



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

March 14, 2023

Variance Application VA-23-005

| | |
|-------------------|--|
| Applicant: | EMH&T, Inc. |
| Owner: | M/I Homes of Ohio, LLC. |
| Location: | 0 Hazelton-Etna Road (PIDs:255-067746-00.000 and 255-069072-00.000) |
| Acreage: | +/- 128.12-acres |
| Zoning: | R-15 – Medium-High Density Residential |
| Request: | Requesting approval of a Variance from Section 1117.10 of the Pataskala Code to allow for reduced intersection separation at Fannin Drive, Waterlily Way, and Ruby Road within the Forest Ridge Subdivision. |

Description of the Request:

The Applicant is seeking approval of a Variance from Section 1117.10 of the Pataskala Code to allow for reduced intersection separation between the intersections of Fannin Drive and Ruby Road, and Waterlily Way and Ruby Road within the Forest Ridge Subdivision.

Staff Summary:

The approximately 128.12-acre total properties are located east of Hazelton-Etna Road SW (SR 310) and just north of the existing Ravines at Hazelwood and Hazelwood subdivisions. This acreage was annexed into the City of Pataskala from Harrison Township in 2015, with a Pre-Annexation Agreement authorized by City Council by Resolution 2015-035 on April 20, 2015 and placed within the City of Pataskala Utility Department's service area. The property was zoned R-15 – Medium-High Density Residential per the Pre-Annexation Agreement for a residential subdivision with approximately 243 single-family lots, more or less.

Currently, the property is undeveloped and partially forested, however, it will be the location of the future Forest Ridge Subdivision. The development received Preliminary Plan approval from the Planning and Zoning Commission on May 5, 2021 (PP-21-001), with a subsequent Amended Preliminary Plan approved on September 7, 2022 (PP-22-001). As approved, the development will contain 254 lots at a density of 1.9 units per acre with approximately 50-acres held in reserves as open space. Throughout the property there are many streams, creeks, and wetland areas.

Per the approved Preliminary Plan, there were several items relating to the street design that require a Variance in order to proceed. As stated in Chapter 1117 – Design Standards, of the Pataskala Subdivision Code; Section 1117.10 requires that the centerlines between intersections maintain a minimum offset off 200-feet.

Within the Forest Ridge subdivision there are two (2) intersections which do not meet this requirement. The centerline of the intersection of Fannin Drive and Ruby Road measures 190-feet from the centerline of the intersection of Waterlily Way and Ruby Road.

According to the Narrative Statement as submitted by the Applicant, they believe that the unique physical features of the site; being hilly with steep slopes, multiple streams, wetlands, and large wooded areas create practical difficulties in developing the property in strict compliance with Pataskala Code. Specifically, in the case of this Variance request: the Variance is requested in order to minimum the impact on the existing trees and stream west of Golden Oak Drive. Further stated, Applicant does not believe that the requested Variance will be detrimental to public welfare. The Applicant believes the requested Variance minimizes impacts to the natural features of the property as an alternate design could cause the additional impact/removal of streams and trees, that the requested Variance is not substantial, and that the request follows the spirit and intent of the zoning requirement.

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

As mentioned above, Section 1117.10 of the Pataskala Code requires that the centerlines between intersections maintain a minimum offset off 200-feet. Within the Forest Ridge subdivision there are two (2) locations, which as proposed will not meet this requirement. Those being the intersections of Ruby Road and Fannin Drive, and Ruby Road and Waterlily Way.

Public Service Director (Full comments attached)

This code helps control the flow of traffic, minimize congestion, and reduce dilemma points as cars travel along the roadway and through the intersections. Because the code calls for 200' of separation and the plans only show 190', we do not have any objection. The speed limit and expected amount of traffic (being a subdivision) also make the 190' separation not raise any concerns.

City Engineer (Full comments attached)

We do not see an engineering concern in granting this Variance. Ruby Road shall be a through movement and will not have stop signs placed on Ruby Road at Fannin Drive or Waterlily Way.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

| Direction | Zoning | Land Use |
|-----------|---|---|
| North | R-15 – Residential (Harrison Twp.) AG – Agricultural (Harrison Twp.) B-1 – Business (Harrison Twp.) | Single-Family Homes |
| East | PDD – Planned Development District R-15 – Residential (Harrison Twp.) | Scenic View Estates (Single-Family) Beechwood Trails (Single-Family) |
| South | R-15 – Medium-High Density Residential | Ravines at Hazelwood, Hazelwood (Single-Family) |
| West | AG – Agricultural AG – Agricultural (Harrison Twp.) | Single-Family Homes, Agricultural |

Variance Requirements:

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

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

Furthermore, Section 1211.07(2) allows other factors to be considered, including comments from City staff, when determining if an area variance is warranted. The following factors from Section 1211.07(2) are applicable to Variance Application VA-23-004

- None

Department and Agency Review

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

Conditions:

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

- None.

