

**CITY OF DELAWARE  
PLANNING COMMISSION  
AGENDA**

**CITY COUNCIL CHAMBERS  
1 S. SANDUSKY ST.  
7:00 P.M.**

REGULAR MEETING

DECEMBER 2, 2015

1. ROLL CALL
2. APPROVAL of the Motion Summary of the Planning Commission meeting held on November 4, 2015, as recorded and transcribed.
3. REGULAR BUSINESS
  - A. Howald Industrial Park
    - (1) 2015-1899: A request by Howald Industrial Park, Inc., for approval of a Rezoning from M-2 (General Manufacturing) to M-2 PMU (General Manufacturing with a Planned Mixed Use Overlay District) on approximately 27.79 acres located at 320 London Road.
    - (2) 2015-1900: A request by Howald Industrial Park, Inc. for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) to be established on Howald Industrial Park on approximately 27.79 acres located at 320 London Road.
    - (3) 2015-1901: A request by Howald Industrial Park, Inc., for approval of a Preliminary Development Plan on approximately 27.79 acres zoned M-2 (General Manufacturing District with a Planned Mixed Use Overlay District) located at 320 London Road.
      - Anticipated Process**
        - a. Staff Presentation
        - b. Applicant Presentation
        - c. Public comment (public hearing)
        - d. Commission Action
4. PLANNING DIRECTOR'S REPORT
5. COMMISSION MEMBER COMMENTS AND DISCUSSION
6. NEXT REGULAR MEETING: January 20, 2016
7. ADJOURNMENT

**PLANNING COMMISSION  
MOTION SUMMARY  
November 4, 2015**

ITEM 1. Roll Call

Chairwoman Keller called the Planning Commission meeting to order at 7:00 p.m.

Members Present: George Mantzoros, Jim Halter, Colleen Tucker-Buck, Adam Lemke, Dean Prall, Vice-Chairman Stacy Simpson, and Chairwoman Lisa Keller

Staff Present: Jennifer Stachler, Assistant City Engineer and Lance Schultz, Zoning Administrator

ITEM 2. Approval of the Motion Summary of the Planning Commission meeting held on October 7, 2015, as recorded and transcribed.

**Motion:** Vice-Chairman Simpson moved to approve the Motion Summary for the October 4, 2015 meeting, seconded by Mr. Prall. Motion passed by a 7-0 vote.

ITEM 3. REGULAR BUSINESS

- A. 2015-2130: A request by Willow Brook Christian Village at Delaware Run for approval of a Combined Preliminary and Final Development Plan for a Wing H Addition and a Dining Room Expansion on approximately 47.35 acres located at 100 Delaware Crossing West on property zoned PO/I (Planned Office/Institutional District).

**Anticipated Process**

a. Staff Presentation

Mr. Schultz provided a presentation that included the zoning map and aerial photograph. Mr. Schultz provided a rendering of the overall site plan and discussed the plans for expansion. Mr. Schultz discussed the recommended placement of the gazebo and staff conditions.

b. Applicant Presentation

**APPLICANT:**

Michael Shade  
P.O. Box 438  
Delaware, Ohio

Larry Harris  
100 Delaware Crossing West  
Delaware, Ohio

Mr. Harris provided information on the square footage of the entire building and the square footage of the different styles of rooms.

c. Public Comment (no public hearing)

There was no public comment.

d. Commission Action

**Motion:** Vice-Chairman Simpson moved to approve 2015-2130 along with all staff recommendations and conditions, seconded by Mr. Lemke. Motion approved by a 7-0 vote.

ITEM 4. PLANNING DIRECTOR'S REPORT

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

Mr. Lemke indicated that he will not be seeking a reappointment when his term on the Planning Commission expires at the end of the year.

ITEM 6. NEXT REGULAR MEETING: December 2, 2015

ITEM 7. ADJOURNMENT:

**Motion:** Chairwoman Keller moved for the November 4, 2015 Planning Commission meeting to adjourn. The meeting adjourned at 7:21 p.m.

---

Lisa Keller, Chairwoman

---

Elaine McCloskey, Clerk

CASE NUMBER: 2015-1899-1901  
REQUEST: Multiple Requests  
PROJECT: Howald Industrial Park  
MEETING DATE: December 2, 2015

**APPLICANT/OWNER**

Howald Industrial Park, Inc.  
320 London Road, Suite 100  
Delaware, Ohio 43015

**REQUEST**

2015-1899: A request by Howald Industrial Park, Inc., for approval of a Rezoning from M-2 (General Manufacturing) to M-2 PMU (General Manufacturing with a Planned Mixed Use Overlay District) on approximately 27.79 acres located at 320 London Road.

2015-1900: A request by Howald Industrial Park, Inc., for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) to be established on Howald Industrial Park on approximately 27.79 acres located at 320 London Road.

2015-1901: A request by Howald Industrial Park, Inc., for approval of a Preliminary Development Plan on approximately 27.79 acres zoned M-2 (General Manufacturing District with a Planned Mixed Use Overlay District) located at 320 London Road.

**PROPERTY LOCATION & DESCRIPTION**

The 27.79 acre site encompasses all or portions of seven parcels that are located from the property just north of the former railroad track property near Toledo Street and Tod Street south to London Road and from just west of the properties that front David Street westward to the CSX railroad tracks. The subject properties are all zoned M-2 (General Manufacturing District). The properties to the north area are zoned M-2, R-4 (Medium Density Residential District) and R-6 (Multi-Family Residential District), the properties to the south are zoned M-1 (Light Manufacturing District) and B-3 (Community Business District), the properties to the east are zoned B-3 and R-4 and the properties to the west are zoned M-2.

**BACKGROUND/PROPOSAL**

Howald Industrial Park is proposing to rezone their subject 27.79 acre site from M-2 to M-2 PMU to allow the current and future mix of heavy and light manufacturing, commercial and offices uses divided into four distinct sub-areas (A-D). The City and the applicant have been working together for a long time toward this effort. The site has long been used for a mixture of uses and there is no single district that could account for such a mix. Therefore, the intent of the M-2 PMU development text is to bring the existing uses on the site into zoning conformance along with allowing compatible future uses while achieving compliance with current development requirements and accounts for a Preliminary Development Plan for the entire site.

**STAFF ANALYSIS**

- **COMPREHENSIVE PLAN:** The subject site spans two comprehensive plan subareas. The portion of the site north of the railroad tracks is located in the "Delaware Run Subarea" with a light manufacturing land use designation while the portion of the site south of the railroad tracks is located in the "Southwest Subarea" with a heavy manufacturing land use designation. With a rezoning to M-2 PMU along with the appropriate development text, the proposed uses would achieve compliance with the Delaware Comprehensive Plan.
- **ZONING:** The current M-2 zoning does not permit by right the current commercial and office uses and some of the manufacturing uses but the placement of a Planned Mixed Use (PMU) Overlay District zoning with the appropriate development text and land use designations would allow the current and proposed future uses. The existing uses have heretofore been grandfathered or deemed pre-existing non-conforming.
- **GENERAL ENGINEERING:** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments for all future Final Development Plans. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review for each subject sub-area prior to Final Development Plan approval.

- **UTILITIES:** Any new utilities that need to be upgraded shall comply with the City minimum requirements or as approved by the City. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plans for the subject sub-area.
- **ROADS AND ACCESS:** The main access to the site would remain at the current location on London Road which would extend north through Sub-Area A and then continue to proceed north through Sub-Areas B, C and D. An existing secondary access point is gated with access from Toledo Street into Sub-Area D. The access road and existing parking areas through Sub-Area A and B would be a combination of gravel and pavement while the access road and proposed parking areas through Sub-Area C and D would be pavement.
- **SITE CONFIGURATION:** The subject development would be divided into four Sub-Areas (A -D):
  - Sub-Area A* – This sub-area is located on the northern portion of the subject site and encompasses a part of the former foundry site and the abandoned “Springfield Branch” railroad right-of-way (the railroad right-of-way would be granted to the applicant from the City with a reverter clause allowing the railroad track owner to take ownership of the right-of-way at their discretion). This area would be a transition area of fenced parking and storage of semi-tractor trailers, equipment and materials within the fenced confines. An existing secondary access point to the industrial park from Toledo Street would be provided in this sub-area through a 30 foot wide easement.
  - Sub-Area B* – This sub-area is located in the center of the subject site and encompasses the existing buildings and a future building per the Preliminary Development Plan. The proposed uses for this sub-area would contain light and heavy manufacturing along with commercial and office uses.
  - Sub-Area C* – This sub-area is located south of Sub-Area B and adjacent to the existing CSX railroad tracks. This portion of the site is currently vacant with a proposed future 41,668 square foot building and parking lot adjacent to the CSX railroad tracks with uses ranging from light and heavy manufacturing to commercial and office uses.
  - Sub-Area D* – This sub-area is located along London Road which includes the existing main entrance drive from London Road into the subject site. Two future buildings fronting London Road, which total approximately 58,332± square feet, would be for general and light manufacturing uses along with commercial and office uses.
- **BUILDING DESIGN:** The intent of this regulation is to allow renovations and additions to existing structures to be constructed of similar building materials or natural materials while all new buildings shall consist of building materials that achieves compliance with Chapter 1171 Design Criteria and Performance Standards.
- **TREE REMOVAL & REPLACEMENT:** There do not appear to be any qualifying trees on the subject site that would be required to be removed per the submitted plan. However if there are any such qualifying trees, the proposed development shall achieve compliance with Chapter 1168 Tree Preservation Regulations.
- **LANDSCAPING & SCREENING:** The buffering adjacent to residential districts for new buildings and parking lots shall achieve compliance with Chapter 1166 Landscaping and Buffering and the development text. However, the portions of the industrial park adjacent to non-residential districts would be required to be fenced. There are several approved existing chain link fences varying in height between 6 to 8 feet buffering the subject site. Any new fencing shall be 6 to 8 feet high chain link fence and include vertical hedge-link privacy filler when adjacent to residential districts. However, no fencing would be required along London Road adjacent to sub-area D because of the proposed commercial uses in this area.
- **DEVELOPMENT AGREEMENT:** The City and Howald Industrial Park, Inc., entered into a development agreement (see attached) in August 2013 that identifies certain standards and milestones to develop and zone the subject property. The subject development shall comply with the City of Delaware and Howald Industrial Park, Inc agreement effective August 16, 2013.
- **BIKE PATH:** The applicant has agreed to grant a bike path easement, as per the aforementioned City and Howard Industrial Park development agreement, that extends from the vacated railroad right of way on the northeastern portion of the site to approximately the south end of Tod Street. As part of the aforementioned City Agreement and upon approval of this rezoning, Howald will deed to the City a bike path easement plus any temporary easements necessary to construct the bike path. They will also assign an easement over to the city from Columbus Ave. to Toledo St. on property formerly owned by the applicant. Additionally, as the Agreement provides, relevant to the bike path, Howald will contribute Fourteen Thousand Dollars (\$14,000) to the City toward the bike path construction. Furthermore, to provide for a potential future bike path connection from Columbus Avenue west to Toledo Street, the applicant has reserved a bike path easement

over the property previously owned by the applicant and currently owned by Sargent (519-344-05-019-001). The applicant has agreed to and will, upon approval of this rezoning and such becoming fully effective, assign the easement across the Sargent property to the City. The applicant will also execute the necessary steps and/or document the crossing of its portion of vacated Toledo Street to ensure the bike path connection to the public portion of Toledo Street at the same time. In addition any temporary easements to construct the bike path would be required. As part of the aforementioned City Agreement and upon approval of this rezoning Howald will deed to the City a bike path easement plus any temporary easements necessary to construct the bike path.

- **LIGHTING:** Any wall and/or pole lights shall be submitted, reviewed and achieve compliance with the zoning code and be approved by the Chief Building Official.
- **SIGNAGE:** Consistent with past developments of this nature, a Comprehensive Sign Plan for the entire site or for each sub-area as they develop is required. Any proposed ground and wall signage would have to achieve compliance with the minimal signage requirements of the zoning code and the approved Gateways and Corridors Plan. Such a comprehensive sign plan would define the type, amount, general location, and basic design of any future signage facilitating administration and future construction of such for both the applicant and Staff.
- **CONDITIONAL USE PERMIT:** The proposed uses shall achieve compliance with the conditional use permit requirements per the zoning code and of the approved development text.

---

**STAFF RECOMMENDATION (2015-1899 – REZONING AMENDMENT)**

Staff recommends approval of a request by Howald Industrial Park, Inc., of a Rezoning from M-2 (General Manufacturing) to M-2 PMU (General Manufacturing with a Planned Mixed Use Overlay District) on approximately 27.79 acres located at 320 London Road, with the following conditions that:

1. Any new structure(s) or any change of use of any existing structure or property shall require conformance to all provisions of the Development Text.
2. Any new structure(s) or site plan element(s) shall require a Final Development Plan approval by the Planning Commission and City Council or as otherwise provided in the development text.

---

**STAFF RECOMMENDATION (2015-1900 – CONDITIONAL USE PERMIT)**

Staff recommends approval of a request by Howald Industrial Park, Inc. for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) to be established on Howald Industrial Park on approximately 27.79 acres located at 320 London Road.

---

**STAFF RECOMMENDATION (2015-1901 – PRELIMINARY DEVELOPMENT PLAN)**

Staff recommends approval of a request by Howald Industrial Park, Inc., for approval of a Preliminary Development Plan on approximately 27.79 acres zoned M-2 (General Manufacturing District with a Planned Mixed Use Overlay District) located at 320 London Road, with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. Any new utilities will be constructed and/or extended within the development shall comply with the City minimum requirements or as approved by the City.
3. Any new structure(s) or site plan element(s) shall require Final Development Plan approval by the Planning Commission and City Council.
4. Any new building shall achieve compliance with the design standards of the approved development text.
5. Any tree removal shall comply with Chapter 1168 Tree Preservation Regulations along with the approved development text.
6. Any new signage shall achieve compliance with the zoning code and the approved Gateways and Corridors Plan. A Comprehensive Sign Plan is required to be submitted in accord with this condition for review and approval by Staff. If the Applicant and Staff cannot agree on such a Plan, the

Comprehensive Sign Plan would be reviewed by the Planning Commission for final determination and approval.

- 7. Any landscape plans shall be reviewed and approved by the Shade Tree Commission.
- 8. Any lighting plan shall be reviewed and approved by the Chief Building Official.
- 9. Any new fencing shall be 6 to 8 feet high chain link fence and include vertical hedge link privacy filler if adjacent to a residential district.
- 10. The bike path easement and construction easements shall achieve compliance with the City of Delaware and Howald Industrial Park, Inc., agreement effective August 16, 2013 and the approved development text herein.
- 11. The subject development shall comply with the City of Delaware and Howald Industrial Park, Inc., agreement effective August 16, 2013.

**COMMISSION NOTES:**

---

---

---

---

---

---

---

---

---

---

---

MOTION: \_\_\_\_\_ 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> *approved* *denied* *tabled* \_\_\_\_\_

**CONDITIONS/MISCELLANEOUS:**

---

---

---

---

**HOWALD INDUSTRIAL PARK, INC.  
PLANNED MIXED USE DEVELOPMENT TEXT  
320 LONDON ROAD DELAWARE, OHIO  
(Approximately 27.79 Acres)**

**1. DESCRIPTION OF DEVELOPMENT**

Howald Industrial Park, Inc. is proposing to rezone their subject 27.79 acres which encompasses all or portions of seven parcels from M-2 (General Manufacturing District) to M-2 PMU (General Manufacturing with a Planned Mixed Use Overlay District) to provide light and heavy manufacturing, commercial and office uses within the proposed 4 sub-districts (A-D) of the subject site. The subject site extends from just north of the former railroad track properties near Toledo Street and Tod Street to London Road and from just west of the David Humphrey's ESQ 2<sup>nd</sup> Addition Subdivision westward to the CSX railroad tracks.



## 2. GENERAL DEVELOPMENT STANDARDS

**Purpose and Intent.** It is the intent of this Development Text to provide a mixed use development which includes existing and proposed light and heavy manufacturing, commercial and office uses located within four sub-districts (A-D) with compatible and common site elements, architectural design, signage and amenities. This development text represents the zoning requirements for this area unless otherwise noted.

- a. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this Development Text, all new development will be in conformance with the then current Codified Ordinances and City Policy while the existing development is permitted as constructed.
- b. **Limitations.** Nothing in this Development Text shall be construed to prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan.
- c. **Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to this Plan shall only be permitted by resubmission and approval of a revised Plan through the procedures set forth in the Zoning Code.

Major modification for the purposes of this Development Text shall mean any modification of the approved Plan, as determined by the Director of Planning & Community Development that results in:

1. Any major increase in the non-residential building area.
  2. A major change in the approved location of land uses or land use sub-areas.
  3. Any substantial alteration of the basic geometry, including right-of-way width, and/or operational characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and pedestrian paths that results in a change in operating characteristics or character.
- d. **Minor Modifications.** Once a Final Development Plan has been approved, any subsequent minor modification to this Plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Plan.

Minor modification for the purposes of this Development Text shall mean any modification of the approved Plan, as determined by the Director of Planning & Community Development that results in:

1. A modification that is not considered a major modification by this Development Text or by determination of the Director of Planning & Community Development.
2. Any increase of less than 10% in the non-residential building area.
3. A minor change in the approved location of land uses or land use sub-areas.

4. A minor alteration of the basic geometry, including right-of-way width, and/or operational characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and pedestrian paths that results in a change in operating characteristics or character.
  5. Minor structural alterations that do not alter the overall design intent for buildings.
- e. **Preliminary and Final Development Plans.** The existing buildings and site conditions are considered to be a Final Development Plan condition while any proposed building and site features would be considered to be in a Preliminary Development Plan condition as shown on the approved plan with this text. A Final Development Plan would be required for any element deemed preliminary or any change to be deemed major as required by this text or revised plans from the current conditions which would have to be approved by the Planning Commission and City Council.
  - f. **Tree Removal and Replacement.** Any tree removal shall achieve compliance with Chapter 1168 Tree Preservation Regulations. As this time, there are not any any qualifying existing trees on this site. .
  - g. **Utilities.** The existing utilities throughout the site would be utilized where feasible. Any new utilities shall achieve compliance with the City of Delaware requirements. In addition, storm water management on existing and new developments shall achieve compliance with City requirements.
  - h. **City Agreement.** The subject development shall comply with the City of Delaware and Howald Industrial Park, Inc., agreement effective August 16, 2013 (see attached).
  - i. **Bike Path.** The applicant would deed a bike path easement, as per the agreement and generally shown on exhibit L herein, that extends from the proposed vacated railroad right of way on the northeastern portion of the site to approximately the south end of Tod Street. Additionally, to provide for a potential future bike path connection from Columbus Avenue west to Toledo Street, the applicant has reserved a bike path easement over the property previously owned by the applicant and currently owned by Sargent (519-344-05-019-001). The applicant has agreed to and will, upon approval of this rezoning and such becoming fully effective, assign the easement across the Sargent property to the City. The applicant will also execute the necessary steps and/or document the crossing of its portion of vacated Toledo Street to ensure the bike path connection to the public portion of Toledo Street at the same time. In addition any temporary easements to construct the bike path would be required. As part of the aforementioned City Agreement and upon approval of this rezoning Howald will deed to the City a bike path easement plus any temporary easements necessary to construct the bike path. Additionally, as the Agreement provides, relevant to the bike path, Howald will contribute Fourteen Thousand Dollars (\$14,000) to the City toward the bike path construction.
  - j. **Storm Sewer and Storm Water Management.** Existing systems are adequate for the existing development. Any new improvement or construction must meet all City development and storm water standards in effect at the time of permit application.

- k. **Fencing and Landscaping.** The subject rezoning application shall supersede any previous City Council, Planning Commission and/or BZA approvals. BZA Case 04-061 permitted fence variances and waived the landscape requirements for the current Howald Industrial Park. The existing fencing has been installed per approvals previously obtained. The new fencing and landscaping requirements shall be addressed in the development text for each sub-area.
- l. **Other City Development Requirements.** The current and proposed Howald Industrial Park shall achieve compliance with all other department development requirements including building, engineering, utility, police and fire departments.

### 3. SUB-AREAS

The project is divided into four sub-areas (A-D) to represent the distinct areas of the development. .

- Sub-Area A, located on the northern portion of the subject is part of the former foundry site and the abandoned “Springfield Branch” railroad right-of-way (per the City agreement the railroad right-of-way would be granted to the applicant from the City with a reverter clause allowing the railroad track owner to take ownership of the right-of-way at their discretion) , will be a transition area of fenced parking and storage of semi-tractor trailers, equipment and materials within the fenced confines. A new second access point to the Park from Toledo Street will be provided in this sub-area.
- Sub-Area B is located in the center of the subject area and encompasses the existing six buildings and a future seventh building per the Preliminary Development Plan. The proposed uses for this sub-area will contain light and heavy manufacturing, commercial and office uses.
- Sub-Area C, which is located south of Sub-Area B and adjacent to the existing railroad tracks. This portion of the site is currently vacant with a proposed future 41,668 square foot building adjacent to the CSR railroad tracks and parking lot with uses ranging from light and heavy manufacturing to commercial and office uses.
- Sub-Area D, located along London Road, includes the existing main entrance drive from London Road into the subject site. Two proposed future buildings fronting London Road, which contain approximately 58,332± square feet, will be for general and light manufacturing uses along with commercial and office uses.

### 4. SUB-AREA A

- a. **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text or the Zoning Code, as applicable.
- b. **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

- c. **Accessory Uses and Structures.** Accessory uses, which are considered allowed uses, include those uses that are customarily incidental and secondary to the principal use of the land. Such uses include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category	Sub-Area A
(1) Warehouse or indoor storage facility	P
(2) Parking lots and garages	P
(3) Truck, farm, recreational vehicles – storage	P
(4) Distribution facility/truck terminal	P
(5) Storage above-ground of flammable liquids	C
(6) Outdoor storage – general materials	P
(7) Outdoor storage of fleet vehicles for operation of principal use	P
(8) Outdoor storage of equipment	P

## 6. Building Setback Standards

The following standards shall apply for minimum building setbacks for new buildings. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	Sub-Area A
a) Setback from Tod Street	50 ft.
b) Setback from Side or Rear Lot Line	
A. Adjacent to a non-residential district	20 ft.
B. Adjacent to a residential district	50 ft.
c) Minimum spacing between buildings	30 ft.

7. **Maximum Building Height.** The maximum height of any building or structure shall be 50 feet as measured from finished floor elevation to the highest point of the roof.
8. **Building Design.** All new buildings shall comply with Chapter 1171.03 Building Design Criteria.

9. **Parking Setbacks.** The following standards minimum parking setbacks shall apply to any new construction or improvements.

Minimum Parking Setbacks	Sub-Area A
(1) Setback from street right-of-way a. Adjacent to a residential district b. Adjacent to a non-residential district	50 ft. 0 ft.
(2) Setback from rear and side lot line a. Adjacent to a residential district b. Adjacent to a non-residential district	30 ft. 0 ft.

10. **Landscaping and Screening.** The buffering adjacent to the residential districts shall comply with Chapter 1166 Landscaping and Screening Requirements except that the screening adjacent to non-residential districts is permitted to be a fence to match the existing fence. . The subject fence shall be 6 ft. high with vertical hedge-link privacy filler and would be located along the far eastern edge of the parking area adjacent to the vacant lot to the south of the Ohio Wesleyan University soccer field and along Tod Street. An 8 ft. chain link fence without filler shall be placed along the western boundary between Sub-Area A and the CSX railroad tracks..

11 **Access.** Secondary ingress and egress to Sub-Area A (which has already been installed) is through a not to exceed 30 ft. wide entrance located at the south end of Toledo Street at the northwest corner of Sub-Area A to Sub-Area B. The access drive will be gated in order to control access into Sub-Area B (the parking and storage areas within Sub-Area A will be individually fenced and gated.) The primary access to Sub-Area A will be through the main entrance from London Road.

13 **Parking Surfaces.** The parking area for trucks and equipment and outdoor storage of materials are as constructed and existing are concrete (the floors of the former foundry) and gravel.

14 **Lighting.** Any new wall and/or pole lights shall achieve compliance with Chapter 1158 Lighting Plan.

**5. SUB-AREA B**

a. **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text or the Zoning Code, as applicable.

b. **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

- c. **Accessory Uses and Structures.** Accessory uses, which are considered allowed uses, include those uses that are customarily incidental and secondary to the principal use of the land. Such uses include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

<b>Land Use Category</b>	<b>Sub-Area B</b>
(1) Offices – administrative, business, professional and sales	P
(2) Research and development facility	P
(3) Training facility	P
(4) Public safety service facility (local service)	P
(5) Indoor recreation and entertainment	P
(6) Health club	P
(7) Public service/maintenance facility	P
(8) Retail and service establishments in completely enclosed buildings	P
(9) Self-service storage	P
(10) Veterinary office (no outside run or kennel)	P
(11) Veterinary hospital (with or without kennel)	P
(12) Warehouse or indoor storage facility	P
(13) Assembly and production facility utilizing products from previously and elsewhere prepared materials	P
(14) Maintenance storage facility with enclosed building	P
(15) Automotive repair garage	P
(16) Automotive sales and rentals	P
(17) Parking lots and garages	P
(18) Truck, farm, recreational vehicles –sale/storage	P
(19) Distribution facility/truck terminal	P

Land Use Category	Sub-Area B
(20) Terminal – bus, cab	P
(21) Drive-thru facility associated with any permitted uses	P
(22) Storage above-ground of flammable liquids	L
(23) Outdoor Storage of general materials	P
(24) Outdoor Storage of fleet vehicles for operation of principal use	P
(25) Outdoor Storage of equipment	P
(26) Outdoor display	P
(27) Outdoor storage	P

(1) **Specific Standards for Limited Uses.** Any use listed as a limited use shall meet all requirements of the Zoning Code, unless otherwise exempted or modified in this Section which shall take precedence in all cases, as determined through the Final Development Plan approval process. If any of the requirements set forth in this text or the then current Zoning Code are not met, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code.

