

**CITY OF DELAWARE  
CITY COUNCIL  
CITY COUNCIL CHAMBERS  
1 SOUTH SANDUSKY STREET  
7:00 P.M.**

**AGENDA**

**6:30 P.M. EXECUTIVE SESSION:** pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance.

REGULAR MEETING

JANUARY 11, 2016

1. ROLL CALL
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held December 14, 2015, as recorded and transcribed.  
APPROVAL of the Motion Summary of the Year-end meeting of Council held December 21, 2015, as recorded and transcribed.
5. CONSENT AGENDA
  - A. Acceptance of the Motion Summary of the Civil Service Commission meeting held November 4, 2015.
  - B. Acceptance of the Motion Summary of the Parking and Safety Committee meeting held November 16, 2015.
  - C. Acceptance of the Motion Summary of the Public Works/Public Utilities Committee meeting held September 1, 2015.
  - D. Resolution No. 16-01, a resolution accepting the public improvements for Innovation Court.
  - E. Resolution No. 16-02, a resolution accepting the public improvements for Curtis Farms, Phase 3.
  - F. Resolution No. 16-03, a resolution appointing/reappointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments/reappointments.
  - G. Resolution No. 16-04, a resolution appointing members to the 2016 Charter Review Commission.

- H. Resolution No. 16-05, a resolution rescheduling the second regular meeting of City Council from December 26 to December 19, 2016.
- 6. LETTERS, PETITIONS, AND PUBLIC COMMENTS
- 7. COMMITTEE REPORTS
- 8. CONSIDERATION of Resolution No. 16-06, a resolution honoring the life of Dr. Martin Luther King, Jr.
- 9. 7:30 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 15-118, an ordinance approving 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.
- 10. 7:30 PUBLIC HEARING AND SECOND READING of Ordinance No. 15-119, an ordinance approving a Rezoning from M-2 (General Manufacturing District) to M-2 PMU (General Manufacturing District with a Planned Mixed Use Overlay District) for Howald Industrial Park on approximately 27.79 acres located at 320 London Road.
- 11. SECOND READING of Ordinance No. 15-120, an ordinance approving a Preliminary Development Plan for Howald Industrial Park on approximately 27.79 acres zoned M-2 PMU (General Manufacturing District with a Planned Mixed Use Overlay District) located at 320 London Road.
- 12. SECOND READING of Ordinance No. 15-121, an ordinance authorizing the funding of the Panhandle Bridge water main construction to the Delaware County Engineer as part of the Panhandle Bridge Replacement Project.
- 13. CITY MANAGER'S REPORT
- 14. COUNCIL COMMENTS
- 15. ADJOURNMENT

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held December 14 20 15

6:30 EXECUTIVE SESSION: Vice-Mayor Shafer motioned to enter into executive session at 6:30 p.m. This motion was seconded by Mr. Jones and approved by a 7-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, and Section 121.22 (G) (2) acquisition of property for public purpose. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 6:58 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mrs. Keller and approved by 7-0 vote.

The regular meeting of December 14, 2015 was called to order at 7:02 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle who presided. The invocation was given by Ms. Mel Corroto, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Sean Hughes, Economic Development Director, Scott Stowers, IT Director, Dean Stelzer, Finance Director, Stacy Davenport, Parks Superintendent, Lance Schultz, Zoning Administrator, Bill Ferrigno, Public Works Director, Brad Stanton, Public Utilities Director, John Donahue, Fire Chief, Bruce Pijanowski, Police Chief, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held November 23, 2015, as recorded and transcribed.

Motion: Vice-Mayor Shafer moved to approve the Motion Summary for the regular meeting of Council held November 23, 2015, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Planning Commission meeting held November 4, 2015.
B. Acceptance of the Motion Summary for the Shade Tree Commission meeting held October 27, 2015.
C. Resolution No. 15-55, a resolution authorizing the modification of certain traffic control signage to extend the No Parking Here to Corner zone on the north side of West Harrison Street to 100 feet east of South Washington Street.
D. Resolution No. 15-56, a resolution approving the sale of a Street Department 2005 International Single Axle Dump Truck and a Parks and Natural Resources Department 2000 Chevy Pick-up Truck with plow blade that have outgrown their useful serviceable life.
E. Establish January 11, 2016 at 7:30 p.m. as the date and time for a public hearing and second reading of Ordinance No. 15-118, an ordinance approving a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) to be

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established on Howald Industrial Park on approximately 27.79 acres located at 320 London Road and Ordinance No. 15-119, an ordinance approving a Rezoning from M-2 (General Manufacturing District) to M-2 PMU (General Manufacturing District with a Planned Mixed Use Overlay District) for Howald Industrial Park on approximately 27.79 acres located at 320 London Road.

**Motion:** Vice-Mayor Shafer moved to approve the Consent Agenda, seconded by Mr. Rohrer. Motion approved by a 7-0 vote.

**ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS**

**ITEM 7: COMMITTEE REPORTS**

Vice-Mayor Shafer stated that a Parking and Safety Committee meeting has been scheduled for January 4, 2016.

**ITEM 8: ORDINANCE NO. 15-112** [Third Reading]

AN ORDINANCE ADDING A NEW CHAPTER 192 TO THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE REGARDING MUNICIPAL INCOME TAX.

The Clerk read the ordinance for the third time.

**Motion:** Vice Mayor Shafer moved to enact the emergency clause for Ordinance No. 15-112, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

**Motion:** Vice Mayor Shafer moved to adopt Ordinance No. 15-112, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

**ITEM 9: ORDINANCE NO. 15-113** [Public Hearing and Second Reading]

AN ORDINANCE MAKING APPROPRIATIONS FOR THE YEAR 2016, AND DECLARING AN EMERGENCY

The Clerk read the ordinance for the second time.

There was no public participation.

**ITEM 10 PRESENTATIONS**

a. Municipal Court - Judge David Sunderman, Judge Marianne Hemmeter and Clerk Cindy Dinovo

Judge Sunderman discussed security changes including the use of radios for Bailiffs and planned upgrade to court presentation system.

Ms. Dinovo discussed expected upcoming employee retirements and the implementation of internet accessible citations.

A discussion was held on the hours to be open on the day of the Little Brown Jug event.

**ITEM 11: ORDINANCE NO. 15-114** [Second Reading]

AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES, AND DECLARING AN EMERGENCY.

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The Clerk read the ordinance for the second time.

ITEM 12: ORDINANCE NO. 15-115 [Second Reading] AN ORDINANCE AMENDING ORDINANCE NO 15-88 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the second time.

ITEM 13: ORDINANCE NO. 15-116 [Second Reading] AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the second time.

ITEM 14: ORDINANCE NO. 15-117 [First Reading] AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (STATE) AS THE LOCAL PUBLIC AGENCY (LPA) IN THE MATTER OF THE DEL-23-13.17 PROJECT (US23 PENNSYLVANIA AVE-SANDUSKY STREET PID94527), AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Mr. Ferrigno discussed the relocation cost for the waterline and reviewed the construction timeline.

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 15-117, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. DiGenova moved to enact the emergency clause for Ordinance No. 15-117, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. DiGenova moved to adopt Ordinance No. 15-117, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 15-118 [First Reading] AN ORDINANCE APPROVING 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.

The Clerk read the Ordinance for the first time.

A public hearing has been set for January 11, 2016 at 7:30 p.m.

ITEM 16: ORDINANCE NO. 15-119 [First Reading] AN ORDINANCE APPROVING A REZONING FROM M-2 (GENERAL MANUFACTURING DISTRICT) TO M-2 PMU (GENERAL MANUFACTURING DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) FOR HOWALD INDUSTRIAL PARK ON APPROXIMATELY 27.79 ACRES LOCATED AT 320 LONDON ROAD.

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The Clerk read the ordinance for the first time.

A public hearing has been set for January 11, 2016 at 7:30 p.m.

**ITEM 17: ORDINANCE NO. 15-120** [First Reading]

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR HOWALD INDUSTRIAL PARK ON APPROXIMATELY 27.79 ACRES ZONED M-2 PMU (GENERAL MANUFACTURING DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED AT 320 LONDON ROAD.

The Clerk read the ordinance for the first time.

**ITEM 18: CITY MANAGER'S REPORT**

Mr. Homan provided an update regarding street sweeping in the downtown area.

**ITEM 19: Continuation of 2016 Budget Review**

a. Other Funds

Mr. Davenport provided a review of the 2016 goals for the Parks Department, and plans to complete Veteran's Park and Plaza, the Dog Park, Troy Rd. Bike Trail, the Bike Path Master Plan, and to prioritize the projects of the Park Levy Funds.

Mr. Davenport provided an update on trees planted, pruned, and removed. A discussion was held regarding the appropriate use of the tree fund and the balance of the funds. Mrs. Keller requested that trees be planted at Veteran's Park, and for the Shade Tree Commission to review the request.

Mr. Davenport discussed the membership costs for Hidden Valley Golf Course and sustainability efforts to decrease mowing and chemical applications. A discussion was held on the need to increase marketing and to extend the demographics of who utilizes the course. A discussion was held on the potential sale of alcohol at the golf course, and how to increase profits. A discussion was held on the cost to the city to run the golf course without a profit.

Mr. Davenport discussed the plans for continued rehabilitation at Oak Grove Cemetery. Mr. Homan discussed the need for a consultant to provide guidance to the value of the house on the property and potential uses for it. Mr. Hellinger requested information on the plot directory and if it is available online. Mr. Davenport discussed the current database.

Mr. Davenport provided recommendation for a Parks and Natural Resource Director position to be added.

Mayor Riggle requested a break at 8:37 p.m. Mayor Riggle reconvened the meeting at 8:45 p.m.

Mr. Stelzer provided a review of the borrowed funds, transfer of funds, and total appropriations. A discussion was held regarding the Community Promotion Funds. Mrs. Walker discussed the requirements and criteria to receive these funds.

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Mr. Homan discussed the need for community to refurbish the memorial to President Hayes. Mr. Homan discussed potential fundraising efforts to assist in the project.

Vice-Mayor Shafer discussed the need for Main Street Delaware to increase their membership and provide an up to date website. Mr. Hughes discussed the efforts to assist Main Street Delaware in redoing their website and to utilize their membership database.

Mr. Stelzer provided a review on the Airport Hanger Funds and the Revolving Loan Fund. Discussion was held on the Façade Loan Program, and Mr. Schultz informed Council that the State of Ohio would have to make final approval for boundaries of the program.

Mr. Hellinger discussed Park Impact Fees and the potential use of the fees for a bikeway on W. Central Ave.

b. Review of any proposed changes

Mrs. Keller recommended that Council approve the position of Parks and Natural Resource Director. Mrs. Keller voiced her concerns over the depleted fund balance due to the Golf Course and the extensive needs of Oak Grove Cemetery. Vice-Mayor Shafer discussed the need to change the job description to include the responsibility of strategic planning. Mayor Riggle recommended that the position report to the Assistant City Manager. Mr. DiGenova recommended that the position not be a director's position.

**Motion:** Vice-Mayor Shafer moved for the Parks and Natural Resource Director Position to remain in the budget with additional wording of the job description, seconded by Mrs. Keller. Motion approved by a 5-2 (DiGenova, Hellinger) vote.

Mr. Homan discussed the request for the part-time to full-time employee position for the Public Works Department.

**Motion:** Mrs. Keller recommended the part-time Building Maintenance position by made full-time, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**ITEM 20: COUNCIL COMMENTS**

Mrs. Keller moved to enter into Executive Session at 9:47 p.m. This motion was seconded by Vice-Mayor Shafer and approved by a 7-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, and Section 121.22 (G) (2) acquisition of property for public purpose. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 10:16 p.m., it was moved by Mr. Rohrer Shafer that Council move into Open session, seconded by Vice-Mayor Shafer and approved by 7-0 vote.

