

CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

September 9, 2020

Conditional Use Application CU-21-006

Applicant: Michael P. Fox

Owner: Bernadette M. Fox

Location: 11540 Broad Street SW (PID: 063-141708-00.002)

Acreage: +/- 5.01-acres **Zoning:** AG – Agricultural

Request: Requesting approval of a Conditional Use for a Home Occupation pursuant to

Section 1225.04(6) of the Pataskala in order to allow the Applicant to maintain

and sell firearms from their home.

Description of the Request:

The Applicant is seeking approval of a Conditional Use to allow for a type B Home Occupation, for the maintenance and transfer of firearms, to be operated within a single-family residence.

Staff Summary:

The 5.01-acre property located at 11540 Broad Street SW is currently occupied by a 1,608-square foot single-family home built in 1930. There are several other structures on-site, including a 1,088-square foot pole barn, an 810-square foot pole barn, and an above ground swimming pool. Additionally, there is an approximately 0.8-acre pond in the western half of the lot. Access to the property is via a gravel driveway onto Broad Street SW.

The Applicant is requesting approval of a Conditional Use to allow for the establishment of a Type B Home Occupation in the single-family home. A Type B Home Occupation is where either one (1) employee or customers come to the site. As proposed, the Applicant will utilize their existing 12-foot by 20-foot office within the home for the proposed use, which will include selling, buying, transferring and maintaining (cleaning) firearms on a limited basis.

Per the Narrative Statement submitted by the Applicant, they believe there would be no issues with the operation of the business within their home. The driveway and parking available are adequate to support the low intensity of the business, which is by appointment only and would serve approximately five (5) to 10 people per week. The Applicant also stated the Conditional Use is necessary to maintain their FFL (Federal Firearms License), and that they have also been running their locksmithing business from the same location since they received a Variance (copy of Variance approval from Lima Township included in Application) since 1989, which has not resulted in any known issues.

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

Planning and Zoning Staff:

Pursuant to Section 1231.04(1) of the Pataskala Code, Type B Home Occupations are a Conditional Use in the AG – Agricultural zoning district in which this property is located.

Section 1267.03(C) of the Pataskala Code provides additional standards that Type B Home Occupations must adhere too, those being:

- 1. Customers may visit the site only during the hours of 7:00 a.m. to 9:00 p.m.
- 2. Nonresident employees. One nonresident employee is allowed with a Type B home occupation. For the purpose of this chapter, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation. Variances to this subsection are prohibited.
- 3. Customers. Only twelve (12) customers or clients may visit the site in a day.
- 4. Retail sales. Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair cutting).
- 5. Number of Type B home occupations. More than one Type B home occupation per dwelling unit is prohibited.
- 6. Floor area. Total area devoted to a Type B home occupation may not exceed 15 percent (15%) of the square footage of the primary dwelling unit. A Type B home occupation located in an accessory building space shall be subject to the Conditional Use regulations as defined in Chapter 1215.

The square footage of the home is approximately 1,608-square feet, of which 15% would be 241.2-square feet. The Applicant plans to use a 12' x 20', or 240-square foot area, which will be below the maximum permitted. Staff believes the Applicant will meet the requirements above, however, a possible condition has been added to enforce these requirements.

Only one sign is permitted, with a maximum size of two (2) square feet if within 15-feet of the right-of-way, or a maximum of six (6) square feet if over 15-feet away from the right-of-way. Section 1267.04(C) requires that the dwelling and site must remain residential in appearance and characteristics.

Other Departments and Agencies

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	AG - Agricultural	Agricultural
East	AG - Agricultural	Agricultural
South	GB – General Business	Undeveloped
West	AG - Agricultural	Single-Family Home

Conditional Use Requirements:

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

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

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff's opinion the following factors from Section 1215.05 are applicable to Conditional Use Application CU-21-006:

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:

- 1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
- 2. The Applicant shall adhere to the use-related regulations of Section 1267.03(C) of the Pataskala Code.