- a. **Storage (aboveground) of Flammable Liquids.** Such use shall meet all requirements of the then current Zoning code and the following conditions:
  - i. Aboveground storage tanks of flammable liquids shall not exceed 2,000 gallons in capacity.
  - ii. All aboveground storage tanks shall comply with all state and national fire code regulations.
  - iii. Aboveground storage tanks shall be set back a minimum of 100 feet from all non-residential property lines and 300 feet from residential property lines.

## 6. Building Setback Standards

The following standards shall apply for minimum building setbacks for new buildings. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	Sub-Area B
a) Setback from Side or Rear Lot Line A. Existing buildings B. Proposed Building(s) (i) Adjacent to a non-residential district (ii) Adjacent to a residential district with no openings on the side of the building closest to the residential district.	As constructed  20 ft. 30 ft.
d) Minimum spacing between buildings A. Existing buildings B. Proposed building(s)	As constructed 30 ft.

7. **Maximum Building Height.** The maximum height of any building or structure shall be 50 feet as measured from finished floor elevation to the highest point of the roof.
8. **Building Design.** All new buildings shall comply with Chapter 1171.03 Building Design Criteria.
9. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks or as approved on a Final Development Plan for new construction or improvements.

Minimum Parking Setbacks	Sub-Area B
1. Setback from street right-of-way c. Existing parking spaces d. New parking spaces 1) Adjacent to a residential district 2) Adjacent to a non-residential district	As constructed  20 ft. 0 ft.
2. Setback from rear and side lot line e. Existing parking spaces f. New spaces 1) Adjacent to a residential district 2) Adjacent to a non-residential district	As constructed  20 ft. 0 ft.

10. **Landscaping and Screening.** The buffering adjacent to the residential districts shall comply with Chapter 1166 Landscaping and Screening Requirements for new buildings and parking lots except that the existing 8 foot high chain link fence with vertical green (“Hedge Link”) strip filling shall be the required fencing for the entire Sub-Area B when adjacent to a residential district.
- 11 **Signage.** Any new wall and ground signage shall achieve compliance with Chapter 1165 Signs or as approved with an approved Comprehensive Sign Plan.
- 12 **Parking Surfaces.** The existing parking area shall remain as currently constructed but any new parking surfaces shall be asphalt or concrete that achieves compliance with the City engineering department.
- 13 **Lighting.** Any new wall and/or pole lights shall achieve compliance with Chapter 1158 Lighting Plan or as approved with an approved Comprehensive Sign Plan.

**6 SUB-AREA C**

- a. **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text or the Zoning Code, as applicable.
- b. **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.
- c. **Accessory Uses and Structures.** Accessory uses, which are considered allowed uses, include those uses that are customarily incidental and secondary to the principal use of the land. Such uses include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category	Sub-Area C
(1) Offices – administrative, business, professional and sales	P
(2) Research and development facility	P
(3) Training facility	P
(4) Public safety service facility (local service)	P
(5) Indoor recreation and entertainment	P
(6) Health club	P
(7) Public service/maintenance facility	P
(8) Retail and service establishments in completely enclosed buildings	P

Land Use Category	Sub-Area C
(9) Self-service storage	P
(10) Veterinary office (no outside run or kennel)	P
(11) Veterinary hospital (with or without kennel)	P
(12) Warehouse or indoor storage facility	P
(13) Assembly and production facility utilizing products from previously and elsewhere prepared materials	P
(14) Maintenance storage facility with enclosed building	P
(15) Automotive repair	P
(16) Automotive sales and rentals	P
(17) Parking lots and garages	P
(18) Truck, farm, recreational vehicles – sale/storage	P
(19) Distribution facility/truck terminal	P
(20) Terminal – bus, cab	P
(21) Car wash	P
(22) Drive-thru facility associated with any permitted uses	P
(23) Storage above-ground of flammable liquids	L
(24) Outdoor storage of general materials	P
(25) Outdoor storage of fleet vehicles for operation of principal use	P
(26) Outdoor storage of equipment	P
(27) Outdoor display	P

**(1) Specific Standards for Limited Uses.** Any use listed as a limited use shall meet all requirements of the Zoning Code, unless otherwise exempted or modified in this Section which shall take precedence in

all cases, as determined through the Final Development Plan approval process. If any of the requirements set forth in this text or the then current Zoning Code are not met, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code.

- a. **Storage (aboveground) of Flammable Liquids.** Such use shall meet all requirements of the then current Zoning code and the following conditions:
  - i. Aboveground storage tanks for all flammable liquids shall not exceed 2,000 gallons in capacity.
  - ii. All aboveground storage tanks shall comply with all state and national fire code regulations.
  - iii. Aboveground storage tanks shall be set back a minimum of 100 feet from all non-residential property lines and 300 feet from residential property lines.

**6. Building Setback Standards**

The following standards shall apply for minimum building setbacks for new buildings or as approved on a Final Development Plan. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	Sub-Area C
a. Setback from side or rear lot line or road right-of-way <ul style="list-style-type: none"> <li>i. Proposed Building(s)               <ul style="list-style-type: none"> <li>1. Adjacent to a non-residential district</li> <li>2. Adjacent to a residential district</li> </ul> </li> </ul>	10 ft. 50 ft.
b. Minimum spacing between buildings	30 ft.

- 7. **Maximum Building Height.** The maximum height of any building or structure shall be 50 feet as measured from finished floor elevation to the highest point of the roof.
- 8. **Building Design.** All new buildings shall comply with Chapter 1171.03 Building Design Criteria..
- 9. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks.

Minimum Parking Setbacks	Sub-Area C
a. Setback from rear and side lot line or right-of-way	As constructed
i. Existing parking spaces	
b. New parking spaces	
i. Adjacent to a residential district	
ii. Adjacent to a non-residential district	30 ft. 2 ft.

10. **Landscaping and Screening.** The buffering adjacent to the residential districts shall comply with Chapter 1166 Landscaping and Screening Requirements for new buildings and parking lots except that a 6 foot high chain link fence shall be the required fencing for the entire Sub-Area C.

11. **Signage.** Any new wall and ground signage shall achieve compliance with Chapter 1165 Signs or as approved with an approved Comprehensive Sign Plan.

12. **Parking Surfaces.** The parking surface shall be asphalt or concrete that achieves compliance with the City engineering department.

13. **Lighting.** Any new wall and/or pole lights shall achieve compliance with Chapter 1158 Lighting Plan.

**7. SUB-AREA D**

a. **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text or the Zoning Code, as applicable.

b. **Accessory Uses and Structures.** Accessory uses, which are considered allowed uses, include those uses that are customarily incidental and secondary to the principal use of the land. Such uses include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category	Sub-Area D
(1) Offices – administrative, business, professional and sales	P
(2) Financial institutions, banks	P
(3) Medical and dental offices, health and allied services, lab facilities	P
(4) Research and development facility	P

<b>Land Use Category</b>	<b>Sub-Area D</b>
(5) Training facility	P
(6) Places of worship	P
(7) Schools, trade, business and cultural arts	P
(8) Day care center, child/adults	P
(9) Public safety service facility (local service)	P
(10) Indoor recreation and entertainment	P
(11) Health club	P
(12) Retail and service establishments in completely enclosed buildings	P
(13) Restaurant – counter service	P
(14) Restaurant – table service	P
(15) Drive thru or walk up ATM	P
(16) Veterinary office (no outside run or kennel)	P
(17) Veterinary hospital (with or without kennel)	P
(18) Assembly and production facility utilizing products from previously and elsewhere prepared materials	P
(19) Outdoor automotive sales and rentals	P
(20) Truck, farm, recreational vehicles – storage	P
(21) Terminal – bus,cab	P
(22) Car wash	P
(23) Outdoor display	P

## 6. Building Setback Standards

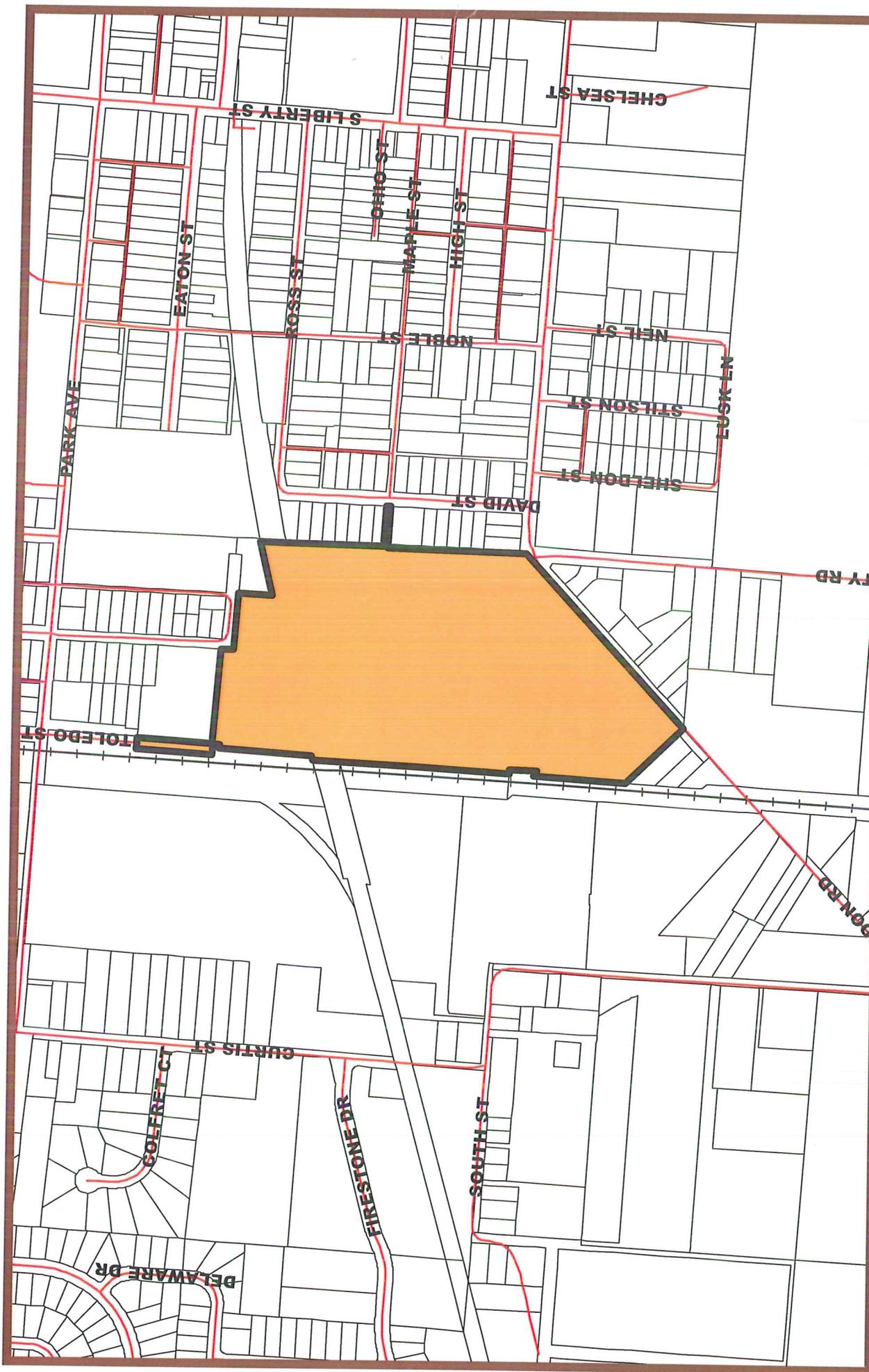
The following standards shall apply for minimum building setbacks for new buildings. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	Sub-Area D
a) Setback from London Road	50 ft.
b) Setback from side or rear lot line	10 ft.
c) Minimum spacing between buildings	10 ft.

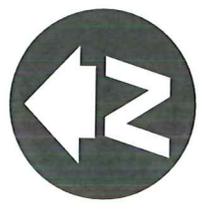
7. **Maximum Building Height.** The maximum height of any building or structure shall be 50 feet as measured from finished floor elevation to the highest point of the roof.
8. **Building Design.** All new buildings shall comply with Chapter 1171.03 Building Design Criteria..
9. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks.

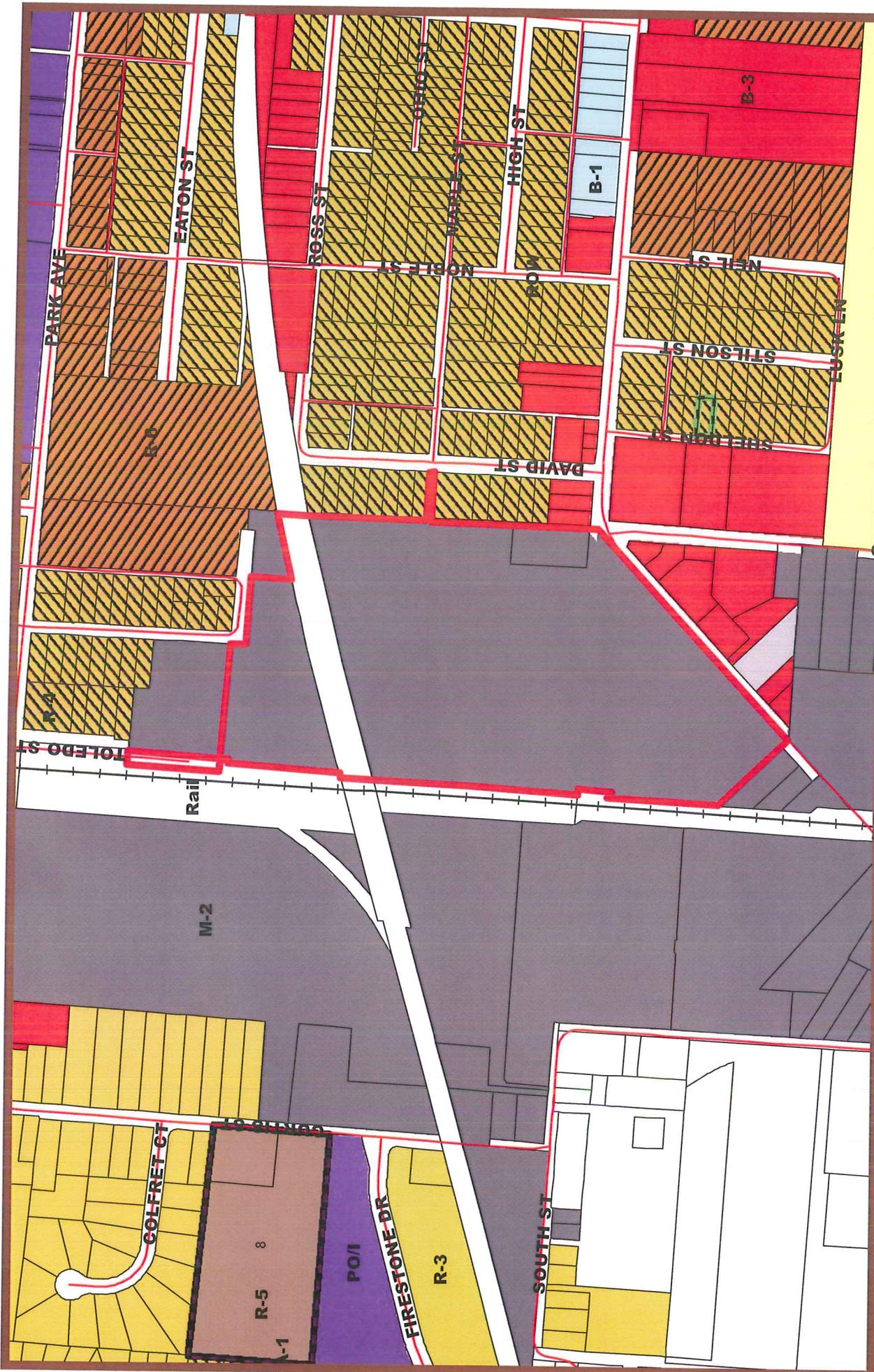
Minimum Parking Setbacks	Sub-Area D
a. Setback from London Road	20 ft.
b. Setback from side or rear lot line	10 ft.

10. **Landscaping and Screening.** The buffering adjacent to the residential districts shall comply with Chapter 1166 Landscaping and Screening Requirements for new buildings and parking lots. The entire sub-area adjacent to a residential district shall be fenced (except for along London Road) with a 6 foot high chain link fence with vertical hedge link private fillers.
11. **Signage.** Staff recommends a Comprehensive Sign Plan for Sub-Area D concurrent with the first Final Development Plan approval. Any new wall and ground signage shall achieve compliance with Chapter 1165 Signs.
12. **Parking Surfaces.** The parking surface shall be asphalt or concrete that achieves compliance with the City engineering department.
- 13 **Lighting.** Any new wall and/or pole lights shall achieve compliance with Chapter 1158 Lighting Plan.



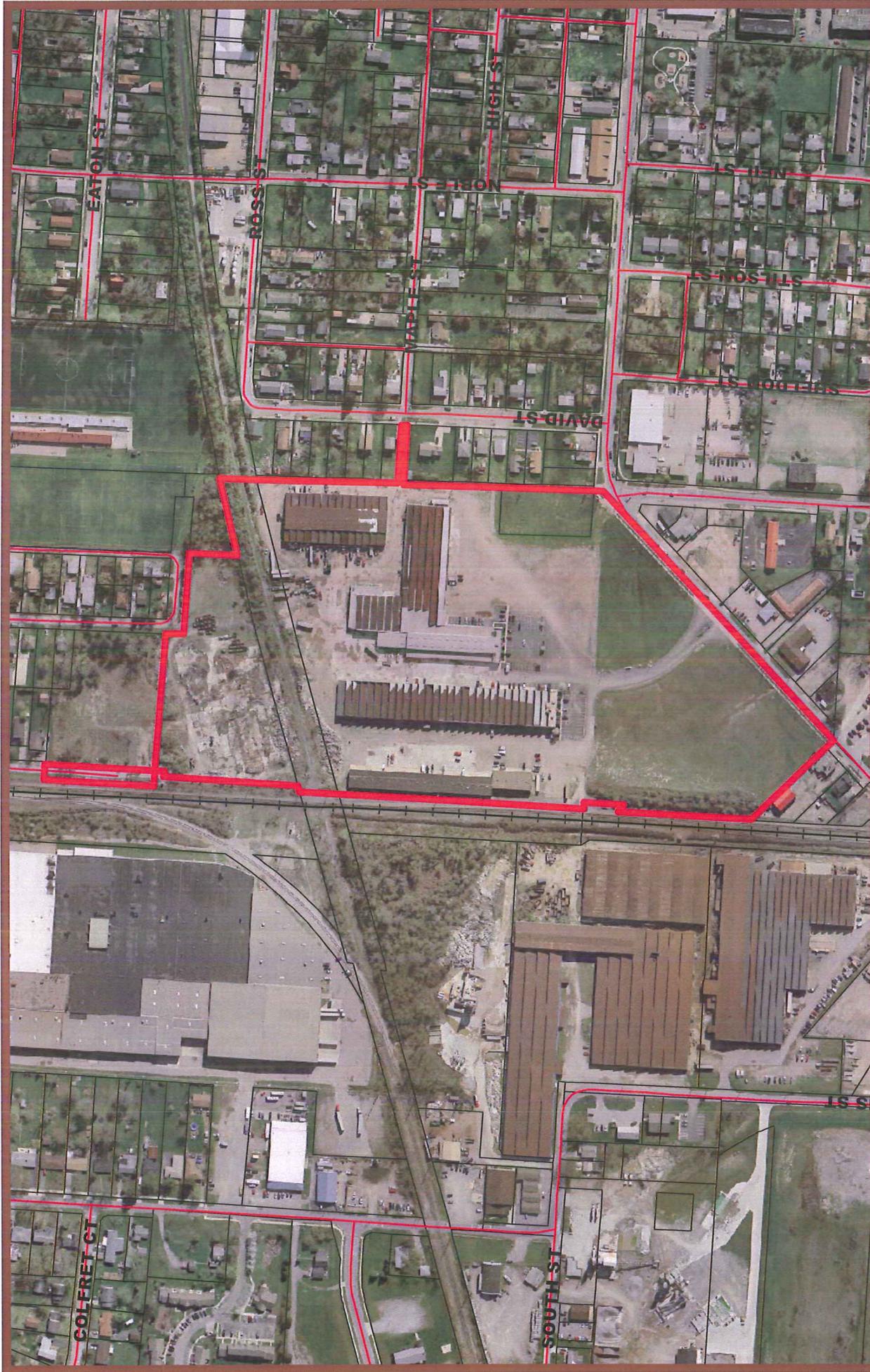
2015-1899-1901  
 Rezoning, Conditional Use Permit,  
 and Preliminary Development Plan  
 Howald Industrial Park - 320 London Road  
 Location Map





2015-1899-1901  
 Rezoning, Conditional Use Permit,  
 and Preliminary Development Plan  
 Howald Industrial Park - 320 London Road  
 Zoning Map





2015-1899-1901  
Rezoning, Conditional Use Permit,  
and Preliminary Development Plan  
Howald Industrial Park - 320 London Road  
Aerial (2013)



**HOWALD INDUSTRIAL PARK, INC.  
(fka MARVIN INDUSTRIAL PARK)  
AND CITY OF DELAWARE  
PLANNED MIXED USE PRELIMINARY  
DEVELOPMENT PLAN TEXT  
DELAWARE, OHIO**

**1. DESCRIPTION OF DEVELOPMENT**

Howald Industrial Park, Inc. (fka Marvin Industrial Park) (“Howald”) (see Exhibit A for name change), is proposing to expand/construct a planned mixed-use development to provide limited or restricted light and heavy manufacturing, neighborhood commercial, and retail sites in the City of Delaware, which will continue to be known as Howald Industrial Park (the “Park”).

The Park, located on the southwest side of the City, as it will be expanded, will be bounded on two-thirds of its north boundary by M-2 zoned land and one-third of its north boundary by Tod Street and, across Tod Street, by an existing housing development (the Montrose Addition), bounded on the west by Toledo Street and the CSX railroad tracks, bounded on the east by Columbus Avenue, a vacant tract owned by OWU south of the OWU soccer field and the east one-half of the former alley which ran parallel to David Street, and bounded on the south by London Road. The Park as expanded will contain 29.356± acres and will include (a) the south portion of the former General Castings foundry site north of the abandoned Conrail Railroad “Springfield Branch” right-of-way, (b) a portion of the abandoned Conrail Railroad “Springfield Branch” right-of-way (owned by the City of Delaware with a to-be-granted exclusive easement to Howald Industrial Park, Inc. (see Exhibit “B”, a copy of the Agreement between Howald and the City of Delaware), (c) existing buildings in the Park, (d) land within the Park which has not been developed, and (e) the west half of a vacated alley, parallel to David Street south of the Springfield Branch right-of-way, along the east boundary of the Park between the “Springfield Branch” right-of-way and London Road (collectively, the “Project”).

The Park presently consists of (a) six buildings, with space to construct one additional building on 16.494± acres located south of the abandoned “Springfield Branch” right-of-way and north of the former location of London Road (“Sub-Area B”), and (b) 6.96± acres in the “front” of the Park (between the former location of London Road on the north and present London Road on the south) which is undeveloped but sometimes used for trailer storage (“Sub-Area C”). The Park will be expanded to include (a) 1.564 acres of the abandoned “Springfield Branch” right-of-way, which is now owned by the City but will be the subject of an exclusive easement to Howald and (b) the 4.338± acres of the former foundry site on which all buildings have been demolished and there has been environmental remediation (“Sub-Area A”). The legal descriptions and Auditor’s parcel number, parcel information and map (GIS) [if available] are attached, in north to south order, as the following exhibits:

Exhibit “C”: 0.275± acres; 519-344-05-019-000; part of Sub-Area A

Exhibit “D”: 4.063± acres; 519-344-05-018-000; part of Sub-Area A

Exhibit “E”: 1.564± acres (easement area); part of 519-433-12-046-00 (owned by City of Delaware); part of Sub-Area A

Exhibit "F": 22.646± acres; 519-344-18-007-00; part of Sub-Area B, Sub-Area C and Sub-Area D

Exhibit "G": 0.715± acre; 519-344-18-008-000; part of Sub-Area B

Exhibit "H" and Exhibit "H-1": 0.093± acres; part of 519-344-18-007-000 and part of 519-344-18-008-000 [Exhibit "H" is the recorded, Vol. 736, Page 2186, Ordinance Certification of City of Delaware Ordinance No. 06-50 vacating the alley parallel to David Street which had as its termini the "Springfield Branch" railroad right-of-way on the north and London Road on the south and Exhibit "H-1" is the legal description for the 0.093± acre tract]

All of the areas of the Project's total acreage of 29.356± acres is presently zoned M-2 (except for the 1.564± acres of the City's Springfield Branch" railroad right-of-way which is apparently unzoned but has M-2 zoning to both its north and south), but only 23.454± acres (Sub-Areas B, C and D) are to have the M-1 and B-4 overlay applied. Exhibit "I" is a part of the City's zoning map with the boundaries of the Project outlined with black lines.

Sub-Area A, part of the former foundry site and the abandoned "Springfield Branch" right-of-way, will be a transition area of fenced parking and storage of semi-tractor trailers, equipment and materials within the fenced confines of what will be an extended and expanded Park and will provide a new second access point to the Park. The former foundry site portion of Sub-Area A is presently zoned M-2. The former "Springfield Branch" right-of-way portion of Sub-Area A does not appear to be presently officially zoned, but as in that portion of Sub-Area A the properties on both sides are presently zoned M-2 and the property was formerly railroad right-of-way, it will be assumed to be zoned M-2. The proposed use of Sub-Area A is consistent with M-2 zoning, so this application does not seek to rezone or to place an overlay on Sub-Area A.