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**ITEM 21: ADJOURNMENT**

**Motion:** Vice-Mayor Shafer moved to adjourn the meeting, seconded by Mr. Jones. The meeting adjourned at 10:16 p.m.

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Mayor Carolyn Kay Riggle

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Elaine McCloskey, Council Clerk

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The regular meeting of December 21, 2015 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was At Large George Hellinger. The invocation was given by Mrs. Jackie Walker, Assistant City Manager, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Sean Hughes, Economic Development Director, Scott Stowers, IT Director, Dean Stelzer, Finance Director, Dave Efland, Planning and Community Development Director, Bill Ferrigno, Public Works Director, Brad Stanton, Public Utilities Director, John Donahue, Fire Chief, Bruce Pijanowski, Police Chief, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

**Motion to Excuse:** Vice-Mayor Shafer moved to excuse Mr. Hellinger, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**ITEM 4: APPROVAL OF MINUTES**

APPROVAL of the Motion Summary of the Council Work Session meeting of Council held December 7, 2015, as recorded and transcribed. APPROVAL of the Motion Summary of the Council Work Session meeting of Council held December 8, 2015, as recorded and transcribed.

**Motion:** Vice-Mayor Shafer moved to approve the Motion Summary for the Council Work Session meeting of Council held December 7, 2015 and the Council Work Session meeting of Council held December 8, 2015, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**ITEM 5: CONSENT AGENDA**

A. Resolution No. 15-57, a resolution appointing Council Members to various Committees, Commissions, and/or Boards.

**Motion:** Mr. Jones moved to approve the Consent Agenda, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

**ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS**

**ITEM 7: COMMITTEE REPORTS**

Vice-Mayor Shafer indicated that there will be Parking and Safety meeting scheduled for January 4, 2016.

**ITEM 8: CONSIDERATION OF A LIQUOR PERMIT TRANSFER**

A. From World of Nuts, Inc., 17 E. William St., Delaware, Ohio 43015 to Delaware Market, LLC, DBA Delaware Market, 17 E. William St., Delaware, Ohio 43015. Permit Classes: C1 and C2

**Motion:** Vice-Mayor Shafer moved to approve the liquor permit transfer without objection, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**ITEM 9: ORDINANCE NO. 15-113** [Third Reading]  
AN ORDINANCE MAKING APPROPRIATIONS FOR THE YEAR 2016, AND DECLARING AN EMERGENCY

The Clerk read the ordinance for the third time.

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Mrs. Keller requested information regarding the Pay for Performance Software. Mr. Homan indicated that there will be an appropriation of funds for the software in 2016.

Motion: Vice-Mayor Shafer moved to enact the emergency clause for Ordinance No. 15-113, seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 15-113, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 10: ORDINANCE NO. 15-114 [Third Reading] AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the third time.

Motion: Mrs. Keller moved to enact the emergency clause for Ordinance No. 15-114, seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Mrs. Keller moved to adopt Ordinance No. 15-114, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 11: ORDINANCE NO. 15-115 [Third Reading] AN ORDINANCE AMENDING ORDINANCE NO 15-88 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the third time.

Motion: Vice-Mayor Shafer moved to enact the emergency clause for Ordinance No. 15-115, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 15-115, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 12: ORDINANCE NO. 15-116 [Third Reading] AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the third time.

Motion: Mr. Jones moved to enact the emergency clause for Ordinance No. 15-116, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

Motion: Mr. Jones moved to adopt Ordinance No. 15-116, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 13: ORDINANCE NO. 15-121 [First Reading] AN ORDINANCE AUTHORIZING THE FUNDING OF THE PANHANDLE BRIDGE WATER MAIN CONSTRUCTION TO THE DELAWARE COUNTY

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ENGINEER AS PART OF THE PANHANDLE BRIDGE REPLACEMENT PROJECT.

The Clerk read the ordinance for the first time.

**ITEM 14: ORDINANCE NO. 15-122** [First Reading]  
AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**Motion:** Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 15-122, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer moved to enact the emergency clause for Ordinance No. 15-122, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer moved to adopt Ordinance No. 15-122, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**ITEM 15: CITY MANAGER'S REPORT**

Mr. Homan indicated that he will be meeting with the Delaware County Administrator.

A discussion was held on Council having a tour at Rev1 Ventures. Mayor Riggle requested that County Commissioner, Gary Merrell, be invited.

Mr. Homan provided an update on the warming center.

Mr. Homan discussed opportunity to submit for appropriations for the connections of the bike trail.

**ITEM 16: COUNCIL COMMENTS**

**ITEM 17: ADJOURNMENT**

**Motion:** Vice-Mayor Shafer moved to adjourn the meeting. The meeting adjourned at 7:33 p.m.

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Mayor Carolyn Kay Riggle

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Elaine McCloskey, Council Clerk

**CIVIL SERVICE COMMISSION  
MOTION SUMMARY  
NOVEMBER 4, 2015**

ITEM 1. ROLL CALL

Jack Hilborn called the meeting to order at 3:06 pm.

Members Present: Jack Hilborn and Michael Robinson, and City Council Representative Lisa Keller

It is noted this is Jack Hilborn's last meeting. He is retiring from the Commission after almost 20 years. Jack states that he leaves the Commission with the utmost respect for the City's Police and Fire personnel.

Eric Coss is introduced as the next appointee to the Commission.

Staff Present: City Attorney Darren Shulman, Assistant City Manager Jackie Walker, Human Resource Manager Jessica Feller and Fire Chief John Donahue

ITEM 2. APPROVAL of the Motion Summary of the Civil Service Commission meeting held OCTOBER 7, 2015, as recorded and transcribed.

**Motion:** Mr. Robinson moved to approve of the Motion Summary for the October 7th Motion Summary, seconded by Mr. Hilborn. Motion passed by a 2-0 vote.

ITEM 3. Amend the Police Officer List

Matthew Hull has been added. Matthew Roth has been hired.

**Motion:** Mr. Hilborn moved to approve of the amended Police Officer List seconded by Mr. Robinson. Motion passed by a 2-0 vote.

ITEM 4. PUBLIC COMMENT

City Manager Tom Homan recognizes Mr. Hilborn for his 21 years of serving the Commission with a Proclamation.

ITEM 5. COMMISSION MEMBERS COMMENTS

ITEM 6. MEETING ADJOURNMENT

Chairman Hilborn adjourned the meeting at 4:20 p.m.

*Michael S. Robinson*

Michael Robinson, Acting Chairman

*Julie Williams*

Julie Williams, Clerk

**PARKING AND SAFETY COMMITTEE  
MOTION SUMMARY  
November 16, 2015**

ITEM 1. ROLL CALL

Chairman Shafer called the meeting to start at 7:45 p.m.

Members Present: Councilman Chris Jones, Vice-Chairwoman Lisa Keller, and Chairman Kent Shafer

Staff Present: Bill Ferrigno, Public Works Director, John Donahue, Fire Chief, Matt Weber, Assistant Engineer, and Jessica Ormeroid, Project Engineer

ITEM 2. APPROVAL of the Motion Summary of the Parking and Safety Committee meeting held August 17, 2015, as recorded and transcribed.

**Motion:** Mr. Jones moved for the approval of the Motion Summary of the Parking and Safety Committee meeting held August 17, 2015, seconded by Vice-Chairwoman Keller. Motion approved by a 3-0 vote.

ITEM 3. PUBLIC COMMENT

ITEM 4. DISCUSSION

A. The Installation of Accessible Pedestrian Signals at the Intersection of Sandusky Street and William Street.

**PRESENTOR:**

Kelly Krispinsky  
V.I.P Rehabilitation Services L.L.C  
Orientation & Mobility Specialist  
1097 Highland Street  
Columbus, Ohio 43201

Ms. Krispinsky provided a presentation on accessible pedestrian signals which included the features of the technology and benefits. Ms. Krispinsky reviewed requirements for the location of the signals and ADA laws and regulations.

A discussion was held regarding potential funding sources and grants to assist with the installation of the signals.

B. The Installation of Multi-Way Stop Signs at North Liberty Street and Fountain Avenue.

Mr. Weber provided the background on the concern received by Councilman Andrew Brush in 2014 by Mr. Chris Gorz.

Public Participation:

Chris Gorz  
3021 Horseshoe Road  
Delaware, Ohio

Mr. Gore indicated that he recently moved from 295 N. Washington Street and that the initial request was made due to the children crossing the area for school.

Tony Bledsoe  
140 W. Fountain Avenue  
Delaware, Ohio

Mr. Bledsoe voiced his concerns with the safety of children utilizing the intersection.

Gina Breglia  
210 W. Fountain Avenue  
Delaware, Ohio

Ms. Breglia voiced her concerns regarding the safety of the children that cross the intersection.

Chad Long  
140 W. Fountain Avenue  
Delaware, Ohio

Mr. Long discussed his concerns regarding congestion on the streets due to parked cars and the view obstruction southbound on Liberty Street at the intersection due to a small hill. Mr. Long discussed the need for a stop sign to increase safety.

Jennifer Gorz  
3021 Horseshoe Road  
Delaware, Ohio

Mrs. Gorz voiced her concerns regarding the safety of children crossing the street to attend Smith Elementary School.

Walt Conte  
114 W. Fountain Avenue  
Delaware, Ohio

Mr. Conte voiced his concern regarding the safety of children crossing the street to attend school. Mr. Conte discussed the concern that there is a school safety volunteer at Heffner Street and Liberty Street, but not at W. Fountain Avenue.

Steve Fellenger  
11 Mason Avenue  
Delaware, Ohio

Mr. Fellenger voiced his concern on the potential installation of the stop sign and increase safety and noise concerns with the installation. Mr. Fellenger voiced his concerns on the lack of speed limit signs posted in the area.

Mrs. Mary Morrison  
144 W. Fountain Avenue  
Delaware, Ohio

Mrs. Morrison was unable to attend the meeting, but had communicated to staff that she recommends the installation of stop signs at the intersection.

Mr. Ferrigno provided further discussion and research regarding the intersection. Mr. Ferrigno recommended that if the new sign is approved then installation to not occur until after the school year. Mr. Ferrigno discussed his concerns on making any changes to the intersection in a school zone.

**Motion:** Mr. Jones moved to table the discussion of the installation of multi-way stop signs at North Liberty Street and Fountain Avenue until the next scheduled meeting, seconded by Vice-Chairwoman Keller. Motion approved by a 3-0 vote.

C. The Relocation of “No Parking From Here to Corner” signage at South Washington Street and West Harrison Street; Extending Current Signage beyond the Driveway Located at 78 West Harrison Street.

Ms. Ormeroid reviewed the concern voiced by Ms. Laura Stewart, who resides at 78 W. Harrison Street. Ms. Ormeroid reviewed staff recommendation to relocate signage.

**Motion:** Mr. Jones moved to approve the Re-Location of “No Parking From Here to Corner” signage at South Washington Street and West Harrison Street, seconded by Vice-Chairwoman Keller. Motion approved by 3-0 vote.

D. The Installation of “No Parking” Signage on One Side of Ballater Drive; Glenross Golf Club, Section 2.

Ms. Ormeroid provided information on the current signage on the inside of

Ballater Drive. Ms. Ormeroid stated that the initial complaint was due to a resident receiving a parking ticket, and that the concern was that the signage did not clarify where the no parking restrictions began and ended. Ms. Ormeroid recommended that "No Parking" signage be changed to the outside of the street due to the placement of the water line.

**PUBLIC PARTICIPATION:**

Tom Bonacuss  
880 Ballater Drive  
Delaware, Ohio

Mr. Bonacuss stated that neighbors would like to see parking on both sides of the street if possible. Mr. Bonacuss stated that he did not receive notification of the meeting by a letter, but was notified by Ms. Ormeroid. Mr. Bonacuss voiced his concern that his neighbors may not be aware of the meeting.

Mr. Ferrigno recommends that staff correct current signage on the inside of the street to provide clarification of the restrictions, and table discussion until the next Parking and Safety meeting to allow for notification of surrounding neighbors. Ms. Ormeroid did inform staff that a letter was sent out to residents.

**Motion:** Mr. Jones moved to table discussion until next Parking and Safety meeting and follow staff recommendations to correct current signage to plans, seconded by Vice-Chairwoman Keller. Motion approved by a 3-0 vote.

ITEM 5. COMMITTEE COMMENTS

Mr. Jones requested clarification on double arrow signage. Ms. Ormeroid provided an example of the signage.

ITEM 6. ADJOURNMENT

**Motion:** Mr. Jones moved to adjourn the meeting, seconded by Vice-Chairwoman Keller. The Parking and Safety Committee Meeting adjourned at 9:01 p.m.



