



## 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-21-014

|                   |  |
|-------------------|--|
| <b>Applicant:</b> | Red Rock Investment Partners, LLC  |
| <b>Owner:</b>     | Amanda Reeves, Red Chip Farms, Inc. and Howard P Emswiler, Trustee   |
| <b>Location:</b>  | 7409 Mink Street, 0 Mink Street (PID 063-140508-00.000), 0 Mink Street (PID 063-140724-00.000) and 0 Etna Parkway (PID 064-152898-00.001). |
| <b>Acreage:</b>   | 179.2-acres total  |
| <b>Zoning:</b>    | PM – Planned Manufacturing   |
| <b>Request:</b>   | Requesting approval of a Variance from Section 1259.05(D) of the Pataskala Code to allow for a trash receptacle without screening.         |

#### Description of the Request:

Requesting approval of a variance to allow for the installation of trash compactors behind buildings without screening on four sides.

#### Staff Summary:

The project site is comprised of four (4) properties totaling 179.2 acres. The first property, owned by Amanda Reeves, is 1.62 acres in size and contains a 1,694 square foot single-family home and a 1,260 square foot garage both constructed in 1919. The second and third properties, both owned by Red Chip Farms, Inc., are 108.24 acres and 43.29 acres respectively and are currently being used for agriculture. The fourth parcel, owned by Howard P. Emswiler, Trustee, is 26.05 acres and is also being used for agriculture.

The Applicant is planning on construction two warehouse/distribution buildings and associated site improvements. Building A, which would be constructed first, is 1,092,000 square feet and is located on the eastern portion of the site. Building B, which would be constructed second, is 982,000 square feet and is located on the western portion of the site along Mink Street. Additionally, the proposed North Access Road, which could be public or private, would run along the northern portion of the site connecting Mink Street and Etna Parkway.

The applicant is proposing to install trash compactors on the south side of Building A and the east side of Building B. Section 1259.05(D) of the Pataskala Code requires trash storage containers to be located behind buildings and screened on four sides. While the trash compactors will be located behind the respective buildings, the applicant is proposing no screening due to the size and space needed to do so. The applicant states that the trash compactors are larger than a standard dumpster and the screening would reduce the number of available truck bays. The applicant has agreed to place the dumpsters on the side of the buildings that faces away from the public right-of-way and feels this will keep with the spirit of Section 1259.05(D).

**Staff Review:**

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

**Planning and Zoning Staff:**

Staff feels the intent of Section 1259.05(D) was to screen dumpsters and or trash cans from view in a typical development that would be found within the TCOD overlay and does not consider trash compactors or developments of this size. In this instance, screening would only provide a buffer between two like uses. As the trash compactors will be located behind the buildings, staff agrees that the spirit of Section 1259.05(D) will be met.

**West Licking Joint Fire District**

The Fire District Fire District has outlined a number of items that will be required as part of the engineering/construction plans. Full comments are attached.

**Other Departments and Agencies**

No other comments received.

**Surrounding Area:**

| Direction | Zoning  | Land Use   |
|-----------|---|--|
| North     | PM – Planned Manufacturing  | Fire Station<br>Agriculture<br>AEP Lay Down Yard |
| East      | R-87 – Medium-Low Density Residential<br>PM – Planned Manufacturing                                       | Single-Family Home<br>Agriculture                |
| South     | PDD – Planned Development District<br>R-87 – Medium-Low Density Residential<br>PM – Planned Manufacturing | Single-Family Homes<br>Agriculture               |
| West      | GB – General Business   | Single-Family Homes<br>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:

- Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- 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;*
- Whether the variance requested is substantial;*
- 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;*
- Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- 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-21-014:

- 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 – See attached
- Licking Heights School District – No comments
- Southwest Licking School District – No comments

#### **Conditions:**

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

1. The trash compactors shall be located on the south side of Building A and the east side of Building B.

#### **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(D) of the Pataskala Code for Variance Application VA-21-014 ("with the following conditions" if conditions are to be placed on the approval)."



# WEST LICKING JOINT FIRE DISTRICT

[www.westlickingfire.org](http://www.westlickingfire.org)

## District Headquarters

851 East Broad Street  
Pataskala, Ohio 43062  
740-927-8600 [Office]  
740-964-6621 [Fax]  
[www.westlickingfire.org](http://www.westlickingfire.org)

February 22, 2021

Subject: Plan review for Buckeye Farms

Jack,

The West Licking Fire District has reviewed the plans for Buckeye Farms I-70 at Etna Parkway and we have the following comments.

- 1) All fire hydrants on a private system shall have the bonnet of the hydrant painted blue. **This comment shall be added to the detail page of the construction plans.**
- 2) Each project shall provide 1 spare "screw on" type Stortz fitting for every (5) fire hydrants installed on the water line to be used at the discretion of the Fire District. They shall be delivered to the Fire District prior to the final acceptance of the project. **This comment shall be added to the detail page of the construction plans.**
- 3) All fire hydrants shall have: One (1) 5" Stortz connection / Two (2) 2.5" hose connections. **This comment shall be added to the detail page of the construction plans.**
- 4) All private fire hydrants shall be installed every 300' and out of the collapse zone. i.e. 1 ½ times the height of the building.
- 5) The FDC's shall be located in a remote location determined by the Fire Code Official within 40' of a hydrant.
- 6) All threads provided for the FDC's shall be a 5" Stortz fitting with a 30 degree angle towards the ground and at a height of 36" off of finish grade. **This comment shall be added to the detail page of the construction plans.**
- 7) The FDC shall be marked with a red aluminum sign, 18" in height and 24" wide. The sign shall have white letters reading "FDC" that are 6" in height and 1" stroke width. **This comment shall be added to the detail page of the construction plans.**
- 8) The water line shall be a minimum of 6" diameter line from the 5" Stortz fitting to the sprinkler riser. **This comment shall be added to the detail page of the construction plans.**
- 9) All fire hydrants, PIV's and FDC's that are in areas subject to vehicular traffic, impact bollards shall be installed per the 2017 edition of the Ohio Fire Code section 312 guidelines. **This comment shall be added to the detail page of the construction plans.**
- 10) FDC's shall be painted fire protection red. **This comment shall be added to the detail page of the construction plans.**
- 11) The following requirements are in addition to NFPA 24, and the Water Department jurisdiction that work is to be performed. Installation requirements: All clamps, rods, rod couplings or turnbuckles, bolts, washers and straps used below ground level shall

# WEST LICKING JOINT FIRE DISTRICT

[www.westlickingfire.org](http://www.westlickingfire.org)

be stainless steel. **This comment shall be added to the detail page of the construction plans.**

12) The Fire District requires a 48 hour notice for any inspections and testing.

13) The Fire District's regulations can be found on our website at [westlickingfire.org](http://westlickingfire.org)

This concludes our comments at this time. If you have any questions please feel free to contact me.

Regards,

Doug White

[dwhite@westlickingfire.org](mailto:dwhite@westlickingfire.org)

Fire Marshal

West Licking Fire District

851 E. Broad St.

Pataskala Oh 43062

Office Phone # 740-927-3046 Opt. 2

[Westlickingfire.org](http://Westlickingfire.org)





## 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: 7409 Mink Street   |   |
| Parcel Number: 063-140724-00.001; 063-140724-00.000; 063-140508-00.000; 064-152898-00.001 |   |
| Zoning: PM - Planned Manufacturing District   | Acres: 1.62, 26.05, 108.24, 43.29   |
| 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:<br><b>VA-21-014</b> |
| Fee:<br><b>\$300.00</b>                 |
| Filing Date:<br><b>02/12/2021</b>       |
| Hearing Date:<br><b>03/09/2021</b>      |
| Receipt Number:<br><b>21688</b>         |

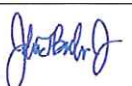
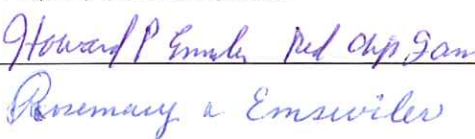
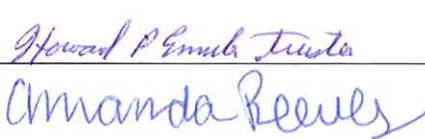
| Applicant Information                   |  |            |
|---|--|------------|
| Name: Red Rock Investment Partners, LLC |  |            |
| Address: PO Box 11747                   |  |            |
| City: Columbia                          | State: SC                              | Zip: 29211 |
| Phone: (803) 779-3025                   | Email: jbarker@redrockdevelopments.com |            |