Sub-Area B is presently zoned M-2. This application proposes retaining the base M-2 zoning, but with a new M-1 and B-4 zoning overlay. The preliminary development site plan (Exhibit "J") provides for retention of the existing six buildings and a future seventh building of 20,000± SF (designated as "FUTURE BLDG 5").

Sub-Area C, which is part of the 6.96± acres to the south of the existing buildings in the Park and which is vacant (as all the old industrial buildings have been demolished and any necessary environmental remediation done) is presently zoned M-2. This application proposes retaining the base M-2 zoning, but with a new M-1 and B-4 zoning overlay. The preliminary development site plan (Exhibit "J") provides for a new building of 41,668± SF (designated as "FUTURE BLDG 2") in the northwest corner of the vacant 6.96± acres, which building would face east and have the CSX railroad tracks to its rear.

Sub-Area D will be comprised of all of the vacant 6.96± acres between the existing buildings in the Park and London Road except for Sub-Area C. As indicated on the preliminary development site plan (Exhibit "J"), Sub-Area D will include the existing entrance and drive to London Road to the Park and two new buildings, having a total of 58,332± SF, with the buildings fronting on London Road with parking between the front of the buildings and London Road and with the loading docks of the two buildings on the rear of the two buildings (designated "FUTURE BLDG 1" and "FUTURE BLDG 4").

## 2. GENERAL DEVELOPMENT STANDARDS

- a. **Purpose and Intent.** It is the intent of this Development Text to provide a mixed use development, including further development of an industrial and warehouse park with a secondary entry from Toledo Street and a primary entrance from London Road for parking and storage of semi-tractor trailers and equipment; storage of materials; light manufacturing mixed with existing heavy manufacturing; tenant store space for wholesale and retail sales within the light manufacturing and existing heavy manufacturing areas; and commercial sites (i.e., neighborhood bank, restaurants, etc.) fronting on London Road. There will be appropriate signage, lighting, screening and fencing.

This Development Text meets the zoning requirements for the Project unless otherwise noted (noted by an \* to indicate a deviation).

- b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this Development Text (by an \*), all new development will be in conformance with the then current Codified Ordinances and City Policy.
- c. **Limitations.** Nothing in this Development Text shall be construed to prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan for those portions of the Project where buildings or other improvements do not already exist.
- d. **Major Modifications.** Once this Development Plan has been approved by City Council, any subsequent major modification to this Plan shall only be permitted by resubmission and approval of a revised Plan through the procedures set forth in the Zoning Code.

Major modification for the purposes of this Development Text shall mean any modification of the approved Plan, as determined by the Director of Planning & Community Development, that results in:

1. Any major increase in the non-residential building area.
  2. A major change in the approved location of land uses or land use sub-areas.
  3. Any substantial alteration of the basic geometry, including right-of-way width, and/or operational characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.
- e. **Minor Modifications.** Once this Development Plan has been approved, any subsequent minor modification to this Plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Plan.

Minor modification for the purposes of this Development Text shall mean any modification of the approved Plan, as determined by the Director of Planning & Community Development, that results in:

1. A modification that is not considered a major modification by this Development Text or by determination of the Director of Planning & Community Development.
  2. Any increase of less than 10% in the non-residential building area.
  3. A minor change in the approved location of land uses or land use sub-areas.
  4. A minor alteration of the basic geometry, including right-of-way width, and/or operational characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.
  5. Minor structural alterations that do not alter the overall design intent for buildings.
- f. **Tree Removal and Replacement.** Tree removal and replacement is not applicable to the Project as there are no trees within the Project area.
- g. **Utilities.** There are existing utilities throughout the areas of the Project in which utilities are needed.
- h. **Storm Sewer and Storm Water Management.** A storm sewer and storm water management system sufficient to meet the needs of the truck and equipment parking and outdoor material storage in Sub-Area A has been constructed by connection into the existing storm sewer system of the Park and/or improvements to/cleaning out the drainage ditches which served the “Springfield Branch” railroad right-of-way. Exhibit “K” is the May 3, 2007 Cornerstone Engineering and Planning Company’s letter and exhibit titled “Railroad Ditch Enclosures” pertaining to storm drainage for the “Springfield Branch” railroad right-of-way which was used for the construction of the improvements to the former drainage ditches along the “Springfield Branch” railroad right-of-way. Existing and adequate systems are located throughout Sub-Areas B, C and D.
- i. **Fencing.** All references to fencing contained herein are governed by BZA 04-061, as modified by the Agreement between the City of Delaware, Howald Industrial Park, Inc. and Howald Properties, Ltd. (Exhibit “B”)\*.

### 3. SUB-AREAS

The Project contains several sub-areas of development. Sub-Area A, the truck and equipment parking and outdoor material storage area comprised of the former foundry site and the “Springfield Branch” railroad right-of-way, a total of 5.902± acres, will become part of the Park, will be inside the Park’s security fence and will have an entry at the southern terminus of Toledo Street which will provide a second point of ingress and egress into the Park. Sub-Area B is the existing buildings portion of the Park plus an undeveloped 0.715± acre portion of the Park near the intersection of Liberty and London Roads which does not have an existing building. Sub-Areas C and D contain a total of 6.96± acres between the Park’s existing building and London Road. Sub-Area C is the undeveloped portion of the current Park south of its existing buildings which does not front on London Road. Sub-Area D is the undeveloped portion which fronts on London Road. Sub-Areas A to D will retain existing general

manufacturing with an overlay of light manufacturing and general business uses, with retail and commercial uses also permitted in the two proposed buildings in Sub-Area D.

**4. SUB-AREA A –MANUFACTURING (CURRENT M-2 ZONING MAINTAINED WITHOUT OVERLAY)**

This portion of the Project, which is currently zoned M-2 as to the part of the former foundry site and assumedly M-2 as to the former “Springfield Branch” railroad right-of-way, will retain its M-2 zoning without any overlay and will be developed as a new portion of the Park as a fenced and gated parking area for trucks, trailers and equipment and outdoor storage of materials, and a new drive from an access point at the south end of Toledo Street for the former foundry to the existing drives in Sub-Area B. This will provide a second, rear access to the Park. This secondary access drive will be at a location to be determined, gated in order to control access into Sub-Area B. (The parking and storage areas within Sub-Area A will be individually fenced and gated.)

1. **Landscaping and screening.** There are no requirements for landscaping, but screening is provided between Sub-Area A and the area to the north and east.\* This 6 ft. fence, with vertical hedge-link privacy filler, shall also be placed along the far eastern edge of the parking area adjacent to the vacant lot to the south of the Ohio Wesleyan University soccer field and along Tod Street. An 8 ft. chain link fence without filler shall be placed along the western boundary between Sub-Area A and the CSX railroad tracks [BZA 04-061 and the Agreement, Exhibit “B”].
2. **Access.** Secondary ingress and egress to Sub-Area A will be through a not to exceed 30 ft. wide entrance located at the south end of Toledo Street at the northwest corner of Sub-Area A to Sub-Area B. The access drive will be at a location to be determined, gated in order to control access into Sub-Area B. (The parking and storage areas within Sub-Area A will be individually fenced and gated.) The primary access to Sub-Area A will be through the Park on its drives to the main entrance to the Park on London Road. Initially the users of Sub-Area A, which will be fenced into two areas, plus the drive, will be two businesses within the Park that need additional parking for trucks, trailers and equipment and outdoor storage of materials.
3. **Parking Setbacks.** There is a zero (0) foot setback requirement from the right-of-way of Tod Street.\*
4. **Parking Surfaces.** The parking area for trucks and equipment and outdoor storage of materials will be concrete (the floors of the former foundry) and gravel surface, with concrete dolly pads.\*
5. **Lighting.** Lighting of Sub-Area A will be pole mounted light fixtures, the poles of which shall not exceed 20 feet.

## 5. SUB-AREAS B, C AND D –MANUFACTURING AND GENERAL BUSINESS

A. **Sub-Area B.** This portion of the Park is located south of the former Springfield Branch railroad right-of-way (part of Sub-Area A), bounded to the east by the east half of the vacated alley (which was parallel to David Street) and the CSX railroad tracks to the west and bounded on the south by former London Road (which ran west from the intersection of London Road and Liberty Road). Sub-Area B contains six (6) existing buildings and the 0.715± acre tract to the northwest of the intersection of London Road and Liberty Road. The 0.715± acre tract, now vacant but which formerly had a now demolished house, has/had a street address of 310 London Road. A new building, similar to the existing buildings in Sub-Area B, of 20,000± SF will be constructed on the 0.715± acre tract and a vacant portion of land in the southeast corner of the 22.646± acre tract as shown on Exhibit “J”.

1. **Landscaping and Screening.** There are no requirements for landscaping except for minor landscaping at the new monument sign to the north/northwest of the intersection of London Road and Liberty Road\* [BZA 04-061 and the Agreement, Exhibit “B”]. Sub-Area B is fenced on its east boundary by an 8 foot high chain link fence with vertical green (“Hedge-Link”) strip filling. Immediately to the east of this fence on the eastern boundary of Sub-Area B is the eastern half of the vacated alley which formerly ran parallel to David Street. Sub-Area B is fenced on its western boundary, the CSX railroad tracks, by a chain link fence without filler. The portion of the north boundary of Sub-Area B which does not adjoin Sub-Area A (that is, that part of Sub-Area A which is south of the to-be-constructed extension of the City’s bike path on the former “Springfield Branch” railroad right-of-way), will have the same type 8 foot high chain link fence with vertical green (“Hedge-Link”) strip filling as on the eastern boundary of Sub-Area B and the boundaries of Sub-Area A except for the boundaries with the CSX railroad right-of-way and Sub-Area B.
2. **Access.** Primary ingress and egress to Sub-Area B will continue to be from the existing entrance on London Road. A secondary ingress and egress point, but not for the general public and most tenants in the Park, will be from the new secondary access point at the south end of Toledo Street in Sub-Area A.
3. **Signage.** There will be new lighted signage at the buildings as indicated on Exhibit “J”. There also will be a new lighted monument sign just to the north/northwest of the intersection of London Road and Liberty Road.
4. **Parking Setbacks.** There are no parking setbacks as none are applicable to any of the existing six buildings in Sub-Area B and the parking for the proposed new building will be on the south side of the building, with part of Sub-Area B and Sub-Area D of the Park to its south.
5. **Parking Surfaces.** Parking surfaces shall be the same as presently existing, except there will be a gravel semi-truck parking area between the “EXISTING 100 BLDG” and “FUTURE BLDG 2” as indicated on Exhibit “J”.\*

6. **Lighting.** Lighting for the to-be-developed portion of Sub-Area B, a single building, will be the same as on the balance of Sub-Area B; some pole mounted light fixtures, the poles of which shall not exceed 20 feet, and building mounted security lighting.

B. **Sub-Area C.** This portion of the Project is the western portion, along the CSX railroad tracks to the west, of the undeveloped 6.96± acres between the currently developed Park and London Road, on which there will be built a 41,668± SF building (“FUTURE BLDG 2” on Exhibit “J”) which will be constructed like and similar in appearance to the single-story existing buildings in Sub-Area B.

1. **Landscaping and Screening.** There are no landscaping requirements. The southwest boundary of the Project, the south boundary of this Sub-Area C and the west boundary of Sub-Area D, is fenced with a 6 foot high chain link fence. The west boundary of Sub-Area C, the CSX railroad right-of-way, will be partly fenced with 6 foot high chain link fence and with the rear of the new building, to be built close to the CSX railroad right-of-way (the same as an existing building, the 700 building, in Sub-Area B) serving as a barrier to entrance into the Park.
2. **Access.** The same access as for Sub-Area B (primarily the existing entrance to the Park on London Road).
3. **Parking Setbacks.** There is a one foot parking setback requirement from the CSX railroad right-of-way.\*
4. **Parking Surfaces.** Will be hard-surfaced with concrete or asphalt paving.
5. **Lighting.** Lighting of Sub-Area C will be pole mounted light fixtures, the poles of which shall not exceed 20 feet, and building mounted security lighting, the same as in Sub-Area B.
6. **Signage.** There will be building mounted signage and, if it is determined to be necessary, directional signage from the main drive into the Park to this new building (FUTURE BLDG 2 on Exhibit “J”).

C. **Sub-Area D.** This portion of the Project is located in the southern currently undeveloped portion of the Park fronting London Road. Future development will include a 28,125± SF single-story building and a 29,732 SF single-story building. FUTURE BLDG 1 will front on London Road and FUTURE BLDG 4, an L shaped building, will front on the south to London Road and on the west to the drive into the Park. Loading docks will be to the rear of both FUTURE BLDG 1 and FUTURE BLDG 4, so the loading docks, and trucks/trailers using the loading docks, are not visible, for the most part, from London Road. The front facades of FUTURE BLDG 1 and FUTURE BLDG 4 will have a retail/commercial appearance, with more and larger windows than in the typical manufacturing building or warehouse, akin to the front façade of a flex office/warehouse building.

1. **Landscaping and Screening.** There will be some low landscaping and grass between the parking areas and London Road.\* To the southwest along the property boundary

there will be a 6 foot high chain link fence. There will not be any fencing along London Road. In the future, if security concerns for the remainder of the Park dictate, there may be fencing to separate FUTURE BLDG 1 and FUTURE BLDG 4 (Sub-Area D) and possibly FUTURE BLDG 2 (Sub-Area C) and a gate someplace along the main drive into the rest of the Park (Sub-Areas A and B).

2. **Access.** Primary access will be via the main entrance on London Road, which is part of this Sub-Area D. Secondary ingress and egress would be through the Park's internal drives to the new rear access at the south end of Toledo Street.
3. **Parking Setbacks.** Parking setback from London Road is 4 feet and 1 foot from the southwest boundary of Sub-Area D.\*
4. **Parking Surfaces.** Will be concrete or asphalt paving.
5. **Lighting.** Lighting of the parking areas will be either or both pole mounted light fixtures, the poles of which shall not exceed 20 feet, and building mounted lighting.
6. **Signage.** The existing monument sign in the center of the drive at London Road will remain. There will be new ground mounted lighted signage as indicated on Exhibit "J" about 230 feet from London Road. There will be building signage on the fronts of the buildings as permitted by then applicable provisions of the Zoning Code.

D. **Sub-Area Uses.** The following uses shall be considered to be permitted as represented in the chart.

- a. **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text or the Zoning Code, as applicable.
- b. **Accessory Uses and Structures.** Accessory uses, which are considered allowed uses, include those uses that are customarily incidental and secondary to the principal use of the land. Such uses include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category – General Business/M 1 & M 2	Sub-Area
(1) Offices – administrative, business, professional and sales	B, C, D
(2) Financial institutions, banks	D
(3) Medical and dental offices, health and allied services, lab facilities	D
(4) Research and development facility	B, C, D
(5) Training facility	B, C, D

<b>Land Use Category – General Business/M 1 &amp; M 2</b>	<b>Sub-Area</b>
(6) Places of worship	D
(7) Schools, trade, business or cultural arts	D
(8) Day care center, child/adult	D
(9) Public safety service facility (local service)	B, C, D
(10) Indoor recreation and entertainment	B, C, D
(11) Health club	B, C, D
(12) Public service/maintenance facility	B, C
(1) Retail and service establishments in completely enclosed buildings	B, C, D
(2) Restaurant – counter service	D
(3) Restaurant – table service	D
(4) Drive through or walk up ATM	D
(5) Self-service storage	B, C
(6) Veterinary office (no outside run or kennel)	B, C, D
(7) Veterinary hospital (with or without kennel)	B, C, D
(1) Warehouse or indoor storage facility	A, B, C
(2) Assembly and production facility utilizing products from previously and elsewhere prepared materials	B, C, D
(3) Maintenance storage facility within enclosed building	B, C
(4) Truck fueling station	B, C
(5) Automotive repairs	B, C
(6) Automotive sales and rentals	B, C, D
(7) Parking lots and garages	A, B, C
(8) Truck, farm, recreational vehicles – sale/storage	A, B, C, D
(9) Distribution facility/truck terminal	A, B, C
(10) Terminal – bus, cab	B, C, D

Land Use Category – General Business/M 1 & M 2	Sub-Area
(11) Carwash	C, D
(12) Drive-thru facility associated with any permitted use	B, C, D
(1) Storage above-ground of flammable liquids	A, B, C
(2) Storage – general – of materials	A, B, C
(3) Storage of fleet vehicles for operation of principal use	A, B, C
(4) Storage of equipment for sale or rental	A, B, C
(1) Train/RR yard	A
(2) Outdoor display	B, C, D
(3) Outdoor storage	A, B

- c. **Prohibited Use.** No adult entertainment business use shall be permitted.
- d. **Automotive Service Station.** Such use shall not be permitted.
- e. **Stand-Alone ATM Facility.** The use shall be located in a manner that does not unreasonably disrupt traffic or pedestrian circulation. The building housing the ATM shall be designed and landscaped in a manner consistent with overall design of the sub-area and to minimize its presence.

**6. Building Setback Standards**

The following standards shall apply for minimum building setbacks for new buildings.\* Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	
a) Setback from London Road	50 ft.
b) Side setback – Building 5 Buildings 1 and 2	10 ft. from east property line 1 ft. from west property line
c) Rear setback	Not applicable
d) Spacing between buildings	10 ft.

- 7. **Maximum Building Height.** The maximum height of any building or structure shall be 50 feet as measured from finished floor elevation to the highest point of the roof.

8. **Building Design.** FUTURE BLDG 5 and FUTURE BLDG 2 shall be consistent in design to the existing buildings, as will FUTURE BLDG 1 and FUTURE BLDG 4<sup>1</sup>, except that facades typical of retail space or flex-office space shall be required on those portions of FUTURE BLDG 1 and FUTURE BLDG 4 facing London Road.
9. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks.

Minimum Parking Setbacks	
(1) Setback from London Road – Buildings 1 and 4*	4 ft.
(2) Side setback from west side of property line* – Future Bldgs. 1 and 2	1 ft.

10. **Landscaping and Screening.** There are no landscaping requirements for sub-areas A and C, but there are screening requirements.\* In Sub-Area B there is the requirement of minor landscaping at the new sign for the north/northwest of the intersection of London Road and Liberty Road and there are screening requirements [BZA 04-061 and the Agreement, Exhibit “B”]. In Sub-Area D low landscaping is required between the parking area and London Road. There is no screening or fencing requirement for Sub-Area D.

The perimeter of the Park as expanded shall be fenced except for its frontage along London Road (the south boundary of the Park) and along the rear of FUTURE BLDG 2 (the fence shall tie into the two rear corners of FUTURE BLDG 2). The fence shall be 8 ft. in height except for the two areas close to London Road, which shall be reduced to 6 ft. The two areas close to London Road are, on the west boundary of the Park, from the terminus of the fencing at London Road to the tie-in at the southwest corner of FUTURE BLDG 2, and, on the east boundary of the Park, from the terminus of the fencing at London Road (at its intersection with Liberty Road) approximately 100 ft. north to the plane of the front of FUTURE BLDG 5. “Hedge Link” filler will be placed in the chain link except along the west boundary of the Park (essentially, along the CSX railroad tracks) [BZA 04-061 and the Agreement, Exhibit “B”].

11. **Lighting.** Lighting in Sub-Area A, the semi-tractor trailer and equipment parking and outdoor materials storage area, shall be lighting on poles, not taller than 20 ft., with light cast down. Light poles may be placed next to the fence on the perimeter of Sub-Area A as to the east there is a vacant lot to the south of the OWU soccer field, to the north is Todd Street and to the west there are the CSX railroad tracks (to the south is Sub-Area B).

Lighting within Sub-Areas B, C and D shall be the same type of pole lighting as in Sub-Area A and building mounted, mounted not higher than 20 ft., downcast lighting.

12. **Access.** Ingress and egress to Sub-Areas A–D, which will comprise the expanded Park, shall be via the existing entrance located off London Road and a new, not to exceed 30 ft. wide, access at the south end of Toledo Street.

---

<sup>1</sup> There is no Future Bldg 3. What would have been Future Bldg 3 has been redesigned and incorporated into Future Bldg 4.

## EXHIBITS

### OWNERSHIP NAME

- A. Affidavit in Aid of Title (change of name from Marvin Industrial Park, Inc. to Howald Industrial Park, Inc.)

### CITY-APPLICANT AGREEMENT

- B. Agreement between Howald Industrial Park, Inc. and Howald Properties, Ltd. and the City of Delaware regarding the easement from the City of Delaware to Howald Industrial Park, Inc., the zoning application and other related matters

### LEGAL DESCRIPTIONS AND AUDITOR'S INFORMATION

- C. 0.275± acres; part of 519-344-05-019-000; part of Sub-Area A
- D. 4.063± acres; 519-344-05-018-000; part of Sub-Area A
- E. 1.564± acres (easement area); part of 519-433-12-046-00 (owned by City of Delaware); part of Sub-Area A
- F. 22.646± acres; 519-344-18-007-00; part of Sub-Area B, Sub-Area C and Sub-Area D
- G. 0.715± acre; 519-344-18-008-000; part of Sub-Area B
- H. and H-1. 0.093 acres; part of 519-344-18-007-000 and part of 519-344-18-008-000; recorded City of Delaware Ordinance 06-50 vacating alley parallel to David Street; part of Sub-Area B

### ZONING MAP

- I. The Project's boundaries outlined on relevant part of the City's Zoning Map

### DEVELOPMENT PLAN

- J. Preliminary Development Plan for the Project, 23.454± acres will have M-1 and B-4 overlay on existing M-2 and 5.902± acres which will remain M-2 without overlay

### ENGINEERING

- K. Engineering for drainage for the 1.564± acres of "Springfield Branch" railroad right-of-way

### BIKE PATH

- L. Springfield Branch Pedestrian Trail, Revised 11.22.11 [Exhibit B to the Agreement which is Exhibit B hereto]

**Attachment #1**

Owner (Property)	Current Zoning	Proposed Zoning
1. Howald Industrial Park, Inc. (519-344-18-007-000 and 519-344-18-008-000)	M-2	PMU District, with existing M-2, but with M-1 and B-4 overlay for 23.454 acres, 15.686± acres of which have already been redeveloped and 6.96± acres of which are vacant. Ban on Adult Entertainment.
2. City of Delaware (part of 519-433-12-046-000)	?	M-2 (but parking and storage only)



Doc ID: 010168650008 Type: OFF  
 Kind: AFFIDAVIT  
 Recorded: 11/19/2013 at 03:30:34 PM  
 Fee Amt: \$80.00 Page 1 of 8  
 Workflow# 0000066192-0001  
 Delaware County, OH  
 Melissa Jordan County Recorder  
 File# 2013-00041810

BK 1259 PG 1057-1064

MANOS & MARTIN - BOX

Delaware County  
 The Grantor Has Complied With  
 Section 319.202 Of The R.C.  
 DATE 11/19/13 Transfer Tax Paid 0  
 TRANSFERRED OR TRANSFER NOT NECESSARY  
 Delaware County Auditor By [Signature]

**AFFIDAVIT IN AID OF TITLE**

State of Ohio,  
 County of Delaware,

Now comes John M. Howald, President of Howald Industrial Park, Inc., and hereby states as follows:

1. Howald Industrial Park, Inc. is an Ohio for-profit corporation, Ohio Charter No. 887928 (the "Corporation"), which was incorporated on December 2, 1994 under the name Marvin Industrial Park, Inc.

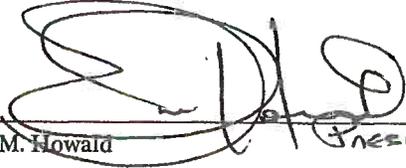
2. On January 24, 2001, there was filed with the Ohio Secretary of State a Certificate of Amended Articles of Incorporation changing the name of the Corporation from Marvin Industrial Park, Inc. to Howald Industrial Park, Inc. A copy of said Certificate of Amended Articles is attached hereto.

3. By virtue of the General Warranty Deed filed for record December 30, 1994 in Deed Record Volume 582, page 660, Marvin Industrial Park, Inc. purchased the property commonly known as 320 London Road, Delaware, Ohio, parcel number 519-



344-18-007-000. A copy of the legal description of said property is attached hereto. Said property should be titled in the name of Howald Industrial Park, Inc.

4. Further affiant sayeth naught.

  
John M. Howald

Sworn to before me and subscribed in my presence this 12th day of November, 2013, by the above-named John M. Howald.





STEPHEN D MARTIN  
ATTORNEY AT LAW  
NOTARY PUBLIC  
STATE OF OHIO  
My Comm. Has No  
Expiration Date  
Section 147.03 R. C.

G:\Data\Clients\Business Entities\E-H\Howald Industrial Park\14703 R.C. Use Overlay AFFIDAVIT IN AID OF TITLE.doc



Prescribed by **J. Kenneth Blackwell**

Please obtain fee amount and mailing instructions from the **Farms Inventory List** (using the 3 digit form # located at the bottom of this form). To obtain the **Farms Inventory List** or for assistance, please call Customer Service:  
Central Ohio: (614)-466-3910 Toll Free: 1-877-SOS-FILE (1-877-767-3453)

Expenditure this form  
 Yes

**CERTIFICATE OF AMENDED ARTICLES OF INCORPORATION**  
of

Harvin Industrial Park, Inc.