Resolution:

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

"I move to approve a variance from Section 1117.10 of the Pataskala Code for variance application VA-23-005 ("with the following conditions" if conditions are to be placed on the approval)."

PUBLIC SERVICE DEPARTMENT COMMENTS

You are receiving this email because one or more of the Application(s) submitted for the **March 14, 2023** Board of Zoning Appeals are within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

VA-23-001: Felix Dellibovi, Verdantas, Bruce Brooks, Doug White, Kevin Miller, CJ Gilcher, Alan Haines

VA-23-002: Felix Dellibovi, Verdantas, Chris Sharrock, Bruce Brooks, Doug White, Kasey Perkins, Alan Haines

VA-23-003: Felix Dellibovi, Verdantas, Bruce Brooks, Doug White, Kevin Miller, Scott Morris, Alan Haines

VA-23-004: Felix Dellibovi, Verdantas, Chris Sharrock, Bruce Brooks, Doug White, Kasey Perkins, Alan Haines

This code helps keep intersections safe for drivers. By limiting when a change in the angle of the road can occur, the driver has less factors to worry about while maneuvering through the intersection. With that being said, due to the expected low amount of traffic that will come through the intersections of interest in this subdivision and the low speed of said traffic, the department does not anticipate any problems with this variance.

No comments.

VA-23-005: Felix Dellibovi, Verdantas, Chris Sharrock, Bruce Brooks, Doug White, Kasey Perkins, Alan Haines

This code helps control the flow of traffic, minimize congestion, and reduce dilemma points as cars travel along the roadway and through the intersections. Because the code calls for 200' of separation and the plans only show 190', we do not have any objection. The speed limit and expected amount of traffic (being a subdivision) also make the 190' separation not raise any concerns.

No comments.

VA-23-006: Felix Dellibovi, Verdantas, Chris Sharrock, Bruce Brooks, Doug White, Kasey Perkins, Alan Haines

This code helps control how close reverse curves in a road (kind of like an S in the road) are to each other. On roads with limited visibility (lack of street lights), high speed, and short widths, this can potentially be very dangerous for drivers. However, the roads in question are sufficiently wide, well lit (with street lamps), and low speed. Due to these factors, we do not have any objections.

No comments.

CU-23-001: Felix Dellibovi, Verdantas, Bruce Brooks, Doug White, Kevin Miller, Scott Morris, Alan Haines

From: [Scott Haines](#)
To: [Jack Kuntzman](#)
Cc: [Lisa Paxton](#)
Subject: RE: Pataskala BZA Review Memo for 03-14-2023
Date: Monday, March 6, 2023 2:34:54 PM
Attachments: [image001.png](#)

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

Jack

Verdantas has reviewed the BZA Memo and offer the following comments:

1. **VA-23-001**
 - a. No Engineering Related Comments
2. **VA-23-002**
 - a. Should the variance be granted it is recommended the property owner be responsible for any and all damage as a result of encroaching within easement.
3. **VA-23-003**
 - a. No Engineering Related Comments
4. **VA-23-004**
 - a. Comment was made during Preliminary Plan review intersections must remain tangent for 100' per code. The plan lacked detail to confirm.
 - b. The reason behind this code requirement is intersection site distance. Should the variance be granted, the developer should provide intersection site distance triangles, profiles and/or mitigation.
5. **VA-23-005**
 - a. We do not see an engineering concern granting this variance. Ruby Road shall be a through movement and shall not have stop signs placed on Ruby Road at Fannin Drive or Waterlily Way.
6. **VA-23-006**
 - a. We do not see an engineering concern granting this variance due to the 3 radii in question are all oversized compared to the city's minimum.
7. **CU-23-001**
 - a. No Engineering Related Comments

Thanks

Scott R. Haines, PE, CPESC

Senior Project Manager

O. 740.344.5451 | D. 740.224.0839

1555 W. Main Street, Newark, Ohio 43055

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



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

VARIANCE APPLICATION #2

(Pataskala Codified Ordinances Chapter 1211)

| Property Information | |
|---|--|
| Address: | HAZELTON-ETNA RD (Forest Ridge Subdivision) |
| Parcel Number: | OR 202210060024274 255-667746-00.000 |
| Zoning: | R-15 (CLUSTER) Acres: 25.735 255-069072-00.000 |
| Water Supply: | 128.12 |
| <input checked="" type="checkbox"/> City of Pataskala | <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site |
| Wastewater Treatment: | |
| <input checked="" type="checkbox"/> City of Pataskala | <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site |

| Staff Use |
|----------------------------------|
| Application Number: VA-23-005 |
| Fee: 300 |
| Filing Date: 2-17-23 |
| Hearing Date: 3-14-23 |
| Receipt Number: 001009 |

| Applicant Information | | |
|-----------------------|--------------------|------------------------|
| Name: | EMH&T | |
| Address: | 5500 NEW ALBANY RD | |
| City: | COLUMBUS | State: OH Zip: 43054 |
| Phone: | 614-775-4460 | Email: dmarin@emht.com |

