



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

March 9, 2021

Variance Application VA-21-011

Applicant:	Connie J. Klema
Owner:	Magoo Properties, LLC.
Location:	8065, 7621, 7625 Mink St SW, Pataskala, OH 43062 (PIDs: 063-141516-00.000, 063-140682-00.000, 063-140682-00.001)
Acreage:	93.79-acres total
Zoning:	PDD – Planned Development District, R-87 – Medium-Low Density Residential, GB – General Business
Request:	Requesting approval of a Variance from Section 1259.05(C) of the Pataskala Code to allow for Loading Docks to be located on the front of a structure.

Description of the Request:

Requesting approval of a variance to allow for loading docks to be located on the front of a proposed building along Mink Street.

Staff Summary:

The project site is comprised of three (3) properties totaling 93.79 acres. A general outline of those properties is as follows:

1. 8065 Mink Street SW (PID: 063-141516-00.000)
 - Acreage: 53.79
 - Zoning: Split Zoned GB – General Business/ R-87 – Medium-Low Density Residential. Southwest corner of property currently occupied by the single-family home and barns is zoned GB – General Business.
 - Summary: Currently occupied by a single-family home, 2,556-square feet in size and built in 1863. Six (6) accessory buildings and barns totaling approximately 86,000-square feet in size in the southwest corner of the property. Remaining acreage used as agricultural field. Two frontages: Mink Street SW, to the west, and Refugee Road SW to the south.
2. 7621 Mink Street SW (PID: 063-140682-00.000)
 - Acreage: 38.00
 - Zoning: PDD – Planned Development District
 - Summary: Planned Development District approved approximately ~10 years ago for small industrial buildings. Currently occupied by a 2,206-square foot single-family home built in 1876 and several small accessory buildings. Lot has frontage along Mink Street SW to the west and encompasses 7625 Mink Street SW. Currently used as agricultural field.
3. 7625 Mink Street SW (PID: 063-140682-00.001)
 - Acreage: 2.00-acres
 - Zoning: PDD – Planned Development District
 - Summary: Planned Development District approved approximately ~10 years ago for small industrial buildings. Currently occupied by 1,404-square foot single-family home built in 1992

and two (2) small accessory buildings. Lot has frontage along Mink Street SW to the west and is surrounded by 7621 Mink Street SW to the north, east and south.

The Applicant is planning on constructing a warehouse/distribution building and associated site improvements. The proposed building would be 1,203,350 square feet with loading docks on the west and east sides of the building. At this point, the proposed site plan is conceptual in nature and will require formal approval from the Planning and Zoning Commission for both a Transportation Corridor Overlay District (TCOD) application and a Planned Manufacturing application. While these applications have not been submitted, it does not change the need for a variance from Section 1259.05(C). Additionally, the applicant is in the process of rezoning the properties to PM – Planned Manufacturing. The public hearing and first reading for the rezoning will be on March 15, 2021

Section 1259.05(C) states that loading areas shall be located behind buildings and screened from adjacent unlike uses. Because the building being constructed is for warehouse/distribution use, loading docks are proposed for two sides of the building: the east side and the west side along Mink Street. The loading docks on the west side of the building require a variance because they are located in the front along Mink Street. The applicant states that tenants who would occupy these types of buildings require cross dock facilities to accommodate their needs and function appropriately. Without the variance, it would limit the development of the property as intended.

Staff Review:

The following review does not constitute recommendations but merely conclusions and suggestions from the Staff Summary.

Planning and Zoning Staff:

Staff agrees with the applicant that without the variance the properties could not develop as intended and would severely impair the functionality of the building. Additionally, prospective tenants would look for cross dock facilities, so without them, it would limit the building's marketability. Staff has no concerns with the proposed variance as the site is intended for industrial uses of this type.

Other Departments and Agencies

No other comments received.

Surrounding Area:

Direction	Zoning	Land Use
North	PM – Planned Manufacturing	Agriculture
East	R-87 – Medium-Low Density Residential PM – Planned Manufacturing	Single-Family Home Agriculture
South	Etna Township (M-1 – Light Manufacturing)	Agriculture
West	R-87 – Medium-Low Density Residential GB – General Business	Single-Family Homes Agriculture

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-21-011:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- SWLCWSD – No comments
- 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:

- None

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 1259.05(C) of the Pataskala Code for Variance Application VA-21-011 ("with the following conditions" if conditions are to be placed on the approval)."