(Name of Corporation)

887928

(charter number)

John M. Howald, who is the President

(name)

(title)

of the above named Ohio corporation for profit, does hereby certify that:

- a meeting of the shareholders was duly called and held on \_\_\_\_\_, at which meeting a quorum the shareholders was present in person or by proxy, and that by the affirmative vote of the holders of shares entitling them to exercise \_\_\_\_\_% of the voting power of the corporation,
- in a writing signed by all the shareholders who would be entitled to notice of a meeting held for that purpose, the following Amended Articles of Incorporation were adopted to supersede and take the place of the existing Articles and all amendments thereto.

**AMENDED ARTICLES OF INCORPORATION**

- FIRST: The name of the corporation is: Howald Industrial Park, Inc.
- SECOND: The place in the State of Ohio where its principal office is located is in the City of Delaware  
Delaware County.
- THIRD: The purposes of the corporation are as follows:  
To engage in any lawful act or activity for which corporations may be formed under Ohio Revised Code §§1701.01 to 1701.98, inclusive, and any amendments heretofore made thereto.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

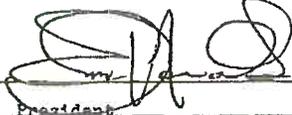
RECEIVED  
SECRETARY OF STATE  
2001 JAN 24 AM 9:25  
GOVERNMENT SERVICE CENTER

**J. Kenneth Blackwell**  
Secretary of State

FOURTH: The number of shares which the corporation is authorized to have outstanding is: 750  
all of which shall be common shares without par value.

FIFTH: These Amended Articles of Incorporation take the place of and supersede the existing Articles of  
Incorporation as heretofore amended.

IN WITNESS WHEREOF, the above named officer, acting for and on behalf of the corporation, has hereunto  
subscribed his name on 1/12/01  
(his/her) (date)

Signature: 

Title: President

**ACTION OF WRITTEN CONSENT  
OF SOLE SHAREHOLDER  
OF ADOPTION OF AMENDED ARTICLES  
OF  
MARVIN INDUSTRIAL PARK, INC.**

The undersigned, being the sole shareholder of Marvin Industrial Park, Inc., an Ohio corporation (the "Corporation"), does hereby take the following actions in writing, in lieu of a meeting of a meeting of the shareholders, pursuant to the provisions of Ohio Revised Code §1701.54.

RESOLVED, that the Articles of Incorporation of this corporation be and are hereby amended by the Amendment of Article First to change the name of the corporation to Howald Industrial Park, Inc.

RESOLVED, that the following Amended Articles of Incorporation be, and the same are hereby, adopted to consolidate the original articles and previously adopted amendments now in force and to supersede the existing Articles of Incorporation and all amendments thereto:

First: The name of the corporation is Howald Industrial Park, Inc.

Second: The place in the State of Ohio where its principal office is located is City of Delaware, Delaware County, Ohio.

Third: The purpose or purposes for which the Corporation is formed is to engage in any lawful act or activity for which corporations may be formed under Ohio Revised Code §§1701.01 to 1701.98, inclusive, and any amendments heretofore made thereto.

Fourth: The authorized number of shares of the corporation shall be Seven Hundred Fifty (750), all of which shall be common voting shares without par value.

Fifth: These Amended Articles of Incorporation supersede the existing Articles of Incorporation as amended.

RESOLVED FURTHER, John M. Howald, President, is hereby authorized and directed to file a Certificate of Amendment of the Articles of Incorporation with the Secretary of State and to take such other action as may be necessary in order to effectuate the foregoing amendment.

Dated this 12 day of January, 2001.

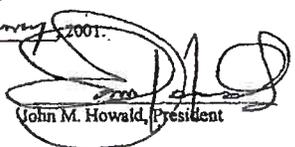
  
John M. Howald, President



EXHIBIT "A"

VOL 0582 PAGE 662

# SCIOTO LAND SURVEYING SERVICE, INC.

173 NORTH SANDUSKY STREET

DELAWARE, OHIO 43015

(614) 369-7577

October 31, 1994

Tract I  
Description of a 23.29 acre tract for  
Albetway Corporation

Situated in the City of Delaware, County of Delaware, State of Ohio, being part of Sublots 11 and 12, as delineated in Plat Book 7, Page 189, being the division of Farm Lot 4 in Section 2, Township 4, Range 19 of the United States Military Lands and being part of Farm Lot 1 in Section 3, Township 5, Range 19 of the United States Military Lands, and being more particularly described as follows:

Beginning at an iron pipe found at the northeast corner of said Section 2, being the intersection of London Road and Liberty Road;

thence South 47° 42' 00" West, along the said centerline of London Road, a distance of 922.78 feet to a point, being the northeast corner of London Road Subdivision, as delineated in Plat Book 5, Page 19;

thence North 41° 52' 26" West, along the north line of said London Road Subdivision, (passing an iron pipe found at 30.21 feet) a total distance of 319.89 feet to an iron bar set, being the northwest corner of said London Road Subdivision, also being on the east right-of-way line of the Chessie System Railroad, all iron bars set are set with a plastic cap marked "SLSS RS 6612";

thence North 04° 14' 14" East, along the said east right-of-way line of the Chessie System Railroad, a distance of 350.90 feet to an iron bar set, being on the north line of said Sublot 11;

thence South 42° 18' 13" East, along the said north line of Sublot 11, a distance of 27.55 feet to an iron bar set;

thence North 04° 14' 14" East, a distance of 123.97 feet to a P.K. Nail set, being on the north line of said Section 2, and being on the south line of said Section 3;

thence North 85° 13' 36" West, along the said north line of Section 2, and along the said south line of Section 3, a distance of 20.00 feet to an iron bar set, being on the said east right-of-way line of the Chessie System Railroad;

thence North 04° 14' 14" East, along the said east right-of-way line of the Chessie System Railroad, a distance of 673.71 feet to an iron bar set, being on the south right-of-way line of the Conrail Railroad;

thence North 75° 40' 14" East, along the said south right-of-way line of the Conrail Railroad, a distance of 424.66 feet to a P.K. Nail set;

thence, continuing along the said south right-of-way line of the Conrail Railroad, and along a curve which is concave to the south, having a central angle of 03° 06' 54" and a radius of 8,612.80 feet and having a chord which bears North 77° 13' 41" East, a distance of 468.20 feet to an iron bar set, being on the said east line of Section 3, also being on the west line of a 12 foot alley as delineated in Plat Book 2, Page 209;

Handwritten scribbles and initials.

Vertical stamp: RECEIVED OCT 31 1994

*Seeing is Believing, Measuring is Knowing*

Volume: 582 Page: 660 Instrument Number: 1994-00025342 Seq: 3

October 31, 1994  
Page 2

Description of a 23.29 acre tract for  
Albetway Corporation

thence South 03° 20' 06" West, along the said east line of  
Section 3, and along the said west line of the 12 foot alley, a  
distance of 674.71 feet to an iron pipe found, being the  
northeast corner of a 0.7 acre tract now or formerly owned by  
J.D. and I.M. Fisher, as described in Deed Book 491, Page 131;

thence North 85° 22' 30" West, along the north line of the said  
0.7 acre tract, a distance of 124.83 feet to an iron pipe found,  
being the northwest corner of the said 0.7 acre tract;

thence South 03° 14' 11" West, along the west line of the said  
0.7 acre tract, a distance of 248.83 feet to an iron pipe found,  
being the southwest corner of the said 0.7 acre tract;

thence South 85° 19' 41" East, along the south line of the said  
0.7 acre tract, a distance of 124.41 feet to an iron pipe found,  
being on the said east line of Section 3, also being on the said  
west line of the 12 foot alley, also being the southeast corner  
of the said 0.7 acre tract;

thence South 03° 20' 06" West, along the said east line of  
Section 3, and along the said west line of the 12 foot alley, a  
distance of 30.47 feet to the TRUE POINT OF BEGINNING;

containing 23.29 acres, more or less, there being approximately  
15.42 acres in said Section 3 and approximately 7.87 acres in  
said Section 2;

being all of an original 0.285 acre tract as described as Tract 3  
in Deed Book 383, Page 63, also being all of an original 15.3  
acre tract as described as Tract 6, Parcel A in Deed Book 383,  
Page 63, also being all of an original 5.07 acre tract as  
described as Tract 6, Parcel C in Deed Book 383, Page 63, and  
being all of an original 2.59 acre tract as described as Tract 6,  
Parcel D in Deed Book 383, Page 63;

subject to all easements, restrictions and rights-of-way, if any,  
of record.

Surveyed by Frank Celio, Surveyor, Registration Number 6612 on  
September 19, 1994. Basis of bearings is the centerline of  
London Road per Plat Book 7, Page 119.

Tract II

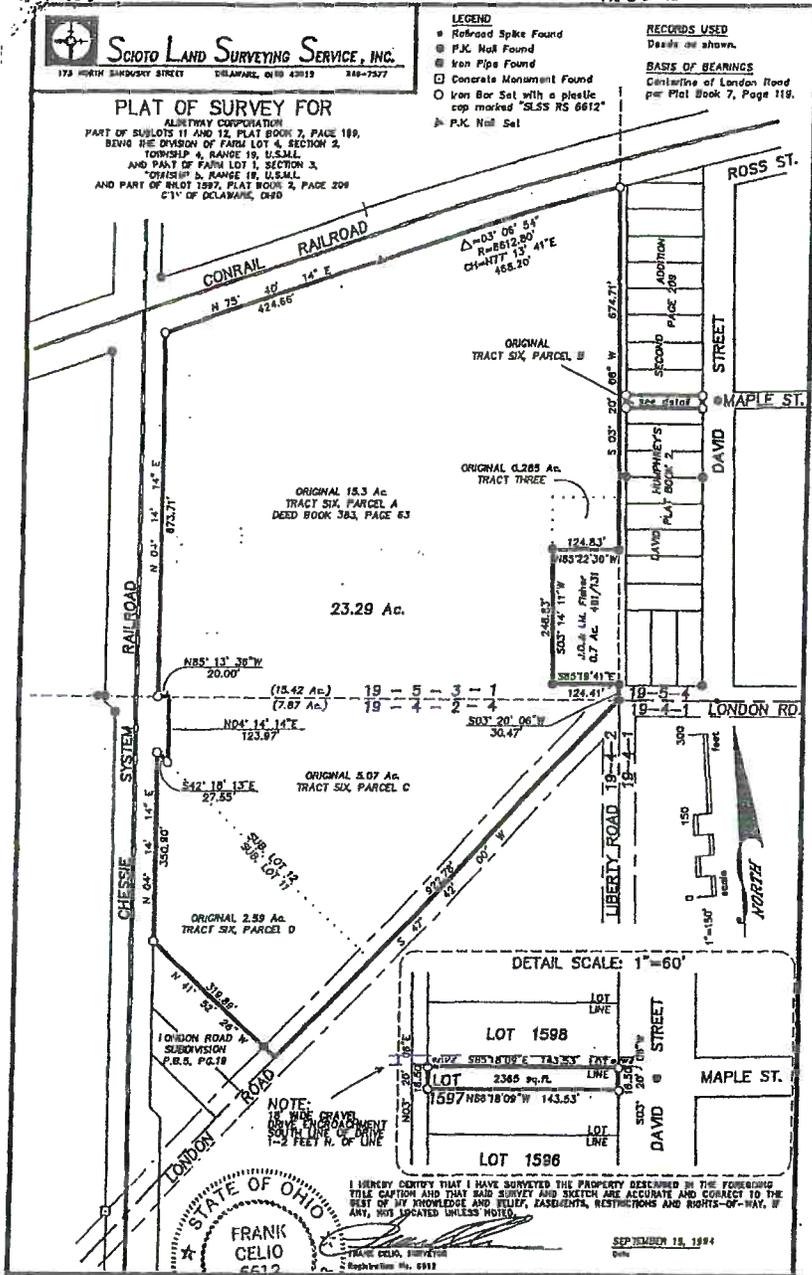
Being 16½ feet off the north side of Inlot 1597 of David  
Humphrey's Second Addition, as delineated in Plat Book 2, Page  
209, and running the full length of said lot east and west.

Vol. 0582 Page 663

Frank Celio, Surveyor  
Registration No. 6612



RECORDED  
11/13/94



## AGREEMENT

The City of Delaware, Ohio, an Ohio municipal corporation ("City") and Howald Industrial Park, Inc., an Ohio corporation formerly known as Marvin Industrial Park, Inc. and Howald Properties, Ltd., an Ohio limited liability company (known together as "Howald") have entered into this agreement, effective upon signing.

1. **Planned Mixed Use Overlay Application:** Howald's property is currently zoned as M-2. Howald will submit a planned mixed use overlay through the rezoning process. This rezoning application will include the existing facility, the vacant land in front of the existing facility, the railroad right of way, the old foundry site, and platted lots indicated on **Exhibit A**.
2. **Prior Ordinance Conditions:** Howald states that he has met all conditions of prior ordinances aside from the fencing requirements per agreement with the City. Howald agrees to re-execute any documents necessary to document compliance with the prior conditions.
3. **Bike Path Easements:** Upon approval of the rezoning application, Howald will deed to the City the 20 foot wide bike path easement shown in **Exhibit B**, plus any temporary easements necessary to construct the bike path. The bike path easement, whose exact location will be determined by the final surveys, will run from the railroad right of way to approximately the south east end of Tod Street. City will pay for the survey and drafting of this easement.
4. **Bike Path Contribution:** Howald will contribute \$14,000 towards the construction of the bike path within 180 days of the City granting the easement detailed in paragraph 6. The City will bear the rest of the cost of constructing the bike path and will be responsible for maintaining the bike path.
5. **Building and Zoning Permits:** Howald acknowledges that it is required to apply for building and zoning permits prior to any construction or occupancy of the property.
6. **City Easement to Howald:** Upon satisfaction of the conditions set out above, the City will give Howald a permanent exclusive easement to over and through the property shown in **Exhibit C**, subject to the Occupancy Easement and the Utility Easement reserved by CSX Transportation, Inc. recorded in Official Records Volume 584, at Page 928, in the Delaware County Recorder's Office. Howald will provide a copy of the easement and survey for City signature.
7. **Failure to Obtain Zoning Amendment:** The parties recognize that if the planned mixed use zoning request is not granted, Howald will not be required to fulfill the requirements of Section 3 (Bike path dedication) and Section 4 (monetary contribution). However, Howald will have 30 days to submit a rezoning request to bring the existing facility into compliance.
8. **Choice of Law:** This agreement shall be construed under and in accordance with the laws of the State of Ohio.
9. **Venue:** If a dispute arises relating to this Agreement, the courts of Delaware County, Ohio shall have jurisdiction to resolve any dispute, unless the parties agree to an alternative method of dispute resolution.



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by the duly authorized representatives on the dates written below.

CITY OF DELAWARE

By: 

R. Thomas Homan, City Manager

8/16/13

Date

APPROVED AS TO FORM:

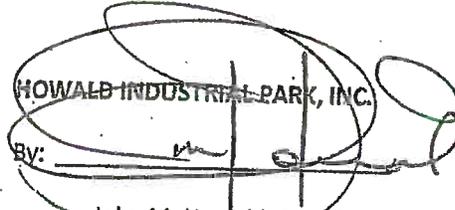
  
\_\_\_\_\_

Darren Shulman, City Attorney

8/15/2013

Date

HOWALD INDUSTRIAL PARK, INC.

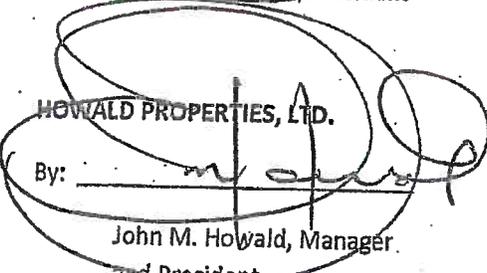
By: 

John M. Howald, President

8/15/2013

Date

HOWALD PROPERTIES, LTD.

By: 

John M. Howald, Manager  
and President

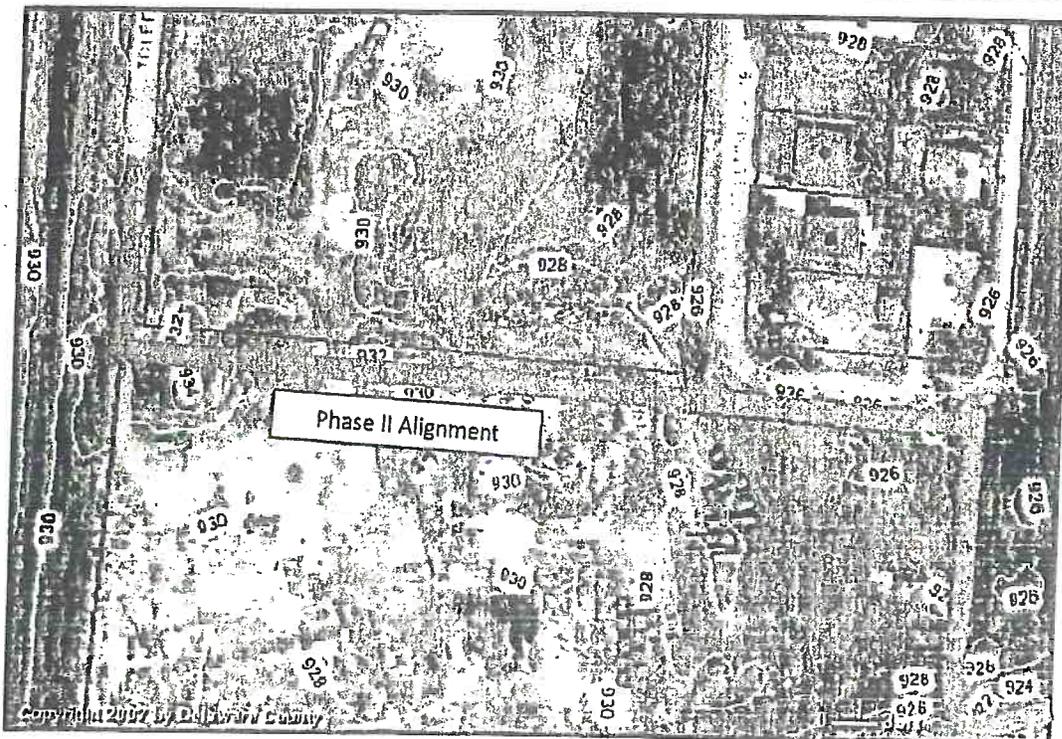
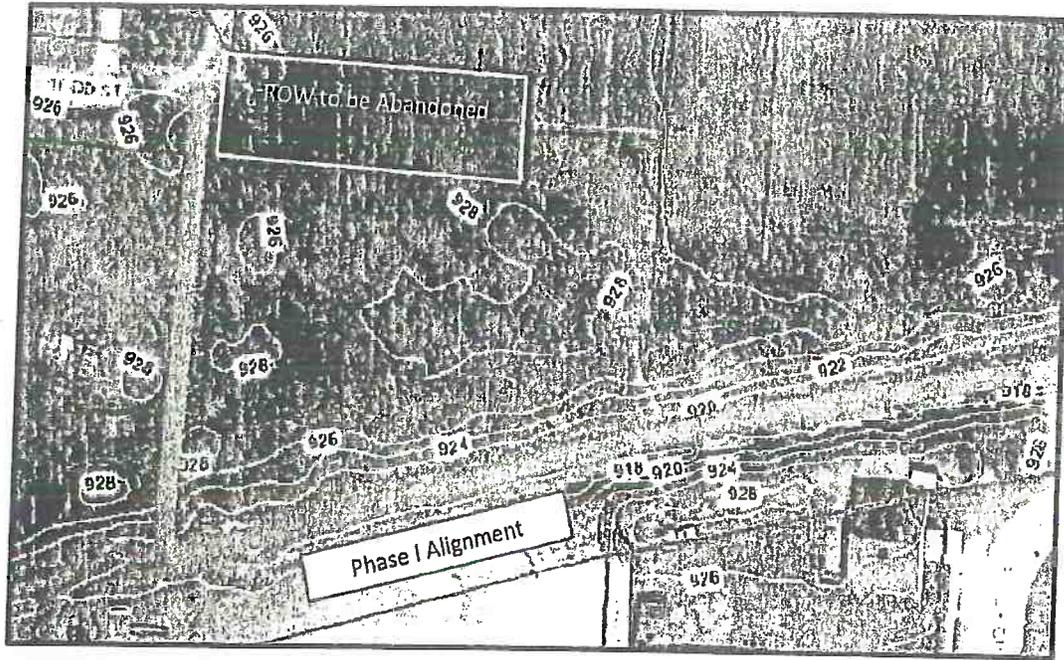
8/15/2013

Date

# Springfield Branch Pedestrian Trail Phase I & II

John Howald Property

Revised 1-22-13





ORDINANCE NO. 13-29

AN ORDINANCE AUTHORIZING THE CITY MANAGER  
TO ENTER INTO A DEVELOPMENT AGREEMENT  
WITH HOWALD PROPERTIES.

WHEREAS, the City of Delaware and Howald Properties would like to enter into a development agreement to facilitate the expansion and further development of property owned by John Howald, and

NOW THEREFORE, Be It Ordained by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the City Manager is hereby authorized to enter into a development agreement with Howald Properties per the attached draft agreement.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code, and

VOTE ON RULE SUSPENSION:

YEAS 7 NAYS 0  
ABSTAIN 0

PASSED: 4/22, 2013

YEAS 7 NAYS 0  
ABSTAIN 0

ATTEST: Christine Lane  
CITY CLERK

[Signature]  
MAYOR

### Legal Description of a 0.275 Acre Tract

Situated in the State of Ohio, County of Delaware, City of Delaware, being part of tract ( Parcel 2) and portions of vacated Toledo Street, Located in the Montrose Park Addition as shown in Plat Book 3, Page 91, being part of a 2.693 acre tract as conveyed to Howald Industrial Park, Inc. in Deed Volume 1283, Page 2405, Parcel number 51934405019000, hereon referred to as Grantor, ( all records herein are from the Recorder's Office, Delaware County, Ohio ) and being more particularly described as follows;

Beginning for reference at a 5/8" rebar found at the southwest corner of the Montrose Park Addition and the vacated Toledo Street (ordinance No. 1093, January 03, 1927), also being the northeast corner intersection of the CSX Railroad property, and being at the southwest corner of a 4.583 acre tract as conveyed to Howald Industrial Park, Inc. in Deed Book 1283, page 2405;

Thence northerly with the westerly line of said Vacated Toledo Street, the easterly line of said CSX Railroad, North 03°39'56" East, a distance of 402.24 feet to a found 3/4" iron pipe with cap (non-legible); Said iron pipe being at the northwest corner of said Howald 4.0630 acre tract and the southwest corner of the Grantor's land, and being at the TRUE POINT OF BEGINNING for the 0.275 acre tract herein described;

Thence continuing northerly with the westerly line of said vacated Toledo Street, and the easterly line of said CSX Railroad, and the Grantor's westerly line, North 03°39'56" East, a distance of 299.58 feet to a found 3/4" iron pipe with cap stamped Floyd Browne;

Thence easterly with the Grantor's northerly line, North 85°22'30" East, a distance of 40.00 feet to a set 5/8" rebar with cap stamped Ackison Surveying;

Thence southerly on a new division line through the Grantor's land, South 03°39'56" West, a distance of 299.54 feet to a set 5/8" rebar with cap stamped Ackison Surveying, said set rebar being on the Grantor's southerly line and on the northerly line of said Howald 4.0630 acre tract;

Thence westerly with the northerly line of said Howald 4.0630 acre tract and the Grantor's southerly line, North 85°26'00" West, a distance of 40.00 feet to the TRUE POINT OF BEGINNING and containing 0.275 Acres.

Subject to all easements, rights-of-ways or restrictions of record.

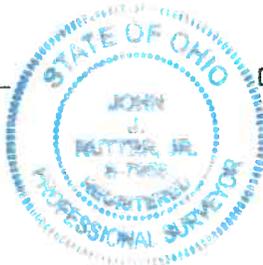
This description was prepared by Ackison Surveying, LLC. (614-866-4600) under the direct supervision of John J Rutter Jr. Registered Surveyor No. 7958 from an actual field survey of the premises in November of 2014. And a Plat of survey is attached hereto and made a part hereof.

Basis of Bearings is from the East line of the CSX Railroad right-of-way, being N 03°39'56"E, as found on Deed Book 547, Page 290 of said County, shown on a 7.276 Acres Survey Record by Patridge Surveyors in May 2013 and is Used to Denote Angles Only.

Deed References and Documents as Recorded in the Delaware County, Ohio Recorder's Office.

All Iron Pins set are 5/8" X 30" rebar with a yellow plastic cap reading Ackison Surveying.