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

| Property Owner Information | | |
|----------------------------|-------------------------------|-----------------------------|
| Name: | M/I HOMES OF CENTRAL OHIO LLC | |
| Address: | 4131 WORTH AVE, SUITE 310 | |
| City: | COLUMBUS | State: OH Zip: 43219 |
| Phone: | 614-418-8023 | Email: jfrancis@mihomes.com |

| Variance Information |
|--|
| Request (Include Section of Code): PER CODE 1117.10 (pg 28) Minimum centerline offset for Local Collector is 200'. Request to reduce this distance to ±190 feet. |
| Describe the Project: single family subdivision with site constraints including streams, trees, & wetlands. |
| #2 |

Documents to Submit

Variance Application: Submit 1 copy of the variance application.

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

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

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

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

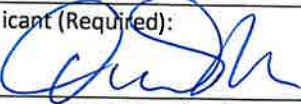
Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

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

Signatures

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


Applicant (Required):



Date:

2/16/23

Property Owner (Required):



Date:

2/15/23

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

Forest Ridge is a proposed subdivision, located on the east side of State Route 310 (Hazelton-Etna Road). This site is zoned R-15 (cluster) and the amended Preliminary Plan was fully signed on 10/14/2022.

This property has unique physical features: it is hilly with steep slopes, has multiple streams, wetlands and a large amount of wooded area. It is the intention of both the approved preliminary plan & developer to minimize the impacts on these natural features. There are practical difficulties in developing this property in compliance with both the approved plan and city code while respecting the site constraints. Minor variances to the code are necessary and were depicted on the approved plan.

Forest Ridge Variance #1

The code states that streets shall remain in the angle of intersection for at least 100 feet beyond the point of intersection (1117.10). Forest Ridge has four (4) intersections in which the side road tees into a curved road therefore those curved roads do not meet code. Additionally one (1) of the side roads (Deagle Drive) is straight for 28' then begins to curve in order to avoid a stream and provide adequate detention (the remaining 3 side streets meet code). These are low speed, curbed, subdivision roads and the radius of each curve meets code. The alignment in each instance, are necessary to minimize impacts to the natural features of the site. This variance is consistent with what is shown on the approved preliminary plan & is not believed to be detrimental to public welfare.

Forest Ridge Variance #2

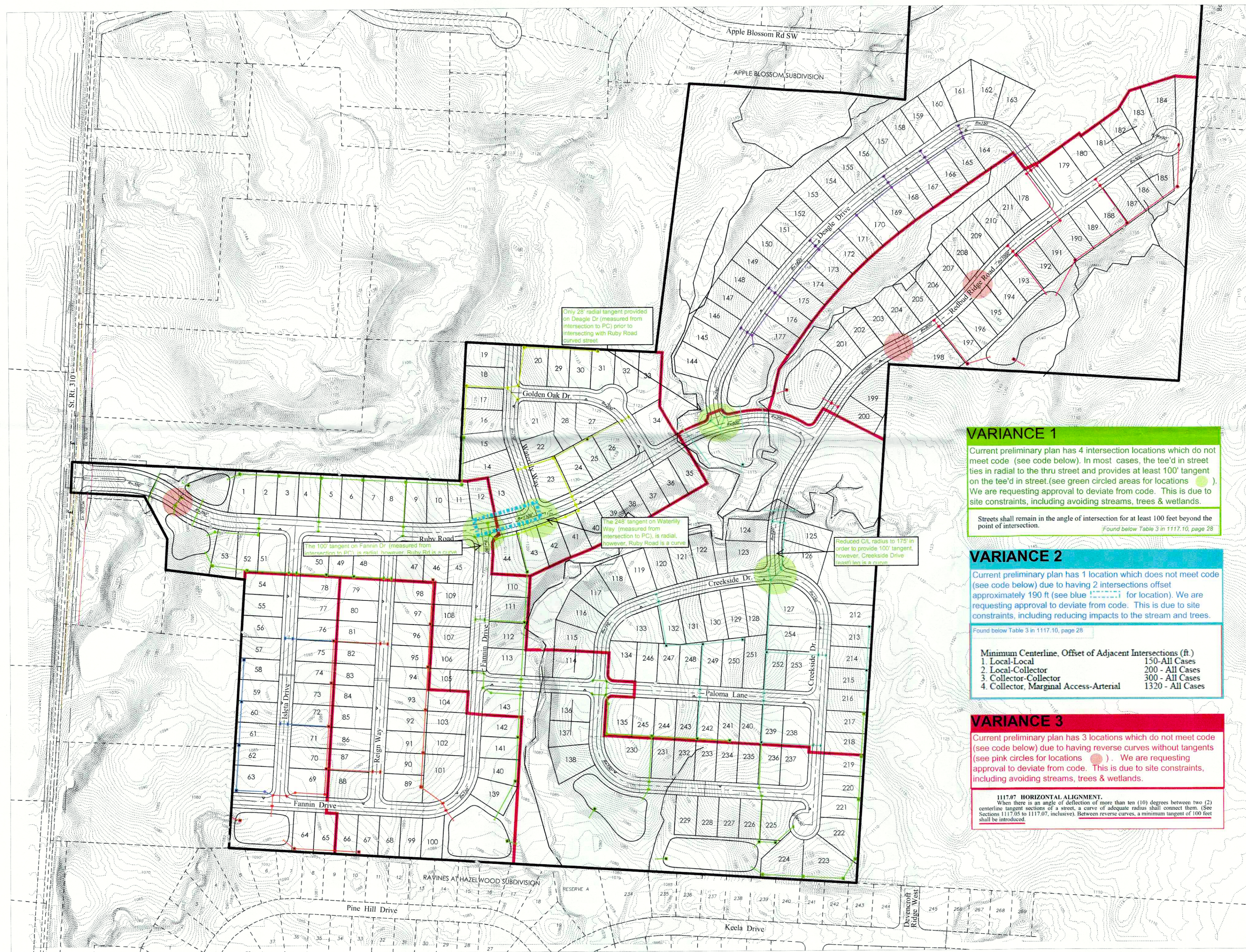
Fannin Drive (Collector) & Waterlily Way (Local) both intersect with Ruby Road. Their centerlines measure approximately 190' from each other and the code requirement is 200 feet (1117.10). This slight reduction in intersection separation is consistent with the approved plan & is not detrimental to public welfare. The variance is necessary to reduce the impact on the existing trees & stream west of Golden Oak Drive and is not believed to be detrimental to public welfare.