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

| Property Owner Information  |           |            |
|---|-----------|------------|
| Name: Reeves, Amanda; Emswiler, Howard P Trustee; Red Chip Farms Inc; |           |            |
| Address: 7409 Mink Street; 13167 Morse Road                           |           |            |
| City: Pataskala   | State: OH | Zip: 43062 |
| Phone:  | Email:    |            |

| Variance Information  |
|---|
| <b>1259.05(D)</b>   |
| Request (Include Section of Code): Chapter 1253.05 General Requirements of the PM District D Storage Areas: Storage areas and storage receptacles shall be totally enclosed by structures or opaque fences on four sides, screened from adjacent uses, and be located behind building(s). |
| Describe the Project: The proposed development will construct two (2) industrial buildings, onsite access drives, parking facilities; onsite utilities and stormwater retention ponds.  |
|   |
|   |
|   |
|   |

| Documents to Submit  |
|--|
| <b>Variance Application:</b> Submit 1 copy of the variance application.  |
| <b>Narrative Statement:</b> Submit 1 copy of a narrative statement explaining the following: <ul style="list-style-type: none"> <li>The reason the variance is necessary</li> <li>The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:               <ol style="list-style-type: none"> <li>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;</li> <li>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;</li> <li>Whether the variance requested is substantial;</li> <li>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;</li> <li>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</li> <li>Whether the variance, if granted, will be detrimental to the public welfare;</li> <li>Whether the variance, if granted, would adversely affect the delivery of governmental services;</li> <li>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</li> <li>Whether the property owner's predicament can be obviated through some other method than variance;</li> <li>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,</li> <li>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</li> </ol> </li> <li>A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.</li> </ul> |
| <b>Site Plan:</b> Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following: <ul style="list-style-type: none"> <li>All property lines and dimensions</li> <li>Location and dimensions of all existing and proposed buildings and structures.</li> <li>Setbacks from property lines for all existing and proposed buildings, structures and additions</li> <li>Easements and rights-of-way</li> <li>Driveways</li> <li>Floodplain areas</li> <li>Location of existing wells and septic/aerator systems.</li> <li>Any other information deemed necessary for the variance request</li> </ul>  |
| <b>Deed:</b> 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: <a href="https://apps.lcounty.com/recorder/recording-search/">https://apps.lcounty.com/recorder/recording-search/</a>  |
| <b>Area Map:</b> 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: <a href="https://www.lickingcountyohio.us/">https://www.lickingcountyohio.us/</a>   |

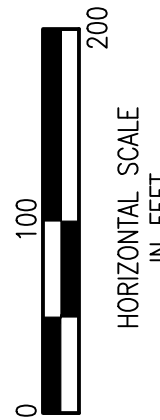
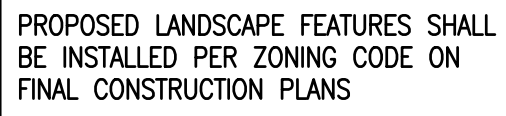
| Signatures  |                               |
|---|-------------------------------|
| I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this variance request. |                               |
| Applicant (Required):    | Date:<br><b>Feb. 12, 2021</b> |
| Property Owner (Required):<br>   | Date:<br><b>Feb. 13, 2021</b> |

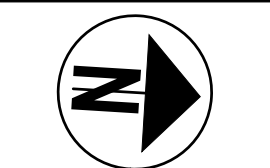
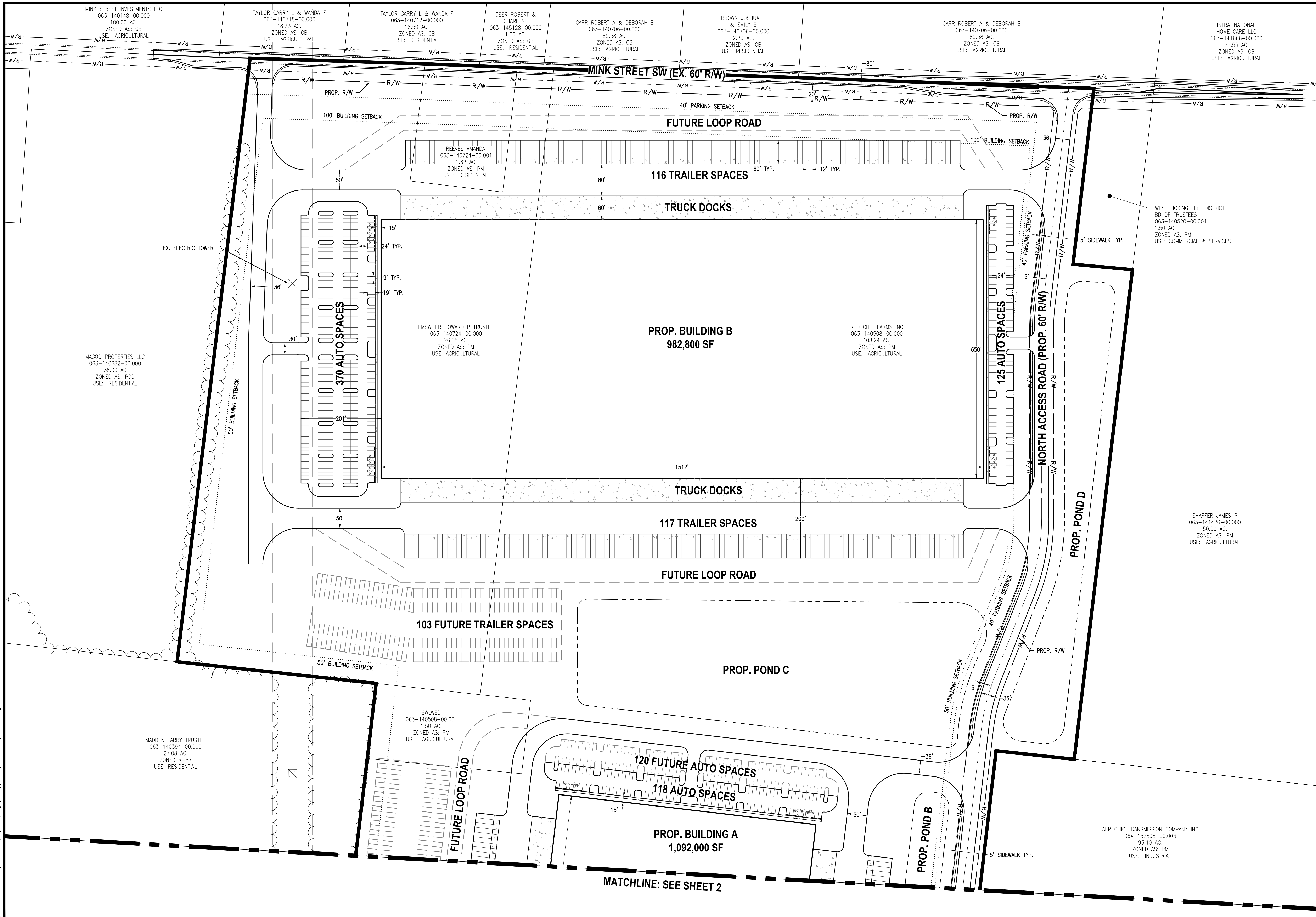
## 1259.05D Storage Areas

The current site plan reflects two large industrial buildings oriented with one of the docks facing away from the public right of way. The dock facing away from the roadway is where the tenants will place trash compactors for waste that is generated inside the building. As this is larger than a standard dumpster, they are located within the dock area at a truck bay. Based on this location, it makes constructing a wall or fence to surround it impractical as it would impact additional truck bays that are in use. The developer would ask that a variance to eliminate the screening for a trash compactor onsite be granted with the provision that the trash compactor be located on the side of the building that faces away from the public right-of-way, which we feel will keep with the spirit of the regulation.

- (a) The property can still be developed however, the requirement of screening in the truck dock areas would require design changes that impact the building functionality and reduce the marketability for build to suit tenants that require more docks/bays.
- (b) There are no unique physical characteristic as the regulation applies regardless of location.
- (c) The lot can be developed without the variance, however again it could impact the market ability.
- (d) The area is planned/zoned as industrial and therefore the neighborhood would not be substantially altered.
- (e) The variance will allow the property to be developed as intended.
- (f) The variance will not be detrimental to the public welfare
- (g) The variance will not adversely affect the delivery of governmental services
- (h) The developer does not currently own the property but is under a due diligence contract with the property owner.
- (i) The alternate option would be to screen the trash compactor which impacts additional bays for use on the building as well as adding additional physical features in the dock that need to be avoided.
- (j) The variance is the minimum variance requested.
- (k) The intent of the regulation is to screen from public view, but locating in the rear of the building as well as adhering to the buffering requirements in the code, we feel the spirit of the code is still upheld.



