



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

March 11, 2019

Conditional Use Application CU-19-001

Applicant:	Calvin L Berkey Ent. dba. Cals Towing
Owner:	David C. and Ruth Ness
Location:	421 West Broad Street
Acreage:	+/- 1.66 acres
Zoning:	GB – General Business
Request:	Requesting approval of Conditional Use pursuant to Section 1249.04 of the Pataskala Code to allow for the property to be used as a Vehicle Towing Service.

Description of the Request:

The applicant is seeking a conditional use to allow for the property at 421 W Broad Street to be operated as a vehicle towing service location in the GB – General Business district pursuant to Section 1249.04(19).

Staff Summary:

The property located at 421 W Broad Street is 1.66-acres in size with approx. 160-feet of frontage on W Broad Street. It is currently occupied by one 4,900-square foot commercial building built in 1971, and one 2,250-square foot pole barn built in 1986. Areas on all sides to the commercial building, and to the front of the pole barn are surfaced in gravel. Access is handled by two gravel surfaced entrance drives off W Broad Street. An existing sign is present between the two access drives in the middle of the property's frontage. The property was previously the location for "Sally's Hearth & Home".

The Applicant is requesting a Conditional Use to allow the property to be used as a satellite towing operation for "Cal's Towing" to service the Pataskala Area. The Site Plan provided indicates paving of the front parking area and entrance drives, with 6 visitor parking spaces on the north side of the building. The area in the rear is proposed to be enclosed with 6-foot high fencing with an additional 1-foot of barbed wire on top. Employee parking and impounded vehicle parking will be within this area. The existing pole barn is to be used for tow truck parking. Existing signage is to be maintained.

Per the Applicant's Narrative Statement: they believe the location is conveniently located to offer both services to residents, and the City's Police Department. The fenced-in area will be lighted and secured, and the building use as office space. Entrance drives, and paved areas will be improved to meet city requirements. The Applicant believes that there will be no reasons to suspect hazardous substance or activities/disturbances that are a detriment to surrounding properties. Further stated in the narrative, the Applicant intends to improve the property frontage as they take pride in their appearance and professionalism. The goal for the Applicant is to expand their roadside assistance and towing services further east.

The business will operate with roughly 3-4 employees in the early stages. 24/7 Police Impound and Storage will be offered to the Ohio State Highway Patrol, Sheriff's Department, and hopefully the City of Pataskala

Police. Other services include light and medium duty towing and recovery, roadside assistance (jump starts, lockouts, and fuel delivery within 10-miles), and classic car transportation.

The GB – General Business district requires a conditional use for the Motor Vehicle Towing use (NAICS Code: 488410) pursuant to Section 1249.04(19).

Staff Review:

The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.

Planning and Zoning Staff:

The Future Land Use map designates this property as Light Industrial; however, the property is currently zoned for commercial use.

Staff has reviewed the submitted Site Plan and offers the following comments:

1. Section 1249.05(C): Setbacks for the GB-District.
 - a. Side: When abutting a non-residential district side yard setback shall be 25-feet for structures and 10-feet for paved areas. The existing Pole Barn fails to meet this, however as it is an existing structure it is considered “grandfathered” in. No measurements are given for the proposed impound yard, however the parking areas appear to be within the 10-foot required setback. Any paved or parking areas must be at least 10-feet from the side property lines.
 - b. When abutting a non-residential district rear yard setback shall be 30-feet for structures and 10-feet for paved areas. The existing Pole Barn fails to meet this, however as it is an existing structure it is considered “grandfathered” in. No measurements are given for the proposed impound yard, however the parking areas appear to be within the 10-foot required setback. Any paved or parking areas must be at least 10-feet from the rear property lines.
2. Section 1283.07(B): The required landscaping standards for the GB – General Business required L2 type landscaping along the frontage, and no additional landscaping on the rear or sides (unless abutting a residential use). No landscaping was indicated on the site plan.
 - a. L2 landscaping: continuous 3-foot high planting/mound/wall to provide 95% opacity year round, and one tree per 30-lineal feet of landscaped area.
 - b. Pursuant to Section 1283.06(7), the minimum landscaping standards may be waived upon presentation of an equivalent landscaping plan subject to the approval of the Zoning Inspector.
3. Section 1291.15: The minimum width of access drives for one-way traffic is 14-feet, and 28-feet for two-way traffic. With the Applicant’s proposal to keep the existing two entrance points, Staff believes that one should be a one-way in, and the other a one-way out. Both improved to 14-foot width with appropriate signage and arrows to indicate one-way routes.
4. Section 1291.16: No minimum parking space requirements are given for this use, and Per Section 1291.16 the Planning and Zoning Commission shall reserve the right to determine if an unlisted use is similar to one listed OR determine the number of parking spaces required for any use not mentioned. Staff believes the number of proposed visitor parking spaces to be sufficient.
5. Section 1291.02(4): All off-street parking shall be hard-surfaced asphalt, concrete, or pavers. Applicant has not indicated paving material for impound yard. If proposed to be gravel, a variance may be required if the impound yard is to be expanded.