Forest Ridge Variance #3

The code requires a minimum of 100' between reverse curves (1117.07). The approved preliminary plan depicts 3 spots where the tangent is eliminated between the reverse curves. The 1st location is on Ruby Road, just east of the entrance. This location is necessary for constructability and to reduce impacts on the existing stream while navigating the unique topography. This location is a low speed, low volume, collector road, near the entrance (stopped condition) with 36' plus wide curbed road. The 2nd & 3rd location is on Redbud Ridge Road with 3 back to back curves. The alignment in this location is necessary due to the existing streams, wetlands and property line, all within the wooded area that this road winds around. This is a local street - low speed - 28' wide curbed road. The larger radii at this location (500', 800' & 1000') well exceed the 150' minimum.

The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:

- a) Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;
This is a reasonable request in order to comply with the intent of the fully approved, amended preliminary plan.
- b) Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;
This site has unique features: it is hilly with steep slopes, has multiple streams, wetlands and a large amount of wooded area. It is the intention of both the approved preliminary plan & developer to minimize the impacts on these natural features (trees, wetlands, & streams).
- c) Whether the variance requested is substantial;
This is a reasonable request in order to comply with the intent of the fully approved, amended preliminary plan.
- d) Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;
This variance is in keeping with the intent of the approved zoning. No adjacent properties would suffer as a result of this variance.
- e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;
This variance does not impact adjacent properties.
- f) Whether the variance, if granted, will be detrimental to the public welfare;
This is a minor code deviation on low volume/low speed subdivision roads & should not be detrimental to public welfare.
- g) Whether the variance, if granted, would adversely affect the delivery of governmental services;
This request should not affect the delivery of governmental services.
- h) Whether the property owner purchased the subject property with knowledge of the zoning restriction;
The need for this variance is depicted on the approved preliminary plan.
- i) Whether the property owner's predicament can be obviated through some other method than variance;
Approving this request minimizes impacts to the unique features of this property and complies with the approved amended preliminary plan. Alternate designs to avoid a variance would cause additional removal of streams & trees, and lessen areas needed for detention.
- 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,
Approving this request minimizes alterations to the unique features of this property.
- k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
This request follows the intent of the approved plan



VARIANCE 1

Current preliminary plan has 4 intersection locations which do not meet code (see code below). In most cases, the tee'd in street ties in radial to the thru street and provides at least 100' tangent on the tee'd in street (see green circled areas for locations). We are requesting approval to deviate from code. This is due to site constraints, including avoiding streams, trees & wetlands.

Streets shall remain in the angle of intersection for at least 100 feet beyond the point of intersection. *Found below Table 3 in 1117.10, page 28*

VARIANCE 2

Current preliminary plan has 1 location which does not meet code (see code below) due to having 2 intersections offset approximately 190 ft (see blue dashed line for location). We are requesting approval to deviate from code. This is due to site constraints, including reducing impacts to the stream and trees.