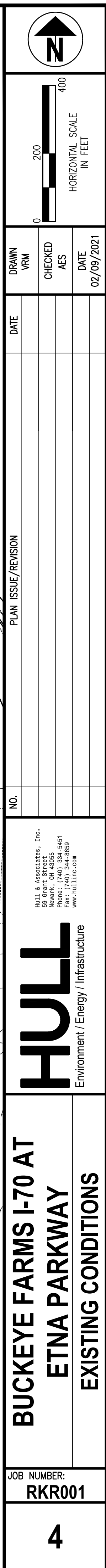
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| NO. | PLAN | ISSUE/REVISION | DATE | DRAWN<br>WRI | CHECKED<br>AES | DATE<br>02/09/2021 |
|-----|------|----------------|------|--------------|----------------|--------------------|
|     |      |                |      |              |                |                    |
|     |      |                |      |              |                |                    |
|     |      |                |      |              |                |                    |

**HULL**  
Environment / Energy / Infrastructure

JOB NUMBER:  
**RKR001**





200907100015352

Pgs: 9 \$104.00 T20090014297  
07/10/2009 4:03PM BXGAVE BACK T  
Bryan A. Long  
Licking County Recorder

**FIDUCIARY DEED**

**HOWARD P. EMSWILER, TRUSTEE OF THE HOWARD P. EMSWILER  
REVOCABLE TRUST U/A DATED DECEMBER 27, 1978, AS AMENDED**, of Jersey  
Township, Licking County, Ohio, for valuable consideration paid, grants, with fiduciary  
covenants, to **RED CHIP FARMS, INC.**, an Ohio corporation, the following **REAL  
PROPERTY**:

A one-half undivided interest in the property described in the legal  
description and survey attached hereto respectively as Exhibits A  
and B.

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.

Subject to: (1) An Open End Mortgage given by Howard P. Emswiler  
and Rosemary A. Emswiler to Farm Credit Services of Mid-America,  
ACA, dated January 6, 1997, which was recorded for record at  
Volume 866, Page 725, of the Official Records of the Licking County  
Recorder's Office; and, (2) An Assignment of Mortgage from Farm  
Credit Services of Mid-America, ACA, to Farm Credit Services of Mid-  
America, PCA, dated January 5, 2000, which was recorded for record  
at Instrument No. 200001180001850 of the Licking County Recorder's  
Office.

Also subject to the deed restrictions attached as Exhibit C.

Prior Instrument References: Instrument Numbers 199911100046323, 199911100046335, 199911100046325, and 200903020004064 of the Official Records of Licking County, Ohio.

Being all or part of the following tax parcel numbers: 064-152898-00.000, 063-144312-00.000, 063-144300-00.000, 063-144294-00.000, 063-144318-00.000, 063-144306-00.000, 063-140508-00.000, 063-140520-00.000, 063-140514-00.000, 063-144672-00.000, and 063-140724-00.000.

Witness my hand this 10<sup>th</sup> day of July, 2009.

Howard P. Emswiler, Trustee  
Howard P. Emswiler, Trustee of the Howard P.  
Emswiler Revocable Trust U/A Dated  
December 27, 1978, as amended

State of Ohio

County of Licking

ss:

**BE IT REMEMBERED**, That on this 10<sup>th</sup> day of July, 2009,  
before me, the subscriber, a Notary Public in and for said county, personally came,  
Howard P. Emswiler, Trustee of the Howard P. Emswiler Revocable Trust U/A Dated  
December 27, 1978, as amended, the Grantor in the forgoing Fiduciary Deed, who  
acknowledged the signing thereof to be his voluntary act and deed.

**IN TESTIMONY THEREOF**, I have hereunto subscribed and affixed my seal on the  
day and year aforesaid.

  
\_\_\_\_\_  
Notary Public

This instrument was prepared by:

Arnold E. Shaheen, Jr.  
Attorney at Law  
P. O. Box 49  
Pataskala, OH 43062

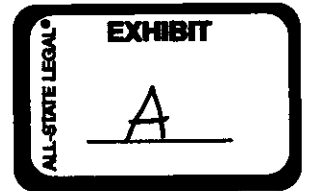


Lori A. Manges  
Notary Public, State of Ohio  
My Commission Expires 04-10-2012

E:\Shares\FILES\CLIENTS\Emswiler\08-45\howard deed rev 2.wpd

Tel: 740.344.5451  
Fax: 740.344.5746

59 Grant Street  
Newark, Ohio 43055



### DESCRIPTION FOR A 296.544 ACRE TRACT.

Situated in the State of Ohio, County of Licking, City of Pataskala, being a part of Township-1, Range-15, United States Military Lands. Also being part of the following tracts: that 125 acre-Tract 2 as conveyed to the Howard P. Emswiler Trust by deed of record in Instrument Number 199911100046323, and as conveyed to the Rosemary A. Emswiler Trust by deed of record in Instrument Number 19991110004624; that 67.65 acre-Parcel 1 parcel as conveyed to the Howard P. Emswiler Trust by deed of record in Instrument Number 199911100046335, and to the Rosemary A. Emswiler Trust by deed of record in Instrument Number 199911100046336; that 55.85 acre- Parcel 4 as conveyed to the Howard P. Emswiler Trust by deed of record in Instrument Number 199911100046335, and to the Rosemary A. Emswiler Trust by deed of record in Instrument Number 199911100046336; that 32.75 acre-Parcel 3 as conveyed to the Howard P. Emswiler Trust by deed of record in Instrument Number 199911100046335, and to the Rosemary A. Emswiler Trust by deed of record in Instrument Number 199911100046336; that 22 acre-Parcel 2 as conveyed to the Howard P. Emswiler Trust by deed of record in Instrument Number 199911100046335, and to the Rosemary A. Emswiler Trust by deed of record in Instrument Number 199911100046336; that 27.679 acre as conveyed to the Howard P. Emswiler Trust and to the Rosemary A. Emswiler Trust by deed of record in Instrument Number 200903020004064; and part of Lots 4,5,6,7, and 8 of the Ijam's East Broad Street Parcels as conveyed to the Howard P. Emswiler Trust by deed of record in Instrument Number 19991110004625, and to the Rosemary A. Emswiler Trust by deed of record in Instrument Number 199911100046326, all references being to those of record in the Recorder's Office, Licking County, Ohio, said 296.544 acre tract being more particularly bounded and described as follows:

Commencing at a point being the northwest corner Lot 4 of the Ijam's East Broad Street Parcels;

Thence along the westerly line of said Lot 4, **South 02°49'54" West**, a distance of **561.39 feet** to an iron pin set, said point being the Point of Beginning for the **296.544** acre tract herein to be described;

Thence passing through the Howard P. Emswiler Trust's and the Rosemary A. Emswiler Trust's Lots 4,5,6,7, and 8 of the Ijam's East Broad Street Parcels, the Howard P. Emswiler Trust's and the Rosemary A. Emswiler Trust's 55.85 acre-Parcel 4, the Howard P. Emswiler Trust's and the Rosemary A. Emswiler Trust's 125 acre-Tract 2, and the Howard P. Emswiler Trust's and the Rosemary A. Emswiler Trust's 91 acre-Tract 1 the following five (5) courses and distances:

**South 44°45'34" East, 4134.71 feet** to an iron pin set;

---

<sup>1</sup>The term, "the Howard P. Emswiler Trust," as used herein, shall mean "the Howard P. Emswiler Revocable Trust U/A Dated December 27, 1978, as Amended." The term, "the Rosemary A. Emswiler Trust," as used herein, shall mean "the Rosemary A. Emswiler Revocable Trust U/A Dated December 27, 1978, as Amended."