*J. Rutter Jr. Dec 5, 2014*  
John J Rutter Jr. PS  
Registered Surveyor No. 7958



December 05, 2014





### Property Information

Parcel Number	519-344-05-019-000	Property Address:	
Owner Name	HOWALD INDUSTRIAL PARK INC	TOLEDO ST	
Owner Address	TOLEDO ST DELAWARE OH 43015	DELAWARE OH 43015	
Tax District	14 DELAWARE CORP	Tax Payer Address:	
School District	2103 DELAWARE CSD	2009	
Neighborhood	14006 Del Corp 006	140 N SANDUSKY ST	
Use Code	300 Industrial - vacant land	DELAWARE OH 43015	
Acres	.27500	USA	
Description PT VACATED STREET			
<b>Assessment Info</b>		<b>Current Value</b>	
Board of Revision	N	Mkt Land Value	\$24,200
Homestead/Disability	N	CAUV	\$0
Owner Occ Credit	N	Mkt Impr Value	\$0
Divided Property	Y	Total	\$24,200
New Construction	N	<b>Current Tax</b>	
Foreclosure	N	Tax Due	\$605.74
Other Assessments	N	Paid To Date	\$605.74
Front Ft.	N	Current Balance Due	\$0.00
		<b>Recent Transfer</b>	
		# Parcels	1
		Deed Type	Setup/RMW & TLB
		Amount	\$0
		Sale Date	1/6/2015
		Conveyance	
		Deed #	

<< Previous Card      Card 1 of 0      Next Card >>

Card - 1

Property Sketch and Photos -- Card 1

Property Sketch	Property Photos
	



Assurance  
Technical  
Services

Man's field  
Warehouse &  
Distributors

PARK AVE

TOLEDO ST

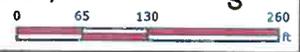
COLUMBUS AVE

TODD ST



Delaware County Auditor  
George Kaites

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County. Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be construed or used as a "legal description" of a parcel. Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201). Please report any errors or omissions to the Delaware County Auditor's office at [delcogis@co.delaware.oh.us](mailto:delcogis@co.delaware.oh.us). Prepared by: Delaware County Auditor's GIS Office  
Printed on 8/22/2018



LEGAL DESCRIPTION OF 4.583 ACRE TRACT

Situated in the State of Ohio, County of Delaware, City of Delaware, being all of (Tract I and Tract II) Lots 2267 through 2283 inclusive, and portions of vacated portions Tod Avenue, Toledo Street, Montrose Avenue, in the Montrose Park Addition to the City of Delaware as delineated and recorded in Plat Book 3, Page 91, Recorder's Office, Delaware County, Ohio, and presently owned by General Casting Company as recorded in Deed Book 501, Page 808, and being more particularly described as follows:

Beginning at a 5/8" rebar found at the southwest corner of the Montrose Park Addition and vacated Toledo Street (Ordinance No. 1098, January 03, 1927), also being the northeast corner intersection of the CSX Railroad property;

thence North 03° 28' 00" East 402.24 feet, in the west line of said vacated Toledo Street and in the east line of said CSX Railroad, to an iron pin set in the north line extended of the vacated portion of Tod Avenue (Ordinance No. 1098, January 03, 1927);

thence South 88° 28' 00" East 421.28 feet, in the north line of vacated Tod Avenue, to an iron pin set in the west line of Columbus Avenue (40 foot wide by Ordinance No. 1098, January 03, 1927), at the intersection of and in the vacated line of Tod Avenue with Columbus Avenue;

thence South 03° 30' 48" West 60.03 feet, across said vacated Tod Avenue, to an iron pin set in the south line of Tod Avenue;

thence South 88° 28' 00" East 373.13 feet, in the north line of Tod Avenue, to an iron pin found marking the northeast corner of Lot 2267 and in the west line of vacated Montrose Avenue (Ordinance 1728, October 7, 1940);

thence North 02° 28' 58" East 28.01 feet, in the west line of Montrose Avenue, to an iron pin set;

thence South 88° 28' 00" East 80.63 feet, across Montrose Avenue, to an iron pin found in the east line of said Montrose Park Addition;

thence South 02° 38' 00" West 83.58 feet, in the east line of said Montrose Park Addition, to an iron pin found marking the southeast corner of said Montrose Park Addition and in the north line of CSX Railroad Property;

thence along the arc of a curve to the left (radius = 7880.48 feet, delta angle = 03° 23' 42") which has a chord bearing of South 78° 33' 38" West and a chord distance of 468.58 feet, to an iron pin set at the point of tangency of said curve;

thence South 78° 34' 00" West 443.87 feet, in the south line of said Montrose Park Addition and north line of said CSX Railroad property, to the place of beginning, containing 4.583 acres more or less, of which 4.374 acres are in Tract I and 0.271 acres are in Tract II and 0.448 acres are in vacated Tod Avenue, 0.276 acres are in vacated Columbus Avenue, 0.140 acres are in Montrose Avenue and 0.803 acres are in Toledo Street.

Also subject to with the right to use a thirty foot (30') wide ingress and egress and utility easement as shown on the attached plot and made part thereof.

Basis of bearings from Deed Book 533, Page 142, based on the centerline of CSX Railroad being North 04° 12' 10" East.

All referenced documents are all file at the Delaware County Recorder's Office, Delaware, Ohio.

A survey of the above described premises was done by Robert T. Patridge Jr. in April, 2003. All iron pins set are capped PATRIDGE SURVEYING.

DESCRIPTION FOR CLOSING ONLY  
 RPC Approval Required  
 Municipal Approval Required  
Delaware County Engineer

APPROVED FOR  
Transfer  
Chris Bauserman  
Delaware County Engineer



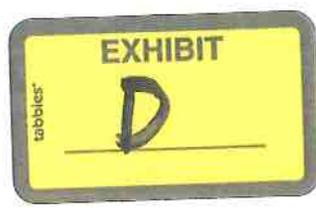
APPROVED BY DELAWARE COMMISSIONER  
OF REVENUE  
DATE 5-19-03

7521 000  
09-03

9484 Dublin Road, Powell Ohio 43068  
Tel. - 614-795-0281 - Fax 614-795-0330

EXCEPTING THEREFROM THE 0.520 ACRES DESCRIBED ON THE FOLLOWING PAGES.

Delaware County  
The Grantor Has Complied With  
Section 319.202 Of The R.C.  
DATE 2/20/05 Transfer Tax Paid 480.00  
TRANSFERRED OR TRANSFER NOT NECESSARY  
Delaware County Auditor By: [Signature]





EXCEPTION TO 4.583 ACRE TRACT

0.520 Acres

Situated in the State of Ohio, County of Delaware, City of Delaware, being all of Lots 2867 and 2868, and part of Lot 2869 and vacated Montrose Avenue of Montrose Park Addition of record in Plat Book 3, Page 91, being part of a 4.583 acre tract of land as conveyed to HP-4544 LLC of record in Official Record Volume 586, Page 2196 (all records being of the Delaware County Recorder's Office), and being more particularly described as follows:

Commencing at an iron pin found at the southwesterly corner of said Montrose Park Addition and vacated Toledo Street (Ordinance No. 1093, January 3, 1927), and being the southwesterly corner of said 4.583 acre tract;

Thence North 74°49'25" East with the southerly line of said Montrose Park Addition and said 4.583 acre tract, and the northerly line of a 3.667 acre tract of land as conveyed to the City of Delaware, Ohio of record in Official Record Volume 584, Page 928, a distance of 357.81 feet to a point;

Thence continuing with said line with a curve to the right and having a radius of 9573.14 feet, a central angle of 1°55'07", a chord which bears North 75°46'59" East, a chord distance of 320.56 feet, and an arc length of 320.58 feet to an iron pin set at the true point of beginning;

Thence North 02°17'25" East crossing said 4.583 acre tract, a distance of 131.70 feet to an iron pin set on the southerly right of way line of Tod Avenue (50 feet wide);

Thence South 85°43'29" East with said right of way line, a distance of 153.24 feet to an iron pin found at the southeasterly corner of said right of way and being on the westerly line of said vacated Montrose Avenue;

Thence North 02°17'25" East with the westerly line of said vacated Montrose Avenue, a distance of 25.01 feet to a point referenced by an iron pin found 0.12 feet south and 0.05 feet west, on the southerly line of Tract Four of land conveyed to the Trustees of Ohio Wesleyan University of record in Deed Book 303, Page 543;

Thence South 85°43'29" East with said southerly line of said Tract Four and crossing said vacated Montrose Avenue, a distance of 60.04 feet to a point referenced by an iron pin found 0.40 feet south and 0.07 feet west on the easterly line of said vacated Montrose Avenue and said Tract Four and being on the westerly line of Tracts 1, 2, and 3 of land conveyed to Trustees of Ohio Wesleyan University of record in Deed Book 303, Page 543;

Thence South 02°17'25" West with the easterly line of said vacated Montrose Avenue and the westerly line of said Tracts 1, 2, and 3, a distance of 92.65 feet to an iron pipe found in concrete on the northerly line of said 3.667 acre tract and being at the southeasterly corner of said vacated Montrose Avenue;

Thence with said northerly line of said 3.667 acre tract and with a curve to the left having a radius of 8501.05 feet, a central angle of 0°04'13", a chord which bears South 78°02'06" West, a chord distance of 10.42 feet, and an arc length of 10.43 feet to an iron pin found with a Floyd Browne Group cap at a point of compound curve;

Thence continuing with said line and with a curve to the left having a radius of 9573.14 feet, a central angle of 1°15'28", a chord which bears South 77°22'16" West, a chord distance of

DESCRIPTION FOR CLOSING ONLY  
FPC Approval Required  
Municipal Approval Required  
Delaware County Engineer

NEW DESCRIPTION  
Approved for transfer  
Chris Hammerman, Del. Co. Eng.  
Survey Plat Must Be Attached  
J:\Projects\Hilowald, John\06-50135-010\SRVY\OFFICE\0\_520AC.doc

APPROVED BY PLANNING COMMISSION  
CITY OF DELAWARE, OHIO  
NO PLAT REQUIRED  
BY [Signature] DATE 3/27/16

210.14 feet, and an arc length of 210.15 feet to the true point of beginning and containing 0.520 acres, more or less.

This description was prepared by Floyd Browne Group, Delaware, Ohio from an actual field survey. The bearings are based on the Ohio State Plane Coordinate System, Ohio North Zone, NAD 83/95 as obtained by GPS observations from the Delaware County Geodetic Monumentation System. All iron pins set are 30" long and 5/8" diameter with plastic caps stamped "Floyd Browne Group".



*Maynard H. Thompson*  
Maynard H. Thompson - F.S. 7128 Date

APPROVED BY PLANNING COMMISSION  
CITY OF DELAWARE, OHIO  
NO PLAN REQUIRED  
BY *E.M.* DATE *2-17-16*



### Property Information

Parcel Number	519-344-05-018-000		Property Address:		
Owner Name	HOWALD INDUSTRIAL PARK INC		TOLEDO ST		
Owner Address	TOLEDO ST DELAWARE OH 43015		DELAWARE OH 43015		
Tax District	14 DELAWARE CORP		Tax Payer Address:		
School District	2103 DELAWARE CSD		2009		
Neighborhood	14006 Del Corp 006		140 N SANDUSKY ST		
Use Code	300 Industrial - vacant land		DELAWARE OH 43015		
Acres	4.06300		USA		
Description					
PT LOT 2869 & LOTS 2870-2883 INCL & VAC ST					
<b>Assessment Info</b>		<b>Current Value</b>		<b>Recent Transfer</b>	
Board of Revision	N	Mkt Land Value	\$36,600	# Parcels	2
<u>Homestead/Disability</u>	N	CAUV	\$0	Deed Type	Quit Claim Deed Ex
<u>Owner Occ Credit</u>	N	Mkt Impr Value	\$0	Amount	\$0
Divided Property	N	Total	\$36,600	Sale Date	5/5/2014
New Construction	N	<b>Current Tax</b>		Conveyance	
Foreclosure	N	Tax Due	\$916.12	Deed #	765
Other Assessments	N	Paid To Date	\$916.12		
Front Ft.	N	Current Balance Due	\$0.00		

[<< Previous Card](#)      Card 1 of 0      [Next Card >>](#)

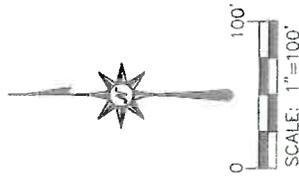
Card - 1

Property Sketch and Photos -- Card 1

<b>Property Sketch</b> 	<b>Property Photos</b> 
---	--



**EASEMENT EXHIBIT**  
**1.564 ACRES**



BASIS OF BEARINGS IS FROM THE CENTERLINE OF CSX RAILROAD BEING N 04° 12' 19" E (D.B. 547, PG. 290) AS SHOWN ON SURVEY PLAT OF 7.276 ACRES BY PATRIDGE PROFESSIONAL SURVEYORS AND ENGINEERS L.L.C. ON MAY 13, 2003 AND IS USED TO DENOTE ANGLES ONLY.

**REFERENCES:**

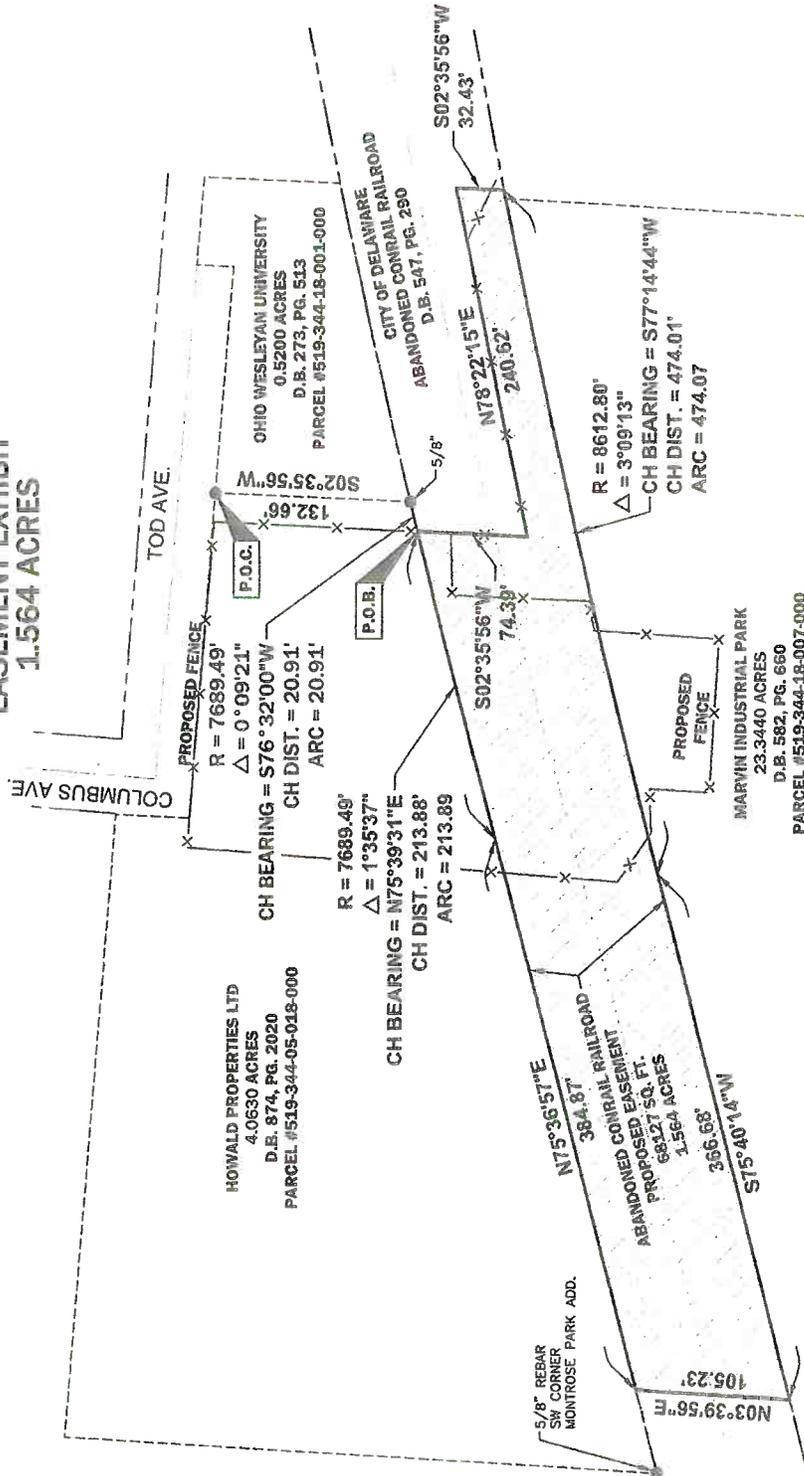
1. SURVEY OF 7.276 ACRES BY PATRIDGE PROFESSIONAL SURVEYORS AND ENGINEERS L.L.C. ON MAY 13, 2003.
2. SURVEY 23.29 ACRES BY SCOTO LAND SURVEYING SERVICES, INC. ON SEPTEMBER 19, 1994.

**LEGEND**

- Iron PIN Fnd. As (Noted)
- Iron PIN Set w/ cap
- ⊙ P.K. Nail Fnd.
- ⊙ P.K. Nail Set



Office: 614-766-4000  
Cell: 614-207-8214  
www.ackisonsurveying.com



CITY OF DELAWARE



I HEREBY CERTIFY THAT THE ATTACHED EASEMENT EXHIBIT WAS PREPARED FROM INFORMATION OBTAINED FROM AN ACTUAL FIELD SURVEY OF THE PREMISES AND THAT SAID PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE

REGISTERED SURVEYOR NO. 7578  
JEFFREY V. GREEN

NOVEMBER 25, 2013

*Jeffrey V. Green*



### Description of a 1.564 Acre Tract

Situated in City of Delaware, Delaware County, Ohio. Located in Sub lots 11 and 12, as delineated in Plat Book 7, Page 189, in Farm Lot 4, in Section 2 Township 4, Range 19 and in Farm lot 1, in Section 3, Township 5, Range 19, both in the United States Military Lands, and being a portion of the Abandoned Conrail Railroad property (deeded to The City of Delaware in DB 547 Pg. 290 as shown at the Delaware County Recorder's Office) in the City of Delaware, being more particularly described as follows;

**Commencing** at a capped Rebar (Floyd Browne) found in the south right of way of abandoned Tod Avenue at the Northwest corner of a 6.46 acre Parcel Number 519-344-18-001-000 conveyed to Ohio Wesleyan University in Book 273, Pages 513 in said County Recorder's Office; **Thence S.02°35'56"W, 132.66'**, to a capped Rebar (Floyd Browne) found at the beginning of a non-tangent curve to the left, having a Radius of 7689.49', a Central Angle of 00°09'21", a Chord Bearing S.76°32'00"W. and a Chord Distance of 20.91'; **Thence** along the arc of said curve to the left an **Arc Length of 20.91'**, to the **Point of Beginning** of the **Easement** herein described;

**Thence, S.02°35'56"W, 74.39'**, to a point;

**Thence N.78°22'15"E, 240.62'**, to a point

**Thence S.02°35'56"W, 32.43'**, to a point at the beginning of a non-tangent curve to the left having a Radius of 8612.80', a Central Angle of 03°09'13", a Chord Bearing N.77°14'44"W. and a Chord Distance of 474.01';

**Thence** along the arc of said curve to the left an **Arc Length of 474.07'**, to a point;

**Thence S.75°40'14"W, 366.68'**, to a point;

**Thence N.03°39'56"E, 105.23'**, to a point;

**Thence N.75°36'57"E, 384.87'**, to a point at the beginning of a curve to the right, having a Radius of 7689.49', a Central Angle of 01°35'37", a Chord Bearing N.75°39'31"E. and a Chord Distance of 213.88';

**Thence** along the arc of said curve to the right an **Arc Length of 213.89'**, to the **Point of Beginning**. **Containing 1.564 Acres (68127.34 Square Feet)** more or less, subject to all easements and right of ways of record.

Basis of Bearings is from the Centerline of the CSX Railroad being **N.04°12'19"E**, as found on Deed Book 547, Page 290 of said County, shown on a 7.276 Acres Survey Record by Patridge Surveyors in May 2013 and is *Used to Denote Angles Only*.

Deed References and Documents as Recorded in the Delaware County, Ohio Recorder's Office.

All Iron Pins set are 5/8" X 30" rebar with a yellow plastic cap reading Ackison Surveying.

The above description was prepared by **Ackison Surveying, LLC (614-766-4000)** from the best available County Records. The information displayed was derived from an actual field survey performed by Jeffrey Green (PS #7578) in November 2013.

*Jeffrey V. Green*

Jeffrey V. Green, Registered Surveyor No. 7578



November 25, 2013

Mapcheck 1: HOWALD--REV1

Closure Summary

Precision, 1 part in: 380319.511'  
 Error distance: 0.005'  
 Error direction: S15° 46' 59.67"W  
 Area: 70187.13 Sq. Ft.  
 Square area: 70187.128  
 Perimeter: 1892.180'

Point of Beginning

Easting: 5974.4040'  
 Northing: 5863.5362'

Side 1: Line

Direction: S2° 35' 56.00"W  
 Angle: [2°35'56"]  
 Deflection angle: [-177°24'04"]  
 Distance: 74.390'  
 Easting: 5971.0309'  
 Northing: 5769.2227'

Side 2: Line

Direction: N78° 22' 15.00"E  
 Angle: [75°46'19"]  
 Deflection angle: [-104°13'41"]  
 Distance: 240.620'  
 Easting: 6206.7116'  
 Northing: 5837.7261'

Side 3: Line

Direction: S2° 35' 56.00"W  
 Angle: [-75°46'19"]  
 Deflection angle: [104°13'41"]  
 Distance: 32.430'  
 Easting: 6205.2411'  
 Northing: 5805.3294'

Side 4: Curve

Curve direction: Clockwise  
 Radius: [8613.047']  
 Arc length: 474.070'  
 Delta angle: 3°09'13"  
 Tangent: [237.095']  
 Chord direction: S77° 14' 44.00"W  
 Chord angle: [-105°21'12"]  
 Deflection angle: [74°38'48"]  
 Chord distance: 474.010'  
 Easting: 5742.9272'  
 Northing: 5700.6808'

Side 5: Line

Direction: S75° 40' 14.00"W  
 Angle: [176°50'53"]  
 Deflection angle: [-3°09'07"]  
 Distance: 366.680'  
 Easting: 5387.6551'  
 Northing: 5609.9286'

Side 6: Line

Direction: N3° 39' 56.00"E  
 Angle: [-72°00'18"]  
 Deflection angle: [107°59'42"]  
 Distance: 105.230'  
 Easting: 5394.3827'  
 Northing: 5714.9433'

Side 7: Line

Direction: N75° 36' 57.00"E  
 Angle: [-108°02'59"]  
 Deflection angle: [71°57'01"]  
 Distance: 384.870'  
 Easting: 5767.1878'  
 Northing: 5810.5536'

Side 8: Curve

Curve direction: Clockwise  
 Radius: [7689.967']  
 Arc length: 213.890'  
 Delta angle: 1°35'37"  
 Tangent: [106.950']  
 Chord direction: N75° 39' 31.00"E  
 Chord angle: [-179°57'26"]  
 Deflection angle: [0°02'34"]  
 Chord distance: 213.880'  
 Easting: 5974.4026'  
 Northing: 5863.5314'



# SCIOTO LAND SURVEYING SERVICE, INC.

173 NORTH SANDUSKY STREET

DELAWARE, OHIO 43015

(614) 359-7577

VOL 0488 PAGE 2026

October 31, 1994

Tract I  
Description of a 23.29 acre tract for  
Albatway Corporation

## EXHIBIT A

situated in the City of Delaware, County of Delaware, State of Ohio, being part of Sublots 11 and 12, as delineated in Plat Book 7, Page 189, being the division of Farm Lot 4 in Section 2, Township 4, Range 19 of the United States Military Lands and being part of Farm Lot 1 in Section 3, Township 5, Range 19 of the United States Military Lands, and being more particularly described as follows:

Beginning at an iron pipe found at the northeast corner of said Section 2, being the intersection of London Road and Liberty Road;

thence South  $47^{\circ} 42' 00''$  West, along the said centerline of London Road, a distance of 922.78 feet to a point, being the northeast corner of London Road Subdivision, as delineated in Plat Book 5, Page 19;

thence North  $41^{\circ} 52' 26''$  West, along the north line of said London Road Subdivision, (passing an iron pipe found at 30.21 feet) a total distance of 319.89 feet to an iron bar set, being the northwest corner of said London Road Subdivision, also being on the east right-of-way line of the Chessie System Railroad, all iron bars set are set with a plastic cap marked "SLSS RS 6612";

thence North  $04^{\circ} 14' 14''$  East, along the said east right-of-way line of the Chessie System Railroad, a distance of 350.90 feet to an iron bar set, being on the north line of said Sublot 11;

thence South  $42^{\circ} 18' 13''$  East, along the said north line of Sublot 11, a distance of 27.55 feet to an iron bar set;

thence North  $04^{\circ} 14' 14''$  East, a distance of 123.97 feet to a P.K. Nail set, being on the north line of said Section 2, and being on the south line of said Section 3;

thence North  $85^{\circ} 13' 36''$  West, along the said north line of Section 2, and along the said south line of Section 3, a distance of 20.00 feet to an iron bar set, being on the said east right-of-way line of the Chessie System Railroad;

thence North  $04^{\circ} 14' 14''$  East, along the said east right-of-way line of the Chessie System Railroad, a distance of 673.71 feet to an iron bar set, being on the south right-of-way line of the Conrail Railroad;

thence North  $75^{\circ} 40' 14''$  East, along the said south right-of-way line of the Conrail Railroad, a distance of 424.66 feet to a P.K. Nail set;

thence, continuing along the said south right-of-way line of the Conrail Railroad, and along a curve which is concave to the south, having a central angle of  $03^{\circ} 06' 54''$  and a radius of 8,612.80 feet and having a chord which bears North  $77^{\circ} 13' 41''$  East, a distance of 468.20 feet to an iron bar set, being on the said east line of Section 3, also being on the west line of a 12 foot alley as delineated in Plat Book 2, Page 209;

October 31, 1994  
Page 2

Description of a 23.29 acre tract for  
Albetway Corporation

thence South 03° 20' 06" West, along the said east line of  
Section 3, and along the said west line of the 12 foot alley, a  
distance of 674.71 feet to an iron pipe found, being the  
northeast corner of a 0.7 acre tract now or formerly owned by  
J.D. and I.M. Fisher, as described in Deed Book 491, Page 131;

thence North 85° 22' 30" West, along the north line of the said  
0.7 acre tract, a distance of 124.83 feet to an iron pipe found,  
being the northwest corner of the said 0.7 acre tract;

thence South 03° 14' 11" West, along the west line of the said  
0.7 acre tract, a distance of 248.83 feet to an iron pipe found,  
being the southwest corner of the said 0.7 acre tract;

thence South 85° 19' 41" East, along the south line of the said  
0.7 acre tract, a distance of 124.41 feet to an iron pipe found,  
being on the said east line of Section 3, also being on the said  
west line of the 12 foot alley, also being the southeast corner  
of the said 0.7 acre tract;

thence South 03° 20' 06" West, along the said east line of  
Section 3, and along the said west line of the 12 foot alley, a  
distance of 30.47 feet to the TRUE POINT OF BEGINNING;

containing 23.29 acres, more or less, there being approximately  
15.42 acres in said Section 3 and approximately 7.87 acres in  
said Section 2;

being all of an original 0.285 acre tract as described as Tract 3  
in Deed Book 383, Page 63, also being all of an original 15.3  
acre tract as described as Tract 6, Parcel A in Deed Book 383,  
Page 63, also being all of an original 5.07 acre tract as  
described as Tract 6, Parcel C in Deed Book 383, Page 63, and  
being all of an original 2.59 acre tract as described as Tract 6,  
Parcel D in Deed Book 383, Page 63;

subject to all easements, restrictions and rights-of-way, if any,  
of record.