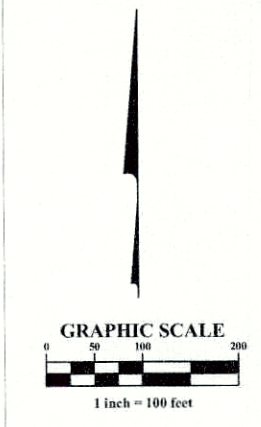
Found below Table 3 in 1117.10, page 28

| Minimum Centerline, Offset of Adjacent Intersections (ft.) | |
|--|------------------|
| 1. Local-Local | 150 - All Cases |
| 2. Local-Collector | 200 - All Cases |
| 3. Collector-Collector | 300 - All Cases |
| 4. Collector, Marginal Access-Arterial | 1320 - All Cases |

VARIANCE 3

Current preliminary plan has 3 locations which do not meet code (see code below) due to having reverse curves without tangents (see pink circles for locations). We are requesting approval to deviate from code. This is due to site constraints, including avoiding streams, trees & wetlands.

1117.07 HORIZONTAL ALIGNMENT.
When there is an angle of deflection of more than ten (10) degrees between two (2) centerline tangent sections of a street, a curve of adequate radius shall connect them. (See Sections 1117.05 to 1117.07, inclusive). Between reverse curves, a minimum tangent of 100 feet shall be introduced.



DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JW Oct 06, 2022

01140000400000047000

TRANSFERRED

Oct 06, 2022
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: TG 5496.90

| | |
|-------------------------|--------------|
| InstrID:202210060024274 | 10/6/2022 |
| Pages:5 | F: \$58.00 |
| Bryan A. Long | T20220026030 |
| Licking County Recorder | |

11125W03-CO

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That

James L. Deagle, Married, of the City of Pataskala, County of Licking, State of Ohio for valuable consideration paid, grants with general warranty covenants, to

M/I Homes of Central Ohio, LLC, an Ohio Limited Liability Company

Whose tax-mailing address is: 4131 Worth Avenue, 3rd Floor
Columbus, OH 43219

The following REAL PROPERTY:

See attached Exhibit 'A'

Property Address: Hazelton-Etna Road, Pataskala, Ohio 43062

Parcel Number: 255-067746-00.000

Subject to: a) Those certain matters reflected on Exhibit "B"; b) Legal highways; c) Taxes and Assessments from the date of closing.

LaVonne L. Deagle, wife of Grantor, James L. Deagle, releasers all rights of dower therein.

Prior Instrument Reference: **200911130024503**

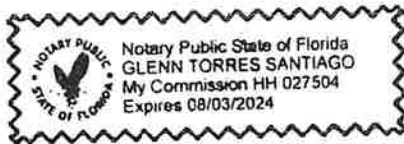
Executed this 26th day of September, 2022



James L. Deagle


LaVonne L. Deagle

STATE OF FLORIDA, COUNTY OF Collier, ss:

The foregoing instrument was acknowledged before me this 26th day of September, 2022, by James L. Deagle and LaVonne L. Deagle.




Notary Public

This instrument was prepared by:
Griffith Law Offices
522 North State Street, Westerville, Ohio 43082

| PRE-APPROVAL | |
|---|---|
| LICKING COUNTY ENGINEER | |
| APPROVED <input checked="" type="checkbox"/> | CONDITIONAL <input type="checkbox"/> |
| APPROVED BY: | <i>[Signature]</i> |
| DATE: | 9-13-22 |

Exhibit "A"

Situated in the State of Ohio, County of Licking, City of Pataskala, being located in Lot 31 of Quarter Township 2, Township 1, Range 14, United States Military Lands and being that tract of land as conveyed to Ruth L. Angevine, Howard L. Angevine, Wendell E. Angevine and Robert C. Angevine, by deed of record in Official Record 315, Page 701, all references being to records in the Recorder's Office, Licking County, Ohio and bounded and described as follows:

Beginning at a railroad spike set in the centerline of Hazelton-Etna Road (State Route 310), at the northwesterly corner of said Angevine tract, the southwesterly corner of the Steven J. and Tracey L. Pritts 6.800 acre tract (Parcel 1), of record in Official Record 322, Page 237, said railroad spike also being located South 0° 20' 44" West, a distance of 455.91 feet from a railroad spike found at the northwesterly corner of Lot 31, the southwesterly corner of Lot 30;

thence South 89° 22' 03" East, with the southerly line of said Steven J. and Tracey L. Pritts 6.800 acre tract (passing an iron pin found at 30.00 feet), a distance of 1264.93 feet to an iron pin found at the southeasterly corner of said tract;

thence North 0° 20' 05" East, with the easterly line of said Steven J. and Tracey L. Pritts 6.800 acre tract, a distance of 455.91 feet to an iron pin found at the northeasterly corner of said tract and being in the southerly line of the Robert L. and Gail E. McPherson 21.656 acre tract, of record in Official Record 160, Page 30, the northerly line of Lot 31;

thence South 89° 25' 21" East, with the northerly line of Lot 31, the southerly line of said Robert L. and Gail E. McPherson 21.656 acre tract and the southerly line of the Fannin Limited Partnership 52.399 acre tract, of record in Instrument Number 199908190035031, a distance of 1381.05 feet to a stone found at the southeasterly corner of said Fannin Limited Partnership 52.399 acre tract, the northwesterly corner of the Evans Investment Co. 136.305 acre tract, of record in Official Record 826, Page 86 and being a common corner for Lots 30, 31, 32 and 29;