## DESCRIPTION FOR A 296.544 ACRE TRACT

### Page 2

Southeasterly along the arc of a curve to the right (**Radius = 1000.00'**, **Delta = 30°57'11"**) a chord bearing and distance of **South 29°16'59" East, 533.69 feet** to an iron pin set;

**South 13°48'23" East, 275.90 feet** to an iron pin set;

Southeasterly along the arc of a curve to the left (**Radius = 1150.00'**, **Delta = 30°57'11"**) a chord bearing and distance of **South 29°16'59" East, 613.74 feet** to an iron pin set;

**South 44°45'34" East, 81.58 feet** to an iron pin set; and...

**South 04°04'01" West, 10.09 feet** to an iron pin set being the southeasterly corner of the Howard P. Emswiler Trust's and Rosemary A. Emswiler Trust's 91 acre-Tract 1;

Thence passing along the southerly line of the Howard P. Emswiler Trust's and the Rosemary A. Emswiler Trust's 125 acre-Tract 2, the Howard P. Emswiler Trust's and the Rosemary A. Emswiler Trust's 91 acre-Tract 1, and the Howard P. Emswiler Trust's and the Rosemary A. Emswiler Trust's 67.65 acre-Parcel 1 **North 86°48'18" West, 4143.69 feet** to an iron pin found at the southeasterly corner of the that 1.5 acre parcel as conveyed to SW Licking Community Water and Sewer by deed of record in Instrument Number 200503030006280;

Thence **North 03°00'54" East, 340.34 feet** to an iron pin found being the northeasterly corner of the SW Licking Community Water and Sewer 1.5 acre parcel;

Thence **North 86°58'44" West, 192.14 feet** to an iron pin found being the northwesterly corner of the SW Licking Community Water and Sewer 1.5 acre parcel;

Thence **South 03°01'40" West, 127.42 feet** to an iron pin set on the easterly line of the 27.679 acre parcel as conveyed to the Howard P. Emswiler Trust and the Rosemary A. Emswiler Trust by deed of record in Instrument Number 200903020004064, passing an iron pin found at 34.25 feet, being the southeasterly corner of the 32.75 acre-Parcel 3 as conveyed to the Howard P. Emswiler Trust and the Rosemary A. Emswiler Trust;

Thence across said 27.679 acre parcel **North 86°29'06" West, 1592.85 feet** to a point in the centerline of Mink Street (Co. Rd. 41), passing an iron pin set at **1562.85 feet**;

Thence passing along the centerline of Mink Street (Co. Rd. 41) **North 01°02'16" West, 93.46 feet** to a point being the southwesterly corner of the 32.75 acre-Parcel 3 as conveyed to the Howard P. Emswiler Trust and Rosemary A. Emswiler Trust;

Thence continuing along the centerline of Mink Street (Co. Rd. 41) **North 01°04'40" West, 1355.88 feet** to a point being the southwesterly corner of the Bd. Of Trust of West Licking Joint Fire 1.5 acre parcel as conveyed by deed of record in Deed Book 89, Page 296;

---

**DESCRIPTION FOR A 296.544 ACRE TRACT**

**Page 3**

Thence leaving the centerline of Mink Street (Co. Rd. 41) **South 86°24'21" East, 437.78 feet** to an iron pin set being the southeasterly corner of the The Board of Trustees of the West Licking Joint Fire District 1.5 acre parcel, passing an iron pin set at **30.00 feet**;

Thence **North 00°50'21" West, 150.00 feet** to an iron pin set being the northeasterly corner of The Board of Trustees of the West Licking Joint Fire District 1.5 acre parcel;

Thence along the northerly line of that 22 acre-Parcel 2 as conveyed to the Howard P. Emswiler Trust and the Rosemary A. Emswiler Trust **South 86°24'21" East, 1263.18 feet** to an iron pin set being the northeasterly corner of said 22 acre-Parcel 2;

Thence along the westerly line of that 67.65 acre-Parcel 1, and that 55.85 acre-Parcel 4 as conveyed to the Howard P. Emswiler Trust and the Rosemary A. Emswiler Trust **North 02°48'13" East, 1522.92 feet** to an iron pin set being the northwesterly corner of said 55.85 acre-Parcel 4;

Thence along the northerly line of said 55.85 acre-Parcel 4 **South 86°38'56" East, 534.28 feet** to an iron pin set being the southwesterly corner Lot 4 of the Ijam's East Broad Street Parcels;

Thence along the westerly line of said Lot 4 **North 02°49'54" East, 739.89 feet** to **Point of Beginning** and containing **296.544 acres**, more or less, according to a survey conducted by Jobes Henderson and Associates, Inc. in December of 2008.

The bearings in the above description are based on the Ohio State Coordinates System, South Zone, NAD83, NAVD 88, Geoid03.

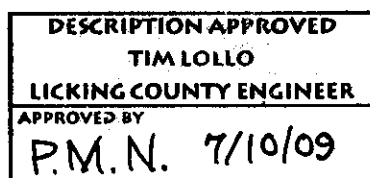
All iron pins set are 5/8" in diameter rebar by 30" in length with red identification caps marked "J&H, PS 8283".

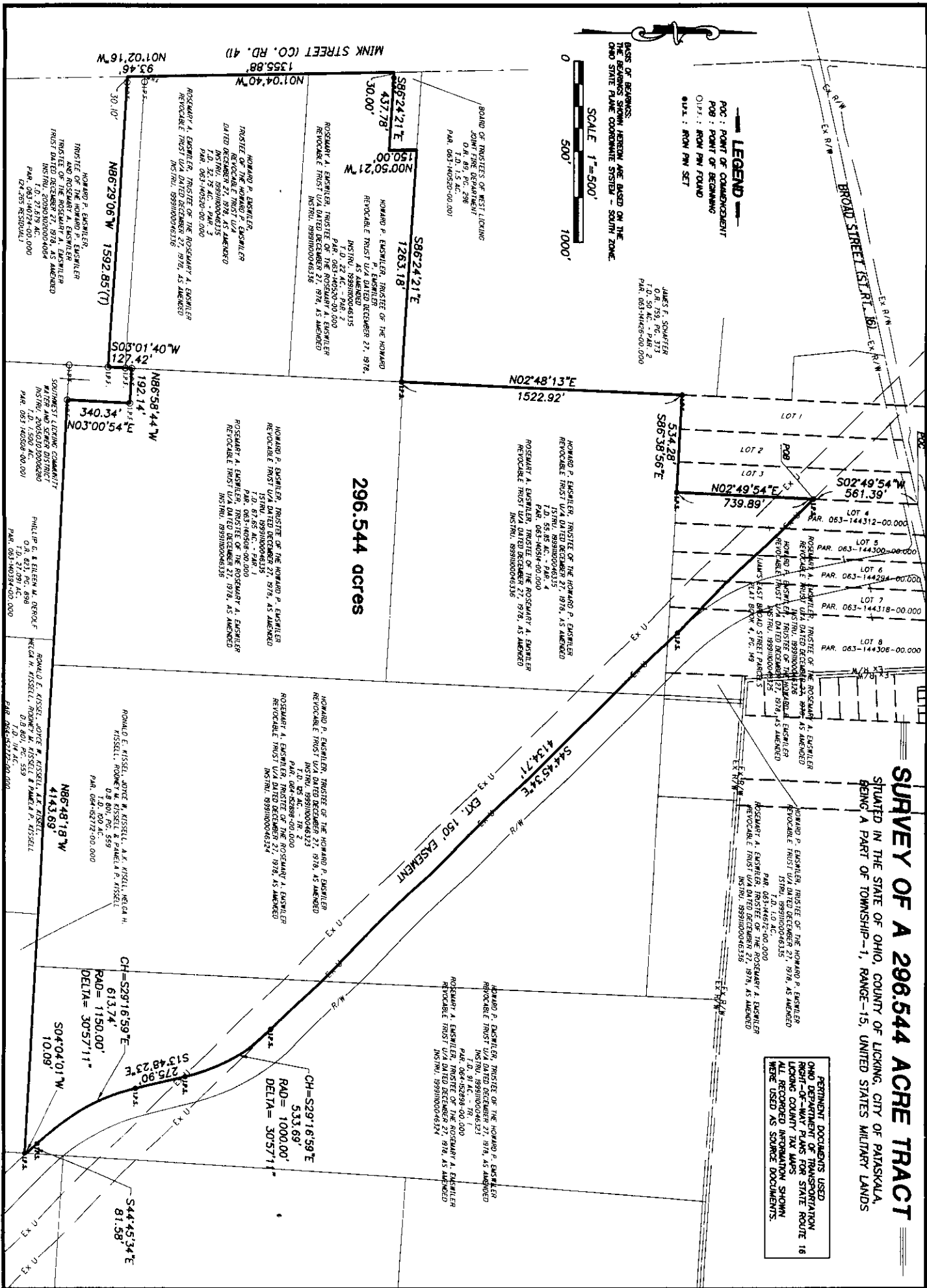
Subject to all valid and existing easements, restrictions and conditions of record.

December 24, 2008



TRANSFERRED  
Date July 10, 2009  
[Signature]  
Licking County Auditor TH  
[Signature]  
Jeremy L. Van Ostran, P.S.  
Surveyor No. 8283  
SEC. 319.202 COMPLIED WITH  
J. TERRY EVANS, AUDITOR  
BY TH EXM.