---

Kent Shafer, Chairman



---

Elaine McCloskey, Clerk

**PUBLIC WORKS/PUBLIC UTILITIES COMMITTEE**  
**MOTION SUMMARY**  
**September 1, 2015**

ITEM 1. Roll Call

Chairman Jones called the meeting to order at 7:05 p.m.

Members Present: Vice-Chairman Kent Shafer and Chairman Chris Jones

Members Absent: Mayor Carolyn Riggle

City Staff Present: Bill Ferrigno, Director of Public Works/City Engineer, Brad Stanton, Director of Public Utilities, Dan Whited, Director Public Service Group

**Motion to Excuse:** Vice-Chairman Shafer moved to excuse Mayor Riggle, seconded by Chairman Jones. Motion approved with a 2-0 vote.

ITEM 2. APPROVAL of the Motion Summary of the Public Works/Public Utilities Committee meeting held July 7, 2015 as recorded and transcribed.

**Motion:** Vice-Chairman Shafer moved to approve the Motion Summary of the Public Works/Public Utilities Committee meeting held July 7, 2015, seconded by Chairman Jones. Motion approved by a 2-0 vote.

ITEM 3. PUBLIC COMMENTS

There was no public comment.

ITEM 4. AMI Project Status Update

Mr. Stanton provided an update on the status of the AMI Project and discussed the contract with consultants CH2M for a functional assessment. Mr. Stanton expects that vendor presentations will take place the week of September 28, as proposals will be due by September 17, 2015. Vendor's cost proposals will be due by October 9, 2015 and a decision on the vendor is expected to be completed in November. Mr. Stanton explained that in the RFP vendors will propose one type of AMI system.

ITEM 5. Public Utilities Projects Update

Mr. Stanton provided an update of Public Utilities Projects.

Mr. Stanton discussed the Park Ave 12" Water Line project with information on the construction bid and schedule.

Mr. Stanton discussed the Blue Limestone Park improvements including the construction schedule and plans. The Committee was updated on the pickle ball courts progress.

The Committee was updated on the Sawmill Parkway/Innovation Court water and sewer Lines project.

The Committee was updated on the Bernard Avenue Storm Water Improvements, along with the estimated construction cost and schedule. Mr. Stanton t that this project is currently in the design stage.

Mr. Stanton provided an update on the Cooperative Boating Facility Grant project and provided information on the access sites and construction schedule.

Mr. Stanton provided information on the Stratford Road/Route 23 Low-Head Dam Removal. Stating that the cost for the removal of the dam was less than the funding provided by the OEPA Surface Improvement Grant. The Committee was made aware that a refund will be issued.

Mr. Stanton discussed the Sanitary Sewer Collection System Master Plan.

#### ITEM 6. Public Works Projects Update

Mr. Ferrigno discussed the status of winter salt in the salt barn for the 2015/2016 winter. The Committee was made aware that the salt barn is at full capacity of 3,000 tons.

Mr. Ferrigno provided an update on the Sharrows Resurfacing Program.

Mr. Ferrigno provided an update on the Glenn Road. Project.

Information was provided on the projected demolition of the old recycling building on Cherry Street and the need to determine for potential asbestos material prior to demolition for safety.

Information was provided by Mr. Ferrigno on the CSX Supplemental. Mr. Ferrigno discussed the benefits of using the proposed rubberized crossing material and the projected extension of durability in the crossing.

Mr. Ferrigno requested a recommendation by the Committee to Council to recommend approval of the upgraded rubberized crossing.

**Motion:** Vice-Chairman Shafer moved to recommend CSX Railroad Proposal to Council for a second reading, seconded by Chairman Jones. Motion approved by a 2-0 vote.

ITEM 7. STAFF COMMENTS

Mr. Ferrigno provided an update on the Safe Walks Program and expected appeals to be presented at the November meeting.

ITEM 8. MEMBER COMMENTS

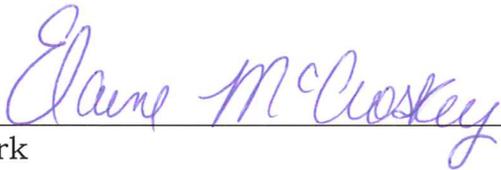
Chairman Jones requested an update on the potential name change at the location of the Public Works building. Mr. Ferrigno provided an update on recent conversations with surrounding business owners and the potential easement from ODOT for signage.

ITEM 9. ADJOURNMENT

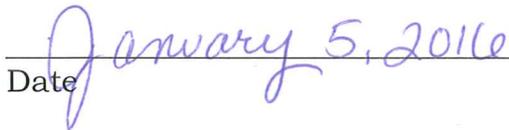
**Motion:** Vice-Chairman Shafer moved to adjourn the Public Works/Public Utilities Committee meeting, seconded by Chairman Jones. The meeting adjourned at 7:45 p.m.



Chairman



Clerk



Date



## FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM D      DATE: 1/11/16  
ORDINANCE NO:                                      RESOLUTION NO: 16-01  
READING: FIRST                                      PUBLIC HEARING: NO

---

TO:                      Mayor and Members of City Council  
FROM:                 R. Thomas Homan, City Manager  
VIA:                    Bill Ferrigno, Public Works Director/City Engineer

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR INNOVATION COURT.

**BACKGROUND:**

This resolution conditionally accepts the now completed public improvements consisting of roadway for Innovation Court covering expense necessary to repair work due to deficiencies or failure of materials or workmanship. This does not include sanitary sewer or waterlines as these were constructed under a separate capital project.

**REASON WHY LEGISLATION IS NEEDED:**

This legislation is required in order to provide conformance to city code and publicly accept the infrastructure for the development prior to allowing a final plat to be recorded. The recording of the plat allows the creation of lots upon which business construction can begin.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Bill Ferrigno, Public Works Director/City Engineer

**RECOMMENDATION:**

Approval

**ATTACHMENT(S):**

Summary Report





CITY OF DELAWARE, OHIO  
PUBLIC WORKS DEPARTMENT

MEMORANDUM

TO: David Efland, Planning Director

FROM: William L. Ferrigno, P.E., Public Works Director, City Engineer

CC: Brad Stanton, Director of Public Utilities

SUBJECT: Recommendation for Acceptance of the Public Improvements for Innovation Court

DATE: 1/11/16

---

Innovation Court is a roadway located on the west side, just north of US 42 and will be connecting to the proposed Sawmill Parkway. Construction for this project commenced in April 2015 and has been recently completed.

The roadway was constructed in accordance with current city engineering specifications and is in consideration to be publicly owned and operated. The estimated value of new public improvements totals \$240,000 and in accordance with City Codified Ordinance Section 1111.06, a one year maintenance bond has been posted by the developer, FedOne Dublin LLC which would cover the expense of necessary repair work due to deficiencies or failure of materials or workmanship. The developer has paid all required plan review and construction inspection fees. Upon your satisfaction that all non-engineering related requirements have been completed as specified in the approved subdivision plans or other written commitments, we recommend acceptance of public improvements by the City.

Sanitary sewer and water line are not being publicly accepted due to the fact that they were constructed with a separate capital project.

mls

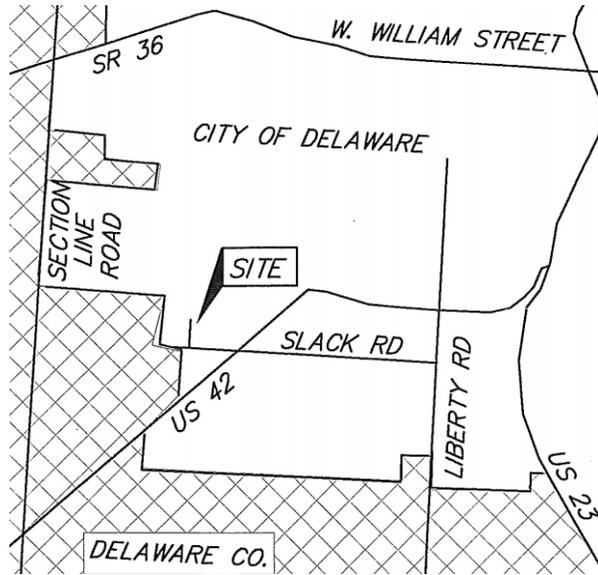
Attachments

CC: Public Improvements Ordinance File  
Innovation Court Project File

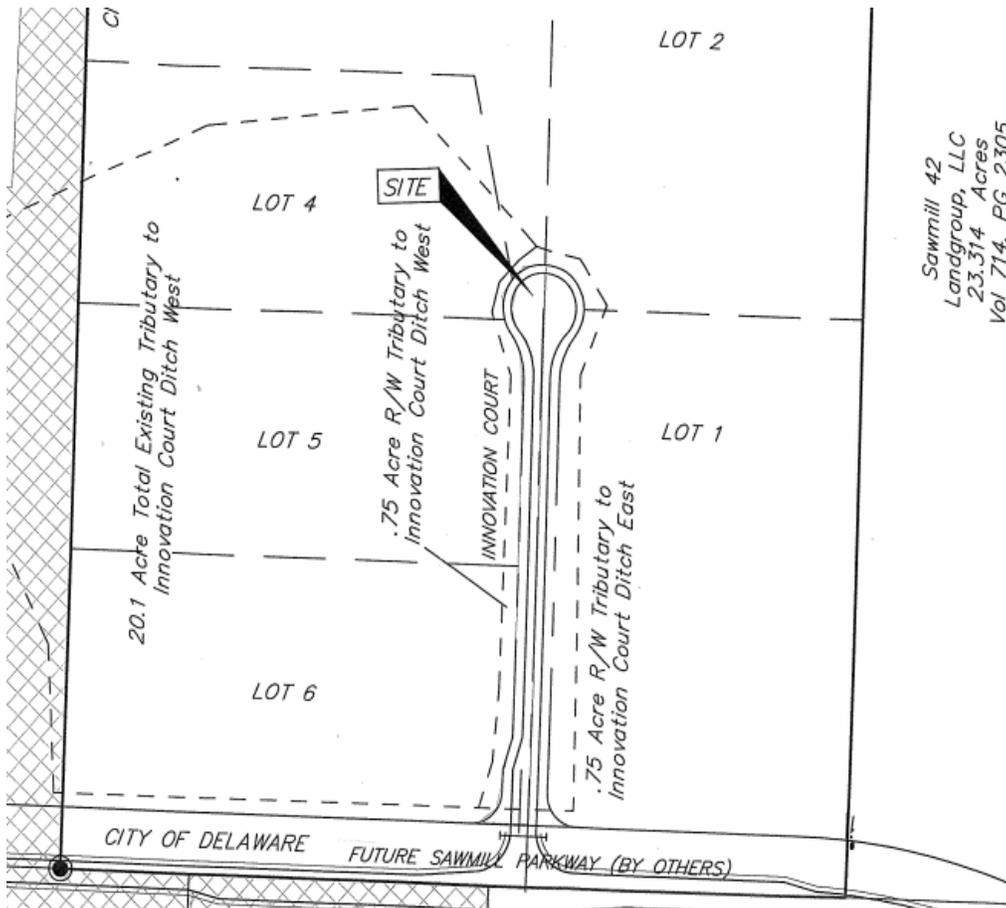
**MATERIAL QUANTITY REPORT**

<b>PROJECT: Innovation Court</b>		<b>PC #: 2015-0025, 0026</b>	
<b>OWNER/DEVELOPER: FedOne Dublin LLC</b>		<b>CONTRACTOR: Trucco Construction</b>	
<b>DESCRIPTION: Roadway for 6 business outlots</b>		<b>API ORD.#:</b>	
<b>TOTAL UTILITY COST: \$ 240,000</b>		<b>ENG #: 14-002</b>	
<b>SANITARY SEWER</b>			
MANHOLES			
SERVICE TAPS			
6-Inch			
8-Inch			
10-Inch			
12-Inch			
15-Inch			
18-Inch			
21-Inch			
OTHER			
MISCELLANEOUS			
<b>WATER SERVICE</b>			
SERVICE TAPS			
MAIN TAPS			
HYDRANTS W/Valve			
6-Inch Valve			
8-Inch Valve			
10-Inch Valve			
16-Inch Valve			
6-Inch Dip			
8-Inch Dip			
10-Inch Dip			
12-Inch Dip			
16-Inch Dip			
MISCELLANEOUS			

<b>STORM SEWER</b>			
MANHOLES			
CATCH BASINS			
CURB INLETS			
DET/RET BASIN			
12-Inch RCP			
15-Inch RCP			
18-Inch RCP			
21-Inch RCP			
24-Inch RCP			
27-Inch RCP			
30-Inch RCP			
36-Inch RCP			
42-Inch RCP			
48-Inch RCP			
HEADWALLS			
ROCK CHANNEL			
<b>ROADWAY</b>			
24'-0 ROAD			
28'-0 ROAD			
32'-0 ROAD	860 LF		
36'-0 ROAD			
2'-0 CURB			
BIKEPATH			
SIDEWALK			
MONUMENT BOXES	1		
STREET LIGHTS			
(+) INTERSECTIONS			
(T) INTERSECTIONS	1		
CUL-DE-SAC	1		
STRIPING/SIGNAGE			
			<b>\$ 240,000</b>



**Location Map**



**Site Map**



## FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM E      DATE: 1/11/16  
ORDINANCE NO:                                      RESOLUTION NO: 16-02  
READING: FIRST                                      PUBLIC HEARING: NO

---

TO:                      Mayor and Members of City Council  
FROM:                  R. Thomas Homan, City Manager  
VIA:                      Bill Ferrigno, Public Works Director/City Engineer

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR CURTIS FARMS, PHASE 3.

