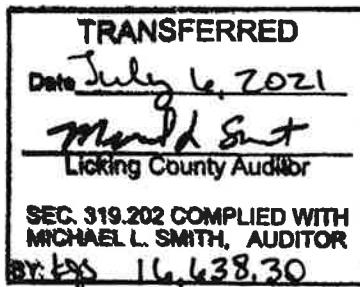
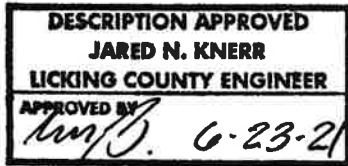
ELECTRONIC FILE NAME:  
G:\ACCOUNTS\RED ROCK DEVELOPMENTS\2022\OH\2\_Red Chip Farms\2\_Red Chip Farms R5.cdr

PROJECT NUMBER:  
86434

PROJECT MANAGER:  
ALLISON CSENGE

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	392509	07/28/22 TC					
Rev 1	394845	08/11/22 TC	Added sign code/copy sq. ft				
Rev 2	399385	09/09/22 TC	Reduced to 10'-0" OAH				
Rev 3	399685	09/14/22 TC					
Rev 4	400085	09/14/22 TC					
Rev 5	405669	10/27/22 TC					

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.



GENERAL WARRANTY DEED ✓

RED CHIP FARMS, INC., an Ohio corporation, ("Grantor") of Licking County, Ohio, for valuable consideration paid, grants, with general warranty covenants, to RRWCP COLUMBUS PROPERTY, LLC, a Delaware limited liability company, ("Grantee") whose tax-mailing address is c/o Red Rock Investment Partners, LLC, 1201 Main Street, Suite 2360, Columbia, South Carolina 29201, the real property located in Licking County, Ohio, more particularly described on the attached Exhibit "A" (the "Property").

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said Property belonging, or in anywise incident or appertaining, and all right, title and interest of Grantor, if any, in and to any rights of way adjoining said Property and in and to any gaps or gores between the boundaries of the Property and any other adjoining lands or rights of way.

TO HAVE AND TO HOLD, subject to the Permitted Exceptions (defined below), all and singular, the said Property and foregoing premises herein granted unto the said Grantee, its successors and assigns in fee simple forever.

This conveyance is made subject to the following ("Permitted Exceptions") (i) covenants, restrictions, conditions and easements that were of record in the Office of the Licking County Recorder, Licking County, Ohio, as of December 30, 2020, to the extent currently affecting the Property without re-imposing same by this instrument, but free of any mortgages, deeds of trust or other monetary encumbrances and free of any rights of tenants in possession (Grantor confirming that no tenants are in possession or have a right of possession as of the date of this deed); (ii) existing legal highway rights of way, if any; (iii) zoning ordinances; and (iv) taxes and assessments for calendar year 2021, not yet due and payable.

FIDELITY TITLE INSURANCE CO.  
ORDER NO. 20610309

[Signature on Next Page]



Excepting conditions, easements, restrictions, rights of way and zoning and other governmental regulations of record and taxes and assessments not yet due and payable which Grantee assumes and agrees to pay as a part of the consideration herein.

Executed this 9 day of ~~May~~<sup>June</sup>, 2021.

RED CHIP FARMS, INC., an Ohio corporation

By: Howard P. Emswiler  
Print Name: HOWARD P-EMSWILER  
Title: PRESIDENT

(SEAL)

STATE OF OHIO )  
 ) SS:  
COUNTY OF Licking )

BEFORE ME, a Notary Public in and for said county and state, personally appeared Howard P. Emswiler, who acknowledged that s/he is the Pres. of RED CHIP FARMS, INC., an Ohio corporation, and that s/he did execute the foregoing instrument as his/her free act and deed and that no oath or affirmation was administered to the signor.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal as of this 9 day of ~~May~~<sup>June</sup>, 2021.

June 6



C. DANIEL HAYES, Attorney at Law  
Notary Public, State of Ohio  
My Comm. Expires has no expiration Date  
Section 147.03 R.C.

[Signature]  
Notary Public for Ohio  
Print Name: \_\_\_\_\_  
Commission expires: \_\_\_\_\_

[NOTARY SEAL]

This document has been prepared by: Durham T. Boney, Esquire, Burr & Forman LLP, PO Box 11390, Columbia, SC 29211.