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: 8065, 7621, 7625 MINK ST SW PATASKALA OH	
Parcel Number: 063-141516-00.000, 063-140682-00.000 & 001	
Zoning: PDD, R87, GB TO PM	Acres: 93.79 ACRES
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	

Staff Use

Application Number: VA-21-011
Fee: 300
Filing Date: 2-12-21
Hearing Date: 3-9-21
Receipt Number: 21681

Applicant Information

Name: TPA VENTURES LLC		
Address: 1776 PEACHTREE ST. NW SUITE 100		
City: ATLANTA	State: GA	Zip: 30309
Phone: 770-436-7650	Email: jbreese@TPA-grp.com	

Property Owner Information

Name: MAGOO PROPERTIES, LLC		
Address: P.O. BOX 09764		
City: BEXLEY	State: OH	Zip: 43209
Phone:	Email:	

Documents

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

Variance Information

Request (Include Section of Code):

TC 1259.05(C) LOADING AREAS
(SEE ATTACHED)

Describe the Project:

(SEE ATTACHED)

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/> **SEE ATTACHED**

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/> **SEE ATTACHED**

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:

Brad Kaaber (Brad Kaaber / Development Manager)

2/9/21

Property Owner (Required):

Date:

W. C. To member

2/10/21

VARIANCE APPLICATION
8065, 7621, 7625 Mink St. SW
To be Zoned PM

BACKGROUND:

The Property is currently 3 adjacent parcels that total 93.79 acres. An application to rezone the Property to Planned Manufacturing (PM) is in process. If the PM zoning is approved, the Applicant plans to combine the parcels and develop a 1.2+ million square foot distribution center. The Property is located in the Transportation Corridor Overlay District (TC). This application is a request for a variance from the TC.

The requested variance is an "area variance". "An application for an area variance need not establish unnecessary hardship; it is sufficient that the application shows practical difficulties." (1211.07(A)(1))

REQUESTED VARIANCES:

TC District

1259.05(C): To permit a loading area to be located on two sides of the building and not just behind the building.

NARRATIVE STATEMENT:

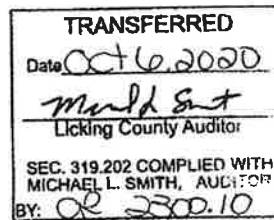
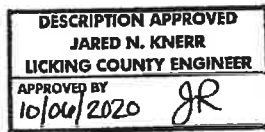
The Reason the Variance is Necessary:

The Property is on the NE corner of Mink & Refugee and therefore, has frontage on two streets. The use of the building—a modern, institutional-quality, cross-dock distribution center—cannot function without full-length loading areas on both sides of the building. Loading is planned to occur on the east side of the building but is also needed on the west side of the building adjacent to Mink.

The Specific Reasons the Variance is Justified as it pertains to 1211.07 of the Pataskala code:

- (a) Without the variance, the proposed permitted use under the PM District will not yield a reasonable return or have a beneficial use. Most, if not all, prospective employers that would utilize this building will require a cross-dock loading functionality in order to meet business needs.
- (b) The Property has two frontages: Mink & Refugee. Double frontage prevents all loading areas from being behind the building. A variance is necessary to enable the reasonable and beneficial use of the building.
- (c) The variance requested is not substantial. The variance permits the lot to be developed efficiently for warehousing and distribution as permitted in the PM District.
- (d) The essential character of the neighborhood will not be altered. The neighborhood is planned for industrial use. No variances to the buffering or landscaping requirements of the PM or TC Districts are being requested.

- (e) The development will not impair the use of adjacent properties.
- (f) The variance is not detrimental to the public welfare.
- (g) The variance will not affect the delivery of governmental services.
- (h) The Applicant is in contract to purchase the property and is going through the process to receive PM Zoning and this variance.
- (i) The proposed variance is the only means to develop the Property to adequately serve its permitted use.
- (j) The requested variance represents the minimum that will afford relief and represents the least modification of the zoning requirements.
- (k) The spirit and intent of the zoning requirement will be observed and justice done by permitting this variance. The result will permit a permitted use—the distribution center—to function efficiently.



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Pgs:3 \$42.00 T20200023224
10/6/2020 10:53 AM MEPTITLE.CO.L
Bryan A. Long Licking County Recorder

53.793

[RESERVED FOR COUNTY AUDITOR'S/RECORDER'S USE]

FIDUCIARY DEED

GEORGE VERNON SLONAKER, TRUSTEE OF THE GEORGE VERNON SLONAKER LIVING TRUST AND DARLENE ELOISE SELLS SLONAKER, TRUSTEE OF THE DARLENE ELOISE SELLS SLONAKER LIVING TRUST, by the power conferred by the Trust and every other power, for valuable consideration paid, grant(s) with fiduciary covenants, all right, title and interest of grantor(s), to MAGOO PROPERTIES, LLC, AN OHIO LIMITED LIABILITY COMPANY, whose tax-mailing address is P.O. Box 09764, Columbus, Ohio 43209