**BACKGROUND:**

This resolution conditionally accepts the now completed public improvements consisting of streets, water distribution, sanitary sewer, stormwater drainage and lighting for Curtis Farms Phase 3 covering expense necessary to repair work due to deficiencies or failure of materials or workmanship.

**REASON WHY LEGISLATION IS NEEDED:**

This legislation is required in order to provide conformance to city code and publicly accept the infrastructure for the development prior to allowing a final plat to be recorded. The recording of the plat allows the creation of lots upon which home construction can begin.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Bill Ferrigno, Public Works Director/City Engineer

**RECOMMENDATION:**

Approval

**ATTACHMENT(S):**

Summary Report

RESOLUTION NO. 16-02

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR CURTIS FARMS, PHASE 3.

WHEREAS, the developer of Curtis Farms, Phase 3, has complied with all of the conditions set forth in Codified Ordinance 1111.17 which are necessary to obtain acceptance by the City of the public improvements for streets, water distribution, sanitary sewer collection, and stormwater drainage, and

WHEREAS, the developer has duly dedicated said public improvements to the City in writing.

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

SECTION 1. That the City of Delaware hereby accepts the public improvements for streets, sanitary, water distribution and stormwater drainage for Curtis Farms, Phase 3, and that the dedication of said improvements to the City is hereby accepted contingent upon the posting of a maintenance bond by the Developer in accordance with Section 1111.06 of the Delaware Codified ordinance.

SECTION 2. That this resolution shall be in force and effect immediately upon its passage.

PASSED: \_\_\_\_\_, 2016 YEAS\_\_\_ NAYS\_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK MAYOR



CITY OF DELAWARE, OHIO  
PUBLIC WORKS DEPARTMENT

MEMORANDUM

TO: David Efland, Planning Director

FROM: William L. Ferrigno, P.E., Public Works Director, City Engineer

CC: Brad Stanton, Director of Public Utilities

SUBJECT: Recommendation for Acceptance of the Public Improvements for Curtis Farms Phase 3

DATE: 1/11/16

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Curtis Farms Phase 3 is the 3<sup>rd</sup> phase consisting of 29 lots on 13.5 acre residential subdivision located on the west side of Delaware, Ohio, west of Curtis Street directly south of Delaware Meadows and north of the Conrail Railroad. Construction for this project commenced in June of 2015 and has been recently completed.

All utilities including storm sewer, sanitary sewer, waterlines, and roadways were constructed in accordance with current city engineering specifications and are in consideration to be publicly owned and operated. All utility lines and roadways have been inspected and found to be in acceptable condition by the Public Works Department. The estimated value of new public improvement totals \$ 331,665 and in accordance with City Codified Ordinance Section 1111.06, a two year maintenance bond has been posted by the developer, Maronda Homes, which would cover the expense of necessary repair work due to deficiencies or failure of materials or workmanship. The developer has paid all required plan review and construction inspection fees. Upon your satisfaction that all non-engineering related requirements have been completed as specified in the approved subdivision plans or other written commitments, we recommend acceptance of public improvements by the City.

mls

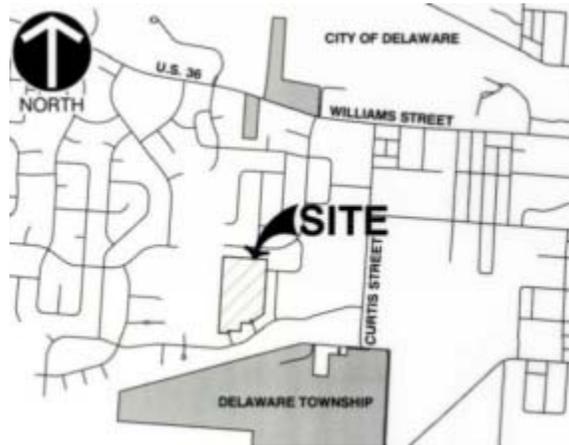
Attachments

CC: Public Improvements Ordinance File  
Curtis Farms Phase 3 Project File

**MATERIAL QUANTITY REPORT**

<b>PROJECT: Curtis Farms Phase 3</b>			<b>PC #: 2014-2507</b>
<b>OWNER/DEVELOPER: Maronda Homes</b>		<b>CONTRACTOR: Conie Construction</b>	
<b>DESCRIPTION: 29 Single family lots on 13.5 acres</b>			<b>API ORD.#:</b>
<b>TOTAL UTILITY COST: \$ 331,665</b>			<b>ENG #: 15-006</b>
<b>SANITARY SEWER</b>			
MANHOLES	3 EA		
SERVICE TAPS	29 EA		
6-Inch			
8-Inch	919 LF		
10-Inch			
12-Inch			
15-Inch			
18-Inch			
21-Inch			
OTHER			
MISCELLANEOUS			
			<b>\$ 55,047</b>
<b>WATER SERVICE</b>			
SERVICE TAPS	26 EA	¾" 'K' Copper	
MAIN TAPS			
HYDRANTS W/Valve	2 EA	W/6" Valve	
6-Inch Valve			
8-Inch Valve			
10-Inch Valve			
16-Inch Valve			
6-Inch Dip	11 LF		
8-Inch Dip	926 LF		
10-Inch Dip			
12-Inch Dip			
16-Inch Dip			
MISCELLANEOUS			
			<b>\$55,336</b>

<b>STORM SEWER</b>			
MANHOLES	1 EA		
CATCH BASINS	7 EA		
CURB INLETS	5 EA		
DET/RET BASIN			
12-Inch RCP	304 LF		
15-Inch RCP			
18-Inch RCP	312 LF		
21-Inch RCP			
24-Inch RCP	349 LF		
27-Inch RCP			
30-Inch RCP	445 LF		
36-Inch RCP			
42-Inch RCP			
48-Inch RCP			
HEADWALLS			
ROCK CHANNEL			
			<b>\$ 74,692</b>
<b>ROADWAY</b>			
24'-0 ROAD	980 LF		
28'-0 ROAD			
32'-0 ROAD			
36'-0 ROAD			
2'-0 CURB	1960 LF		
BIKEPATH			
SIDEWALK			
MONUMENT BOXES	1 EA		
STREET LIGHTS	3 EA		
(+) INTERSECTIONS			
(T) INTERSECTIONS	1 EA		
CUL-DE-SAC			
STRIPING/SIGNAGE			
			<b>\$146,590</b>



**Location Map**



**Site Map**



## FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM F      DATE: 1/11/16  
ORDINANCE NO:                                      RESOLUTION NO: 16-03  
READING: FIRST                                      PUBLIC HEARING: NO

---

TO:                      Mayor and Members of City Council  
FROM:                 R. Thomas Homan, City Manager  
VIA:                    ---

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION APPOINTING/REAPPOINTING MEMBERS TO VARIOUS BOARDS, COMMISSIONS, AND/OR COMMITTEES, AND SPECIFYING THE TERM OF THE APPOINTMENTS/REAPPOINTMENTS.

**BACKGROUND:**

**REASON WHY LEGISLATION IS NEEDED:**

**COMMITTEE RECOMMENDATION:**

**FISCAL IMPACT(S):**

**POLICY CHANGES:**

**PRESENTER(S):**

Carolyn Kay Riggle, Mayor

**RECOMMENDATION:**

**ATTACHMENT(S)**

RESOLUTION NO. 16-03

A RESOLUTION APPOINTING/REAPPOINTING MEMBERS TO VARIOUS BOARDS, COMMISSIONS, AND/OR COMMITTEES, AND SPECIFYING THE TERM OF THE APPOINTMENTS/REAPPOINTMENTS.

WHEREAS, Members are to be appointed/reappointed to serve on various Committees, Commissions and Boards by the Mayor of the City of Delaware and confirmed by Council and,

WHEREAS, the Mayor has appointed/reappointed and Council has confirmed the following appointments/reappointments.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Delaware that:

SECTION 1. The following appointments/reappointments are hereby made:

1. Airport Commission – Chamber of Commerce Appointment – John Lewis (term 1-12-15 to 12-31-18) - Reappointment
2. Historic Preservation Commission – Joe Coleman, Preservationist position (term 12-31-15 to 12-31-18) - Reappointment
3. Historic Preservation Commission – Sherry Riviera, Preservationist position (term 12-31-15 to 12-31-18) - Reappointment
4. Shade Tree Commission – Susan Wright (term 1-31-16 to 1-31-19) - Reappointment
5. Shade Tree Commission – Tom Glissman (term 1-31-16 to 1-31-19) - Reappointment
6. Board of Zoning Appeals – Matt Dick, Third Ward (term 11-30-15 to 11-30-18) - Reappointment
7. Board of Zoning Appeals – Adam Vaughn, Fourth Ward (term 11-30-15 to 11-30-18) - Reappointment
8. Planning Commission – Stacy Simpson, Fourth Ward (term 12-31-15 to 12-31-18) - Reappointment- Reappointment
9. Parks and Recreation Advisory Board – Lucas Ratliff, At Large (12-31-15 to 12-31-18) – New appointment
10. Parks and Recreation Advisory Board – Matthew Polites, Fourth Ward (12-31-15 to 12-31-18) - Reappointment
11. Parks and Recreation Advisory Board – Dianna Hibinger, At Large (12-31-15 to 12-31-18) - Reappointment
12. Sister City Advisory Board – Erin Teets (1-1-16 to 1-1-19) - Reappointment





## FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM G      DATE: 1/11/16  
ORDINANCE NO:                                      RESOLUTION NO: 16-04  
READING: FIRST                                      PUBLIC HEARING: NO

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TO:                      Mayor and Members of City Council  
FROM:                 R. Thomas Homan, City Manager  
VIA:                    ----

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION APPOINTING MEMBERS TO THE 2016 CHARTER REVIEW COMMISSION.

**BACKGROUND:**

Pursuant to Section 128 of the Delaware City Charter, the Charter is to be reviewed every eight years.

February 4 at 6 p.m. is the tentative organizational meeting date.

**REASON WHY LEGISLATION IS NEEDED:**

This resolution will appoint members to the Charter Review Commission.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Carolyn Kay Riggle, Mayor

**RECOMMENDATION:**

**ATTACHMENT(S)**





## FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM H      DATE: 1/11/16  
ORDINANCE NO:                                      RESOLUTION NO: 16-05  
READING: FIRST                                      PUBLIC HEARING: NO

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TO:                      Mayor and Members of City Council  
FROM:                 R. Thomas Homan, City Manager  
VIA:                    ----

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION RESCHEDULING THE SECOND REGULAR MEETING OF CITY COUNCIL FROM DECEMBER 26 TO DECEMBER 19, 2016.

**BACKGROUND:**

The second regular meeting in December of City Council falls on December 26 which is a city holiday and city offices are closed.

If approved, December 19 will be the second meeting of Council and considered the year-end meeting.