thence South 1° 09' 07" West, with the westerly line of said Evans Investment Co. 136.305 acre tract, the easterly line of Lot 31, a distance of 1699.02 feet to a stone found at the southwesterly corner of said 136.305 acre tract, the southeasterly corner of Lot 31 and being a common corner of Lots 31, 32, 39 and 40;

thence North 89° 08' 22" West, with the southerly line of Lot 31, the northerly line of the Hazelwood Development Ltd. 139.621 acre tract, of record in Instrument Number 199907140029191 and the northerly line of the James Property Management 85.379 acre tract (Parcel 1), of record in Official Record 324, Page 461, a distance of 2051.62 feet to an iron pin found at the southeasterly corner of the Russell H. and Marsha A. Boggess 4.290 acre tract, of record in Official Record 707, Page 685;

thence North 0° 56' 07" East, with the easterly line of said Russell H. and Marsha A. Boggess 4.290 acre tract and the easterly lines of the Roger A. and Carolyn E. Hicks 1.250 and 4.712 acre tracts, of record in Official Record 399, Page 551, a distance of 878.3 feet to an iron pin found at the northeasterly corner of said 1.250 acre tract;

thence North 85° 19' 46" West, with the northerly line of said Roger A. and Carolyn E. Hicks 1.250 acre tract, a distance of 259.69 feet to an iron pin found at the northwesterly corner of said tract and being in the easterly line of the David S. and Kay S. Shain 3.110 acre tract, of record in Official Record 504, Page 96;

thence along the easterly and northerly lines of said David S. and Kay S. Shain 3.110 acre tract, the following bearings and distances:

North 0° 46' 13" East, 101.02 feet to an iron pin found; North 30° 30' 44" West, 157.62 feet to an iron pin found; and North 89° 11' 15" West (passing an iron pin found at 210.36 feet), 240.42 feet to a railroad spike set in the centerline of Hazelton-Etna Road;

thence North 0° 20' 44" East, with said centerline of Hazelton-Etna Road, a distance of 100.22 feet to the place of beginning, containing 75.735 acres, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

Bearings contained herein are based on the same meridian as the southerly line of "BEECHWOOD TRAILS SECTION 6" (North 89° 14' 18" East) of record in Plat Book 12, Page 33, Recorder's Office, Licking County, Ohio.

EXHIBIT "B"

1. Subject to the Easement of The Columbus Railway, Power and Light Company, recorded in Lease Volume 58, Page 324 in the official records of the Licking County Recording Office.
2. Subject to the Highway Easement to County of Licking, recorded in Lease Volume 2, Page 537 in the official records of the Licking County Recording Office.
3. Subject to the Easement of Columbus and Southern Ohio Electric Company, recorded in Deed Book 724, page 551 in the official records of the Licking County Recording Office.

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JW Oct 06, 2022

01140000400000036000

TRANSFERRED

Oct 06, 2022
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: TG 3803.40

| | |
|-------------------------|---------------------|
| InstrID:202210060024273 | 10/6/2022 |
| Pages:5 | F: \$58.00 10:52 AM |
| Bryan A. Long | T20220026030 |
| Licking County Recorder | |

11125W03-CO

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That

Fannin Limited Partnership, an Ohio Limited Partnership, of the city of Pataskala, County of Licking, State of Ohio for valuable consideration paid, grants with general warranty covenants, to

M/I Homes of Central Ohio, LLC, an Ohio Limited Liability Company

Whose tax-mailing address is: 4131 Worth Avenue, 3rd Floor
Columbus, OH 43219

The following REAL PROPERTY:

See attached Exhibit "A"

Property Address: Apple Blossom Road, Pataskala, Ohio 43062


Parcel Numbers: 255-069072-00.000 and ~~255-069066-00.005~~

Subject to: a) Those certain matters reflected on Exhibit "B"; b) Legal highways;
c) Taxes and Assessments from the date of closing.

Prior Instrument Reference: **199908190035031**

Executed this 30th day of September, 2022

Fannin Limited Partnership, an Ohio Limited Partnership
By: The Fannin Company, LLC, General Partner

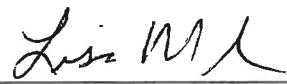
By: 
William S. Fannin, Jr., Managing Member

STATE OF OHIO, COUNTY OF DELAWARE, ss:

The foregoing instrument was acknowledged before me this 30th day of September, 2022, by William S. Fannin, Jr., Managing Member of The Fannin Company, LLC, General Partner of Fannin Limited Partnership, an Ohio Limited Partnership.