6. City Code requires an 8-foot asphalt path to be installed along frontage on E Broad Street when properties are re-developed. However, it does provide an option to pay a fee-in-lieu when constructing said path would not be of benefit. As there as no path connections on either side of this property, Staff believes the fee-in-lieu option would be best.

City Engineer (Full Comments Attached):

1. The conditions of the OEPA General Construction Permit must be adhered too if earth disturb actives are anticipated

Public Service Director (Full Comments Attached):

1. Use of existing drives as separate entrance/exit is appropriate, and shall be required; otherwise,
 - a. Reduce to single access point with appropriate width.
2. If impervious area is increased, stormwater facilities may be required; coordinate accordingly.
3. Provide additional right-of-way along Broad Street to bring right-of-way on the south side of Broad Street to 60’ as measured from the centerline of Broad Street to the proposed right-of-way line.

Licking County Health Department (Full Comments Attached):

1. If they are not demolishing present buildings and reconnecting them to the septic system, permits will *not* be required.
2. If new buildings are added, and they are “tied” into the existing septic system, permits and a site evaluation will be required.
3. As for the existing well, if the system will supply water for 25 or more individuals on a daily basis or has more than 15 service connections, it would come under Ohio EPA jurisdiction.

Surrounding Area:

Direction	Zoning	Land Use
North	GB – General Business	Farm Field
East	GB – General Business	Vacant
South	M-1 – Light Manufacturing	Warehouse Space
West	M-1 – Light Manufacturing	CenturyLink

Conditional Use Requirements:

According to Section 1215.04 of the Pataskala Code, the Board of Zoning appeals shall consider whether the conditional use at the proposed location:

1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.*
2. *Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.*
3. *Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
4. *Will not be hazardous or disturbing to existing or future neighboring uses.*

5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
8. *Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
9. *Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff's opinion the following factors from Section 1215.05 are applicable to Conditional Use Application CU-19-001:

B. Specific Performance Standards

1. *No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.*
 - Due to security being an important aspect of businesses of this type, staff wants to ensure that the proposed lighting does not create issues.

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – See attached.
- City Engineer – See attached.
- Licking County Health Department– 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 shall address all comments from Planning and Zoning Staff, City Engineer, Public Service Director, and the Licking County Health Department.
3. The Applicant shall either provide an 8-foot wide asphalt path along the frontage or pay the fee-in-lieu.
4. The Applicant shall ensure that the any lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.

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 conditional use pursuant to Section 1249.04(19) of the Pataskala Code for application CU-19-001 (“with the following conditions” if conditions are to be placed on the approval).”

From: [Scott Haines](#)
To: [Jack Kuntzman](#)
Cc: [Jim Roberts](#); [Alan Haines](#); [Scott Fulton](#)
Subject: RE: BZA Review Memo for 3/11/2019
Date: Friday, March 01, 2019 8:37:18 AM

Jack

I just realized I called the 2 cases the same. Sorry for the oversight

Scott R. Haines, P.E., CPESC

Project Manager

HULL | Newark, Ohio

Environment / Energy / Infrastructure

o: 740-344-5451 | f: 740-344-8659

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From: Scott Haines

Sent: Thursday, February 28, 2019 4:55 PM

To: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>

Cc: Jim Roberts <jroberts@hullinc.com>; Alan Haines <ahaines@ci.pataskala.oh.us>; Scott Fulton <sfulton@ci.pataskala.oh.us>

Subject: BZA Review Memo for 3/11/2019

Jack

Hull and Associates has reviewed the agenda items for the March 11, 2019 BZA Meeting. I have been in contact with the Public Service Director and concur with his comments. In addition, we offer the following comments:

CU-18-005

1. The conditions of the OEPA General Construction Permit must be adhered too.

~~CU-18-005~~ CU-19-001

1. The conditions of the OEPA General Construction Permit must be adhered too if earth disturb actives are anticipated.

Let me know if you have any questions.