**REASON WHY LEGISLATION IS NEEDED:**

To reschedule the meeting

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Carolyn Kay Riggle, Mayor

**RECOMMENDATION:**

**ATTACHMENT(S)**





## FACT SHEET

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AGENDA ITEM NO: 8

DATE: 1/11/16

ORDINANCE NO:

RESOLUTION NO: 16-06

READING: FIRST

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: -----

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION HONORING THE LIFE OF DR. MARTIN LUTHER KING, JR.

**BACKGROUND:**

This resolution will be recognized by the Martin Luther King (MLK) Celebration Committee at the upcoming MLK Breakfast on January 18.

**REASON WHY LEGISLATION IS NEEDED:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

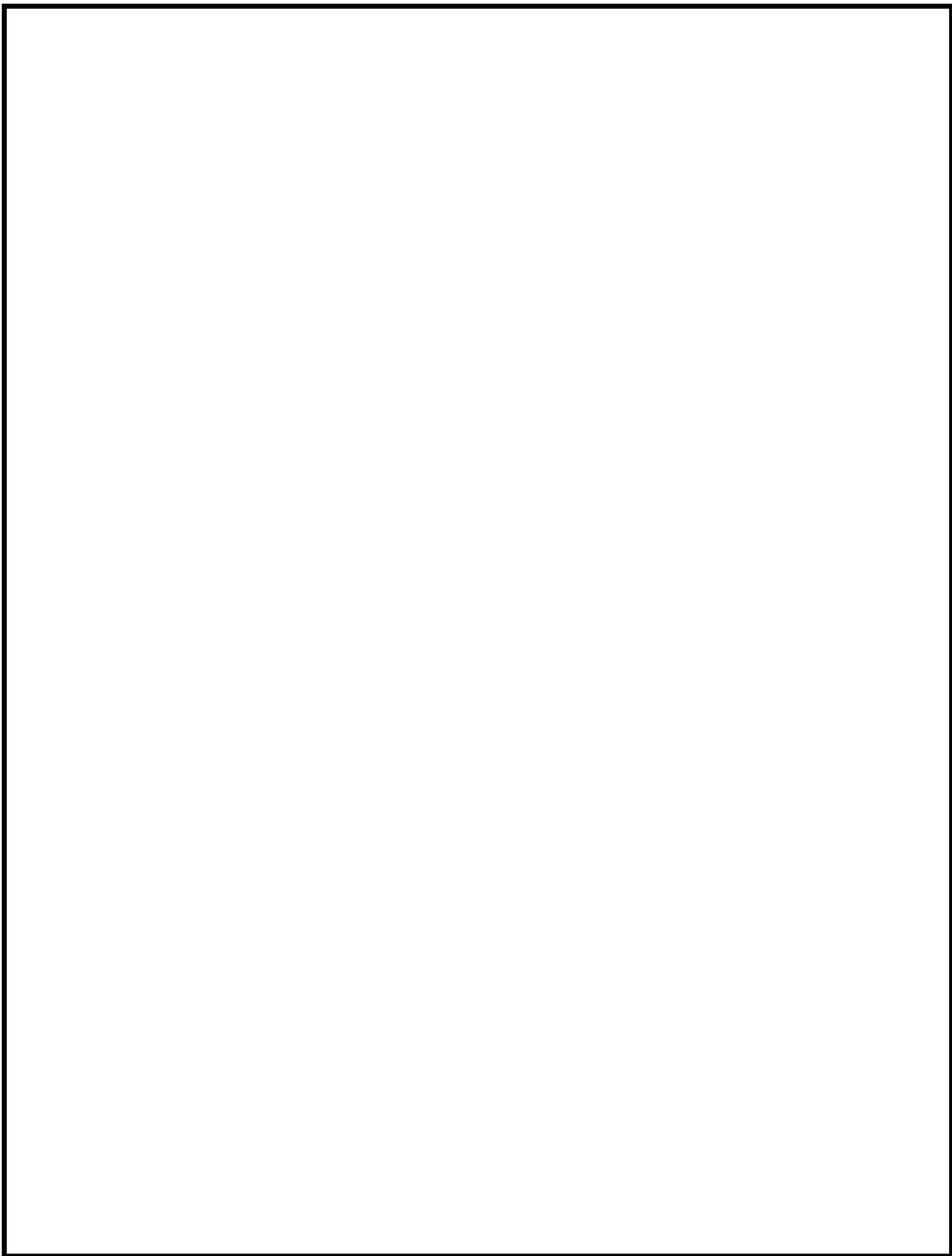
N/A

**PRESENTER(S):**

Carolyn Kay Riggle, Mayor

**RECOMMENDATION:**

**ATTACHMENT(S)**



RESOLUTION NO. 16-06

A RESOLUTION HONORING THE LIFE OF DR. MARTIN LUTHER KING, JR.

WHEREAS, the third Monday in January of each year has been set aside as a day to celebrate the life and dream of Martin Luther King, Jr., and

WHEREAS, this day should also be seen as a day to reaffirm the American ideals of freedom, justice and opportunity for all; as a day for love, not hate; for understanding, not anger; for peace, not war; and

WHEREAS, on this important holiday people of all races, religions and classes in life may put aside their differences and join in a spirit of togetherness, and

WHEREAS, this is a day for our nation, our state, and the City of Delaware to pay tribute to Dr. Martin Luther King, Jr., who awakened in us the best qualities of the American spirit, and

WHEREAS, this is a day for nations of the world to cease all violent actions, seek nonviolent solutions and demonstrate that peace is not just a dream but a real possibility.

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

SECTION 1. That this resolution shall take effect and be in force immediately after its passage.

PASSED: \_\_\_\_\_, 2016

YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR



## FACT SHEET

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AGENDA ITEM NO: 9

DATE: 1/11/16

ORDINANCE NO: 15-118

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: **YES**  
**January 11, 2015 at 7:30 p.m.**

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE APPROVING 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.

**BACKGROUND:**

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.

In addition, the applicant has agreed to grant a bike path easement per the 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 Todd Street. Also, 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. Furthermore, staff recommends a Comprehensive Sign Plan for all wall and ground signage that would achieve compliance with the zoning code and the adopted Gateways and Corridor Plan.

**REASON WHY LEGISLATION IS NEEDED:**

N/A

**COMMITTEE RECOMMENDATION:**

Planning Commission approved this case 6-0 on December 2, 2015.

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

David Efland, Planning and Community Development Director

**RECOMMENDATION:**

Staff recommends approval with the documented conditions.

**ATTACHMENT(S)**

Staff Report

ORDINANCE NO. 15-118

AN ORDINANCE APPROVING 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.

WHEREAS, the Planning Commission at its meeting of December 2, 2015, recommended 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 (PC 2015-1900), and

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

SECTION 1. That the 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, is hereby confirmed, approved, and accepted.

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 Revised Code.

VOTE ON RULE SUSPENSION:

YEAS\_\_\_NAYS\_\_\_  
ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2016

YEAS\_\_\_NAYS\_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CASE NUMBER: 2015-1899-1901

REQUEST: Multiple Requests

PROJECT: Howald Industrial Park

MEETING DATE: December 2, 2015

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**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.

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**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.

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**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.

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**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.

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**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:**

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

*CONDITIONS/MISCELLANEOUS:*

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**FILE:**  
**ORIGINAL:**      11/24/15  
**REVISED:**

**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. The City and the Applicant have entered into several agreements relative to this area.
  - i. One such agreement is titled “Memorialization, Ratification, and Amendment of Prior Agreements and Agreement to Grant Easement” dated November 19, 2004. (See attached Exhibit B-1)
  - ii. Another such agreement is titled “Agreement” (also and alternatively referred to as the ‘City Agreement’) effective August 16, 2013. The subject development in this text is subject to this agreement and shall comply with said agreement. (See attached Exhibit B-2).
  - iii. To the extent there is a conflict between this Zoning text and either agreement referenced above, said agreement shall control.
- 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.
- d. **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:

- a. Any major increase in the non-residential building area.
- b. A major change in the approved location of land uses or land use sub-areas.
- c. 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.

- e. **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:

- a. A modification that is not considered a major modification by this Development Text or by determination of the Director of Planning & Community Development.
  - b. Any increase of less than 10% in the non-residential building area.
  - c. A minor change in the approved location of land uses or land use sub-areas.
  - d. 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.
  - e. Minor structural alterations that do not alter the overall design intent for buildings.
- f. **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.
  - g. **Tree Removal and Replacement.** Any tree removal shall achieve compliance with Chapter 1168 Tree Preservation Regulations. At this time, there are not any qualifying existing trees on this site.
  - h. **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 new developments shall achieve compliance with City requirements (see 2.k as to storm water management as to existing developments).
  - i. **Comprehensive Sign Plan .** The Applicant shall prepare and submitted for review and approval by Staff a Comprehensive Sign Plan consistent with this text and Zoning Code Section 1165.16-c. All signs shall thereafter be in conformance with any approved Comprehensive Sign Plan. The Comprehensive Sign Plan shall show the sign scheme for each building, including size, illumination, and general and consistent 'sign band' locations. Further, the Comprehensive Sign Plan may include

up to 2 ground mounted signs with no more than 6 tenant panels each and generally oriented along London Rd only. The ground mounted signs shall be landscaped, monument base sign types consistent with the Gateway and Corridor Plan and shall be no higher than 12-15 feet from average grade including the monument base which shall be approximately 3 ft. high. These sign may be internally illuminated. Each individual building tenant shall be allowed one wall sign which may be internally illuminated and generally located in the sign band area over the primary entrance. Final design, materials, locations, restrictions and details are to be included within the Comprehensive Sign Plan. In the absence of an approved Comprehensive Sign Plan for the entire development, the base Zoning Code requirements for signs and any adopted plans and policies shall control.

- j. 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 the required Comprehensive Sign Plan 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.
- k. 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.
- l. 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 are addressed in the development text for each sub-area.
- m. Other City Development Requirements.** The 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

Land Use Category	Sub-Area A
(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

d. Prohibited Use. No adult entertainment uses shall be permitted.

## 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	30 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.** Parking and storage of materials with zero setback along Tod Street is approved as an existing use. The following standards minimum parking setbacks shall apply to any new construction or improvements.

Minimum Parking Setbacks	Sub-Area A
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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 6ft. to 8 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 TodStreet. 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.

Land Use Category	Sub-Area 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
(20) Terminal – bus, cab	P
(21) Drive-thru facility associated with any permitted uses	P
(22) Storage above-ground of flammable liquids	L

Land Use Category	Sub-Area B
(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.

**d. Prohibited Use.** No adult entertainment uses shall be permitted.

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

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
<p>1. Setback from street right-of-way</p> <p>i. Existing parking spaces</p> <p>ii. New parking spaces</p> <p>1. Adjacent to a residential district</p> <p>2. Adjacent to a non-residential district</p>	<p>As constructed</p> <p>20 ft.</p> <p>0 ft.</p>
<p>2. Setback from rear and side lot line</p> <p>iii. Existing parking spaces</p> <p>iv. New spaces</p> <p>1. Adjacent to a residential district</p> <p>2. Adjacent to a non-residential district</p>	<p>As constructed</p> <p>20 ft.</p> <p>0 ft.</p>

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. **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.

12. **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
(9) Self-service storage	P

Land Use Category	Sub-Area C
(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.

d. Prohibited Use. No adult entertainment uses shall be permitted.

**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 to 8 foot high chain link fence shall be the required fencing for the entire Sub-Area C.

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

Land Use Category	Sub-Area D
(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

c. Prohibited Use. No adult entertainment uses shall be permitted.

## 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	10 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 to 8 foot high chain link fence with vertical hedge link private fillers.
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.

**MEMORIALIZATION, RATIFICATION, AND AMENDMENT OF PRIOR AGREEMENTS  
AND AGREEMENT TO GRANT EASEMENT**

This Memorialization, Ratification, and Amendment of Prior Agreements and Agreement to Grant Easement ("Memorialization") is entered into effective this 19<sup>th</sup> day of November 2004, by and between Howald Industrial Park, Inc. formerly known as Marvin Industrial Park, Inc., an Ohio corporation of Delaware County, Ohio (the "Owner"), the owner of that real property commonly known as Howald Industrial Park in the City of Delaware, Ohio, more fully described in Exhibit "A" attached hereto (the "Property") and the City of Delaware, Ohio, a municipal corporation ("City").