**EXHIBIT "A"**

(see attached)



### **DESCRIPTION FOR A 91.465 ACRE TRACT**

Situated in the State of Ohio, County of Licking, City of Pataskala, being a part of the 4th Quarter, Township 1, Range 15, Unites States Military Lands, also being part of a 108.249 acre tract (Parcel Number 063-140508-00.000) and all of a 43.295 acre tract (Parcel Number 064-152898-00.001) conveyed as part of a 296.544 acre tract to Red Chip Farms, Inc. in Instrument Numbers 200907100015352 and 200907100015353, all references being to those of record in the Recorder's Office, Licking County, Ohio, said 91.465 acre tract being more particularly bounded and described as follows:

**Commencing** at a 5/8-inch rebar capped "JHA 8283" found at the northeast corner of said Lot 3 and the southeast corner of Lot 4, also being a northerly corner of said 108.249 acre tract, the southeasterly corner of a 50 acre tract conveyed to James P. Shaffer in Official Record Volume 759, Page 373, in the line between the 3<sup>rd</sup> and 4<sup>th</sup> Quarters, and in the westerly line of a 72.285 acre tract conveyed as part of a 100.00 acre tract to AEP Ohio Transmission Company Inc. in Instrument Number 201612200028458;

Thence southerly along the east line of Lot 3, the line between the 3<sup>rd</sup> and 4<sup>th</sup> Quarters, and the westerly line of said 72.285 acre tract, **South 2° 48' 13" West, 230.06 feet** to a 5/8-inch rebar capped "CENTRAL SURV. CO. LTD." in concrete found at the southwesterly corner of said 72.285 acre tract;

Thence easterly along the southerly line of the said 72.285 acre tract, **South 86° 48' 40" East, 54.56 feet**, to an iron pin set, and being the **Point of Beginning** for the herein described tract;

Thence easterly along the southerly line of the said 72.285 acre tract and the southerly line of a 27.715 acre tract also conveyed as part of a 100.00 acre tract to AEP Ohio Transmission Company Inc. in Instrument Number 201612200028458, **South 86° 48' 40" East, 2769.29 feet** to a 5/8-inch rebar capped "CENTRAL SURV. CO. LTD." in concrete found at the northwesterly corner of a 30.00 acre tract conveyed to AEP Ohio Transmission Company Inc. in Instrument Number 201612200028458;

Thence southerly along westerly lines of the said 30 acre tract the following two courses:

**South 39° 50' 44" West, 390.20 feet** to an iron pin set; and ...

**South 03° 11' 42" West, 1261.51 feet** to a 5/8-inch rebar capped "CENTRAL SURV. CO. LTD." in concrete found marking the southwesterly corner of the said 30.00 acre tract, and also

DESCRIPTION FOR A 91.465 ACRES TRACT

being in the northerly line of a 114 acre tract conveyed to Ronald E. Kissell Et Al in Deed Volume 801, Page 559;

Thence westerly along the northerly line of the said 114 acre tract, the northerly line of a 38.33 acre tract conveyed to Ronald E. Kissell Et Al in Deed Volume 660, Page 592, the northerly line of a 13.33 acre tract conveyed to Ronald E. Kissell Et Al in Deed Volume 660, Page 595, and the northerly line of 27.091 acre tract conveyed to Larry Madden, Trustee of The DeRolf Keystone Inheritance Trust in Instrument Number 201710030021157, North 86° 48' 18" West, 2389.28 feet to a 5/8-inch rebar found with cap "HYDE" marking the southeasterly corner of a 1.50 acre tract conveyed to Southwest Licking Community Water and Sewer District in Instrument Number 200503030006280;

Thence along lines of said 1.50 acre tract the following two courses:

North 3° 00' 54" East, Length: 340.34 feet to a 5/8-inch iron pin found; and ...

North 86° 58' 44" West, 153.05 feet to an iron pin set;

Thence crossing the said 108.249 acre tract along a new division line, North 3° 31' 17" East, 1234.42 feet to the Point of Beginning and containing 91.465 acres, more or less, according to a survey made by Hull & Associates in April of 2021.

The bearings in the above description are based on the Ohio State Plane Coordinates System, South Zone, NAD83.

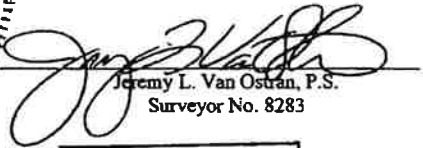
All iron pins set are 5/8-inch diameter rebar by 30-inch length with red identification caps marked "HULL, 8283".

Subject to all valid and existing easements, restrictions and conditions of record.