Resolution:

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

"I move to approve a Conditional Use pursuant to Section 1215.08 of the Pataskala Code for application CU-21-006 ("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

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

Property Information			Staff Use
Address: (1540 BROAD ST. 5 W.			Application Number:
Parcel Number: 36314170800.007			CU-21-006
Zoning: AGRICULTUIT			Fee:
Water Supply:			\$300.00
☐ City of Pataskala	South West Licking	On Site	Filing Date:
Wastewater Treatment:			10/24/2001
☐ City of Pataskala	South West Licking	☐ On Site	Hearing Date:
			12-14-2021
Applicant Information			Receipt Number:
Name: MICHAEZ P	Fox		000327
Address: 16540 BRO	ADST S.W.		
City: PATACKALA.	State: 6110	Zip:43062	Documents
Phone: 614-554-31		XK58357106MA	Application
		.Co	N/ D Fee
Property Owner Information			Narrative
Name: BERNADETTE M. FOX			Site Plan
Address: 11540 BROAD	5T. 5, W.		Deed
City: PATRSKALA.	State: OHIG	zip: 4306Z	☐ Area Map
Phone: 614-3543158	Email: FOX LOC	K58357186MAIL	CO NO
			166
Conditional Use Information			
Request (Include Section of Code):	1225-AGR	DISTRICT 127	5.05-6
1215 CONDITIO	WALUSE - 17	215.05 5207	Tion).
1267.01 TYPE		EXISTING-RE	
Describe the Project: TAM	RENEWINGY	MV FFI LISC	ENSE CHOWSEN
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Documents to Submit

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

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

- The reason the conditional use has been requested.
- The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:
 - 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on this application.
 - 2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code.
 - 3. Will be designed, constructed, operated and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - 4. Will not be hazardous or disturbing to existing or future neighboring uses.
 - 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.
 - 8. Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.
 - 9. Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.
- Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.
- Wireless Telecommunication Facilities must also meet the requirements outlined in Section 1293.06(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 conditional use request

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

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

Signatures	
I certify the facts, statements and information provided on and attached to this application are tr	ue and correct to the best of my
knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the prop	erty as necessary as it pertains
to this conditional use request.	, , ,
Applicant (Regalired):	Date: /
milas of	10/28/21
Property Owner: (Required):	Date:
Bernadette M. Box	10/29/21

October 29, 2021

City of Pataskala

Board of Zoning Appeals

This application falls under Sections 1225, 1215 and 1267. In addition, it follows the existing comprehensive plan. My existing retail office will accommodate my FFL license. My variance has been active since 1989. To my knowledge, there have been no complaints associated with my retail lock shop. My closest neighbor is another business, Elite Heating & Cooling. My home is on on Route 16 and includes an adequate driveway and parking. This will primarily by appointment only and will only be approximately 5 – 10 people a week.

Milles

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LIMA TOWNSHIP TRUSTEES ___

December 19, 1989

To: Michael P. Fox

11540 East Broad Street Pataskala, OHio 43062

This is to inform you that the Lima Township Board of Zoning Appeals met November 28, 1989, to hear a variance request for the property located at 11540 East Broad Street, Lima Township. The application for a variance requested to open a retail lock shop.

The minutes of the meeting were read and approved December 18, 1989.

A variance for a lock shop with a conditional use was approved.

This variance should not in any way vary the house. A variance with a conditional use should follow the regulations of the township.

Thank you.