Surveyed by Frank Celio, Surveyor, Registration Number 6612 on  
September 19, 1994. Basis of bearings is the centerline of  
London Road per Plat Book 7, Page 119.

Tract II

Being 16½ feet off the north side of Inlot 1597 of David  
Humphrey's Second Addition, as delineated in Plat Book 2, Page  
209, and running the full length of said lot east and west.

VOL 0582 PAGE 663

Frank Celio, Surveyor  
Registration No. 6612



**Scioto Land Surveying Service, Inc.**  
 172 NORTH SANDUSKY STREET DELAWARE, OHIO 43015 348-7977

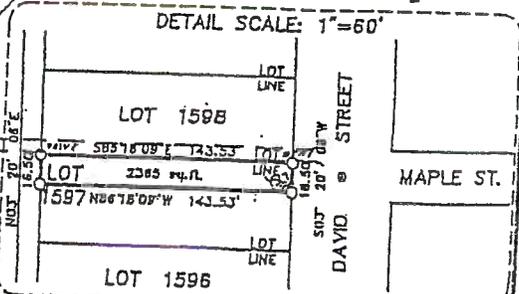
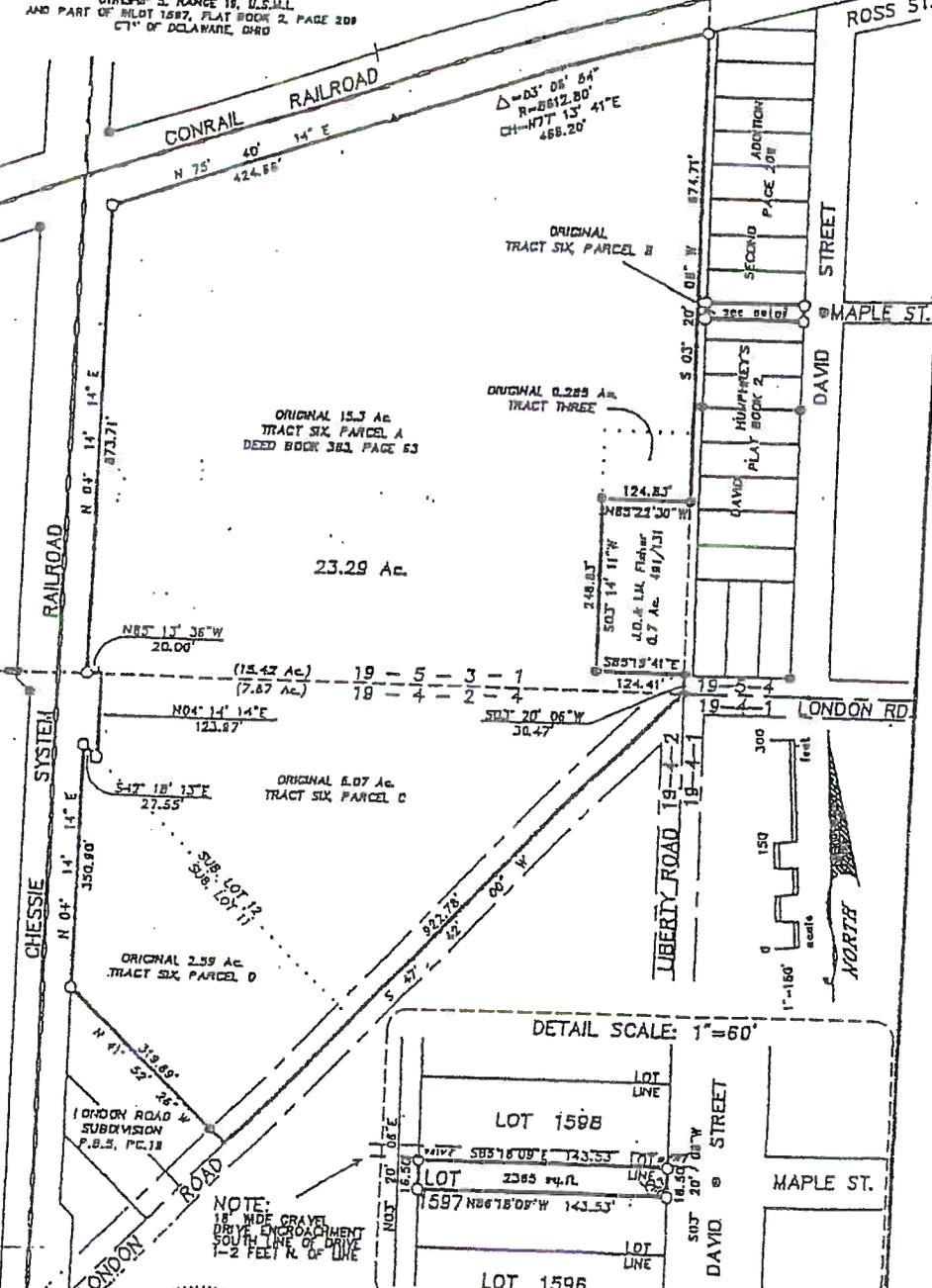
- LEGEND**
- ⊙ Railroad Spike Found
  - ⊙ P.K. Not Found
  - ⊙ Iron Pipe Found
  - ⊙ Concrete Monument Found
  - Iron Bar Set with a plastic cap marked "SLSS.RS 6612"
  - ▲ P.K. Not Set

**RECORDS USED**  
 Deeds as shown.

**BASIS OF BEARINGS**  
 Centerline of London Road per Plat Book 7, Page 118.

**PLAT OF SURVEY FOR**  
 ALBETWAY CORPORATION  
 PART OF SUBLOTS 11 AND 12, PLAT BOOK 7, PAGE 118,  
 BEING THE DIVISION OF FARM LOT 4, SECTION 2,  
 TOWNSHIP 4, RANGE 19, U.S.M.L.  
 AND PART OF FARM LOT 1, SECTION 2,  
 TOWNSHIP 4, RANGE 19, U.S.M.L.  
 AND PART OF PLOT 1587, PLAT BOOK 2, PAGE 208  
 CT. OF DELAWARE, OHIO

VOL 0488 PAGE 2020



**NOTE:**  
 1 1/2" HOPE GRAVEL DRIVE APPROXIMATELY SOUTH LINE OF DRIVE 1-2 FEET R. OF LINE

STATE OF OHIO  
 FRANK CELIO  
 6612  
 REGISTERED PROFESSIONAL SURVEYOR

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND THAT SAID SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY, IF ANY, NOT LOCATED UNLESS NOTED.

SEPTEMBER 18, 1984  
 Date

Excepting from the foregoing described  
23.29 acre tract the following described  
0.644 acre tract

Description of a 0.644 acre tract for Howald Industrial Park, Inc.  
August 16, 2004

Situated in the City of Delaware, County of Delaware, State of Ohio, being part of the division of Farm Lot 4 in Section 2, Township 4, Range 19 of the United States Military Lands and part of Farm Lot 1 in Section 3, Township 5, Range 19, United States Military Lands, being part of a 23.29 acre tract as conveyed to Marvin Industrial Park, Inc. by Deed Book 582, Page 660 now doing business as Howald Industrial Park, Inc. by Certificate of Amended Articles of Incorporation No. 200103602604 and being more particularly bound and described as follows:

Beginning at an iron pipe found at the northeast corner of said Section 2, being the intersection of the centerlines of London Road and Liberty Road, at an angle point in the centerline of said London Road;

Thence, South 47°42'00" West, with the centerline of said London Road, a distance of 922.78 feet to a point, being the southeasterly corner of said 23.29 acre tract at the northeasterly corner of London Road Subdivision as platted and recorded in Plat Book 5, Page 19;

Thence, North 41°52'26" West, leaving said centerline and along the northerly line of said London Road Subdivision, a distance of 30.00 feet to an iron pipe found in the westerly right-of-way line of said London Road;

Thence, North 47°42'00" East, with said right-of-way line, a distance of 936.23 feet to an iron pin set in the southerly line of a 0.715 acre tract conveyed to Howald Properties, LTD. By Deed Book 605, Page 794;

Thence, South 85°19'41" East, with the southerly line of said 0.715 acre tract, a distance of 11.89 feet to an iron pipe found in the easterly line of said Section 3, the westerly line of Section 4, being the southeasterly corner of said 0.715 acre tract and the southwesterly corner of David Humphrey's Second Addition of record in Plat Book 2, Page 209;

Thence, South 03°20'06" West, with said Section line, a distance of 30.47 feet to the Point of Beginning.

Containing 0.644 acres of land, more or less, there being 0.626 acres in Farm Lot 4 (19-4-2) and 0.018 acres in Farm Lot 1 (19-5-3).

Subject, however, to all easements, restrictions and rights-of-way of record, if any.

Basis of bearing are the centerline of London Road (S 47°42'00" W) as shown in Plat Book 7, Page 119.

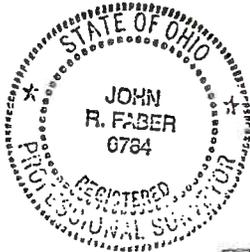
The above legal description is based on and referenced to a plat of survey entitled "Plat of Survey for Howald Industrial Park, Inc. an Ohio Corporation of 0.644 Acres" by Floyd Browne Associates, Inc. dated August 16, 2004.

All iron pins set are 5/8" rebar with an orange plastic cap stamped "FBA, INC."

All references are to the records of the Recorder's Office, Delaware County, Ohio.

*John R. Faber*

John R. Faber, PS  
Registered Surveyor No. 6784

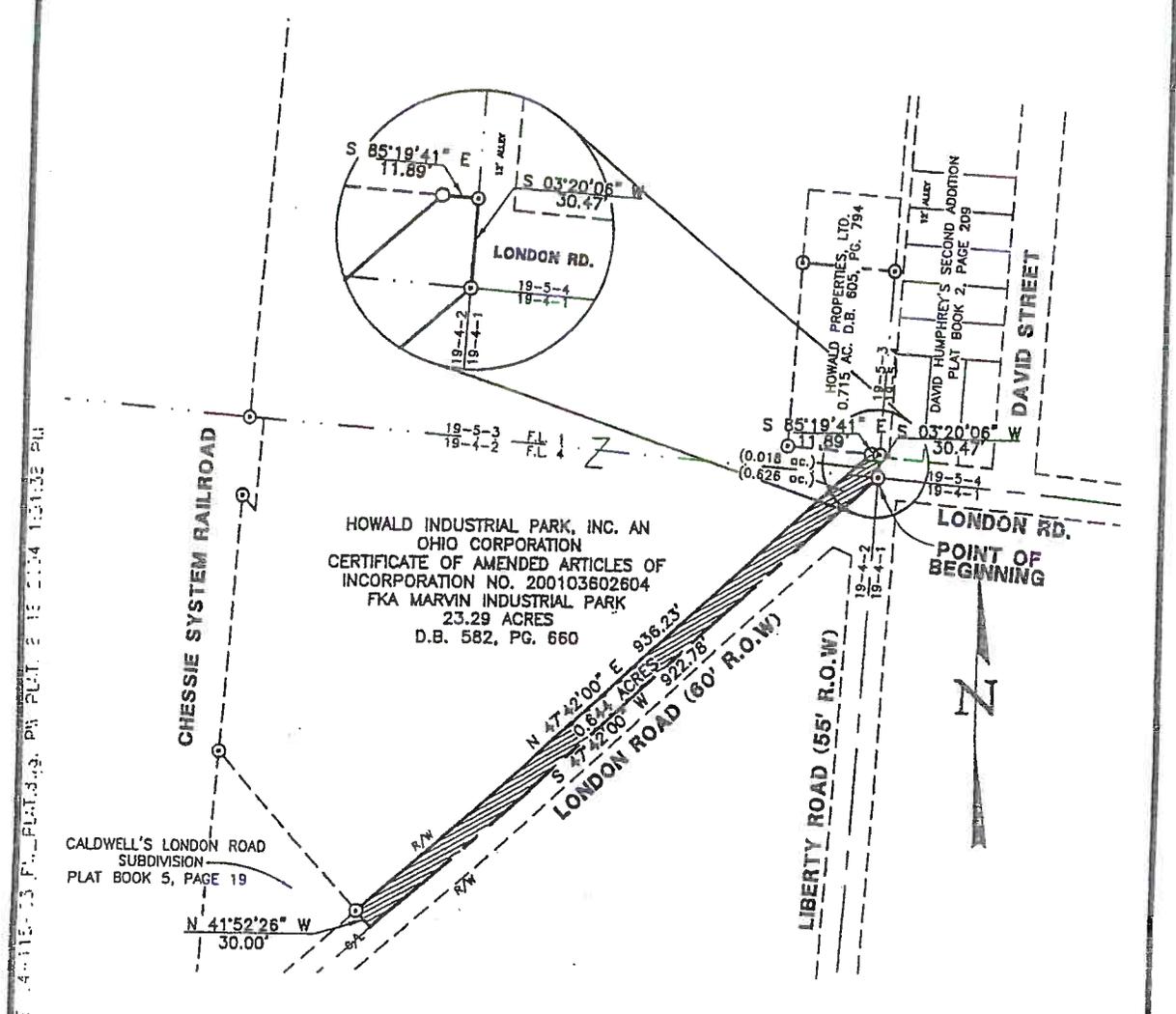


DESCRIPTION FOR CLOSING ONLY  
 RPC Approval Required  
 Municipal Approval Required  
Delaware County Engineer

NO PLAT REQUIRED  
CITY OF DELAWARE, OHIO  
PLANNING COMMISSION

PLAT OF SURVEY FOR  
**HOWALD INDUSTRIAL PARK, INC. AN OHIO CORPORATION**  
**OF 0.844 ACRES**

LOCATED IN THE CITY OF DELAWARE, COUNTY OF DELAWARE, STATE OF OHIO AND BEING PART OF THE DIVISION OF FARM LOT 4 IN SECTION 2, TOWNSHIP 4, RANGE 19, UNITED STATES MILITARY LANDS AND PART OF FARM LOT 1, IN SECTION 3, TOWNSHIP 5, RANGE 19, UNITED STATES MILITARY LANDS, BEING PART OF A 23.29 ACRE TRACT CONVEYED TO MARVIN INDUSTRIAL PARK, INC. BY DEED BOOK 582, PAGE 660, NOW DOING BUSINESS AS HOWALD INDUSTRIAL PARK, INC. BY CERTIFICATE OF AMENDED ARTICLES OF INCORPORATION NO. 200103602604.



HOWALD INDUSTRIAL PARK, INC. AN OHIO CORPORATION  
CERTIFICATE OF AMENDED ARTICLES OF INCORPORATION NO. 200103602604  
FKA MARVIN INDUSTRIAL PARK  
23.29 ACRES  
D.B. 582, PG. 660



**BASIS OF BEARINGS**

BASIS OF BEARINGS ARE THE CENTERLINE OF LONDON ROAD (S 47°42'00" W) AS SHOWN IN PLAT BOOK 7, PAGE 119.

**LEGEND**

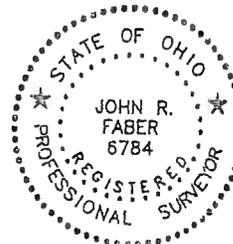
- ⊙ IRON PIPE FOUND
- IRON PIN SET

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS PLAT OF SURVEY IS BASED ON A SURVEY MADE IN THE FIELD.

*John R. Faber*  
JOHN R. FABER  
REGISTERED SURVEYOR NO. 6784

APPROVED BY PLANNING COMMISSION  
CITY OF DELAWARE, OHIO  
NO PLAT REQUIRED  
BY *John R. Faber* DATE 10-13-04  
REGISTERED SURVEYOR

Aug 16, 2004  
DATE



Howald Industrial Park, Inc. Survey of 0.844 Acres, Plat No. 04-115-03, F.B.A. Inc., 585 Sunbury Road, Delaware, Ohio 43015-9795, Date of Survey 10-13-04, 10:00 AM

### Property Information

Parcel Number	519-344-18-007-000	Property Address:	320 LONDON RD
Owner Name	HOWALD INDUSTRIAL PARK INC		DELAWARE OH 43015
Owner Address	320 LONDON DELAWARE OH 43015	Tax Payer Address:	2009
Tax Set	14 DELAWARE CORP		140 N SANDUSKY ST
School District	2103 DELAWARE CSD		DELAWARE OH 43015
Neighborhood	14004 Del Corp 004		USA
Use Code	340 Manuf and assembly - light		
Acres	23.34400		
Description	LANDS 19 4 2 4 LANDS 19 5 3 1 PTLOT 1597 ABATEMENT PARTIAL		

Assessment Info		Current Value		Recent Transfer	
Board of Revision	N	Mkt Land Value	\$689,000	# Parcels	1
Homestead/Disability	N	CAUV	\$0	Deed Type	Affidavit EX
Owner Occ Credit	N	Mkt Impr Value	\$1,623,000	Amount	\$0
Divided Property	N	Total	\$2,312,000	Sale Date	11/19/2013
New Construction	N	<b>Current Tax</b>		Conveyance	
Foreclosure	N	Tax Due	\$40,536.30	Deed #	2206
Other Assessments	N	Paid To Date	\$20,268.15		
Front Ft.	N	Current Balance Due	\$20,268.15		

<< Previous Card      Card 1 of 4      Next Card >>

#### Building Section 001 Occupancy 001

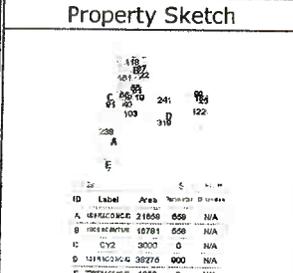
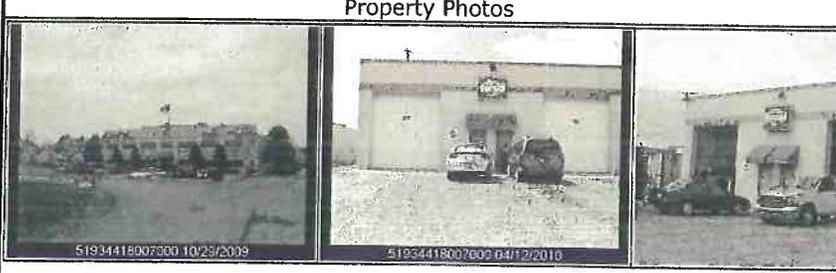
Year Built	1945	Year Remodel	2006	Occupancy	494 Industrial Light Manufacturing
# Stories	1	Story Height	18	Use Code	1
Section Area	76587	Perim/Shape	1656		

#### Building Section 001 Occupancy 002

Year Built	1945	Year Remodel	2006	Occupancy	344 Office Building
# Stories	1	Story Height	18	Use Code	1
Section Area	4031	Perim/Shape	1656		

- [Card - 1](#)
- [Card - 2](#)
- [Card - 3](#)
- [Card - 4](#)

Property Sketch and Photos -- Card 1

<p><b>Property Sketch</b></p>  <table border="1"> <thead> <tr> <th>ID</th> <th>Label</th> <th>Area</th> <th>Perimeter</th> <th>Volume</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>REAR PORCH</td> <td>21850</td> <td>656</td> <td>N/A</td> </tr> <tr> <td>B</td> <td>REAR DRIVE</td> <td>18781</td> <td>656</td> <td>N/A</td> </tr> <tr> <td>C</td> <td>CY2</td> <td>3000</td> <td>0</td> <td>N/A</td> </tr> <tr> <td>D</td> <td>REAR PORCH</td> <td>38276</td> <td>800</td> <td>N/A</td> </tr> <tr> <td>E</td> <td>REAR DRIVE</td> <td>1952</td> <td>0</td> <td>N/A</td> </tr> </tbody> </table>	ID	Label	Area	Perimeter	Volume	A	REAR PORCH	21850	656	N/A	B	REAR DRIVE	18781	656	N/A	C	CY2	3000	0	N/A	D	REAR PORCH	38276	800	N/A	E	REAR DRIVE	1952	0	N/A	<p><b>Property Photos</b></p>  <p>51934418007000 10/25/2009      51934418007000 04/12/2010</p>
ID	Label	Area	Perimeter	Volume																											
A	REAR PORCH	21850	656	N/A																											
B	REAR DRIVE	18781	656	N/A																											
C	CY2	3000	0	N/A																											
D	REAR PORCH	38276	800	N/A																											
E	REAR DRIVE	1952	0	N/A																											

Property Sketch and Photos -- Card 2

<p><b>Property Sketch</b></p>	<p><b>Property Photos</b></p>
-------------------------------	-------------------------------



Property Search

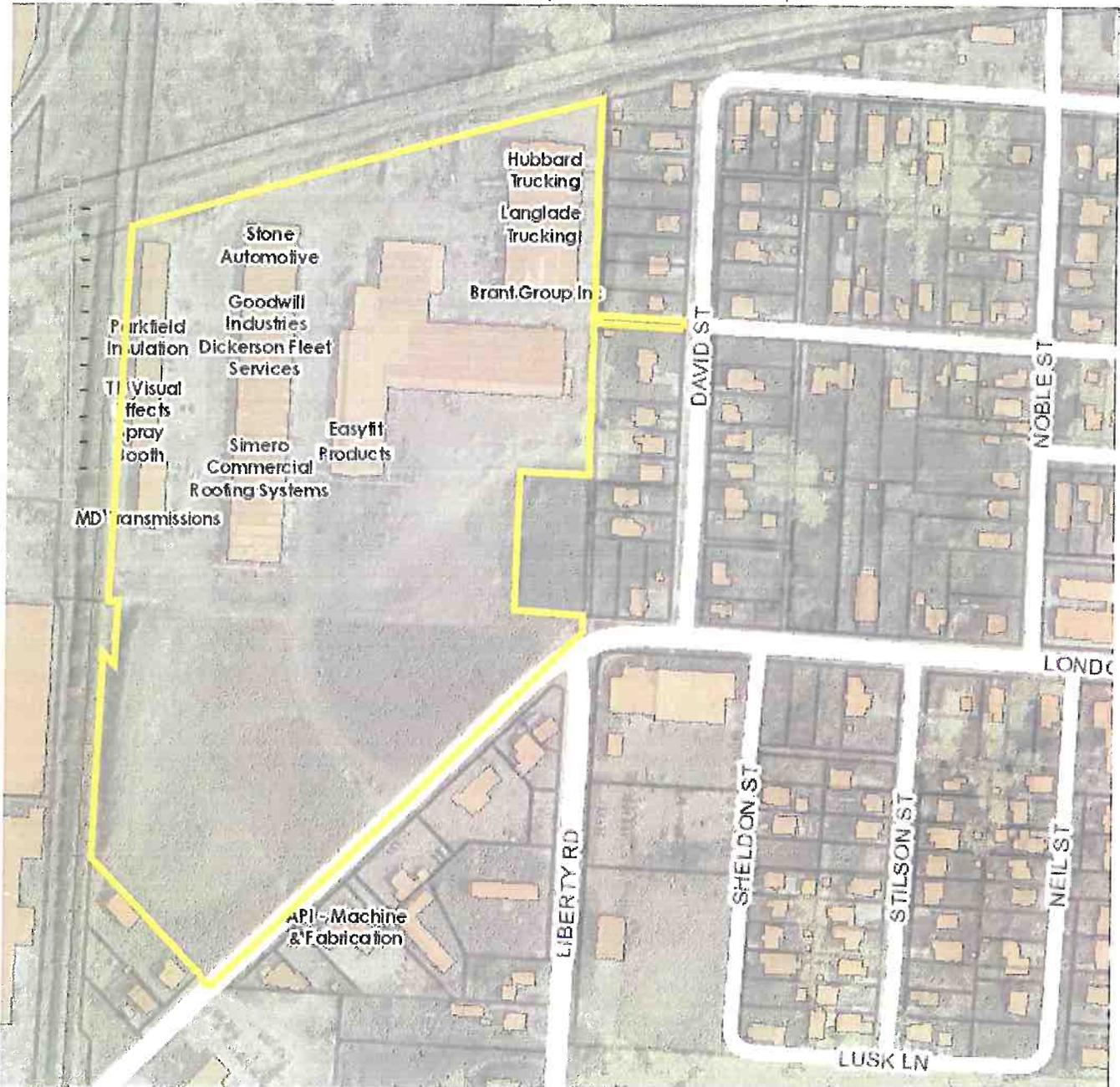
Advanced Search

Intersection Search

Printing

Links

Help



300ft

### Quit Claim Deed\*

HOWALD PROPERTIES, LTD., an Ohio limited liability company, for valuable consideration paid, grants to HIP-2, LLC, an Ohio limited liability company, whose tax-mailing address is 320 London Road, Suite 100, Delaware, Ohio 43015-6402, the following **REAL PROPERTY**: Situated in the County of Delaware, in the State of Ohio and in the City of Delaware:

Being in Range 19, Township 5, Section 3 and beginning at an iron pipe at the intersection of west line of alley with the north line of London Road, 30 feet north of the southeast corner of Section 3, thence westerly parallel with section line and 30 feet therefrom 125 feet to an iron pipe; thence at right angle northerly 348.48 feet to an iron pipe, thence at right angle easterly 125.00 feet to an iron pipe west line of alley; thence southerly with west line of alley 348.48 feet to place of beginning, containing one acre more or less. Being part of the premises conveyed to James Dever by deed of record in Volume 204, page 315, Deed Records, Delaware County, Ohio.