Scott R. Haines, P.E., CPESC

Project Manager

HULL | Newark, Ohio

Environment / Energy / Infrastructure

o: 740-344-5451 | f: 740-344-8659

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From: [Alan Haines](#)
To: [Jack Kuntzman](#)
Cc: [Scott Fulton](#)
Subject: 3-11-19 BZA Review Comments - Revised, Part II
Date: Thursday, February 28, 2019 4:44:13 PM

Jack,

My comments are as follows:

1. CU-18-005
 - a. Stormwater requirements to be coordinated with engineering plan review.
 - b. Right-of-way permit required for:
 - i. Construction entrance off Summit Road
 - ii. Reconfiguration of Broad Street entrance.
 - c. Provide additional right-of-way along Broad Street to bring right-of-way on the south side of Broad Street to 60' as measured from the centerline of Broad Street to the proposed right-of-way line.
1. CU-19-001
 - a. Use of existing drives as separate entrance/exit is appropriate, and shall be required; otherwise,
 - i. Reduce to single access point with appropriate width.
 - b. If impervious area is increased, stormwater facilities may be required; coordinate accordingly.
 - c. Provide additional right-of-way along Broad Street to bring right-of-way on the south side of Broad Street to 60' as measured from the centerline of Broad Street to the proposed right-of-way line.

Let me know if questions.

Regards,

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

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

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

From: [Wyatt Marshall](#)
To: [Jack Kuntzman](#)
Subject: RE: Board of Zoning Appeals Review Memo for 03-11-2019
Date: Wednesday, February 20, 2019 10:40:34 AM

Jack,

Specifically for the septic system, as long as they are not demolishing the present buildings and “reconnecting” to the septic system then no permits would be required. If new buildings will be added and they plan on “tying” into the existing system then permits will be required and an evaluation of the site. As for the concern with the rezoning, I’m assuming from a residential area to a commercial area, the focus would be the amount of water the system would take on. Usually the commercial sites take on less average water usage than a residential system unless there are special circumstances (auto garages, car washes, pet facilities). As it is now, as long as the system is currently functioning I don’t believe that the rezoning of the lot to utilize as a towing facility will effect much.

As for the well, once again as long as they are not “tying” into new buildings or opening the water line in any way, no permits will be required. The only concern with the well is that depending on their business plan, if the system will supply water for 25 or more individuals on a daily basis or has more than 15 service connections, it would become the jurisdiction of the OEPA, anything under would be our jurisdiction.

Please let me know if you have any further questions.

Bests,

Wyatt J. Marshall
Sanitarian In Training
Licking County Health Department
Office: (740)-349-6505
wmarshall@lickingcohealth.org
www.lickingcohealth.org

From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Tuesday, February 19, 2019 2:11 PM
To: Wyatt Marshall <wmarshall@lickingcohealth.org>
Subject: Board of Zoning Appeals Review Memo for 03-11-2019

Hello Wyatt, I hope you had a nice weekend.

Attached is a review memo for the March 11th Board of Zoning Appeals Hearing. Only one, CU-19-

001, will apply to you. They would like to retain the existing well/septic when they re-develop the lot into a vehicle towing facility. Let me know if you have any questions or comments before February 28th.

Thank you!

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

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CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

Property Information		
Address:	421 WEST BROAD ST PATASKALA	
Parcel Number:	063-307014-00.000	
Zoning:	General Business	Acres: 1.66
Water Supply:		
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input checked="" type="checkbox"/> On Site
Wastewater Treatment:		
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input checked="" type="checkbox"/> On Site

Staff Use	
Application Number:	CU-19-001
Fee:	\$ 300
Filing Date:	2-19-19
Hearing Date:	3-11-19
Receipt Number:	499616

Applicant Information		
Name:	CALVIN L. BERKEY JR CALVIN BERKEY ENT DBA CALS TOWING	
Address:	3245 E. FIFTH AVE	
City:	COLUMBUS OHIO	State: OHIO Zip: 43219
Phone:	Email: CALS TOWING @ SBC GLOBAL .NET	