Susan G. Thompson Secretary Board of Zoning Appeals

cc: Township Trustees Township Clerk Township Zoning Inspector 1-13-89 SGT

APPLICATION FOR VARIANCE

	BOARD OF ZONING APPEALS Lim A Township, Ohio Application No
Name of An	oplicant MICHRIE PFOX
Mailing Ad	dress 11540 15 BRAAD ST PATASKALA
Phone Numb	per Home 927 - 8315 Business 927-3991
7 . T	cocational Description: Subdivision Name
. .	Section Township Linn Range
₄ δ	ther Designation Block Lot No
0	If not in a platted subdivision attach a legal description)
(II not in a platted subdivision dotter is a so
2. N	Nature of Variance: Describe generally the nature of the variance OPEN RUTBIL LOCK SHOP
v	allano
a 0 t a	In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alternations, and any natural or topographic peculiarities of the lot in question.
8	Justification of Variance: In order for a variance to be granted, the application must prove to the Board of Zoning Appeals that the following items are true: (Please attach these comments on a separate sheet)
a	a. special conditions exist peculiar to the land or
1	building in question building in question building in question building in question
	would deprive the applicant of rights enjoyed by
	other property owners
C	marriang pations of the applicant
Ċ	i. that the requested variance is the minimum var- iance that will allow a reasonable use of the land or buildings.
I certify its supple	that the information contained in this application and ement is true and correct.

Date of 25/89 Miles PS

- A. The property is located on Route 16 with a lot of exposure to motorists. To rent a spot with this much exposure would be cost prohibitated for myself. The closest house is about 200 yards away. I also have a large drive and a 12 X 20 garage not in use.
- B. Since there are no close neighbors to approve, this variance would not affect any neighbors. It would deprive me of my ability to operate my business and therefore create undo financial difficulties which could possibly cause me selling my house.
- c. My wife had to quit work when our oldest son started school. My son goes to St. Pius in Reynoldsburg and in order to ride the local bus, he would have to ride for 1-1/2 hours in the morning and 1-1/2 hours in the afternoon with the high school students. My wife drives him daily.
- D. The present garage on the property is attached to the house and not large enough for vehicles. It would take a small amount of remodeling to open a lock shop.

11-28-89 Board of appeals
Michael B. Fox- 11540 E. Broad

The Lima Lownship Board of Superals met November 28, 1989. Chairman Bruce Baird opened the meeting at 7:23 P.M. He announced that the meeting would be taped. Roll call:

Buce Baird-present Don Morgan-present Charlene Heer absent Vernon Stonater-absent Bill Schuler-present

Clark read the application for a randre authorited by Michal P. Jot, 11540 E. Broad Street, just east of the moduct on the math side. The property is zoned agricultural. Reasons were read and filed. Mr. Dop would like to have a open retail lock shop. Map is on file.

No adjoining property owners were present. All were notified of the meeting. The meeting was published in the Pataskala Standard November 15, 1989.

Mr. Dot was owner in to tell the truth. He stated that he had talked to John Congran and was decided to apply for a variance. He stated that it would be a home occupation and there would be no other employees.

Section 903 Agricultural District laws were read for permitted uses and conditional permitted uses and conditional permitted uses. a home occupation was read on Page

When this house was purchased, my wife and I both worked full-time. Since then we have had another child and my wife has had to quit work so I have found it necessary to work at my locksmithing trade at night. In the process of doing this, I have found it necessary to have people stop by at my house to have minor work done. T have looked into possibly opening a lock shop at a commercial property but the cost for a part-time job would be prohibited. On the back of my house I have a 12 X 20 garage that I would use for the lock shop. No special alterations would be required except to add a door, dry wall, and a sign.

Page 2 Member Bill Scholer read Section 520-

included with the application. ed. Don Margan made a motion to approve the application to install a lock shop with a conditional use and that it does not vary the house in any way and signs be attached to only the building. The specific purpose is the lock shop in the garage and Mr. Dot will have to come lack to the Ireard of appeals to change anothing. Bill Schuler seconded the motion. Rell Vate: Don Morgan - yes Bill Schuler - yes nfile. Bruce Bourd - yes Motion carried. Bruce Bourd adjourned the meeting of 7:31 P.M. 12/18/89 Bund Bagel Dan Margan

LIMA TOWNSHIP TRUSTEES ____

LIMA TOWNSHIP BOARD OF ZONING APPEALS

To:

November 16, 1989

Dear

This is to inform you that the LIMA TOWNSHIP BOARD OF ZONING APPEALS will hold a public hearing on an application for a variance on the twenty-eighth day of November, 1989, at 7 PM at the Lima Township Building, 5840 Mink Street.