**BACKGROUND**

1. The City desires to construct a new 12-inch waterline on the Property parallel and adjacent to the existing right-of-way of London Road and seeks from Owner a 10-foot wide easement for the construction and maintenance of such waterline.
2. Owner is willing to grant to City the required easement for the construction and maintenance of the new waterline, but desires to ensure that the existing agreement between the City and Owner providing that Owner can service additional buildings to be constructed on the Property without Owner's payment of additional water capacity fees to the City will remain in full force and effect as to the existing 8-inch private waterline on the Property, which existing waterline is not to be replaced by the new 12-inch waterline.
3. City and Owner are parties to a number of agreements, in various forms, pertaining to sanitary sewer lines, storm sewer easements, lines and facilities, impact fees, water lines, and other matters which agreements Owner and City desire to ratify, memorialize and amend in one written agreement.

**AGREEMENT**

NOW THEREFORE, it is agreed between Owner and City as follows:

4. Owner shall execute and deliver to City a deed of easement for a new waterline easement on the Property and parallel to London Road, with said deed of easement to be in substantially similar form to the deed of easement attached as Exhibit "B."

5. The agreement in substantial part evidenced by the April 6, 1998 letter from Gene Rigby, Superintendent of Underground Utilities for the City, to John M. Howald for Owner ("1998 Agreement") is ratified and adopted by City and Owner and amended hereby to provide that the terms and provisions of the 1998 Agreement, which, among other things, permits water service from the existing 8-inch waterline to additional buildings on the Property without additional water capacity fees being paid to City, shall apply to the 8-inch waterline and to extensions of it on the Property. A copy of the 1998 Agreement's April 6, 1998 letter is attached hereto as Exhibit "C."
6. Within thirty (30) days of the execution and delivery of the deed of easement in accordance with ¶ 4 hereinabove, City shall pay to Owner the sum of Thirteen Thousand Dollars (\$ 13,000.00 ). On or before the completion of construction of any new buildings on the area of the Property between the existing 8-inch waterline and the easement area of the deed of easement provided for in ¶ 4 hereinabove (the "New Construction Area") Owner may, at Owner's cost and expense, install an 8-inch waterline extension, from the existing 8-inch waterline to the south, to provide "domestic water service" or "fire suppression service" or both for buildings to be constructed in the New Construction Area. It is agreed that any taps into this 8-inch waterline extension, as well as the existing 8-inch waterline, shall be subject to the 1998 Agreement. If Owner elects to tap into the new 12-inch waterline, the water capacity fee for such a tap, as to a tap for "domestic water service", shall be paid in accordance with City's then existing water capacity fee schedule, but if the tap is exclusively for "fire suppression service" consistent with City's policy, no water capacity fee shall be payable.
7. The oral agreement between Owner and City providing that the City will remove storm sewer covers on storm sewer lines on the Property and replace the storm sewer covers with grates or another covering of such a nature as to keep stones out while letting storm water in, and further providing that Owner can construct, at its own cost, basins and connecting storm sewer lines which connect into any one of the City's five storm sewer junction boxes on the Property, is hereby amended as follows as to storm sewer cover replacements with grates.

"The existing grates on two of the City's five storm sewer junction boxes on the Property shall remain. With respect to the three storm sewer junction boxes which presently have storm sewer covers and not grates, should Owner grade the area surrounding a storm sewer junction box with a storm sewer cover and pave or concrete such area, so that the surface of the area adjacent to that storm sewer junction box is pavement, rather than stone, gravel or

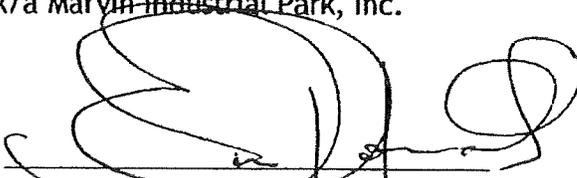
earth, the City will, at its cost and expense within a reasonable time after receipt of Owner's written request, replace the storm sewer cover with a grate or similar covering which permits storm water into that storm sewer junction box."

8. In accordance with § 5-3(4)(f) of the City Ordinances pertaining to impact fees, Owner is exempt from paying impact fees on replacement buildings constructed on the Property until the aggregate square footage of those replacement buildings exceeds the square footage, 104,450 square feet, of buildings on the Property which have been demolished by Owner. Owner and City agree that as of the date of the signing of this Memorialization, 24,000 square feet of the buildings which Owner demolished on the Property have been replaced with new buildings on the Property.
9. The area of the easement to be granted pursuant to ¶ 1 hereinabove shall be included as part of the Property when calculating setbacks or area under the City's zoning code.
10. Notwithstanding granting the easement pursuant to ¶ 1 hereinabove, the existing signage and improvements, including, but not limited to, curbing to protect the sign, within the easement area may remain in place, and in the future may be replaced with new signage or other improvements of similar size, providing that the replacements comply with all applicable provisions of the City's zoning and/or sign regulations, except for their location within an easement area.
11. The evidence establishes that essentially all of the Property is and has been for a number of years composed of impervious surfaces. Based upon such fact, construction of additional buildings on the Property, or paving or concreting of additional areas of the Property will not require the construction of detention or retention basins on the Property, and storm water from the Property may be discharged into the storm sewer system on the Property in accordance with applicable City Ordinances and consistent with the agreements between City and Owner with respect to Owner's granting, in 2003, a 35-foot storm sewer easement east-west across the Property.

IN WITNESS WHEREOF, the parties have affixed their signatures on the dates below written.

**OWNER**

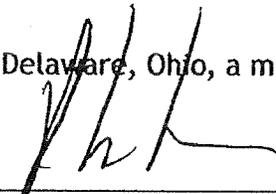
Howald Industrial Park, Inc.  
f/k/a Marvin Industrial Park, Inc.

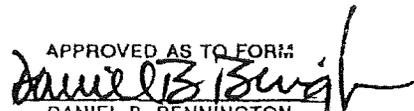
By   
John M. Howard, President

Date: 10/28/04

**CITY**

City of Delaware, Ohio, a municipal corporation

By  11/19/04  
Thomas R. Homan, City Manager

APPROVED AS TO FORM:  
  
DANIEL B. BENNINGTON  
DELAWARE CITY ATTORNEY

By authority granted in ordinance/resolution no. \_\_\_\_\_.

Date: \_\_\_\_\_

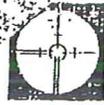


EXHIBIT "A"

# SCIOTO LAND SURVEYING SERVICE, INC.

173 NORTH SANDUSKY STREET

DELAWARE, OHIO 43015

(614) 369-7577

London Road

October 31, 1994

Tract 1  
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  $47^{\circ} 42' 00''$  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 30.23 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;

Page 1 of 3

Fixing is Oursing, Measuring is Knowing

EXHIBIT

A

tabbler

October 31, 1994  
Page 2

Description of a 23.29 acre tract for  
Albeway 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.H. 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 248.85 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 16 1/2 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.

Frank Celio, Surveyor  
Registration No. 6612

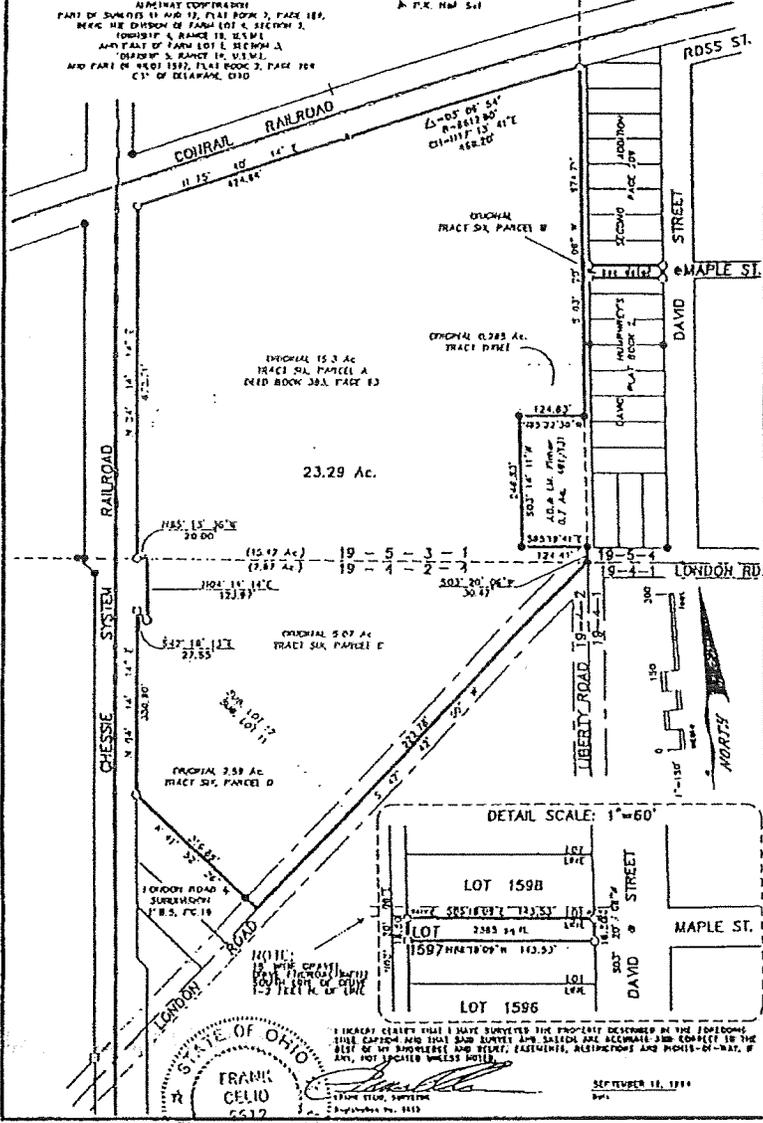


**SCOTIO LAND SURVEYING SERVICE, INC.**  
 122 NORTH SANDPAPER STREET, HILLSBORO, OHIO 45131 513-3311

**PLAT OF SURVEY FOR**  
 ALGHEMAY COPIRIGHTS  
 PART OF SURVEY 19 AND 20, PLAT BOOK 2, PAGE 188,  
 BEING THE DIVISION OF FARM LOT 4, SECTION 2,  
 TOWNSHIP 4, RANGE 18, MERIDIAN  
 AND PART OF FARM LOT 4, SECTION 4,  
 DIVISION 2, RANGE 18, MERIDIAN,  
 AND PART OF RECORDED PLAT BOOK 2, PAGE 208  
 OF DELAWARE, OHIO

- LEGEND**
- Rebarbed Spike Found
  - P.P.K. Nail Found
  - ⊙ Iron Pipe Found
  - Concrete Monument Found
  - Iron Wire Set with a plastic cap marked "S.S.S. P.S. 8812"
  - ▲ P.K. Nail Set

**RECORDS USED**  
 Deeds as shown.  
**BASES OF DEAMINGS**  
 Centerline of London Road  
 per Plat Book 2, Page 119.



**EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS** That **HOWALD INDUSTRIAL PARK, INC.**, an Ohio corporation, of Delaware County, Ohio, the Grantor, for good and valuable consideration received from the **CITY OF DELAWARE, OHIO**, an Ohio municipal corporation, the Grantee, does hereby grant unto the Grantee, its successors, assigns, employees, agents, consulting engineers, contractors and subcontractors, the right to enter upon and have exclusive possession of the following described real property for the purpose of construction, operation, maintenance, repair, removal, replacement or reconstruction of a water transmission line ("the Improvements") said real property being fully described as follows:

See Description of Real Estate attached hereto as Exhibit "A" that describes the area of the easement and is incorporated herein by reference.

Grantor, hereby covenants with Grantee that the Grantor is the true and lawful owner of the above-described real property and is lawfully seized of the same in fee simple and has good right and full power to grant the within easement.

The rights granted herein are exclusive as to all except the Grantor and any previously granted rights of record; however, the Grantor shall not cause or allow to be constructed upon the real estate hereunder any permanent building, structure, facility or improvements, excepting utility service lines, which in any way impair the use of or interfere with the construction, operation, maintenance, repair, removal, replacement or reconstruction of the Improvement or access thereto. This easement is granted upon the conditions: that excavated material may be temporarily placed upon the easement area by the Grantee; that Grantee will restore and replace by seed any grass that is disturbed by work within the easement area and that Grantee will repair or replace any fences or other improvements damaged by work within the easement area.