Documents	
<input type="checkbox"/> Application	
<input checked="" type="checkbox"/> Fee	300
<input checked="" type="checkbox"/> Narrative	None are
<input type="checkbox"/> Site Plan	
<input type="checkbox"/> Deed	
<input checked="" type="checkbox"/> Area Map	

Property Owner Information		
Name:	DAVID C & RUTH WESS	
Address:	PO BOX 40	
City:	PATASKALA	State: OHIO Zip:
Phone:	800-2211	Email:

Conditional Use Information	
Request (Include Section of Code):	1249.04 (19)
Describe the Project: OPEN A SATELITE TOWING OPERATIUM TO SERVICE THE PATASKALA AREA SEE ATTACHED.	

Documents to Submit

Conditional Use Application: Submit 1 copy of the conditional use application.

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

- The reason the conditional use has been requested.
- The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:
 1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on this application.*
 2. *Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code.*
 3. *Will be designed, constructed, operated and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
 4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
 5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
 6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
 7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
 8. *Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.*
 9. *Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.*
- Specific standards for conditional uses can be found in Section 1215.05 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 conditional use 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 conditional use request.

Applicant (Required):

Caen P. Burrell

Date:

2/18/19

Property Owner: (Required):

James C. Mess, Trustee

Date:

2/14/19

Cal's Towing

"The Good Guys"

Since 1970

CalsTowing.com

CalsTowing@sbcglobal.net

614-861-4265

3245 E 5th Ave

Columbus, OH 43219

Narrative

I have been approached on more than one occasion regarding the towing services for the City of Pataskala. It is my understanding that there are only a few towing companies in the area and there is a need for additional services. With that in mind, I have been researching properties in the Pataskala area for the past couple of years in hopes of towing for the Pataskala Police, as well as, providing quality service to the citizens of Pataskala. The property located at 421 W. Broad Street provides numerous advantages for a towing company providing services for the city and allows us to improve our response times for our customers in Pataskala.

The convenience of being located within a mile of the police department will be advantageous for the customer, the towing company and the police department itself. Often an officer will need to revisit a vehicle once impounded, perhaps further investigation is required or the officer determined that the license plate needs to be removed, etc. Once the vehicle owner retrieves a release from the police department, the short driving distance to pick up their vehicle will lessen the aggravation of an unpleasant situation. Additionally, I feel the location in relation to the police department will indirectly provide added security to the property. Potential trespassers may be discouraged based on the location alone. These are top three of advantages to using this property to help serve the city.

As a towing company there will be no reason to suspect any hazardous materials or activity nor any disturbance to fellow property owners. Although there will be limited traffic in and out of the property, there will be one entrance located on the west side of the property and one exit on the east side. This will be best to avoid any possible disturbance in the flow of traffic on Broad Street. Existing drives will be improved to meet the city requirements.

The fenced impound area will house police impounded vehicles. The area will be lighted and secured, apart from the existing building. The building will be used for office space and assisting customers with obtaining their vehicles. The building will continue to meet all city and code requirements regarding electric, water, refuse, drainage and fire and safety hazards. Property frontage will be maintained and improved upon as we pride ourselves in appearance, professionalism and improving the towing standards and reputation.

My goal is to expand our professional quality roadside and towing services and a Satellite location further east offers great potential. I guarantee that any location purchased for this expansion will only be improved upon and will not reflect negatively on the city, town, business or resident.

1.Executive Summary

Cal's Towing is a family owned company that has primarily focused on serving the community of Columbus and surrounding areas. We strive to raise our customers' expectations when working with a Tow Company. We take the hiring of our employees very serious, we look to hire the good people with high character traits. While we are a 24-hour Towing company, we have continued to do our part in building the community since we opened our doors 49 Years ago. We currently service the Whitehall, Gahanna, Airport, Reynoldsburg Police Departments, the Franklin County Sheriff's Department, Ohio State Highway Patrol and the FBI. Along with Coughlin Auto Group, Dave Gill Chevrolet, Dick Masheter Ford, Ohio Lottery, Medicare Medical Transportation, Avis Rental Car, Dollar Thrifty Rental car and more.