EXCEPTING THE FOLLOWING PREMISES CONVEYED: Being a strip of land off of the north side of the foregoing premises and said strip of land being 99.48 feet by 125 feet, containing 0.285 acres, more or less, said premises being conveyed by deed to Hughes Keenan Co. in Deed Book 271, page 7, Recorder's Office, Delaware County, Ohio.

Street Address: 310 London Road, Delaware, Ohio  
Parcel No.: 519-344-18-008-000

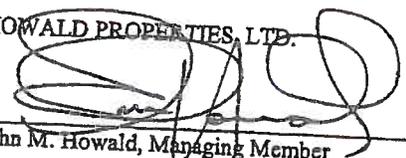
Subject to all mortgages of record, which mortgages are assumed by Grantee.

Prior Instrument Reference: Vol. 605, page 794 of the Deed Records of Delaware County,

Ohio. 200500012973  
Filed for Record in  
DELAWARE COUNTY, OHIO  
ANDREW D BRENNER  
04-06-2005 At 03:46 pm.  
DEED 28.00  
OR Book 599 Page 182 - 183  
200500012973  
HAMOSBOX

HOWALD PROPERTIES, LTD.

By

  
John M. Howald, Managing Member

Provisions contained in any deed or other instrument for the conveyance of a dwelling which restrict the sale, rental or use of the property because of race or color are invalid under federal law and are unenforceable.

\*See Section 5302.11 Ohio Revised Code

Delaware County  
The Grantor Has Complied With  
Section 315.202 Of The R.C.  
Transfer Tax Paid 46.05  
TRANSFER OR TRANSFER NOT NECESSARY  
Auditor By S.L.P.

V.L. APPROPRIATE FOR  
Transfer  
Deed of Conveyance  
Deed of Conveyance



State of Ohio, County of Delaware, ss.:

BE IT REMEMBERED, That on this 5<sup>th</sup> day of April, 2005, before me, the subscriber, a notary public in and for said state, personally came JOHN M. HOWALD, Managing Member of HOWALD PROPERTIES, LTD., an Ohio limited liability company, the Grantor in the foregoing deed, who, under penalty of perjury in violation of section 2921.11 of the Revised Code, represented to me to be said person.

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



BELINDA S. DAUGHERTY  
Notary Public, State of Ohio  
My Commission Expires 04-19-06

*Belinda S. Daugherty*  
Notary Public

This instrument was prepared by Stephen D. Martin, Esq., Manos, Martin, Pergram & Dietz Co., LPA, 50 North Sandusky Street, Delaware, Ohio 43015-1926. (740) 363-1313

G:\Data\Clients\Business Entities\E-H\Howald Properties\Deed to HIP2-310 London Road.wpd  
T9334-123

Auditor's and Recorder's Stamps

\*See Section 5302.11 Ohio Revised Code

### Property Information

Parcel Number	519-344-18-008-000	Property Address:	
Owner Name	HOWALD INDUSTRIAL PARK LLC	LONDON RD	
Owner Address	LONDON RD	DELAWARE OH 43015	
Tax District	DELAWARE OH 43015	Tax Payer Address:	
Tax District	14 DELAWARE CORP	2009	
School District	2103 DELAWARE CSD	140 N SANDUSKY ST	
Neighborhood	14006 Del Corp 006	DELAWARE OH 43015	
Use Code	300 Industrial - vacant land	USA	
Acres	.71500		
Description			
LANDS 19 5 3 1			
<b>Assessment Info</b>		<b>Current Value</b>	
Board of Revision	N	Mkt Land Value	\$10,300
Homestead/Disability	N	CAUV	\$0
Owner Occ Credit	N	Mkt Impr Value	\$0
Divided Property	N	Total	\$10,300
New Construction	N	<b>Current Tax</b>	
Foreclosure	N	Tax Due	\$258.18
Other Assessments	N	Paid To Date	\$258.18
Front Ft.	N	Current Balance Due	\$0.00
		<b>Recent Transfer</b>	
		# Parcels	1
		Deed Type	Quit Claim Deed Ex
		Amount	\$0
		Sale Date	8/19/2014
		Conveyance	
		Deed #	1437

[<< Previous Card](#)      Card 1 of 0      [Next Card >>](#)

Card - 1

Property Sketch and Photos -- Card 1

Property Sketch	Property Photos
	



Delaware County Auditor  
George Kersa

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County.  
Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel.  
Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201).  
Please report any errors or omissions to the Delaware County Auditor's office at [delcogis@co.delaware.oh.us](mailto:delcogis@co.delaware.oh.us).

Prepared by: Delaware County Auditor's GIS Office  
Printed on 8/22/2018



**ORDINANCE CERTIFICATION**

I, Michele A. Kohler, being the duly appointed as Acting Clerk of City Council of Delaware, Ohio, do hereby swear and attest that the attached document is a true and correct copy of Ordinance No. 00-50 as passed on April 10, 2006 by the Delaware City Council.

Michele A. Kohler

Michele A. Kohler,  
Acting Clerk of City Council



200600032716  
Filed for Record in  
DELAWARE COUNTY, OHIO  
ANDREW D BREHNER  
09-13-2006 At 02:04 pm.  
ORDINANCE 44.00  
OR Book 736 Page 2186 - 2189

*Stored in Cab 35766*

This Ordinance Certification dated this 12 day of September in the year 2006.

200600032716  
DAN BENNINGTON-BOX



## ORDINANCE NO. 06-50

AN ORDINANCE APPROVING, WITH CONDITIONS, A VACATION OF THE 12-FOOT ALLEY RIGHT-OF-WAY LOCATED ALONG THE EASTERN BOUNDARY OF THE HOWALD INDUSTRIAL PARK LOCATED AT 320 LONDON ROAD.

WHEREAS, the Planning Commission at its meeting of July 21, 2004 recommended approval of a Vacation of the 12-foot alley right-of-way located along the eastern boundary of the Howald Industrial Park located at 320 London Road (PC 04-020).

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Vacation of the 12-foot alley right-of-way located along the eastern boundary of the Howald Industrial Park located at 320 London Road, be and the same is hereby confirmed, approved, and accepted, with the conditions that:

1. The Applicant shall complete the dedication of a 30-foot wide right-of-way along the Industrial Park's London Road frontage (including the former residential lot) as required by the condition of approval from the 2001 action on the industrial park.
2. The Applicant must provide proof that the vacation has been combined with all of the adjacent properties and so recorded at the County within 30 days of Council approval.
3. The City hereby reserves an easement for public utilities including water line and electric service the full length and width of the alley prior to the vacation.

SECTION 2. That City Council Ordinance 04-164 is hereby repealed in its entirety.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 4. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety,

health and welfare of the City, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS 7 NAYS 0  
ABSTAIN 0

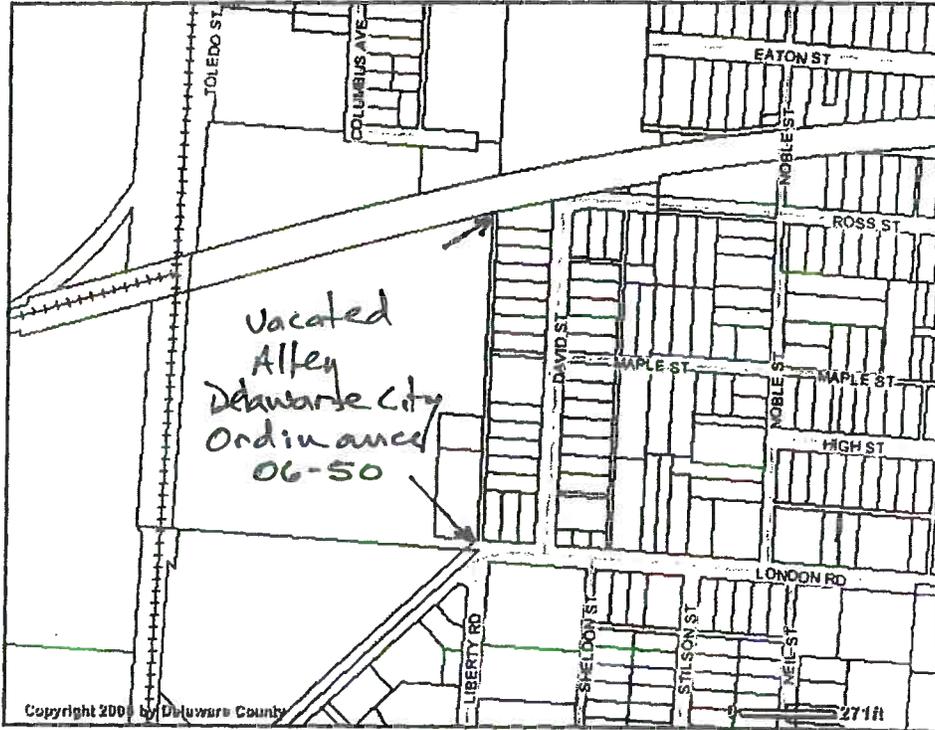
PASSED: April 10, 2006

YEAS 7 NAYS 0  
ABSTAIN 0

ATTEST: [Signature]  
CITY CLERK

[Signature]  
MAYOR

Delaware County Auditor, Todd A. Hanks  
DALIS Web



**Disclaimer**

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County. Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a legal description of a parcel. To view recorded documents, visit County Recorder's website at <http://www.co.delaware.oh.us/recorder/index.html>

Aerial photo is current as of April 2002.

Printed on 9/12/2006 11:39:02 AM

Prepared by: Delaware Appraisal Land Information System (DALIS) Project Staff.



**Description of a 0.093 Acre Tract**

Situated in the State of Ohio, County of Delaware, City of Delaware, being in Section 4, Township 5 North, Range 19 West, United States Military Lands, consisting of 0.093 acres, more or less being out of a 12 feet wide alley as shown on the Subdivision Plat of David Humphreys Second Addition, of record in Plat Book 2, Page 209 and said alley was vacated in Ordinance No. 06-50, of record in Official Record Volume 736, Page 2186 of record in the Recorder's Office, Delaware County, Ohio and being more particularly described as follows:

**COMMENCING** at an iron pipe found at the centerline intersection of London Road (60') and Liberty Road (55')

Thence, North 02°32'55" East, a distance of 279.39 feet, with the centerline of said Liberty Road (55') extended, with the east line of a 0.715 acre tract of land described in deed to HIP-2 LLC., of record in Official Record Volume 599, Page 182 and with the west line of said vacated alley, to an iron pin set at the northeast corner of said 0.715 acre tract, the west line of said vacated alley and the southeast corner of a 23.29 acre tract of land described in deed to Howald Industrial Park, Inc., of record in Deed Book 582, Page 660, said point being the **TRUE POINT OF BEGINNING**;

Thence, North 02°32'55" East, a distance of 674.87 feet, with the west line of said Vacated Alley and with the east line of said 23.29 acre tract to an iron pin found at the northwest corner of said Vacated Alley, the northeast corner of said 23.29 acre tract and being on the south line of a 3.667 acre tract (Parcel 1) of land described in deed to The City of Delaware, Ohio, of record in Official Record Volume 584, Page 928;

Thence, North 76°25'22" East, a distance of 6.25 feet, with the north line of said Vacated Alley and with the south line of said 3.667 acre tract to an iron pin set on the south line of said 3.667 acre tract;

Thence, South 02°32'55" West, a distance of 676.74 feet, crossing said vacated alley to an iron pin set;

Thence, North 86°09'41" West, a distance of 6.00 feet, crossing said vacated alley to the **TRUE POINT OF BEGINNING**.

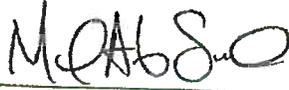
Containing 0.093 acres, more or less.

**Basis of Bearings:** Bearings are based on data acquired by GPS observations as per NAD 83 (1995)-Ohio State Plane Coordinate System-North Zone from the Delaware County Geodetic Control Monumentation.



All iron pins set are 5/8" rebars 30" in length with an orange plastic cap stamped "Floyd Browne Group".

The above description is based on and referenced to an exhibit titled "Plat of Survey for Howald Industrial Park, Inc." prepared by Floyd Browne Group, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Delaware County, Ohio.



Mark Alan Smith, P.S.  
Professional Surveyor No. 8232

8/18/2011  
Date





Solutions for Your World  
www.FloydBrowne.com

Central Ohio  
740.363.6792  
740.363.6536 fax  
800.325.7647

PLAT OF SURVEY FOR  
**HOWALD INDUSTRIAL PARK, INC.**  
SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE,  
BEING PART OF A 12' VACATED ALLEY AS RECORDED IN O.R.V. 736, PAGE 2186  
AND ALSO BEING IN SECTION 4, TOWNSHIP 5 NORTH, RANGE 19 WEST,  
UNITED STATES MILITARY LANDS

THE CITY OF DELAWARE, OHIO  
3.687 ACRES (PARCEL 1)  
O.R.V. 584, PAGE 928

ORDINANCE NO. 06-50  
VACATION OF 12-FOOT ALLEY  
O.R.V. 736, PAGE 2186

HOWALD INDUSTRIAL PARK, INC.  
CERTIFICATE OF AMENDED ARTICLES OF  
INCORPORATION NO. 200103602604  
FKA MARVIN INDUSTRIAL PARK, INC.  
23.29 ACRES  
D.B. 582, PAGE 660



NOTE

- IRON PIN FOUND
- IRON PIN SET
- ⊙ IRON PIPE FOUND

NOTE

ALL IRON PINS SET ARE 5/8" SOLID IRON PINS 30" IN LENGTH  
WITH AN ORANGE PLASTIC CAP STAMPED "FLOYD BROWNE GROUP".

NOTE

ALL RECORD INFORMATION SHOWN HEREON WAS OBTAINED  
FROM THE RECORDER'S OFFICE, DELAWARE COUNTY, OHIO.

BASIS OF BEARINGS

BEARINGS ARE BASED ON BEARINGS ACQUIRED BY GPS  
OBSERVATIONS NAD 83 (1995)-OHIO STATE PLANE  
COORDINATE SYSTEM-NORTH ZONE FROM THE DELAWARE  
COUNTY GEODETIC CONTROL MONUMENTATION.



I HEREBY STATE THAT THIS SURVEY IS BASED ON ACTUAL FIELD MEASUREMENTS  
AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT.

*Mark Alan Smith*

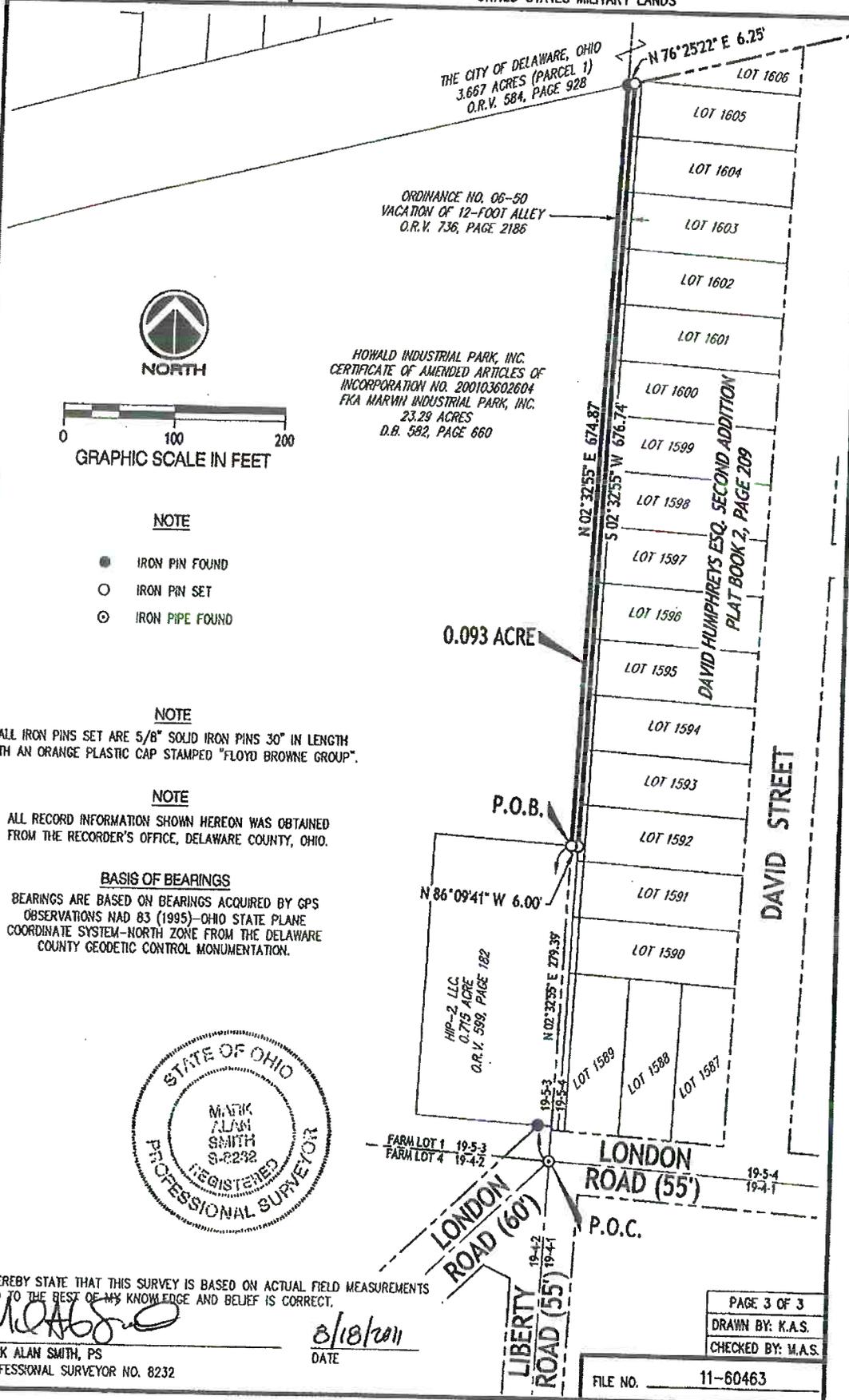
MARK ALAN SMITH, PS  
PROFESSIONAL SURVEYOR NO. 8232

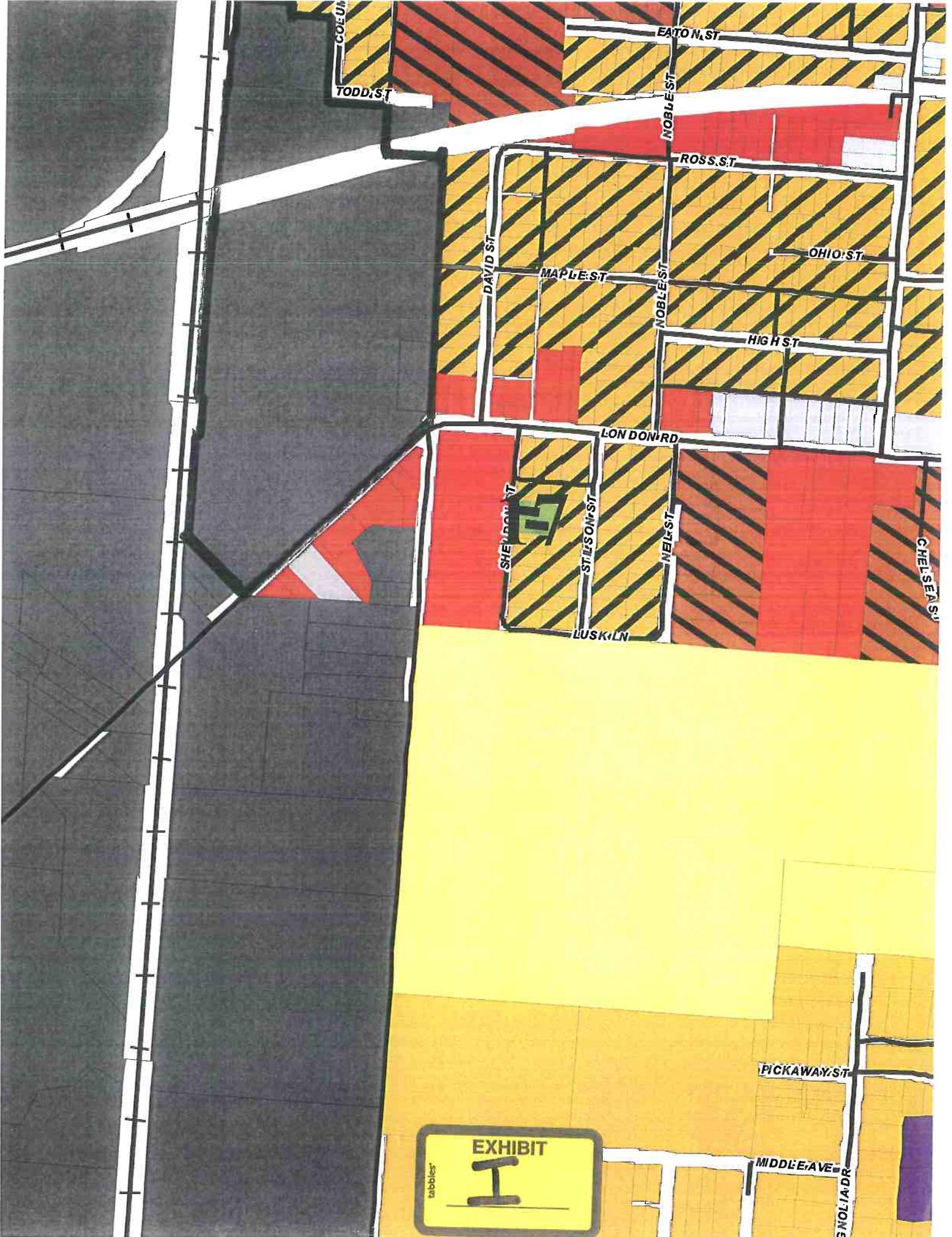
8/18/2011  
DATE

PAGE 3 OF 3  
DRAWN BY: K.A.S.  
CHECKED BY: M.A.S.

FILE NO. 11-60463

J:\PROJECTS\HOWALD, JOHN\11-60463\SRVY\DWGS-DOCS\SRVY-PLAT\_0.093\_ACDWG - 8/18/2011 7:59:28 AM





tabbles<sup>®</sup>  
**EXHIBIT**  
**H**



# Cornerstone Engineering and Planning Company

5543 US 42

Mount Gilead, Ohio 43338

PH (419)-946-2251 Fax (419)-946-2261

**Civil Design and Consulting Engineers**

Site Development - Municipal - Construction Services

May 3, 2007

Howald Properties  
John Howald  
320 London Rd.  
Delaware, OH 43015

RE: Howald Industrial Park- Railroad Ditch Enclosures

Dear John,

The attached drainage map and storm water calculations have been created and analyzed for suggested pipe sizes for the proposed ditch enclosures. The pipe sizing methodology and calculations for the proposed project are as follows:

As you are aware, the tributary areas for the proposed storm drains were delineated using aerial photography and contours, along with field verification as performed by Cornerstone Engineering. The existing ditch grades as provided by yourself was also used as a comparison to the proposed pipe slopes. From this information, a storm drain analysis was performed for the proposed project, using the rational method and a 5 year storm event..

Each side of the old railroad track was analyzed as a separate tributary area. This would allow you to enclose both sides of the old track line without blocking any potential drainage or from having to deal with the fiber optic line that is located in the track bed.

The southern tributary area was divided into two sub areas. These are labeled as Trib Area South Ditch East and West, respectively. These areas had to be field verified for delineation purposes, due to the fact that there is an existing storm line that runs south of the new South Ditch Storm. The existing line collects some parking lot drainage and roof drain area and carries the storm runoff to the same ditch. It is a concrete storm that ranges in size between 18" and 36". This storm intercepts most storm flow from the south that would flow to the new line. Therefore, the immediate tributary area for the South Ditch Storm is only about 1.4 acres. A runoff coefficient of 0.83 was used to simulate a large commercial use and a Time of Concentration (Tc) of 10 minutes was used as well.

The northern tributary area was divided into three sub areas and are labeled as Trib Area North Ditch East, Center and West. These areas were also field verified as to their size. Most of this tributary area was assumed to drain from sheet flow and shallow



concentrated flow, therefore, a 15 minute Tc was used in the calculations. A runoff coefficient of 0.83 was also used for the entire North Ditch Trib Area.

As can be seen from the attached drainage map, the proposed storm drains will range between 15 and 24" for the North Ditch Trib Area and will be between 12" and 15" for the South Ditch Trib Area. Pipe lengths and slopes are shown on the attached drainage map for each pipe size. Catch Basins will be used whenever there is a pipe size change.

Due to the nature of the truck traffic in this area, it is recommended that reinforced concrete pipe should be used. It is possible to use HDPE storm pipe, but it is recommended that a concrete encasement should be poured over the pipe if there is less than 30" of cover.

If you should have any questions, please call me at (419)-946-2251.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Williamson", with a long horizontal flourish extending to the right.

Michael S. Williamson, P.E.