IN WITNESS WHEREOF, Grantor has hereunto set its hand(s) this \_\_\_\_ day of \_\_\_\_\_, 2004.

**HOWALD INDUSTRIAL PARK, INC.**

by \_\_\_\_\_

its \_\_\_\_\_

State of Ohio  
Delaware County, ss:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2004 by \_\_\_\_\_ on behalf of **HOWALD INDUSTRIAL PARK, INC.** under penalty of violating Section 2921.13 of the Ohio Revised Code.

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

This instrument prepared by:  
Daniel B. Bennington  
Delaware City Attorney  
Delaware, OH 43015

Forms/easement for water line



**0.008 Acrea  
Waterline Easement**

Situated in the State of Ohio, County of Delaware, City of Delaware, Section 3, Township 5, Range 19, United States Military Lands and being 0.008 acrea out of a tract of land as conveyed to Howald Properties of record in Deed Book 805, Page 794 (all records being of the Recorder's Office, Delaware County, Ohio) and being more particularly described as follows;

Beginning for reference at the centerline intersection of London Road with the centerline intersection of Liberty Road and being a point on the easterly line of a tract of land as conveyed to Marvin Industrial Park of record in Deed Book 582, Page 680;

Thence North 02°33'10" East with the easterly line of said Marvin Industrial Park tract, a distance of 30.47 feet to the southeasterly corner of said Howald Properties and being the true point of beginning;

Thence North 88°08'37" West with the southerly line of said Howald Properties tract, a distance of 26.67 feet to a point on said southerly line and also being a point on the northerly line of said Marvin Industrial Park tract;

Thence North 48°55'04" East through said Howald Properties tract, a distance of 38.58 feet to a point on the westerly right of way line of a 12.00 foot wide alley;

Thence South 02°33'10" West with said westerly right of way line, a distance of 28.74 feet to the true point of beginning and containing 0.008 acrea of land more or less.

This description was prepared by Environmental Design Group Inc., Columbus, Ohio from an actual field survey. The base of bearing is North 48°55'04" East for the centerline of London Road.



*Hayward H. Thompson*  
Hayward H. Thompson P.S. 7128 Date



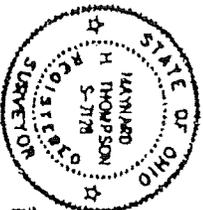
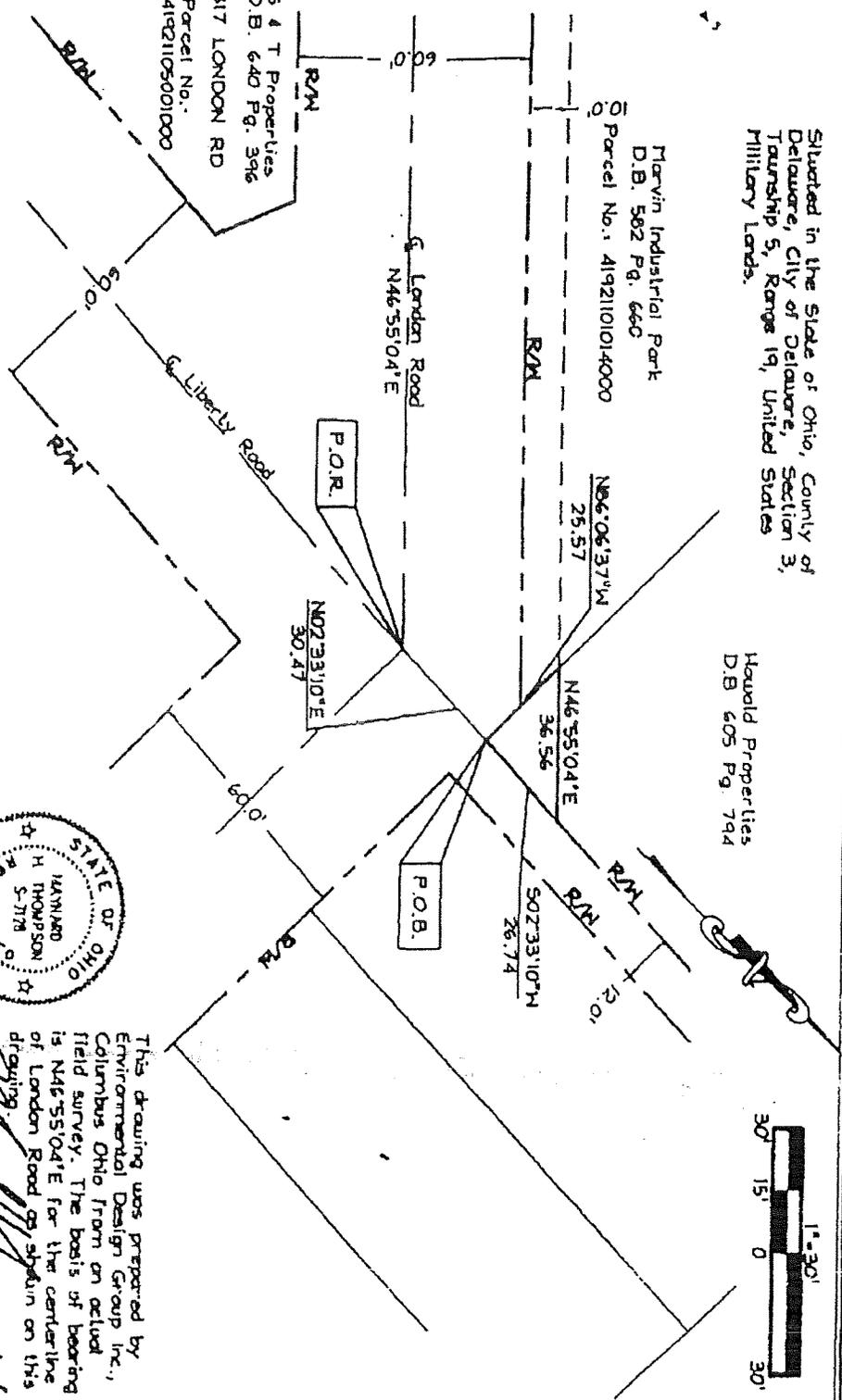
505 Antares Avenue Tel 614-433-905  
Columbus, Ohio 43240 Fax 614-433-958

Situated in the State of Ohio, County of Delaware, City of Delaware, Section 3, Township 5, Range 19, United States Military Lands.

Marvin Industrial Park  
D.B. 502 Pg. 660  
Parcel No.: 4192110104000

Howald Properties  
D.B. 605 Pg. 794

S & T Properties  
D.B. 640 Pg. 396  
317 LONDON RD  
Parcel No.: 41921105001000

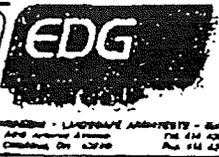


This drawing was prepared by Environmental Design Group Inc., Columbus Ohio from an actual field survey. The basis of bearing is  $N46^{\circ}55'04''E$  for the centerline of London Road as shown on this drawing.

Howard H. Thompson, P.E., Title Date



PROJECT NO.	
FILE NO.	
DRAWN BY	
CHECKED BY	



0.008 ACRES  
 WATERLINE EASEMENT  
 LONDON ROAD  
 CITY OF DELAWARE

Professional Land Surveyors - Surveyors  
 and Architects  
 1200 North High Street  
 Columbus, Ohio 43260  
 Tel: 614 220 3300  
 Fax: 614 220 3300



John Howald  
Simero Roofing Systems Inc.  
320 London Rd.  
Delaware, Ohio 43015

April 6, 1998

Mr. John Howald

Subject: Water Metering at Marvin Industries Complex

The City of Delaware Department of Public Utilities will be placing your entire complex under a master water meter. The total water / sewer bill for the entire complex will be billed to your company. As part of this process you will need to sign up for this service at the Utility office at City Hall prior to the new meter installation. The water lines after the main shut off valve shown on the enclosed drawing will be your responsibility to maintain. As part of the master meter installation the City of Delaware Public Utilities department and your company as previously discussed are to provide the following:

- Items to be provided by ~~Simero~~ <sup>owner of the property known as the</sup> ~~Simero~~ <sup>MARVIN INDUSTRIAL PK, ~~THE~~</sup>
1. Excavate and uncover the existing pipe at the location shown on the attached drawing.
  2. Install a building to house the meter / backflow preventer with concrete floor, accessible door, lighting and heat. The actual size of which shall be determined by the meter / backflow preventer and associated piping requirements.
  3. Provide an approved 8 inch backflow preventer and two 8 inch OS&Y valves for the installation by the City. The maintenance and annual testing of these devices will be your responsibility.

Items to be provided by the City:

- ~~Simero~~ <sup>MARVIN INDUSTRIAL PARK</sup>
1. Install above grade the pipe, meter, bypass line and backflow preventer provided by ~~Simero~~ into the existing underground pipe to be excavated by ~~Simero~~. The City will provide the meter and all other associated piping and material.
  2. The City will install a new valve on this line as shown on the enclosed drawing located on the 16 inch water main. The two other existing water lines as shown on the drawing will be disconnected and capped by the City.

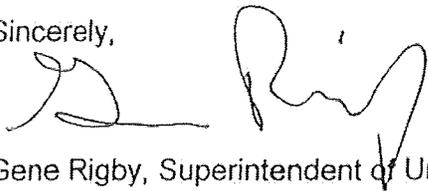
The installation of the master meter will allow water service to future buildings without additional water capacity fees as long as the service is derived through the subject meter and the flow rate does not exceed the capacity of the meter. No additional sewer capacity fees will be charged as long as all the sanitary sewers from your complex are

discharged through the existing 6 line to David Street (see enclosed map) and one additional tap no larger than 8 inch which is made by your company at one of the existing manholes. All existing sewer taps will be sealed off by the City.

The minimum billing will be based on a 3 inch meter. This may be subject to change if and when further development is added onto the existing service.

We tentatively are scheduling this project for the end of May 1998. If you have any further questions or comments, please feel to contact me at 363-9374.

Sincerely,



Gene Rigby, Superintendent of Underground Utilities

cc: Tom Galitza, Utilities Director  
Jerry Warner, Chief Building Inspector  
Tim Browning, Water Distribution Crew Leader

MARVIN INDUSTRIAL PARK  
C:\OFFICE\WPWIN\WPDOCS\CUSTLETT\SIMERO.MET

THIS CONTRACT DOES NOT INVOLVE SIMERO  
IN ANY WAY. SIMERO IS A TEEVENT ONLY  
OF THIS PROPERTY.