2.Company Description

a. Vision Statement

Cal's Towing is transforming the towing industry operating as the #1 Towing Company in Central Ohio.

b. Mission Statement

To provide quality and professional service for our customers day in and day out.

c. Our Plan

We plan to open a well-maintained Satellite program in the area of Pataskala. This operation will consist of roughly 3-4 employees in the early stages dedicated to providing premium service to the citizens of Pataskala along with the Ohio State Highway Patrol, Sherriff's Department, local businesses and hopefully the Pataskala Police Department. This operation will be equipped to store vehicles for the Police Departments and have ample office space. This operation will be held to the same high standards of our current Columbus operation to.

3. Service

a. 24/7 Police Impounding and Storage

Police Impounding is something that we specialize in and take pride in doing. This is a service that we take very serious and continuously over our 49 years in business have met strict ETAs and all other requirements of the police departments that we have serviced. We will provide a well-lit and secure facility for the storage of any impounded vehicles when necessary.

b. Light and Medium Duty Towing and Recovery

We will Provide Light and Medium duty towing and recovery for the citizens of the Pataskala and the surrounding areas. Light duty being anything up to 14,000lbs. and Medium Duty being anything up to 40,000lbs.

c. Roadside Service

In addition to towing we provide roadside services, Jump Starts, Tire Changes, Lockouts and Fuel delivery at competitive prices within 10 miles of our location.

d. Specialty Classic Car Transportation

We pride ourselves on our experience in hauling high end classic cars. This is something we have experience in from hauling Cal's personal collection. When hauling cars of this value not everyone can be trusted. We are a company that has earned that trust.

4. Organization

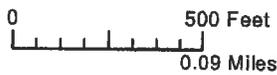
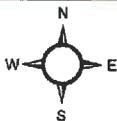
a. Organizational Chart

- CEO- Cal Berkey Jr.
- President- Karen Berkey
- General Manager- Shelly Berkey
- Operations Manager- Jared DeSanto

Area Map



February 13, 2019



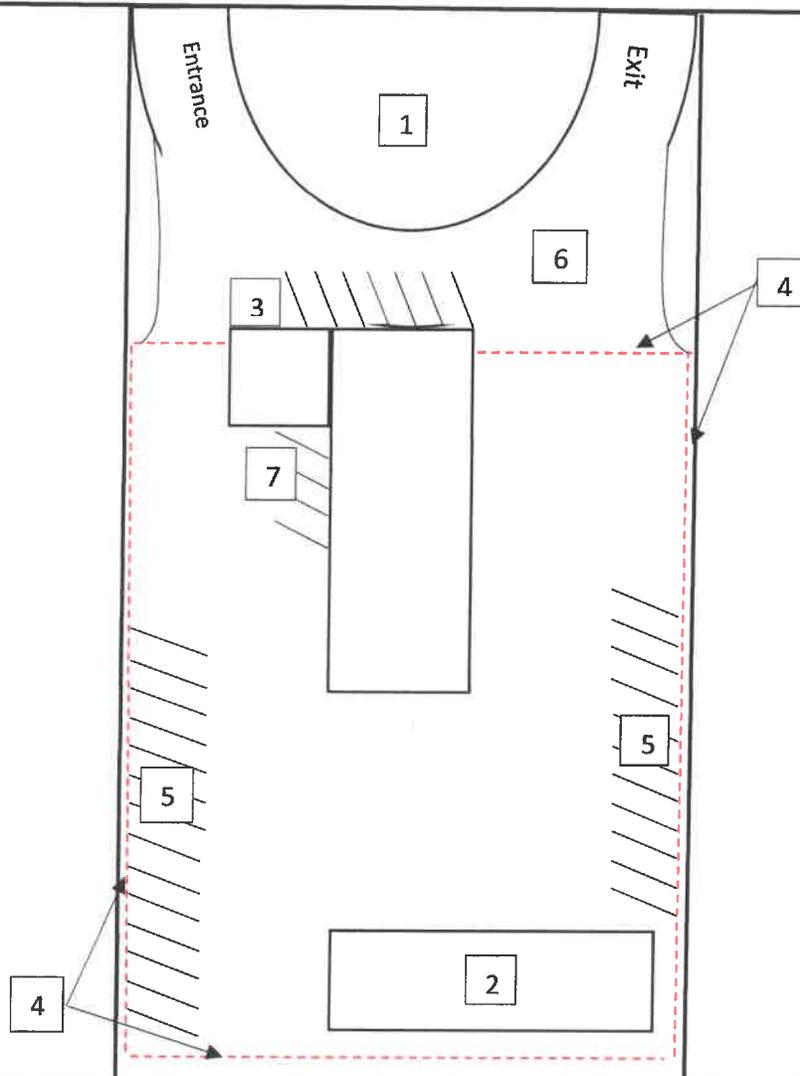
LICKING COUNTY TAX MAP

Pictometry

Property Report

Address		
DAVID C NESS TR -- 421 W BROAD ST		
Engineer's Pin	Owner	Auditor's PIN
0115PA00700000017000	DAVID C NESS TR	063-307014-00.000
Tax Acreage	Deed Acreage	Official Record
1.659	1.659	200801170001268