This Survey Prepared For: **JRS SITE**

**RECERTIFIED**

|                              |              |
|------------------------------|--------------|
| Foundation Survey            | Final Survey |
| Ord. No.                     | Ord. No.     |
| Date:                        | Date:        |
| Drawing                      |              |
| M/L01-26/SURVEY/JRS SITE.dwg |              |

**REVISED**

|              |
|--------------|
| DRAWN: JLK   |
| CHECKED: JLV |
| F.B.         |

**Jobes Henderson & Associates**

Breaking Ground | Breaking Boundaries

DATE: 6-15-09 ORDER NO. L 01-26

Tel: 74 .344.5451 Fax: 74 .344.5746

55 Grant Street Newark, Chi 43 55

www.jobeshenderson.com

**PERMIT DOCUMENTS USED**

OHIO DEPARTMENT OF TRANSPORTATION  
RIGHT-OF-WAY PLANS FOR STATE ROUTE 16  
ALL REQUIRED INFORMATION SHOWN  
HEREIN WAS USED AS SOURCE DOCUMENTS.

**OHIO STATE OF OHIO**

**JEREMY LEWIS VAN OSTRAN**

**SURVEYOR**

The Corporation shall own and have the right to sell, lease, or transfer the JRS Site with the following Restrictions, which shall run with the land:

(i). Licking County, a political subdivision of the State of Ohio, through its Board of County Commissioners, the JRS Grantee, shall hold the power of enforcement over these Restrictions in accordance with the terms hereof ("County hold of JRS Site").

(ii) The Term of these Restrictions shall run from the date of the Job Ready Site ("JRS") Controlling Board approval to the earlier of: seven (7) years after the Project Completion Date; or the date following the Project Completion Date on which a proportion of the property equal to at least eighty-five percent (85%) of the property has been purchased by, leased by, or otherwise put to use for the purposes as provided under the Program ("Term of these Restrictions"). (See JRS Grant Agreement, as amended, on file with the Licking County Commissioners' Office, for definitions of terms and titles used herein), unless otherwise released by the Licking County Commissioners and the Ohio Department of Development ("ODOD") as provided for below.

(iii) The owner of the herein described "property", its successors and assigns, shall market and attempt to lease or sell the property for manufacturing uses under such requirements as are provided for in the Planned Manufacturing District ("PM") zoning regulations of the City of Pataskala, as amended or varied from time to time, during the Term of these Restrictions.

(iv) Not more than ten percent (10%) of the property can be used for educational, retail, residential, or governmental uses during the Term of these Restrictions.

(v) During the Term of these Restrictions, the purchase price of the property shall not exceed the following:

\$30,000 per gross acre until one year after the date the Project commences. Beginning one year after the date the Project commences, and annually thereafter, the purchase price may be increased at a rate of five percent (5 %) per annum (For example, property sold within one year after the date the Project commences may be sold for no more than \$30,000 per gross acre. Property sold after the first and before the second anniversary of the Project commencement date may be sold for \$31,500 per gross acre.)

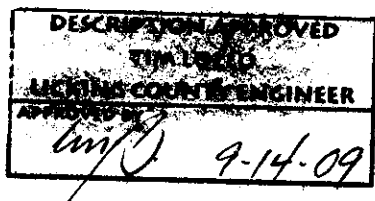
(vi) During the Term of these Restrictions, if requested by ODOD, the Grantor of the JRS Grant, and/or the County, the owner of the property will make its records available to ODOD and/or the County with respect to obligations delineated in these restrictions.

(vii) During the Term of these Restrictions, if the County determines in its sole discretion that the owner of the property has violated these Restrictions, the County shall provide written notice to the owner of its violation. The notice shall provide the owner with a thirty (30) day period to cure any and all violations. If the owner fails to remedy the stated violation(s) within said thirty (30) day period, the County may enforce these Restrictive Covenants by injunction and shall have the remedy of specific performance. Invalidation

by the judgment or decree of any Court of any of these provisions shall not invalidate the remainder of these covenants.

(viii) During the Term of these Restrictions if all or a part of the JRS Site (if permission is granted by ODOD for less than all) is sold or leased for manufacturing purposes in compliance with the terms of the JRS Grant Agreement and the Planned Manufacturing District zoning regulations of the City of Pataskala, as such document and such regulations may be amended, the Licking County Commissioners and ODOD shall provide a release of these Restrictions in recordable format to the owner that is sufficient in scope to allow the passage of marketable title, in accordance with the title standards of the Ohio State Bar Association, from the owner to the purchaser or lessee of the portion of the JRS Site that is either purchased or leased.

(ix) At the end of the Term of these Restrictions, if all or some portion of the JRS Site has not been purchased, leased, or used for manufacturing purposes, the Licking County Commissioners shall provide a release of these restrictions in recordable format in the same manner as provided for in the preceding paragraph in order that their natural termination, as provided for in paragraph (ii), above, may be formally recorded as a matter of public record.



200909140020157

Pgs: 4 \$48.00 T20090018906  
09/14/2009 4:16PM BXHAYES TITLE  
Bryan A. Long  
Licking County Recorder



0115PA00600000012100

TRANSFERRED

Date September 14 2009

[Signature]  
Licking County Auditor

SEC.319.202 COMPLIED WITH  
J. TERRY EVANS, AUDITOR  
BY LM 180.00

## GENERAL WARRANTY DEED

**Howard P Emswiler, Trustee of the Howard P. Emswiler Revocable Trust U/A dated December 27, 1978, as amended, and Rosemary A. Emswiler, Trustee of the Rosemary A. Emswiler Revocable Trust U/A dated December 27, 1978, as amended,** of Licking County, Ohio, for valuable consideration paid, grant with general warranty covenants to **Amanda Reeves**, unmarried, whose tax mailing address is 7409 Mink Street, Pataskala, Ohio 43062, the following real property:

*Situated in the County of Licking, in the State of Ohio and in the former Township of Lima, now by merger in the City of Pataskala, and being more fully described and delineated in the attached Exhibit "A", incorporated herein by reference.*

Prior Deed Reference: Instrument Number 200903020004064, Licking County Recorder's Office, Licking County, Ohio.

Also known as: 7409 Mink Street, Pataskala, Ohio, 43062.  
Auditor's Parcel #063-140724-00.000 (Parent Parcel)

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 Grantees assume and agree to pay as a part of the consideration herein, **but subject to the following restrictions which shall run with the land:**

1. Grantee, her successors and assigns, acknowledge that the 1.624 acres and contiguous acreage is zoned for industrial development and shall hold harmless such industrial uses on the contiguous acreage as permitted and maintained in accordance with the applicable zoning standards of the City of Pataskala.
2. Grantee, her successors and assigns, shall hold harmless said industrial uses from nuisance complaints as a result of the permitted industrial uses on the contiguous property including production of light, smoke, dust, noise, and/or odor and for provisions for traffic, storm water drainage, and hours of operation that are in accordance with the applicable zoning standards, but which may impact the quiet enjoyment of the 1.624 acres by Grantee, her successors and assigns.
3. Grantee, her successors and assigns, agrees that the maximum buffer required by and on contiguous property developed for industrial uses shall be fifty (50) feet or such distance permitted between contiguous industrial uses at the time of development under the applicable zoning code.

Grantors, to the extent necessary, hereby release all rights of dower therein.

Grantee and Grantors acknowledge this Deed constitutes a termination by merger of the lease memorialized in the document recorded as Instrument Number 200905190010632, Licking County Recorder's Office.

Executed this 22nd day of August, 2009.

Howard P Emswiler, Trustee

Howard P Emswiler, Trustee of the Howard P. Emswiler Revocable Trust U/A dated December 27, 1978, as amended

Rosemary A. Emswiler, Trustee

Rosemary A. Emswiler, Trustee of the Rosemary A. Emswiler Revocable Trust U/A dated December 27, 1978, as amended

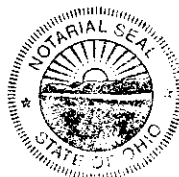
State of Ohio  
County of Licking SS:

Executed before me this 22nd day of August, 2009 by Howard P Emswiler, Trustee of the Howard P. Emswiler Revocable Trust U/A dated December 27, 1978, as amended, and Rosemary A. Emswiler, Trustee of the Rosemary A. Emswiler Revocable Trust U/A dated December 27, 1978, as amended, who, under penalty of perjury in violation of section 2921.11 of the Revised Code, represented to me to be said persons.

[Signature]  
NOTARY

Recorder: Please cross-reference to Instrument No. 200905190010632, Licking County Recorder's Office, Licking County, Ohio.

This document prepared by: William C. Hayes, Pataskala, Ohio



LAURIE WELLS, ATTORNEY AT LAW  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date  
Section 147.03 R.C.