LISA MAHLERWEIN
Notary Public, State of Ohio
My Comm. Expires Jan. 23, 2024


Notary Public

This instrument was prepared by:
Griffith Law Offices
522 North State Street, Westerville, Ohio 43082

| PRE-APPROVAL | |
|-------------------------------------|--------------------------|
| LICKING COUNTY ENGINEER | |
| APPROVED | CONDITIONAL |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| APPROVED BY: | <i>[Signature]</i> |
| DATE: | 9-13-22 |

Exhibit "A"

Situated in the State of Ohio, County of Licking, City of Pataskala, and being a part of farm Lots 29 and 30, in the 2nd Quarter, Township-1, Range-14, United States Military Lands, and being a survey of that 21.304 acre tract (Tax Duplicate) and 37.57 acre tract (Tax Duplicate, Parcel 2) as conveyed to Columbus Builders Supply Inc., by deed of record in Official Record Volume 335, Page 364, all references being to those of record in the Recorder's Office, Licking County, Ohio, said 52.399 acre parcel being more particularly bounded and described as follows:

Beginning at an existing iron pin (3/4" pipe) marking the Northwest corner of said farm Lot 29, the same being the northeasterly corner of that Subdivision entitled "Hillside Farm Estates", as recorded in Plat Book 11, Page 104, also being the southwesterly corner of Lot 815 in that subdivision entitled "Beech Wood Trails Section 5, as recorded in Plat Book 11, Page 94, and being the Point of Beginning of the hereon described 52.399 acre parcel:

thence southeasterly along the southerly line of Beech Wood Trails Section 5, South 88°24'49" East, 958.34 feet to an existing iron pin (3/4" pipe in the base of a tree) marking the southeasterly corner of Lot 820 in said subdivision, passing existing iron pins (3/4" pipes) at 183.97 feet, 469.82 feet, 587.93 feet and 785.87 feet;

thence southwesterly along the westerly line of said subdivision, South 01°08'47" West, 882.00 feet to an existing iron pin (3/4" pipe) marking the southwesterly corner of Lot 843, the same being the northwesterly corner of that 136.305 acre tract (Tax Duplicate) as conveyed to Evans Investment Company, by deeds of record in Deed Volume 728, Page 808 and Deed Volume 826, Page 86, this parcel was originally platted as Beech Wood Trails Section 6, and recorded in Plat Book 12, Page 30, and was vacated by the Licking County Auditor's Office and recorded in Deed Volume 826, Page 86, passing existing iron pins (3/4" pipes) at, 65.23 feet, 177.77, 301.59 feet, 443.46 feet, 526.32 feet, 681.25 feet, and 781.11 feet;

thence southwesterly along the westerly line of said 136.305 acre tract, South 01°08'05" West, 838.32 feet to an existing iron pin (1" pipe) on the southerly line of farm Lot 29;
thence northwesterly along the southerly line of farm Lot 29, North 89°08'23" West, 947.04 feet to an iron pin set marking the northeasterly corner of that 80.791 acre tract (Tax Duplicate) as conveyed to Ruth L. Angevine, et.al., by deeds of record in Deed Volume 560, Page 579, Official Record Volume 235, Page 519, and Official Record Volume 315, Page 701, said iron pin also being the Northeast corner of farm Lot 31;

thence northwesterly along the northerly line of said farm Lot 31, North 89°22'18" West, 761.75 feet to an existing iron pin marking the southeasterly corner of that 21.656 acre tract (Tax Duplicate) as conveyed to Robert L. and Gail E. McPherson, by deed of record in Official Record Volume 160, Page 30;

thence northeasterly along the easterly line of said 21.656 acre McPherson tract, North 04°43'21" East, 881.28 feet to an existing iron pin marking the northeasterly corner of said 21.656 acre McPherson tract, said iron pin being on the southerly line of Lot 4 in that subdivision entitled Hillside Farm Estates, and recorded in Plat Book 11, Page 104;

thence southeasterly along the southerly line of said Hillside Farm Estates the following four (4) courses and distances:

South 89°13'27" East, 131.16 feet to an iron pin set, passing an existing iron pin (1/2" rebar) at 116.69 feet;

South 88°24'25" East, 183.40 feet to an existing iron pin (1/2" rebar);

South 89°12'58" East, 180.00 feet to an iron pin set; and...

South $86^{\circ}10'52''$ East, 211.22 feet to an existing iron pin ($1/2''$ rebar) marking the southeasterly corner of said subdivision and being on the westerly line of farm Lot 29;

thence northeasterly along the westerly line of said farm Lot 29, the same being the easterly line of Hillside Farm Estates subdivision, North $00^{\circ}28'17''$ East, 869.08 feet to the Point of Beginning, and containing 52.399 acres more or less according to a survey performed by Jobes Henderson & Associates in March, 1999.

The bearings in the above description are based on the North line of farm Lot 29, the same being the southerly line of Beech Wood Trails Section 5, recorded in Plat Book 11, Page 94 (Sheet 5) as being North $88^{\circ}24'49''$ West.