_____, the real property described on Exhibit A, attached hereto and incorporated herein.

Prior Instrument References: Instrument No. 200405200017929, Instrument No. 200405200017930, Instrument No. 200405200017931, Instrument No. 200405200017932 and rerecorded in Instrument No. 200406110021210, Instrument No. 200406110021211, Instrument No. 200406110021212 and Instrument No. 200406110021213, Licking County Recorder
Street Address: 8065 and 8062 Mink Street, SW, Pataskala, Ohio 43062
Permanent Parcel Nos.: Part of 063-141516-00.000

Subject to (i) restrictions, covenants, conditions, reservations, easements, if any, (ii) zoning ordinances, if any, and (iii) taxes and assessments, both general and special, which are a lien but not yet due and payable.

IN WITNESS WHEREOF, pursuant to RC. 147.011, the signer(s) below hereby acknowledges that the signer(s) has/have signed the document, that the signer(s) understands the document, and that the signer(s) is/are aware of the consequences of executing the document by signing it.

George Vernon Slonaker
George Vernon Slonaker, Trustee of
the George Vernon Slonaker Living
Trust

Darlene E. Slonaker
Darlene Eloise Sells Slonaker,
Trustee of the Darlene Eloise Sells
Slonaker Living Trust

STATE OF OHIO)
COUNTY OF Clark) SS:

The foregoing instrument was acknowledged before me, a Notary Public in and for said County and State, on this 5 day of October, 2020, by George Vernon Slonaker, Trustee of the George Vernon Slonaker Living Trust and Darlene Eloise Sells Slonaker, Trustee of the Darlene Eloise Sells Slonaker Living Trust. No oath or affirmation was administered to the signer(s) with regard to this notarial act.



TONYA J. BLUMENSCHIEIN
Notary Public
STATE OF OHIO

This instrument was acknowledged by J. Bradford Linville, Esq., Sikora Law LLC, 175 South Third Street, Suite 870, Columbus, Ohio 43215. Telephone 614.464.7772



0115PA00600000015000

DESCRIPTION OF 53.793 ACRES
EAST SIDE OF MINK STREET
NORTH SIDE OF REFUGEE ROAD
PATASKALA, LICKING COUNTY, OHIO

Situated in the State of Ohio, County of Licking, City of Pataskala, being located in Lot No. 1, Quarter Township 3, Township 1, Range 15, United States Military Lands, being part of that 104.412-acre tract of land (Licking County parcel number 063-141516-00.000) as described in a deed to George Vernon Slonaker, Trustee, of record in Instrument Number 200406110021212, all references herein being to the records of the Recorder's Office, Licking County, Ohio, and being more particularly described as follows:

Beginning at a Mag Nail set at the centerline intersection of Mink Street, 60 feet in width, with Refugee Road, 40 feet in width, being also in the southerly Corporation Line of the City of Pataskala and in the line between the United States Military Lands and the Refugee Lands, being also at the southeasterly corner of Parcel No. 1 as described in a deed also to George Vernon Slonaker, Trustee, of record in Instrument Number 200406110021213 (also as an exception in the referenced source deed);

Thence North $0^{\circ}16'22''$ West, along the centerline of Mink Street and the easterly lines of Parcels No. 1, 3 and 2, a distance of 553.33 feet to a Mag Nail set at the northeasterly corner of Parcel No. 2;

Thence North $0^{\circ}42'54''$ West, continuing along said centerline, a distance of 1125.01 feet to a Mag Nail set in the northerly line of said 104.412-acre tract, at the southeasterly corner of that 98.539-acre tract of land as described in a deed to Mink Street Investments LLC, of record in Instrument Number 200309240046380 and at the southwesterly corner of that 38-acre tract of land as described in a deed to Magoo Properties, LLC, of record in Instrument Number 201401310001978;

Thence South $86^{\circ}14'19''$ East, along the southerly line of said 38-acre tract, passing an iron pin set in the easterly right-of-way line of Mink Street at a distance of 30.10 feet, a total distance of 1464.27 feet to an iron pin set in the westerly line of that 38.33-acre tract, less exception, as described in a deed to The DeRolf Keystone Inheritance Trust, of record in Instrument Number 201007140013413 and as restated in an Affidavit of Facts, of record in Instrument Number 201710030021157;

Thence South $3^{\circ}26'22''$ West, along said westerly line, passing an iron pin set in the northerly right-of-way line of Refugee Road at a distance of 1643.57, a total distance of 1663.57 feet to an iron pin found with an unreadable cap in the centerline;

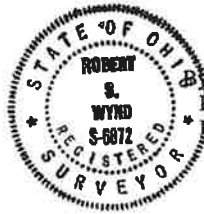
Description of 53.793 acres, page 2

Thence North 86°39'50" West, along said centerline, a distance of 1346.92 feet to the place of beginning and containing 53.793 acres of land, 1.761 acres of which lie within the rights-of-way of Mink Street and Refugee Road.