[www.jobeshenderson.com](http://www.jobeshenderson.com)

Tel: 740.344.5451  
Fax: 740.344.5746

59 Grant Street  
Newark, Ohio 43055

### LEGAL DESCRIPTION FOR 1.624 ACRE PARCEL

Situated in the State of Ohio, County of Licking, City of Pataskala (formerly the Township of Lima), and being a part of Lot 3 of the Third Quarter, Township 1N, Range 15W, of the United States Military Lands, and being 1.624 acres of that 27.679 acre tracts as conveyed to Howard P. Emswiler, Trustee of the Howard P. Emswiler Trust and Rosemary A. Emswiler, Trustee of the Rosemary A. Emswiler Trust Dated December 27, 1978, as Amended, by deeds of record in Instrument 200903020004064, all references being to those of record in the Recorder's Office, Licking County, Ohio, said 1.624 acre tract being more particularly bounded and described as follows:

Commencing for reference at mag nail found marking the intersection of the North line of Lot 3 and the centerline of Mink Street, also being the Northwest corner of that 1.50 acre tract of land as conveyed to The Board of Trustees of the West Licking Joint Fire District by deed of record in Official Record Volume 89, Page 296;

Thence along the centerline of Mink Street, **South 01°04'40" East, 1505.93 feet** to a mag nail found marking the northwest corner of said 27.679 acre tract;

Thence continuing along said centerline, **South 01°02'16" East, 93.46 feet** to the **Point of Beginning** of the herein described 1.624 acre tract;

Thence across said 27.679 acre tract, the following three (3) courses and distances:

**South 86°29'06" East**, passing an iron pin set at **30.10 feet**, a total distance of **315.25 feet** to an iron pin set;

**South 03°30'54" West, 231.09 feet** to an iron pin set, and ...

**North 86°29'06" West**, passing an iron pin set at **266.75 feet**, a total distance of **296.85 feet** to a point on the centerline of Mink Street;

Thence along the said centerline, **North 01°02'16" West, 231.82 feet** to the **Point of Beginning** and containing **1.624 acres** more or less, according to a survey conducted by Jobes Henderson & Associates, Inc. in April of 2009.

**LEGAL DESCRIPTION FOR 1.624 ACRE PARCEL**

**Page 2**

The bearings in the above description are based on the Ohio State Plane Coordinate System.

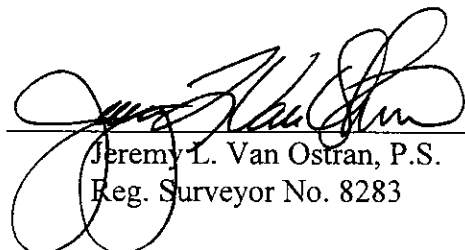
All iron pins set are 5/8" in diameter rebar by 30" in length with red surveyors identification caps marked "J&H, 8283".

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

June 11, 2009

MAL01-26\Legals\1.624 Tract.doc



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



200903020004064

Pgs: 4 \$44.00 T20090004072  
03/02/2009 2:58PM BXHAYES BOX  
Bryan A. Long  
Licking County Recorder

## GENERAL WARRANTY DEED

<sup>(AKA BONNER C. LINN II)</sup>  
<sup>(AKA OLA D. LINN)</sup>  
**Bonner Linn II and Ola Linn, husband and wife**, for valuable consideration paid, grant with general warranty covenants to **Howard P. Emswiler, Trustee of the Howard P. Emswiler Trust dated December 27, 1978, as amended**, or assigns, of Licking County, Ohio, and **Rosemary A. Emswiler, Trustee of the Rosemary A. Emswiler Trust dated December 27, 1978, as amended**, or assigns, of Licking County, Ohio, whose tax mailing address is 13167 Morse Road SW, Pataskala OH 43062, the following real property:

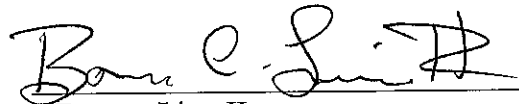
*Situated in the State of Ohio, County of Licking, and City of Pataskala, and being further bounded and described on the attached exhibit "A", incorporated herein by reference.*

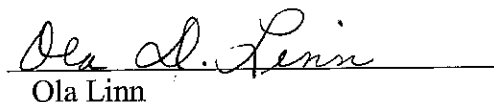
Prior Deed Reference: *Instrument Numbers 200104120012014; 200105150016696; 200106040019381; 200203060008747; and, 200208260031824, Licking County Recorder's Office, Licking County, Ohio.*

Also known as: 7409 Mink Street, Pataskala, Ohio 43062  
**Auditor's Parcel # 63-140724-00.000**

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 Grantees assume and agree to pay as a part of the consideration herein.

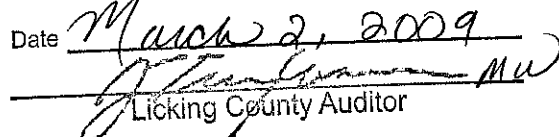
Executed this 20<sup>th</sup> day of February, 2009.

  
Bonner Linn II

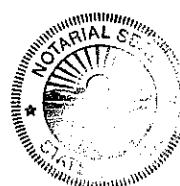
  
Ola Linn

State of Ohio  
County of Licking SS:

Executed before me this 20<sup>th</sup> day of February, 2009 by Bonner Linn II and Ola Linn, who, under penalty of perjury in violation of section 2921.11 of the Revised Code, represented to me to be said persons.

TRANSFERRED  
Date March 2, 2009  
  
Licking County Auditor

  
NOTARY



LAURIE WELLS, ATTORNEY AT LAW  
NOTARY PUBLIC, STATE OF OHIO  
(My Commission has no expiration date.)  
Section 147.03 R.C.

SEC.319.202 COMPLIED WITH  
J. TERRY EVANS, AUDITOR  
BY MW 52000

This Document Has Been Prepared By:  
Laurie R. Wells

195 E. Broad Street\*PO Box 958\*Pataskala, Ohio 43062-0958\*(740) 927-2927\*(800) 536-8678\*Fax:(740) 927-3060  
www.hayesoffices.com

**Exhibit "A"**  
**Legal Description**  
**27.679 Acres**  
**all of Ola D. Linn parcel: Instrument No. 2001-04120012014**

Situated in the City of Pataskala (formerly the Township of Lima), County of Licking, State of Ohio, and being a part of Lots 2 & 3 of the Third Quarter, Township 1N, Range 15W, of the United States Military Lands, and being more particularly described as follows;

Being a Survey of all of a parcel conveyed to Ola D. Linn, as recorded in Instrument No. 2001-04120012014, in the Licking County Deed Records, and being all of Auditor's Parcel No. 63-140724-00.000, and further described as follows;

Commencing at a mag nail found marking the intersection of the North line of Lot 3 and the centerline of Mink Street, also being the Northwest corner of a parcel conveyed to The Board of Trustees of the West Licking Joint Fire District, as recorded in O.R. Volume 89, Page 296;

Thence, S 00°49'31" E 1504.15 feet with the centerline of Mink Street, to a mag nail found marking the Southwest corner of a parcel conveyed to Howard P. Emswiler, Trustee of the Howard P. Emswiler Revocable Trust, as recorded in Instrument No. 1999-11100046335, and being the PRINCIPLE PLACE OF BEGINNING of the 27.679 acre parcel herein to be described;

Thence, S 86°11'19" E 1599.48 feet to an iron pin set on the West line of a parcel conveyed to Southwest Licking Community Sewer and Water District, as recorded in Instrument No. 2005-03030006280, and passing over an iron pin set at 30.00 feet;

Thence, S 03°15'12" W 771.99 feet with the West line of said parcel conveyed to Southwest Licking Community Sewer and Water District, and extending along part of the West line of a parcel conveyed to Phillip G. & Eileen M. Derolf, as recorded in Deed Volume 823, Page 898, to an iron pin set marking the Northeast corner of a parcel conveyed to Sean & Barbara Brogan, as recorded in Instrument No. 1997-11060006101;

Thence, N 85°53'51" W 1545.24 feet with the North line of said parcel conveyed to Brogan, to a mag nail set in the centerline of Mink Street, and passing over an iron pin set at 1515.24 feet;

Thence, N 00°49'31" W 764.27 feet with the centerline of Mink Street, to the PRINCIPLE PLACE OF BEGINNING, and containing 27.679 Acres, more or less, and is subject to all legal easements, right of ways, restrictions, and zoning ordinances of record.

Bearings of the above description are based on the centerline of Mink Street (Co. Road 41), as being S 00°49'31" E, and is an assumed Meridian used to denote angles only.

Subject to a 100 foot wide overhead electric transmission line easement.