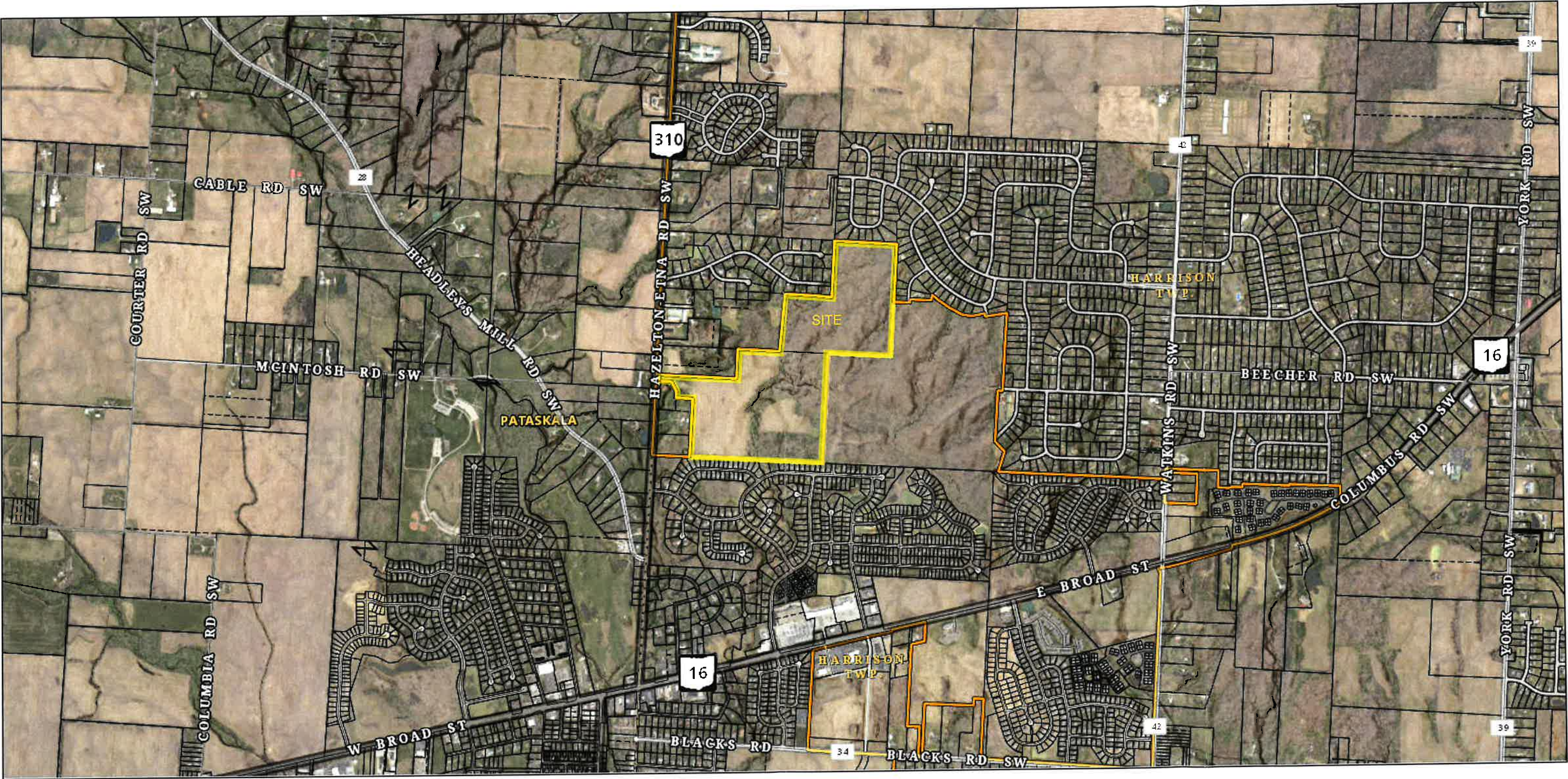
All iron pins set are $5/8''$ in diameter rebar by 30" in length with red surveyors identification caps marked "J&H PS 6878".

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

EXHIBIT "B"

1. Subject to the Easement of Columbia Gas of Ohio, Inc., recorded in Official Record Volume 417, Page 565 in the official records of the Licking County Recording Office.
2. Subject to the Easement of Southwest Licking Community Water and Sewer District, recorded in Official Record Volume 619, Page 126 in the official records of the Licking County Recording Office.

OnTrac Property Map



February 17, 2023

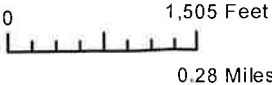
Owner Name & Acres

Centerline Labels

- Interstate/US/State Route
- County Road
- Township Road
- Other Road Type

- Driveway
- Interstates
- Municipal Corporations
- Jurisdictional Townships
- Historical Townships Line
- County Boundary

- Ohio Counties
- Ohio Boundary
- Parcels
- Split Listed Hooks
- Tract Lines



LICKING COUNTY TAX MAP