This application, submitted by Michael P. Fox, requests that a variance be granted for an open retail lock shop for the property located at 11540 East Broad Street, just east of the viaduct.

The proposed application will be available for examination for at least 15 days prior to the public hearing at the Lima Township Building, 5840 Mink Street, between 7 AM and 7 PM.

Lima Township Board of Zoning Appeals Susan G. Thompson Secretary

Fde LIMA TOWNSHIP TRUSTEES _____

November 30, 1989

PUBLIC NOTICE

The Lima Township Board of Zoning Appeals will met Monday, December 18, 1989, at 6:30 PM, at the Lima Township Building, 5840 Mink Street.

The purpose of this meeting is to hear the minutes of the November 28, 1989, meeting.

Susan G. Thompson Secretary Board of Zoning Appeals



DESCRIPTION APPROVED JARED N. KNERR LICKING COUNTY ENGINEER



QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, THAT

MICHAEL P. FOX, married to Bernadette M. Fox, of 11540 E. Broad Street, Pataskala, Ohio 43062, the Grantor, for the valuable consideration paid, does hereby Grant, Remise, Release and Forever Quit-Claim To

BERNADETTE M. FOX,

whose tax mailing address is 11540 E. Broad Street, Pataskala, Ohio 43062, the Grantee, the following described real property and all equitable rights associated therewith to the said Grantee, including all improvements and appurtenances thereunto belonging.

Situated in the City of Pataskala, Licking County, Ohio and further bounded and described as follows:

See Exhibit "A" attached hereto and incorporated by reference.

This conveyance is made subject to the same reservations and exceptions as set out and referred to in prior deeds in the chain of title hereto, including the lien of any taxes and assessments not now due and payable; all planning, zoning or other governmental land use ordinances and regulations; leases, street and highway rights of way of record; and restrictions, conditions, reservations, exceptions, and easements of record; if any. Further subject to any state of facts which a reasonable inspection of the premises might reveal.

Parcel Number: 063-141708-00,002

Prior Instrument Reference: Official Record Volume 117, Page 921, Recorder's Office,

Licking County, Ohio

Also known as: 11540 E. Broad Street, Pataskala, Ohio 43062

Grantor's Spouse, Bernadette M. Fox, releases all rights of dower herein.

IN WITNESS WHEREOF, MICHAEL P. FOX, the Grantor, and BERNADETTE M. FOX, the Grantor's Spouse, have set their hands this 274 day of August, in the year of Our Lord and Savior, Jesus Christ, Two Thousand Seventeen and in the Two Hundred and Forty-first year of the Sovereignty and Independence of the United States of America.

Signed and Acknowledged In the Presence of:

Witness State of Ohio

SS:

The foregoing instrument was acknowledged before me this 2017 by MICHAEL P. FOX, the Grantor, and BERNADETTE M. FOX, the Grantor's

Spouse, in said County and State.

This instrument prepared by: C. BERNARD BRUSH, Attorney At Law 5530 Columbia Rd, Pataskala,OH 43062