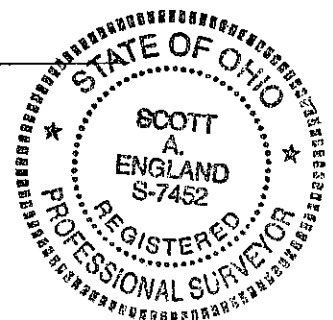
All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

The above description was prepared by S.A. England & Associates, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in February of 2009.

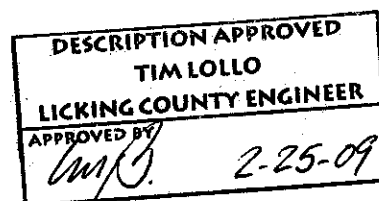
Dated

2/9/09

Scott A. England, P.S.  
Ohio Registered Surveyor #7452



2310-09LI



**Exhibit "A"**  
**Legal Description**  
**27.679 Acres**

**all of Ola D. Linn parcel: Instrument No. 2001-04120012014**

Situated in the City of Pataskala (formerly the Township of Lima), County of Licking, State of Ohio, and being a part of Lots 2 & 3 of the Third Quarter, Township 1N, Range 15W, of the United States Military Lands, and being more particularly described as follows;

Being a Survey of all of a parcel conveyed to Ola D. Linn, as recorded in Instrument No. 2001-04120012014, in the Licking County Deed Records, and being all of Auditor's Parcel No. 63-140724-00.000, and further described as follows;

Commencing at a mag nail found marking the intersection of the North line of Lot 3 and the centerline of Mink Street, also being the Northwest corner of a parcel conveyed to The Board of Trustees of the West Licking Joint Fire District, as recorded in O.R. Volume 89, Page 296;

Thence, S 00°49'31" E 1504.15 feet with the centerline of Mink Street, to a mag nail found marking the Southwest corner of a parcel conveyed to Howard P. Emswiler, Trustee of the Howard P. Emswiler Revocable Trust, as recorded in Instrument No. 1999-11100046335, and being the PRINCIPLE PLACE OF BEGINNING of the 27.679 acre parcel herein to be described;

Thence, S 86°11'19" E 1599.48 feet to an iron pin set on the West line of a parcel conveyed to Southwest Licking Community Sewer and Water District, as recorded in Instrument No. 2005-03030006280, and passing over an iron pin set at 30.00 feet;

Thence, S 03°15'12" W 771.99 feet with the West line of said parcel conveyed to Southwest Licking Community Sewer and Water District, and extending along part of the West line of a parcel conveyed to Phillip G. & Eileen M. Derolf, as recorded in Deed Volume 823, Page 898, to an iron pin set marking the Northeast corner of a parcel conveyed to Sean & Barbara Brogan, as recorded in Instrument No. 1997-11060006101;

Thence, N 85°53'51" W 1545.24 feet with the North line of said parcel conveyed to Brogan, to a mag nail set in the centerline of Mink Street, and passing over an iron pin set at 1515.24 feet;

Thence, N 00°49'31" W 764.27 feet with the centerline of Mink Street, to the PRINCIPLE PLACE OF BEGINNING, and containing 27.679 Acres, more or less, and is subject to all legal easements, right of ways, restrictions, and zoning ordinances of record.

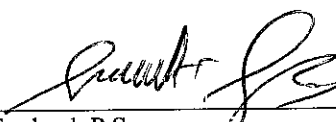
Bearings of the above description are based on the centerline of Mink Street (Co. Road 41), as being S 00°49'31" E, and is an assumed Meridian used to denote angles only.

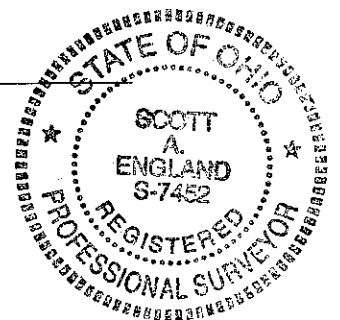
Subject to a 100 foot wide overhead electric transmission line easement.

All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

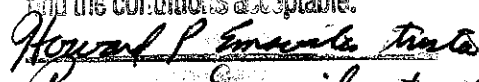
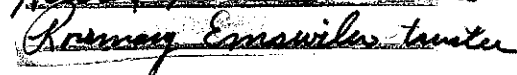
The above description was prepared by S.A. England & Associates, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in February of 2009.

Dated 2/9/09

  
Scott A. England, P.S.  
Ohio Registered Surveyor #7452



2310-09LI

[We have reviewed the survey and  
find the conditions acceptable.]  
  


POINT OF COMMENCEMENT:  
Intersection of North Line Lot 3  
& centerline Mink Street

# Plat of Survey

City of Pataskala, County of Licking, State of Ohio, part  
Lots 2 & 3 in the Third Quarter, Township 1N, Range 15W,  
of the United States Military Lands.

## PROPERTY LOCATION:

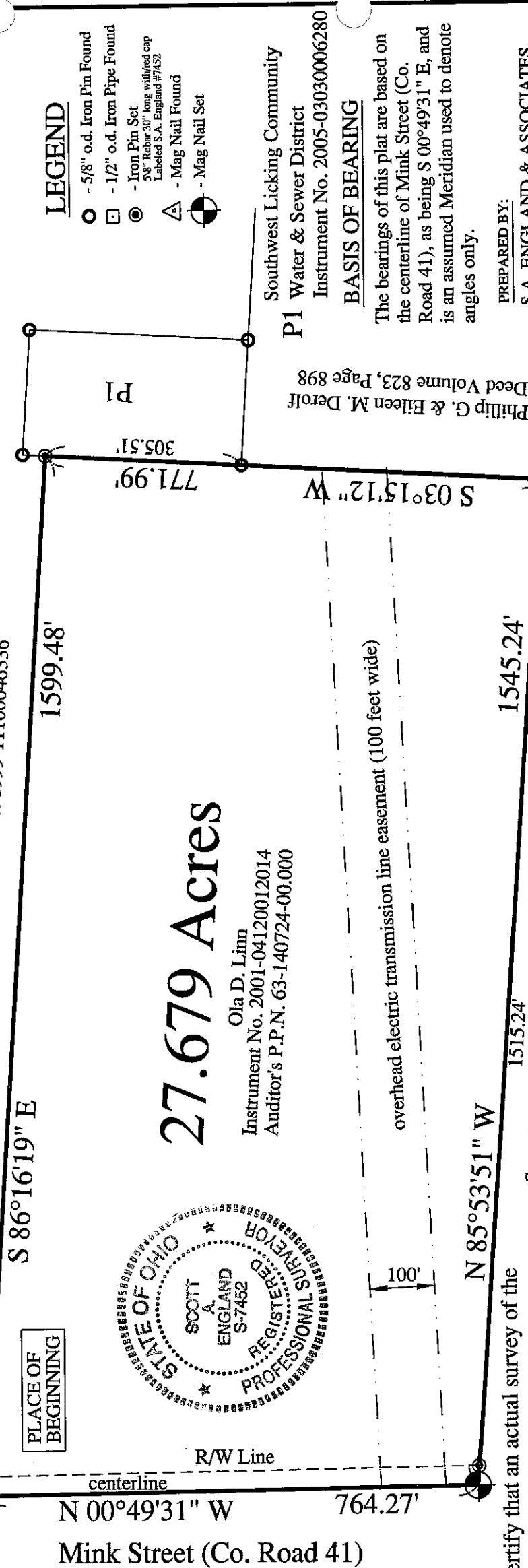
Situated in the City of Pataskala, County of Licking, State of Ohio, and being a part of Lots 2 & 3 in the Third Quarter, Township 1N, Range 15W, of the United States Military Lands.

Being a Survey of a parcel conveyed to Ola D. Linn, as recorded in Instrument No. 2001-04120012014, in the Licking County Deed Records, and being all of Auditor's P.P.N. 63-140724-00.000.

## PREPARED FOR:

Hayes Title Agency

Howard P. Emswiler, Trustee of the Howard P. Emswiler Revocable Trust  
Instrument No. 1999-11100046336



- ### LEGEND
- - 5/8" o.d. Iron Pin Found
  - - 1/2" o.d. Iron Pipe Found
  - ⊙ - Iron Pin Set
  - △ - 5/8" Rebar 30" long with/red cap Labeled S.A. England #7452
  - ▲ - Mag Nail Found
  - ⊕ - Mag Nail Set

## BASIS OF BEARING

The bearings of this plat are based on the centerline of Mink Street (Co. Road 41), as being S 00°49'31" E, and is an assumed Meridian used to denote angles only.