Bearings herein are based on GPS observations of the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011), establishing a bearing of North 86°39'50" West for Refugee Road.

Iron pins set consist of a 5/8-inch rebar, 30 inches long with an orange plastic cap stamped "IBI Group, S-6872/S-7740".

This description was prepared by IBI Group, based on information obtained from an actual field survey of the premises performed in August and September 2020.



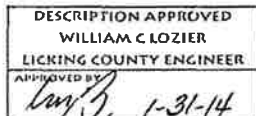
Robert S. Wynd 9/10/20
Robert S. Wynd Date
Registered Surveyor No. 6872

Approved by the City of Pataaskala
Planning and Zoning Commission
No Plat Required

Att. Mr.
Signature

9-25-20
Date #LOT-20-007

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>JR</i>
DATE:	09/11/2020



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01/31/2014 11:37AM MEPCUYAH06A T
Bryan A. Long
Licking County Recorder

2.00

GENERAL WARRANTY DEED

TRANSFERRED
Date JANUARY 31, 2014
LICKING County Auditor TH

KNOW ALL MEN BY THESE PRESENTS, That

Sean Brogan and Barbara Brogan, husband and wife, for their joint lives, remainder to the survivor of them

SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
TH EXM.

of the City of Pataskala, County of Licking, State of Ohio, for valuable consideration paid, grants with general warranty covenants, to

Magoo Properties, LLC, an Ohio Limited Liability Company

Whose tax-mailing address is: **P.O. Box 09764, Bexley, OH 43209**

The following REAL PROPERTY:

LOCATED IN PATASKALA
A CITY

Being a part of Lot 2, Section 3, Township 1, Range 15 of the United States Military Lands and also being a part of the Charles L. and Ruth M. Gieseck Property as described in Vol. 98 pg. 277 of the Official Records of Licking County Deed Records and being more particularly bounded and described as follows:

Beginning at a point marking the intersection of the south line of Lot 2 and the centerline of County Road 41, said point being the Southwest corner of the aforementioned Gieseck property; thence N 05 degrees 00 inches W, along the centerline of County Road 41, 425.88 feet to a P. K. nail (set) said nail being the True Place of Beginning of the herein described tract.

Thence N 05 degrees 00 W. 200.00 feet, along the centerline of County Road 41, to P.K. nail (set).

Thence N 87 degrees 38 feet 06 inches E. passing an iron pin (set) at 30.03 feet, a total distance of 435.60 feet to an iron pin (set);

Thence S 05 degrees 00 feet E. 200.00 feet to an iron pin (set);

Thence S 87 degrees 38 feet 06 inches W. 435.60 feet passing an iron pin (set) at 405.57 feet, to the True Place of Beginning, containing 2.00 acres.

The bearings are based on an assumed bearing on the centerline of County Road 41. All iron pins set are 5/8 inches by 30 inches rebar with an identification cap.

The above description was prepared by Curry Hawk Willis and Grove Inc and based on a survey made by same in Dec., 1991.

Tax district and Parcel No.: 63-140682-00.001
Property Address: 7625 SW Mink St Pataskala OH 43062
Prior instrument reference: 200707170018484
Filed 7/17/2007

Executed this 23 day of December, 2013.

Sean Brogan

Barbara Brogan



STATE OF OHIO ss:
COUNTY OF Licking

BE IT REMEMBERED, That on this 23 day of December, 2013, before me, a Notary Public, in and for said county and state, personally appeared, Sean & Barbara Brogan who represented to me to be said person(s) and who signed the foregoing instrument and acknowledged the same as (his/her/their) voluntary act and deed.

MC

DISTRICT MEMBERS, A
 ALL OF THE STATE OF
 Any card on file has no expiration date.
 Sec. 4, 1973 R.C.

A circular library stamp from the University of Illinois at Chicago. The text "UNIVERSITY OF ILLINOIS AT CHICAGO" is arranged in a circle around the perimeter. In the center, the year "1975" is printed. There are some handwritten marks and a diagonal line across the stamp.