Notary Public

Situated in the State of Ohio, County of Licking, Township of Lima, being a part of Quarter Township 4, Township 1, Range 15, United States Military Lands, and being 5.010 Acres out of the Harriet R. Gray 174.733 Acre tract, (by tax duplicate), of record in Deed Book 709, Page 568 and Deed Book 774, Pages 952 and 955, Recorder's Office, Licking County, Ohio), and being more

particularly described as follows: Beginning at a point in the south line of said 174.733 Acre tract, being also the original centerline of State Route 16 (E. Broad Street) and at Station 187+16.15 as said centerline is shown on Sheet 116 of 119, Chio Department of Transportation Plans LIC-16-0.00-3.60, said beginning point being southwesterly 762.89 feet from the southeast corner of said 174.733 Acre tract and being also southwesterly 3,042.30 feet, more or less, from the centerline intersection of State Route 16 with County Road 38 as shown on said right-of-way plans and being the southeasterly corner of the D.J. and S.J. Darling 7.417 Acre tract of record in Official Records Volume 93, Page 736, said Recorder's Office;

Thence, along an easterly line of said 7.417 Acre tract, North 31 degrees 12 minutes C6 seconds West, 415.75 feet to a set iron pipe (passing a set iron pipe at the northerly right-of-way line of said State Route 16 at 60.83 feet);

Thence, across said 174.733. Acre tract the following three

(3) courses:

1) North 77 degrees 12 minutes 32 seconds East, 622.69 feet

to a set iron pipe; 2) North 67 degrees 33 minutes 23 seconds East, 55.71 feet

to a set iron pipe;

3) South 3 degrees 42 minutes 31 seconds West, 424.74 feet to a set P.K. nail in the centerline of said State Route 16 (passing a set iron pipe on the right-of-way line of said State Route 16 at 381.74 feet), said P.K. nail is South 77 degrees 40 minutes 20 seconds West, 337.21 feet from the southeast corner of said 174.733 Acre tract ;

Thence, along the centerline of said State Route 16 (southerly line of said 174.733 Acre tract), South 77 degrees 40 minutes 20 seconds West, 425.68 feet to the place of beginning, CONTAINING 5.010 ACRES, of which 0.467 Acres are within the existing right-of-way of said State Route 16, subject to all legal highways, easements, restrictions, leases and agreements of record and of records in the respective utility offices. The basis of bearings is the original centerline of State Route 16 per D.B. 774, Page 950. Set iron pipes are 30" X 1" O.D. with an crange plastic plug inscribed "P.S. 6579", unless otherwise noted.

LE OF MYERS SURVEYING COMPANY, INC. TRIBLA Albert J. Myers, 95. 6579 1. MICES 6579 Cur. 7,

Situated in the State of Chio, County of Licking, City of Rataskala, being a part of Quarter Township 4. Township 1. Range 15, United States Hilitary Lands, and being 5.010 Acres out of the Harriet R: Gray 174.733 Acre tract, (by tax duplicate), of record in Deed Book 709, Page 568 and Deed Book 774, Pages 952 and 955, Recorder's Office, Licking County, Chio), and being more particularly described as follows:

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Thence, along an easterly line of said 7.417 Acre tract, North 31 degrees 12 minutes 06 seconds West, 415.75 feet to a set iron pipe (passing a set iron pipe at the northerly right-of-way line of said State Route 16 at 60.83 feet);

Thence, across said 174.733 Acre tract the following three

(3) courses:

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2) North 67 degrees 33 minutes 23 seconds East, 55.71 feet

to a set iron pipe:

3) South 3 degrees 42 minutes 31 seconds West, 424.74 feet to a set P.K. nail in the centerline of said State Route 16 (passing a set iron pipe on the right-of-way line of said State Route 16 at 381.74 feet), said P.K. nail is South 77 degrees 40 minutes 20 seconds West, 337.21 feet from the southeast corner of said 174.733 Acre tract;

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MYERS SURVEYING COMPANY, INC.

albert J. Hyers, PS. 6579

ALBUXT T

6579 6579





063-141708-00.002 FOX BERNADETTE M

5.010 AC LOT 10

Land: \$87,100 Improv: \$108,700

Transfer Date: 09/07/2017

Conveyance:99999

Homestead: No Owner Occ: Yes

Certified Delq: 2017 On Contract: Yes Bankruptcy: No