## PREPARED BY:

S.A. ENGLAND & ASSOCIATES  
Professional Land Surveying  
P.O. Box 1770, 5179 Walnut Road  
Buckeye Lake, Ohio 43008  
740-928-8680 FAX 740-928-9565  
WWW.SURVEYOHIO.COM

I hereby certify that an actual survey of the premises was made, and that this plat is correct to the best of my knowledge

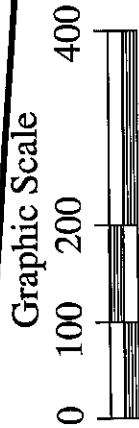
2/6/09

Date

Scott A. England, P.S.

Ohio Registered Surveyor #S-7452

Sean & Barbara Brogan  
Instrument No. 1997-11060006101



**FIDUCIARY DEED**

HOWARD P. EMSWILER, TRUSTEE OF THE HOWARD P. EMSWILER  
REVOCABLE TRUST U/A DATED DECEMBER 27, 1978, AS AMENDED, of Jersey  
Township, Licking County, Ohio, for valuable consideration paid, grants, with fiduciary  
covenants, to **SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT**,  
a regional water and sewer district established under Ohio Revised Code 6119, whose tax-  
mailing address is P.O. Box 215, Etna, Ohio 43018, the following **REAL PROPERTY**:

See Exhibit "A" attached hereto.

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.

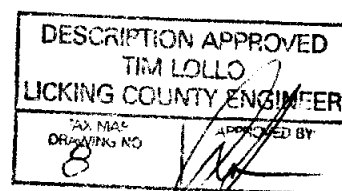
Prior Instrument Reference: Instrument No. 199911100046335 of the Official  
Records of Licking County, Ohio.

Witness my hand this 1<sup>st</sup> day of March, 2005.

TRANSFERRED  
Date MARCH 3, 2005  
J. Terry Evans  
Licking County Auditor TH

SEC. 319.202 COMPLIED WITH  
J. TERRY EVANS, AUDITOR-  
BY TH See previous  
DEED

Howard P. Emswiler, Trustee  
Howard P. Emswiler, Trustee of the Howard P.  
Emswiler Revocable Trust U/A Dated December  
27, 1978, as amended



1689001

State of Ohio

County of Licking

ss:

**BE IT REMEMBERED**, That on this 1<sup>st</sup> day of March, 2005, before me, the subscriber, a Notary Public in and for said county, personally came, Howard P. Emswiler, Trustee of the Howard P. Emswiler Revocable Trust U/A Dated December 27, 1978, as amended, the Grantor in the forgoing Fiduciary Deed, who acknowledged the signing thereof to be his voluntary act and deed.

**IN TESTIMONY THEREOF**, I have hereunto subscribed and affixed my seal on the day and year aforesaid.

Amy K. Schulze ~~NEED change~~  
Notary Public

This instrument was prepared by:

Arnold E. Shaheen, Jr., Esq.  
P. O. Box 49  
Pataskala, Ohio 43062-0049



AMY K. SCHULZE  
Notary Public, State of Ohio  
My Commission Expires May 29, 2008

*Exhibit A*

**1.500 Acre Tract  
&  
Ingress / Egress Easement  
of Utility Easement**

Situated in the State of Ohio, County of Licking, City of Pataskala, being in Lot 3, Quarter 3 and Quarter 4, Township 1, Range 15, U.S. Military Lands and being a part of a 32.75 acre tract (Parcel 3), parcel # 44-140520-00.000, conveyed to *Howard P. Emswiler Trustee* in instrument 199911100046335 and *Rosemary A Emswiler Trustee* in instrument 199911100046336, all records being of the Recorder's Office, Licking County, Ohio unless otherwise noted and being more particularly described as follows:

Beginning for reference at the intersection of the northerly line of said Lot 3 and the centerline of *County Road 41 (Mink Street)* and being the northwesterly corner of a 1.5 acre tract conveyed to the *Board of Trust of West Licking Joint Fire District* in Official Record Volume 89, page 296;

Thence, with the center of said *County Road 41*, *South 05 degrees 00 minutes 00 seconds East, 1504.15 feet* to a Mag nail set at a southwesterly corner of said 32.75 acre tract, the northwesterly corner of a 27.75 acre tract, parcel # 63-140724-00.000, conveyed to *Ola D. Linn et. al.* in instrument 200100640019381;

Thence, with a southerly line of said 32.75 acre tract, the northerly line of said 27.75 acre tract, *North 89 degrees 33 minutes 12 seconds east, 1599.37 feet* to the northeasterly corner of said 27.75 acre tract and an angle point in said 32.75 acre tract and being on the dividing line between said Quarter 3 and said Quarter 4 and being **THE PRINCIPAL PLACE OF BEGINNING** of herein described tract;

*Thence, crossing said 32.75 acre tract with the following three (3) new courses;*

- 1) **North 00 degrees 56 minutes 28 seconds West, 34.49 feet** to a 5/8" rebar set;
- 2) **North 89 degrees 03 minutes 32 seconds East, 192.09 feet** to a 5/8" rebar set;
- 3) **South 00 degrees 56 minutes 28 seconds East, 340.31 feet** to a 5/8" rebar set on a southerly line of said 32.75 acre tract and on the northerly line of a 27.091 acre tract, parcel # 63-140394-00.000, conveyed to *Phillip G. and Eileen M. Derolf* in Deed Volume 823, page 898;

Thence, with a southerly line of said 32.75 acre tract, the northerly line of said 27.091 acre tract, **South 89 degrees 09 minutes 03 seconds West, 192.09 feet** to a 5/8" rebar set at the base of a wood fence post and being the northwesterly corner of said 27.091 acre tract and being on the easterly line of said 27.75 acre tract and on the dividing line between said Quarter 3 and said Quarter 4;

Thence, with the easterly line of said 27.75 acre tract and the dividing line between said Quarter 3 and said Quarter 4, **North 00 degrees 56 minutes 28 seconds West, 305.51 feet to THE PLACE OF BEGINNING CONTAINING 1.500 ACRES** more or less, subject however to all legal easements, restrictions and rights-of-way of record and records in their respective utility offices and in particular the following 25 foot wide ingress / egress easement form the westerly line of said 1.500 acre tract to the center of said County Road 41 and being more fully described as follows:

Beginning for reference at a 5/8" rebar set at the northwesterly corner of the previously described 1.500 acre tract;

Thence, with the westerly line of said 1.500 acre tract, South 00 degrees 56 minutes 28 seconds East, 9.49 feet to **THE PRINCIPAL PLACE OF BEGINNING** of herein described easement;

Thence, continuing with the westerly line of said 1.500 acre tract, *South 00 degrees 56 minutes 28 seconds East, 25.00 feet* to the northeasterly corner of said 27.75 acre tract and an angle point in said 32.75 acre tract;

Thence, with the northerly line of said 27.75 acre tract, the southerly line of said 32.75 acre tract *South 89 degrees 33 minutes 12 seconds West, 1599.37 feet* to a Mag nail set in the center of said *County Road 41* and being the northwesterly corner of said 27.75 acre tract, the southwesterly corner of said 32.75 acre tract;

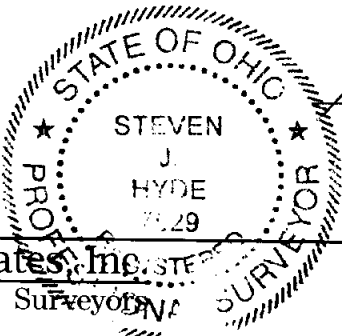
Thence, with the center of said *County Road 41*, the westerly line of said 32.75 acre tract, *North 05 degrees 00 minutes 00 seconds West, 25.08 feet* to a Mag nail set;

Thence, leaving the center of said *County Road 41* and crossing said 32.75 acre tract with a new course, *North 89 degrees 33 minutes 12 seconds East, 1601.14 feet* to **THE PLACE OF BEGINNING** of herein described easement containing 0.918 acres more or less;

This description was based on an actual field survey done on August 23, 2004 and in accordance with the Ohio Administrative Code 4733-37. Unless otherwise noted iron pins set are 30" x 5/8" rebar with orange plastic caps inscribed "**HYDE P.S. 7529**". *Unless otherwise noted all iron pins found are 1" O.D. pipe. Basis of bearings is the centerline of County Road 41 (Mink Street) as South 05 degrees 00 minutes 00 seconds East per Official Record Volume 420, page 958 and are for angular purposes only.*

**Feller,  
Finch**

**& Associates, Inc.**  
Engineers • Surveyors



*Steven J. Hyde*  
**STEVEN J. HYDE P.S.**

mink.doc

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