W BROAD ST



1. Existing Signage Maintained
2. Pole Barn/Tow Truck Parking
3. Visitor Parking 9'x19'
4. 6' fence with 1' barbed wire
5. Impounded Vehicle Parking
6. Paved Entrance/Exit drive
7. Employee Parking

COUNTY RECORDER:
PLEASE RETURN DOCUMENT TO:
LAW OFFICES OF EDWARD P. BRUEGGEMAN
2525 TILLER LANE, STE 105
COLUMBUS, OHIO 43231

PREPARED BY:
LAW OFFICES OF EDWARD P. BRUEGGEMAN
2525 TILLER LANE, STE 105
COLUMBUS, OHIO 43231



200801170001268
Pas: 2 \$28.00 T20080001153
01/17/2008 12:13PM MLDAVID C NES
Bryan A. Long
Licking County Recorder

SPACE ABOVE THIS LINE RESERVED FOR RECORDERS USE

QUIT CLAIM DEED

The undersigned Grantor declare that transfer tax is NONE. This conveyance transfers the Grantor's interest into their revocable living trust. For No Consideration, change in vesting only.

DAVID C. NESS, MARRIED MAN, Grantor, grant to DAVID C. NESS AND RUTH M. NESS, Trustees or their successor trustee(s), under THE NESS FAMILY TRUST, dated 2 day of Jan, 2008 and any amendments thereto, the following described real property located in the County of LICKING, State of OHIO, and described as follows: Tax Mailing address: DAVID C. NESS AND RUTH M. NESS, P.O. BOX 40, PATASKALA, OHIO 43062

Ruth M. Ness, spouse of David C. Ness, the Grantor in the foregoing deed, does hereby release all rights of dower herein.

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE AN IRREVOCABLE PART HEREOF.

David C. Ness
DAVID C. NESS: Signature

Ruth M. Ness
RUTH M. NESS: Signature

STATE OF OHIO)
COUNTY OF LICKING)

TRANSFERRED
Date JANUARY 17, 2008
J. Terry Evans
Licking County Auditor EN

Executed before me on the 2 day of Jan, 2008 at Licking, Ohio by DAVID C. NESS AND RUTH M. NESS, HUSBAND AND WIFE, known to me OR proved to me, on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signatures on the instrument the persons or the entity upon behalf of which the persons acted executed this instrument.

SEC.319.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY EN EXT

WITNESS my hand and official seal

Robert Johnson
Notary



Robert Johnson
Notary Public
Licking County
State of Ohio
Commission Expires
01/31/2011

EXHIBIT "A"

Situated in the State of Ohio, County of Licking and in the former Township of Lima, now and by merger, City of Pataskala:

Being a part of Lot 12 in the Fourth Quarter, First Township and the Fifteenth Range of the United States Military Lands.

Beginning at a point in the center line of State Route #16 which point is located south 78 degrees 55 minutes west along the center line of State Route #16 a distance of 1010.6 feet from the east line of Lot 12, aforesaid; thence south 4 degrees 31 minutes 30 seconds west, passing an iron pin at 32.60 feet on the right of way line of State route 16, along an existing fence row four hundred eighty-seven and eighty-two hundredths (487.82) feet to an iron pin for a corner; thence north 85 degrees 28 minutes 30 seconds west at right angles to the previous line 155 feet to an iron pin for a corner; thence north 4 degrees 31 minutes 30 seconds east parallel to the first described line of the tract (passing an iron pin at 396.56 feet on the right of way line of State Route #16) 444.52 feet to a point in the center line of State Route #16 160.93 feet to the place of beginning, containing 1.659 acres of land subject to all legal highways of record.

Prior Deed Reference: Instrument Number 200701170001411

Permanent Parcel Number: 63-307014-00.000

Commonly Known As: 421 W. Broad Street
Pataskala, Ohio 43062