**Rational Method  
Storm Water Pipe Design and Time of Concentration**

**Howard Industrial Park - Railroad Storm**

Use Tc 10min. Minimum

Storm Event to Design For: 5 year Storm

Area	Runoff Coefficient (C)	Rainfall Intensity (in/hr)	Runoff Area (Ac)	Run Off Flow (Q) CFS	Pipe Diameter (in.)	Area of Pipe (Ft <sup>2</sup> )	Slope of Pipe (ft/ft)	N Factor	Velocity (fps)	Q Actual (cfs)	Pipe Capacity (cfs)	Length of pipe (ft)	Time of Pipe Travel (min)	Tc Minimum Standard is 10 minutes (min)	Total Time of Travel (min)
South Ditch West	0.83	4.50	0.61	2.27937	12	0.785398	0.004	0.013	2.904413	2.27937	2.281119	286	1.641181	10	11.64
South Ditch East	0.83	4.25	0.76	2.682602	15	1.227184	0.006	0.013	4.121589	4.961972	5.057946	330	1.334437	11.6	12.98
North Ditch West	0.83	3.85	1	3.192314	15	1.227184	0.004	0.013	3.365263	3.192314	4.129796	286	1.416432	15	16.42
North Ditch Center	0.83	3.69	0.96	2.942367	18	1.767144	0.004	0.013	3.795584	6.134681	6.707346	286	1.255645	16.4	17.67
North Ditch East	0.83	3.56	2.51	7.409501	24	3.14159	0.004	0.013	4.589213	13.54418	14.41743	330	1.198463	17.7	18.87

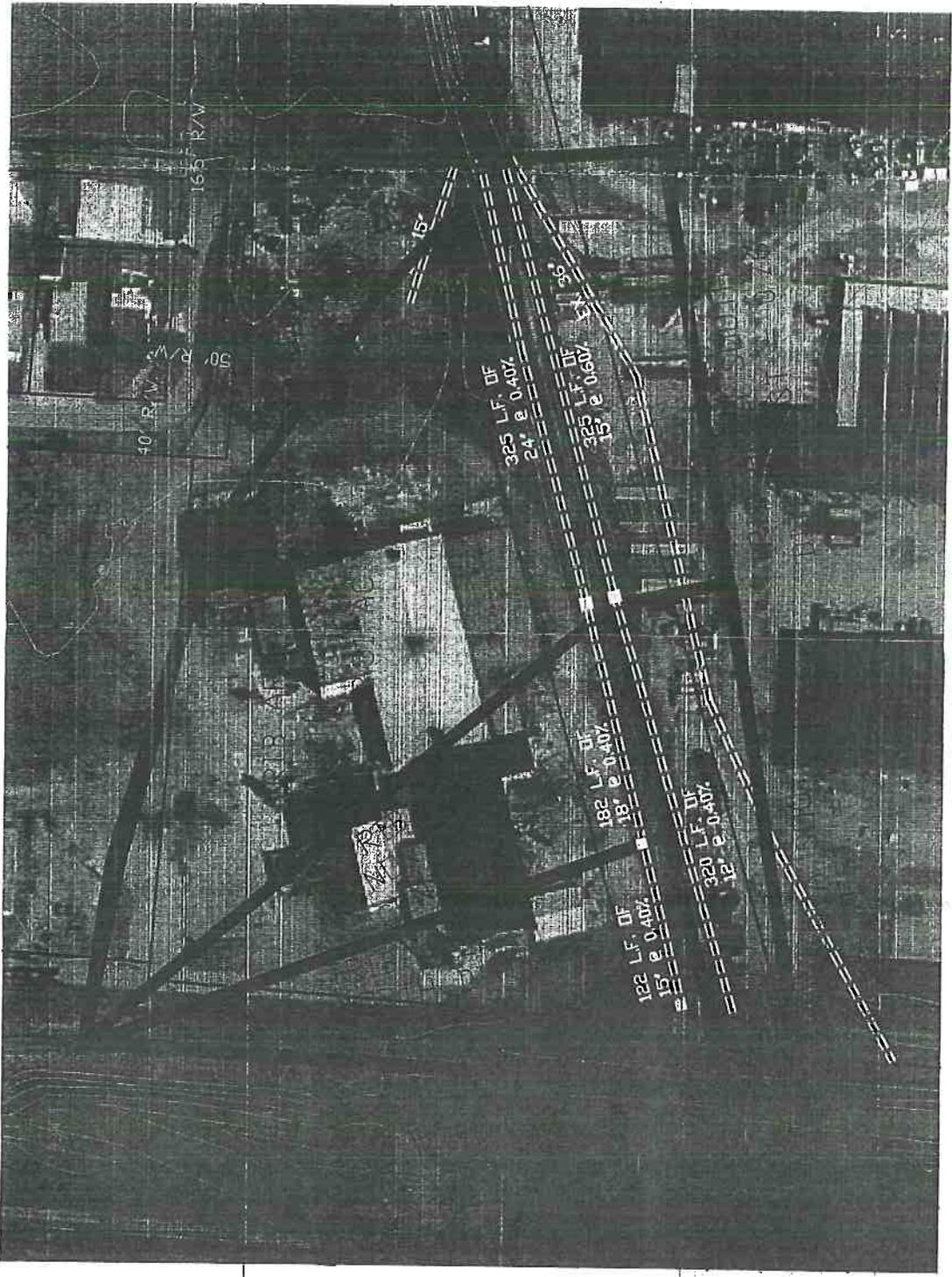
# Springfield Branch Pedestrian Trail

John Howald Property – 643 LF X 10' Phase I

Revised 11.22.11



11-40





Doc ID: 010566430009 Type: OFF  
 Kind: DEED  
 Recorded: 01/06/2015 at 09:54:26 AM  
 Fee Amt: \$84.00 Page 1 of 9  
 Workflow# 0000087874-0001  
 Delaware County, OH  
 Melissa Jordan County Recorder  
 File# 2015-0000369

BK 1326 PG 2476-2484

MANOS & MARTIN - BOX

Delaware County  
 The Grantor Has Complied With  
 Section 319.202 Of The R.C.  
 DATE 1-6-15 Transfer Tax Paid 225.00  
 TRANSFERRED OR TRANSFER NOT NECESSARY  
 Delaware County Auditor By SL

## Warranty Deed

Joint and Survivorship  
 Ohio Revised Code §5302.17

KNOW ALL MEN BY THESE PRESENTS THAT Howald Industrial Park, Inc., an Ohio corporation, the Grantor, claiming title by or through instrument recorded in Volume 1283, Page 2405, Delaware County Recorder's Office, for valuable consideration thereunto given and received to its full satisfaction of Franklin W. Sargent and Sandy M. Sargent, husband and wife, the Grantees, whose tax mailing address is 1430 County Road 165, Ashley, OH 43003 does:

GIVE, GRANT, BARGAIN, SELL AND CONVEY unto said Grantees, for their joint lives, the remainder to the survivor of them, the following described premises, situated in the City of Delaware, County of Delaware, and State of Ohio:

Being a 2.417 acre tract of land more fully described on Exhibit A attached hereto and incorporated herein by reference.

Street Address: Toledo Street, Delaware, Ohio 43015  
 Permanent Parcel No.: 519-344-05-019-000

Subject, however, to a 20.00 foot wide Bike Path Easement (0.196 acres) to Grantor, its successors and assigns, for the construction, operation and maintenance of a bike and pedestrian path for public use, situated within the aforesaid 2.417 acre tract of land and depicted on Exhibit B attached hereto and incorporated herein by reference and as described in Exhibit C attached hereto and incorporated herein by reference.

Grantor further grants to Grantees, their heirs and assigns, a non-exclusive ingress and egress easement over and across a portion of Grantor's 0.275 acre tract depicted on the Boundary Survey Map of a 0.275 Acre Tract + a 2.417 Acre Tract which is part of Exhibit A attached hereto and as described in Exhibit D attached hereto and incorporated herein by reference for the purpose of ingress and egress to and from Toledo Street to and from the 2.417 acre tract conveyed to Grantees by this deed.

TO HAVE AND TO HOLD the above premises, with the appurtenances thereunto belonging, unto the said Grantees, and to the survivor of them, his or her separate heirs and assigns forever.

AND THE SAID Grantor, for itself and its heirs, executors and administrators, hereby covenants with the said Grantees, their heirs and assigns, that said Grantor is the true and lawful owner of said premises, and is well seized of the same in fee simple, and has good right and full power to bargain, sell and convey the same in the manner aforesaid, and that the same are free and clear from all encumbrances, except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record, and further, that said Grantor will warrant and defend the same against all claims whatsoever except as provided herein.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand the 5<sup>th</sup> day of January, 2015.

Grantor: ~~Howald Industrial Park, Inc.,  
an Ohio corporation~~

  
By John M. Howald, President

STATE OF OHIO, DELAWARE COUNTY, ss.:

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named John M. Howald, President of Howald Industrial Park, Inc., an Ohio corporation, Grantor, and acknowledged that he did sign this instrument and the same is his and its free act and deed.

5<sup>th</sup> IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 5<sup>th</sup> day of January, 2015.



TERESA J. HUFFMAN  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
08-12-2017

  
NOTARY PUBLIC

This Instrument Prepared By: Stephen D. Martin, Esq., Manos, Martin & Pergram Co., LPA, 50 North Sandusky Street, Delaware, OH 43015-1926. 740-363-1313

### Legal Description of a 2.417 Acre Tract

Situated in the State of Ohio, County of Delaware, City of Delaware, being part of (parcel 2) Lots 2851 through 2861 inclusive, and portions of the vacated Toledo Street, and a vacated 12 foot wide alley, Located in the Montrose Park Addition as shown in Plat Book 3, Page 91, being part of a 2.693 acre tract as conveyed to Howald Industrial Park, Inc. in Deed Volume 1283, Page 2405, Parcel number 51934405019000, hereon referred to as Grantor, ( all records herein are from the Recorder's Office, Delaware County, Ohio ) and being more particularly described as follows;

Beginning for reference at a 5/8" rebar found at the southwest corner of the Montrose Park Addition and the vacated Toledo Street (ordinance No. 1093, January 03, 1927), also being the northeast corner intersection of the CSX Railroad property, and being at the southwest corner of a 4.583 acre tract as conveyed to Howald Industrial Park, Inc. in Deed Book 1283, page 2405;

DESCRIPTION FOR CLOSING ONLY  
 RPC Approval Required  
 Municipal Approval Required  
 Delaware County Engineer

Thence northerly with the westerly line of said Vacated Toledo Street, the easterly line of said CSX Railroad, North 03°39'56" East, a distance of 402.24 feet to a found 3/4" iron pipe with cap (non-legible); Said iron pipe being at the northwest corner of said Howald 4.0630 acre tract and the southwest corner of the Grantor's land;

Thence easterly with the northerly line of said Howald 4.0630 acre tract and the Grantor's southerly line, South 85°26'00" East, a distance of 40.00 feet to a set 5/8" rebar with cap stamped Ackison Surveying Said set rebar being at the TRUE POINT OF BEGINNING for the 2.417 acre tract herein described;

Thence northerly on a new division line through the Grantor's land, North 03°39'56" East, a distance of 299.54 feet to a set 5/8" rebar with cap stamped Ackison Surveying, said set rebar being on the Grantor's northerly line;

DESCRIPTION APPROVED FOR TRANSFER  
 Chris Bauserman  
 Delaware County Engineer

Thence easterly with the southerly line of a 0.19 acre tract as conveyed to Ferdinant Xhelilaj in Deed Book 1217, page 1047, and the Grantor's northerly line, South 85°22'30" East, a distance of 208.28 feet a found 3/4" iron pipe with cap, said iron pipe being on the westerly line of a 12 foot wide alley;

Thence continuing easterly with the Grantor's northerly line, South 85°22'30" East, a distance of 6.06 feet a found 3/4" iron pipe, said iron pipe being in the center of said 12 foot wide vacated alley, and at the northwesterly corner of a 0.17 acre tract as conveyed to Edna J. Working in Deed Book 198, page 248, and at the northeasterly corner of the Grantor's Land;

Thence southerly with the center of said 12 foot alley, the westerly line of said 0.17 acre Working tract and the easterly line of the Grantor's land, South 02°43'30" West, a distance of 50.21 feet to a found 3/4" iron pipe, said iron pipe being at the southwesterly corner of said 0.17 acre Working tract in the center of said 12 foot wide vacated alley;

Thence easterly with the Grantor's northerly line, the southerly line of said 0.17 acre Working tract, South 87°25'23" East, a distance of 6.26 feet a found 3/4" iron pipe, said iron pipe being on the easterly line of said 12 foot wide alley;

Thence continuing easterly with the southerly line of said 0.17 Acre Working tract, the Grantor's northerly line, South 85°25'42" East, a distance of 145.24 feet to a point;



APPROVED BY PLANNING COMMISSION  
 CITY OF DELAWARE, OHIO  
 NO PLAT REQUIRED  
 BY Jac 1/24 DATE 1/5/15

Thence continuing easterly with the southerly line of said 0.17 Acre Working tract, the Grantor's northerly line, South 87°23'11" East, a distance of 10.00 feet to a set 5/8" rebar with cap stamped Ackison Surveying, Said set rebar being on the westerly line of Columbus Avenue ( 40' ), and at the northeasterly corner of the Grantor's land;

Thence southerly with the westerly line of said Columbus Avenue, the easterly line of the Grantor's land, South 02°36'49" West, a distance of 249.97 feet to a set 5/8" rebar with cap stamped Ackison Surveying, Said set rebar being at the northeasterly corner of said 4.583 acre Howald tract and at the southeasterly corner of the Grantor's land;

Thence westerly with the northerly line of said Howald 4.583 acre tract and the Grantor's southerly line North 85°26'00" West, a distance of 381.25 feet the TRUE POINT OF BEGINNING and containing 2.417 acres.

Subject to all easements, rights-of-ways or restrictions of record.

This description was prepared by Ackison Surveying, LLC. (614-866-4600) under the direct supervision of John J Rutter Jr. Registered Surveyor No. 7958 from an actual field survey of the premises in November of 2014. And a Plat of survey is attached hereto and made a part hereof.

Basis of Bearings is from the East line of the CSX Railroad right-of-way, being N 03°39'56"E, as found on Deed Book 547, Page 290 of said County, shown on a 7.276 Acres Survey Record by Patridge Surveyors in May 2013 and is used to denote angles only.

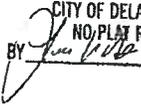
Deed References and Documents as Recorded in the Delaware County, Ohio Recorder's Office.

All Iron Pins set are 5/8" X 30" rebar with a yellow plastic cap reading Ackison Surveying.

  
John J Rutter Jr. PS  
Registered Surveyor No. 7958

December 05, 2014



APPROVED BY PLANNING COMMISSION  
CITY OF DELAWARE, OHIO  
NO PLAT REQUIRED  
BY  DATE 1/5/15





**Description of a 20.00 Foot Wide Bike Path Easement  
(0.196 Acres)**

Situated in the State of Ohio, County of Delaware, City of Delaware, Located in the Montrose Park Addition as shown in Plat Book 3, Page 91, being part of a 2.693 acre tract as conveyed to Howald Industrial Park, Inc. in Deed Volume 1283, Page 2405, Parcel number 51934405019000, hereon referred to as Grantor, (all records herein are from the Recorder's Office, Delaware County, Ohio) and being more particularly described as follows;

Beginning for reference at a ¾" iron pipe with cap stamped (Floyd Browne), said iron pipe being at the northwest corner of the Grantor's land;

Thence easterly with the Grantor's northerly line, North 85°22'30" East, a distance of 40.00 feet to the TRUE POINT OF BEGINNING for the 20.00 foot wide easement herein described;

Thence easterly with the Grantor's northerly line, North 85°22'30" East, a distance of 208.28 feet to a found ¾" iron pipe;

Thence easterly with the Grantor's northerly line, North 87°01'51" East, a distance of 6.07 feet to a found 5/8" rebar;

Thence southerly with the Grantor's easterly line, South 02°43'30" West, a distance of 50.21 feet to a found ¾" iron pipe;

Thence easterly with the Grantor's northerly line, South 87°25'23" East, a distance of 6.26 feet to a found ¾" iron pipe;

Thence easterly with the Grantor's northerly line, South 85°25'42" East, a distance of 145.24 feet to a point;

Thence easterly with the Grantor's northerly line, South 87°23'11" East, a distance of 10.00 feet to a Set 5/8" rebar with Ackison cap, said set rebar being on the westerly right-of-way line of Columbus Avenue ( 40' );

Thence southerly with the said westerly line of Columbus Avenue and the Grantor's easterly line, South 02°36'49" West, a distance of 20.00 feet to a point;

Thence westerly leaving the said westerly line of Columbus Avenue through the Grantor's land with the southerly line of said 20.00 foot wide easement the following five (5) courses:

1. North 87°23'11" West, a distance of 10.00 feet to a point;
2. North 85°25'58" West, a distance of 145.92 feet to a point;
3. North 87°25'23" West, a distance of 25.69 feet to a point;
4. North 02°56'49" East, a distance of 50.73 feet to a point;
5. North 85°22'30" West, a distance of 194.78 feet to a point;

Thence northerly continuing through the Grantor's land, North 03°39'56" East, a distance of 20.00 feet to the TRUE POINT OF BEGINNING for the 20 foot wide easement and containing 0.196 Acres, 8526.66 SQ. FT.



Subject to all easements, rights-of-ways or restrictions of record.

This description was prepared by Ackison Surveying, LLC. (614-866-4600) under the direct supervision of John J Rutter Jr. Registered Surveyor No. 7958 from an actual field survey of the premises in December of 2014. And a Plat of survey is attached hereto and made a part hereof.

Basis of Bearings is from the East line of the CSX Railroad right-of-way, being N 03°39'56"E, as found on Deed Book 547, Page 290 of said County, shown on a 7.276 Acres Survey Record by Patridge Surveyors in May 2013 and is used to denote angles only.

Deed References and Documents as Recorded in the Delaware County, Ohio Recorder's Office.

All Iron Pins set are 5/8" X 30" rebar with a yellow plastic cap reading Ackison Surveying.

*J. J. Rutter Jr. Dec 5<sup>th</sup> 2014*  
John J Rutter Jr. PS  
Registered Surveyor No. 7958

December 05, 2014



**Legal Description of a 0.275 Acre Tract**

Situated in the State of Ohio, County of Delaware, City of Delaware, being part of tract ( Parcel 2) and portions of vacated Toledo Street, Located in the Montrose Park Addition as shown in Plat Book 3, Page 91, being part of a 2.693 acre tract as conveyed to Howald Industrial Park, Inc. in Deed Volume 1283, Page 2405, Parcel number 51934405019000, hereon referred to as Grantor, ( all records herein are from the Recorder's Office, Delaware County, Ohio ) and being more particularly described as follows;

Beginning for reference at a 5/8" rebar found at the southwest corner of the Montrose Park Addition and the vacated Toledo Street (ordinance No. 1093, January 03, 1927), also being the northeast corner intersection of the CSX Railroad property, and being at the southwest corner of a 4.583 acre tract as conveyed to Howald Industrial Park, Inc. in Deed Book 1283, page 2405;

Thence northerly with the westerly line of said Vacated Toledo Street, the easterly line of said CSX Railroad, North 03°39'56" East, a distance of 402.24 feet to a found 1/4" iron pipe with cap (non-legible); Said iron pipe being at the northwest corner of said Howald 4.0630 acre tract and the southwest corner of the Grantor's land, and being at the TRUE POINT OF BEGINNING for the 0.275 acre tract herein described;

Thence continuing northerly with the westerly line of said vacated Toledo Street, and the easterly line of said CSX Railroad, and the Grantor's westerly line, North 03°39'56" East, a distance of 299.58 feet to a found 1/4" iron pipe with cap stamped Floyd Browne;

Thence easterly with the Grantor's northerly line, North 85°22'30" East, a distance of 40.00 feet to a set 5/8" rebar with cap stamped Ackison Surveying;

Thence southerly on a new division line through the Grantor's land, South 03°39'56" West, a distance of 299.54 feet to a set 5/8" rebar with cap stamped Ackison Surveying, said set rebar being on the Grantor's southerly line and on the northerly line of said Howald 4.0630 acre tract;

Thence westerly with the northerly line of said Howald 4.0630 acre tract and the Grantor's southerly line, North 85°26'00" West, a distance of 40.00 feet to the TRUE POINT OF BEGINNING and containing 0.275 Acres.

Subject to all easements, rights-of-ways or restrictions of record.

This description was prepared by Ackison Surveying, LLC. (614-866-4600) under the direct supervision of John J Rutter Jr. Registered Surveyor No. 7958 from an actual field survey of the premises in November of 2014. And a Plat of survey is attached hereto and made a part hereof.

Basis of Bearings is from the East line of the CSX Railroad right-of-way, being N 03°39'56"E, as found on Deed Book 547, Page 290 of said County, shown on a 7.276 Acres Survey Record by Patridge Surveyors in May 2013 and is Used to Denote Angles Only.

Deed References and Documents as Recorded in the Delaware County, Ohio Recorder's Office.

All Iron Pins set are 5/8" X 30" rebar with a yellow plastic cap reading Ackison Surveying.

DESCRIPTION FOR CLOSING ONLY  
RPC Approval Required  
Municipal Approval Required  
Delaware County Engineer

1-5-15

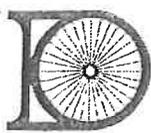
*John J Rutter Jr.* Dec 5 2014  
John J Rutter Jr. PS  
Registered Surveyor No. 7958



December 05, 2014



APPROVED BY PLANNING COMMISSION  
CITY OF DELAWARE, OHIO  
NO PLAT REQUIRED  
BY *[Signature]* DATE 1/5/15



**CITY OF DELAWARE, OHIO  
PLANNING & COMMUNITY DEVELOPMENT  
MASTER APPLICATION FORM**



Project # \_\_\_\_\_ Case # \_\_\_\_\_

**Planning Commission**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Amended Final Development Plan                | <input type="checkbox"/> Final Development Plan Extension        | <input type="checkbox"/> Substitution of a Non-Conforming Use             |
| <input type="checkbox"/> Amended Final Subdivision Plat                | <input type="checkbox"/> Final Subdivision Plat                  | <input type="checkbox"/> Vacation-Alley                                   |
| <input type="checkbox"/> Amended Preliminary Development Plan          | <input type="checkbox"/> Final Subdivision Plat Extension        | <input type="checkbox"/> Vacation-Easement                                |
| <input type="checkbox"/> Amended Preliminary Subdivision Plat          | <input type="checkbox"/> Floodplain Permit                       | <input type="checkbox"/> Vacation-Street                                  |
| <input type="checkbox"/> Annexation Review                             | <input type="checkbox"/> Lot Split                               | <b>Board of Zoning Appeals</b>  |
| <input type="checkbox"/> Combined Preliminary & Final Development Plan | <input type="checkbox"/> Pre-annexation Agreement                | <input type="checkbox"/> Appeal Administrative Decision or Interpretation |
| <input type="checkbox"/> Comprehensive Plan Amendment                  | <input checked="" type="checkbox"/> Preliminary Development Plan | <input type="checkbox"/> Conditional Use Permit                           |
| <input type="checkbox"/> Concept Plan                                  | <input type="checkbox"/> Preliminary Dev Plan Extension          | <input type="checkbox"/> Substitution of Equal or Less Non-Conforming Use |
| <input type="checkbox"/> Conditional Use Permit                        | <input type="checkbox"/> Preliminary Sub Plat                    | <input type="checkbox"/> Variance   |
| <input type="checkbox"/> Determination of Similar Use                  | <input type="checkbox"/> Preliminary Sub Plat Extension          |   |
| <input type="checkbox"/> Development Plan Exemption                    | <input checked="" type="checkbox"/> Rezoning                     |   |
| <input type="checkbox"/> Final Development Plan                        | <input type="checkbox"/> Subdivision Variance                    |   |

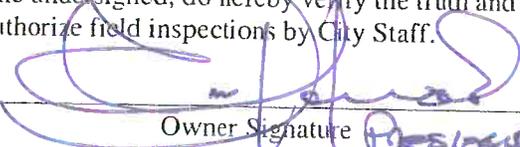
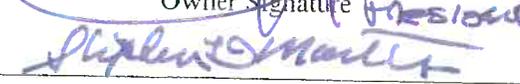
Subdivision/Project Name Howald Industrial Park Address 310 and 320 London Road, Delaware  
 Acreage 23.454+ Square Footage 208,718 existing / 120,000 proposed Number of Lots n/a Number of Units 6 existing / 4 proposed  
 Zoning District/Land Use see Attachment #1 Proposed Zoning/Land Use \_\_\_\_\_ Parcel # \_\_\_\_\_

Applicant Name Howald Industrial Park, Inc. Contact Person John M. Howald  
 Applicant Address 320 London Road, Suite 100, Delaware, Ohio 43015-6401  
 Phone 740-363-7373 Fax 740-369-6013 E-mail jhowald@howaldproperties.com

Owner Name Howald Industrial Park, Inc. Contact Person John M. Howald  
 Owner Address 320 London Road, Suite 100, Delaware, Ohio 43015-6401  
 Phone 740-363-7373 Fax 740-369-6013 E-mail jhowald@howaldproperties.com

Engineer/Architect/Attorney Manos, Martin & Pergram Co., LPA Contact Person Stephen D. Martin, Esq.  
 Address 50 North Sandusky Street, Delaware, Ohio 43015-1926  
 Phone 740-363-1313 Fax 740-362-3288 E-mail smartin@mmpdlaw.com

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

 _____ Owner Signature	John M. Howald _____ Owner Printed Name
 _____ Agent Signature	Stephen D. Martin _____ Agent Printed Name

Sworn to before me and subscribed in my presence this 5<sup>th</sup> day of August, 2015.



JOAN E. SWARTS  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
7-23-20

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