May 26, 2021

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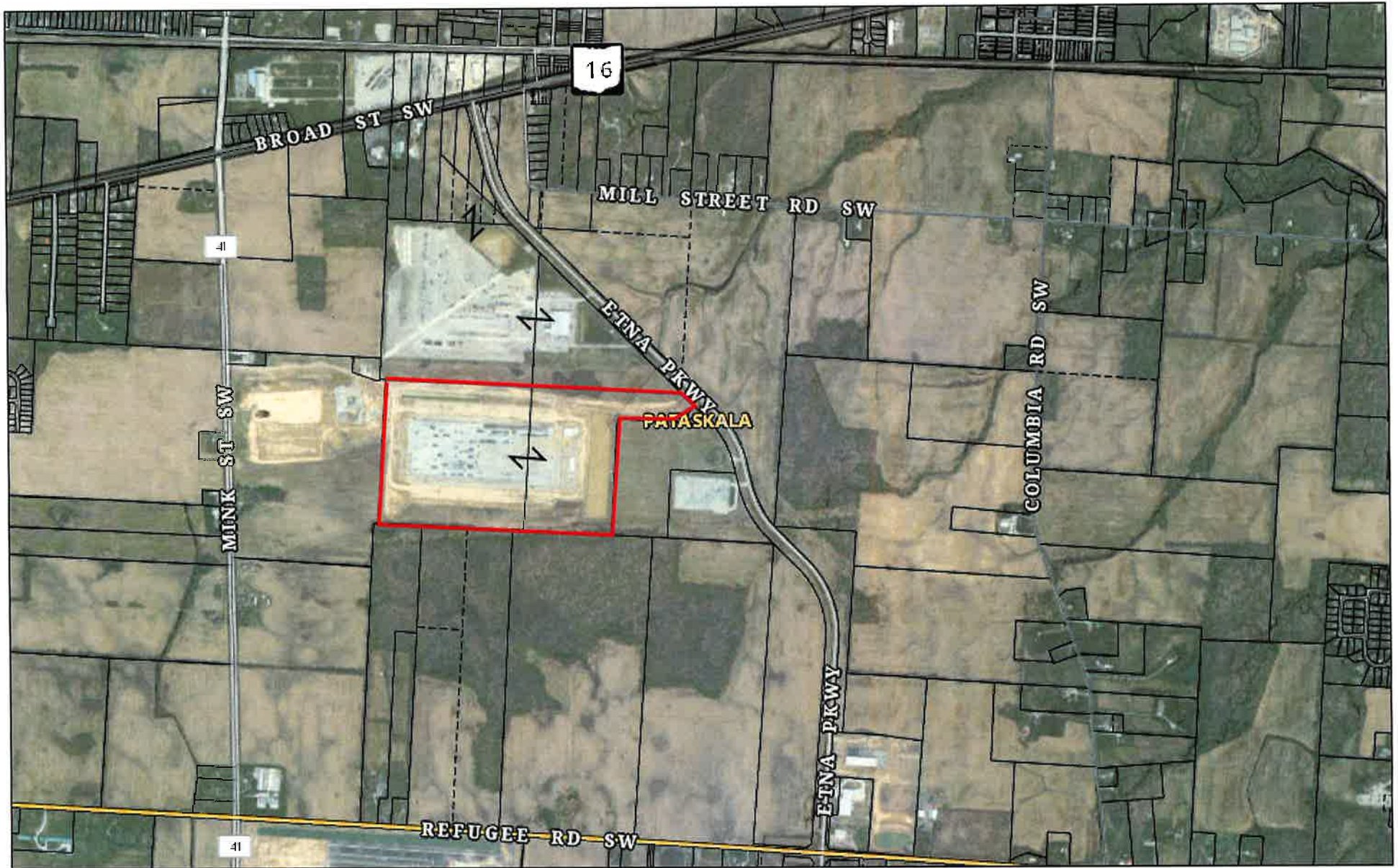
  
Jeremy L. Van Ostran, P.S.  
Surveyor No. 8283

PRE-APPROVAL	
LUCKING COUNTY ENGINEER	
APPROVED <input checked="checked" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: [Signature]	DATE: 5/27/21

Prior Deed Reference: Portions of Instrument No. 200907100015353 and Instrument No. 200907100015352, Recorder's Office, Licking County, Ohio

Auditor's Parcel Number: 063-140508-00.000 (portion) and 064-152898-00.001

# OnTrac Property Map



December 12, 2022



Licking County Auditor GIS

LICKING COUNTY TAX MAP