CONDITIONAL APPROVAL FOR THIS TRANSFER
CORRECTION REQUIRED FOR NEXT TRANSFER
WILLIAM C. LOZIER, LICKING COUNTY ENGINEER

WCL

1-31-14

GENERAL WARRANTY DEED



201401310001978
Pg: 2 \$48.00 T20140002156
01/31/2014 11:39AM MEPCUYAHOGA T
Bryan A. Long
Licking County Recorder

38.00

KNOW ALL MEN BY THESE PRESENTS, That **Sean Brogan and Barbara Brogan, husband and wife**, for valuable consideration paid, grants with general warranty covenants, to **Magoo Properties, LLC, an Ohio Limited Liability Company** whose tax-mailing address is: **P.O. Box 09764, Bexley, OH 43209** the following REAL PROPERTY:

Situated in the State of Ohio, County of Licking and in the township of Lima:

See the attached Exhibit A for legal description, which is incorporated as part of this deed.

Parcel Numbers: 63-140682-00.000

Prior Instrument Reference: Instrument -Number 199711060006101, Recorder's Office, Licking County, Ohio. Filed 11/06/1997

Subject to: a) Unpaid taxes and assessments, which are now or may hereafter become liens on said premises and except conditions and restrictions and easements, if any, contained in former instruments of record for said premises, subject to all of which this conveyance is made.

Executed this 23 day of December, 2013.

[Signature]
Sean Brogan

[Signature]
Barbara Brogan

TRANSFERRED
Date JANUARY 31, 2014
[Signature]
Licking County Auditor
SEC.319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY *[Signature]*

STATE OF OHIO, ss:
COUNTY OF Licking

BE IT REMEMBERED, That on this 23 day of December, 2013, before me, a Notary Public, in and for said county and state, personally appeared, **Sean & Barbara Brogan** who represented to me to be said person(s) and who signed the foregoing instrument and acknowledged the same as (his/her/their) voluntary act and deed.

[Signature]
Notary Public

RICHARD M. WEINBERG, Attorney
NOTARY PUBLIC - OHIO
My commission expires
December 14, 2016

This instrument was prepared by:

Richard M. Weinberg, Attorney at Law
2000 Auburn Dr. Ste. 330
Cleveland, OH 44122

AC 1476



0115PA00600000013000

Situated in the County of Licking, State of Ohio, and in the Village of Pataskala, and bounded and described as follows:

being in Range 15, Township 1 and Section 3, U.S.M. LANDS, AND BEING in Lot No. 2, and being all of said Lot No. 2 that lies East of the public road running North and South through said Lot No. 2, excepting twenty (20) acres off of the North end of the said part of Lot No. 2, lying East of said public road, said excepted twenty acres being now (or formerly) owned by one George Wickliff.

The land hereby intended to be conveyed being about forty (40 A) acres out of the Southeast corner of said Lot No. 2, and being all of the land lying East of the said public road, which was conveyed to Henry Gieseck by deed from Smith Osborn and wife, recorded in Volume 86, page 380 (&c), and here referred to. See Volume 138, Pages 48 and 49, Licking County Deed Records.

Subject to all legal highways, all limitations of access to public roads or highways, leases and rights of way, zoning regulations, easements of record and restrictive covenants.

SAVE AND EXCEPT THEREFROM two (2) acres situated in the State of Ohio, County of Licking and in the Village of Pataskala and bounded and described as follows:

Being a part of Lot 2, Section 3, Township 1, Range 15 of the United States Military Lands and also being a part of the Charles L. and Ruth M. Gieseck property as described in Volume 98, Page 277 of the Official Records of Licking County Deed Records and being more particularly bounded and described as follows:

Beginning at a point marking the intersection of the South line of Lot 2 and the centerline of County Road 41, said point being the Southwest corner of the aforementioned Gieseck property; thence N. 05° 00' W., along the centerline of County Road 41, 425.88 feet to a P.K. nail (set) said nail being the True Place of Beginning of the herein described tract;

Thence N. 05° 00' W., 200.00 feet, along the centerline of County Road 41, to a P.K. nail (set);

Thence N. 87° 38' 06" E., passing an iron pin (set) at 30.03 feet, a total distance of 435.60 feet to an iron pin (set);

Thence S. 05° 00' E., 200.00 feet to an iron pin (set);

Thence S. 87° 38' 06" W., 435.60 feet, passing an iron pin (set) at 405.57 feet, to the True Place of Beginning, containing 2.00 acres, more or less.

Subject to all legal and existing right of ways, easements, leases, conditions and regulations of record. The bearings are based on an assumed bearing on the centerline of County Road 41. All iron pins set are 5/8" x 30" rebar with an identification cap.

The above description was prepared by Curry Hawk Willis and Grove, Inc. and based on a survey made by same in December, 1991.