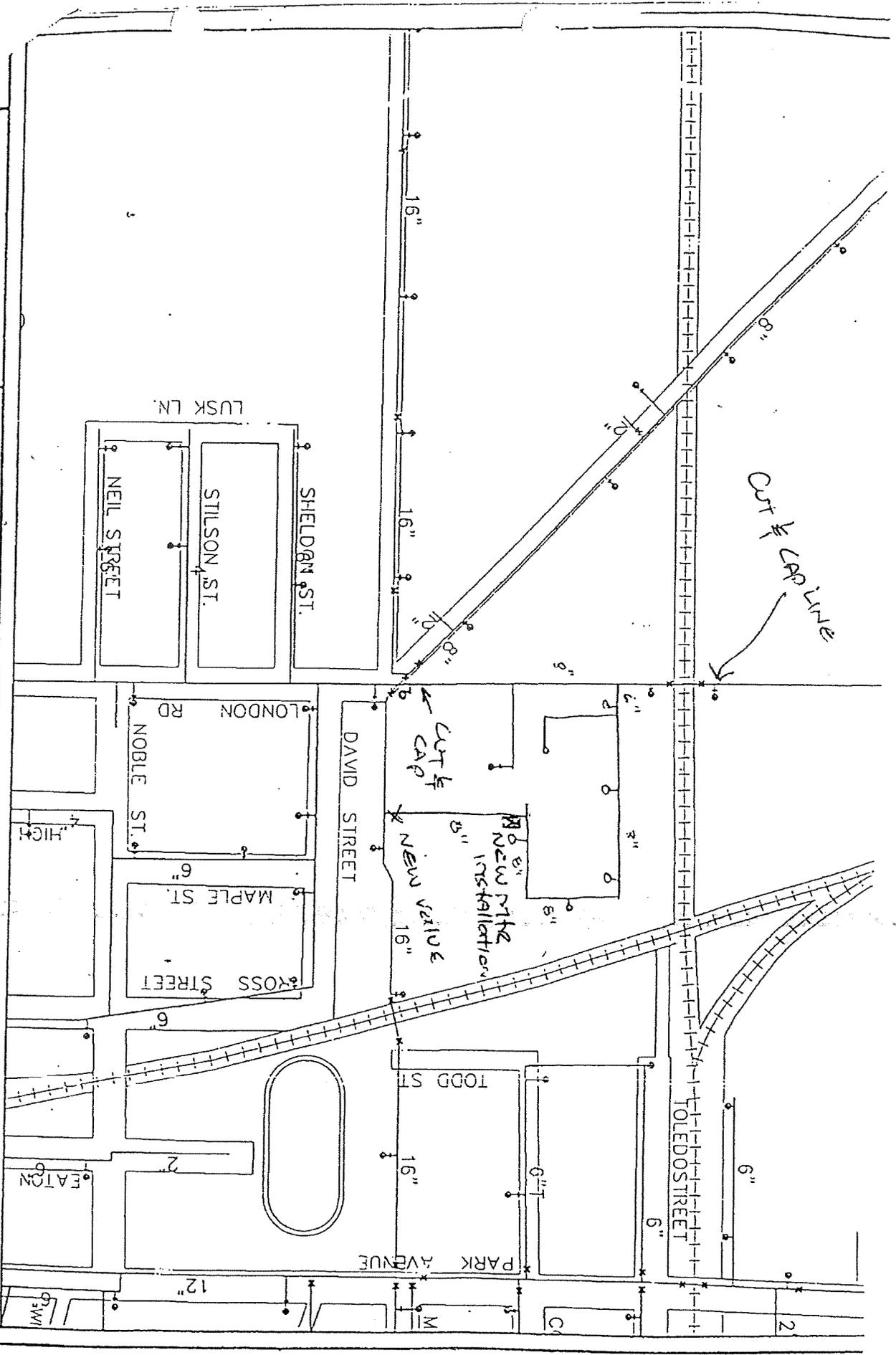
ANY QUESTIONS, PLEASE  
CALL ME @ 614-440-  
7663.

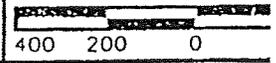
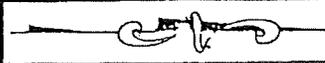
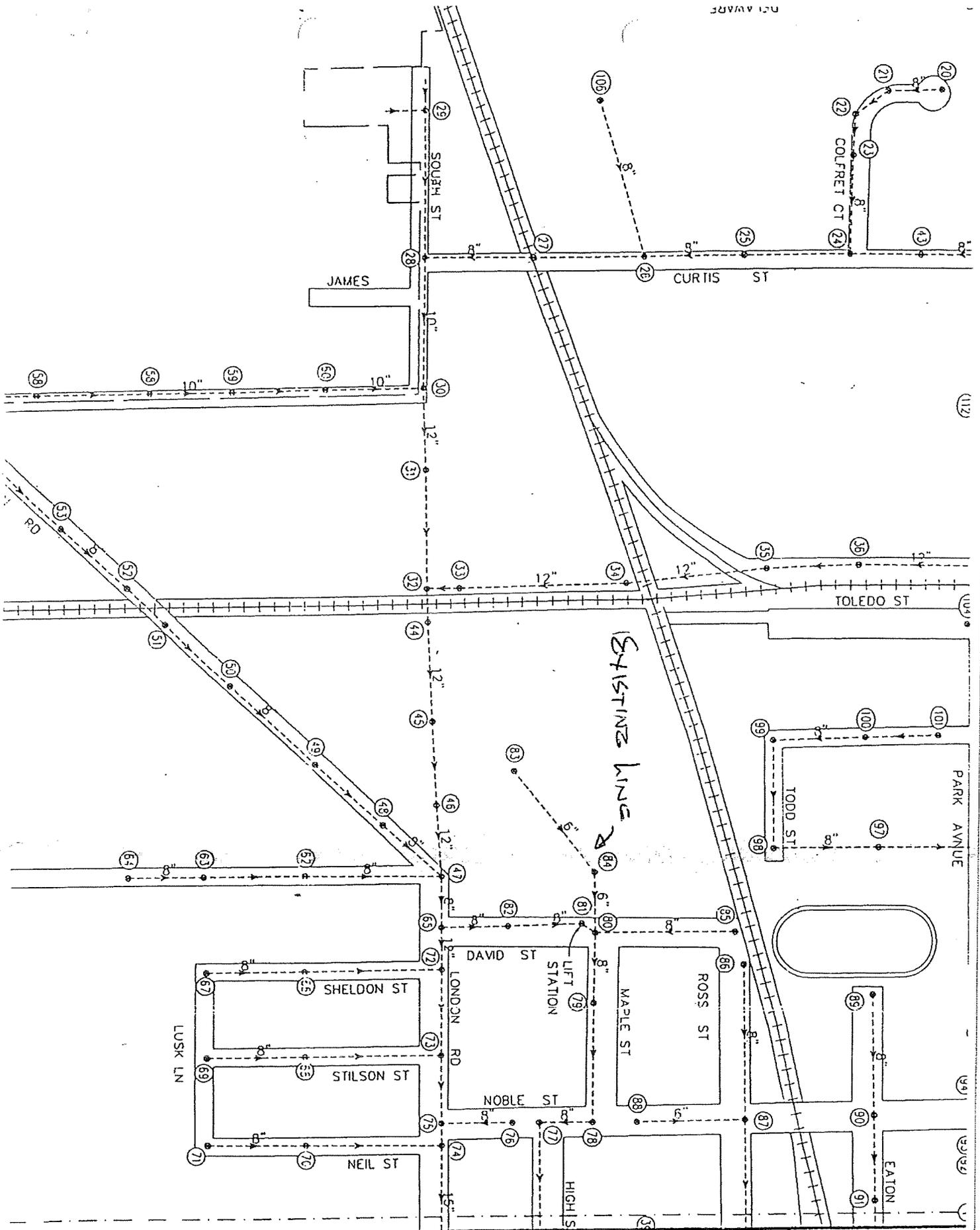
Thanks



JOHN HOWALD

WATER ATLAS CITY OF DELAWARE





Totals

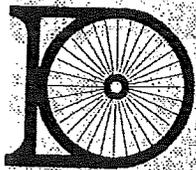
\$13,000.00

HOWALD INDUSTRIAL PARK INC

Vend# 09005

099431

12/09/04



City of  
Delaware  
Ohio

Municipal Building  
Delaware, Ohio 43015

099431

DELAWARE COUNTY BANK & TRUST CO.  
DELAWARE, OHIO 43015

56-308  
441

THIRTEEN THOUSAND and 00/100 DOLLARS

Void After 90 Days

PAY TO THE  
ORDER OF

HOWALD INDUSTRIAL PARK INC  
320 LONDON RD  
DELAWARE OH 43015

DATE	CHECK NO.	AMOUNT
12/09/04	099431	\$13,000.00

FINANCE DIRECTOR

⑈099431⑈ ⑆044103086⑆ 1010002960⑈

#### AGREEMENT

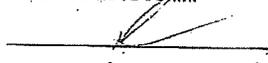
The City of Delaware, Ohio, an Ohio municipal corporation ("City") and Howald Industrial Park, Inc., an Ohio corporation formerly known as Marvin Industrial Park, Inc. and Howald Properties, Ltd., an Ohio limited liability company (known together as "Howald") have entered into this agreement, effective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

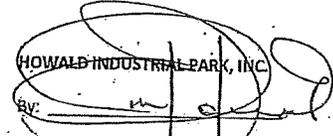
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by the duly authorized representatives on the dates written below.

CITY OF DELAWARE  
By:   
R. Thomas Homan, City Manager

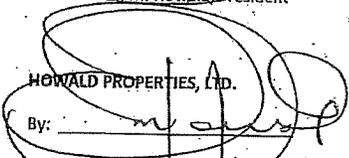
8/16/13  
Date

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

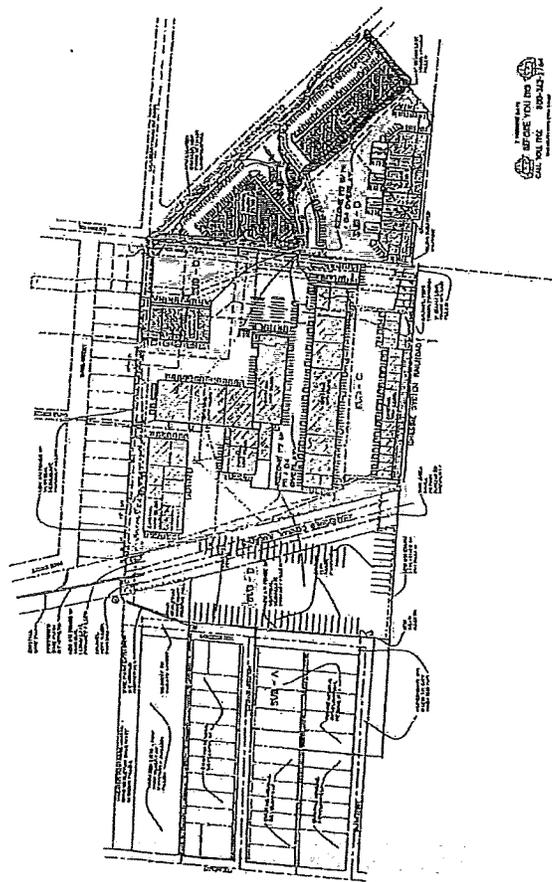
**CLING ARCHITECTS INC.**  
 1000 W. 10th Street  
 Suite 1000  
 Oklahoma City, Oklahoma 73101  
 Phone: (405) 233-1111  
 Fax: (405) 233-1112  
 www.clingarchitects.com

**REVISIONS**

NO.	DATE	DESCRIPTION
1	01/15/11	ISSUED FOR PERMITS
2	01/15/11	ISSUED FOR PERMITS
3	01/15/11	ISSUED FOR PERMITS
4	01/15/11	ISSUED FOR PERMITS
5	01/15/11	ISSUED FOR PERMITS
6	01/15/11	ISSUED FOR PERMITS
7	01/15/11	ISSUED FOR PERMITS
8	01/15/11	ISSUED FOR PERMITS
9	01/15/11	ISSUED FOR PERMITS
10	01/15/11	ISSUED FOR PERMITS

**FOR THE ARCHITECT:**  
**HOWARD PROPERTIES LTD**  
 1000 W. 10th Street  
 Suite 1000  
 Oklahoma City, Oklahoma 73101  
 Phone: (405) 233-1111  
 Fax: (405) 233-1112

**DATE:** 01/15/11  
**SCALE:** AS SHOWN  
**SHEET NO.:** 51



**FOR THE ARCHITECT:**  
**HOWARD PROPERTIES LTD**  
 1000 W. 10th Street  
 Suite 1000  
 Oklahoma City, Oklahoma 73101  
 Phone: (405) 233-1111  
 Fax: (405) 233-1112

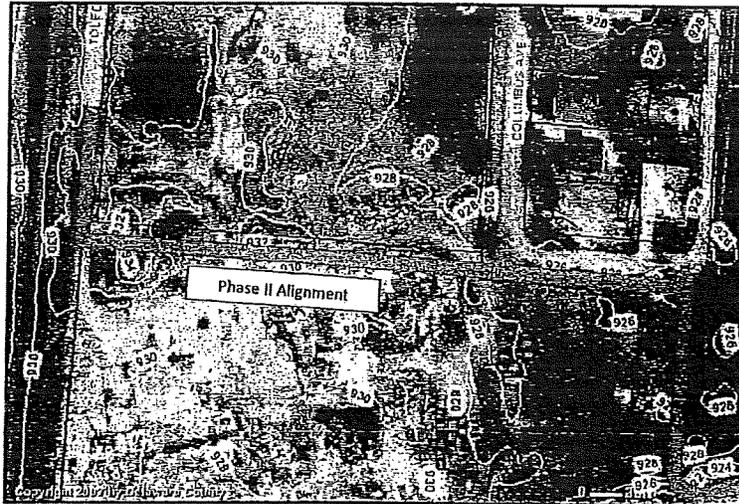
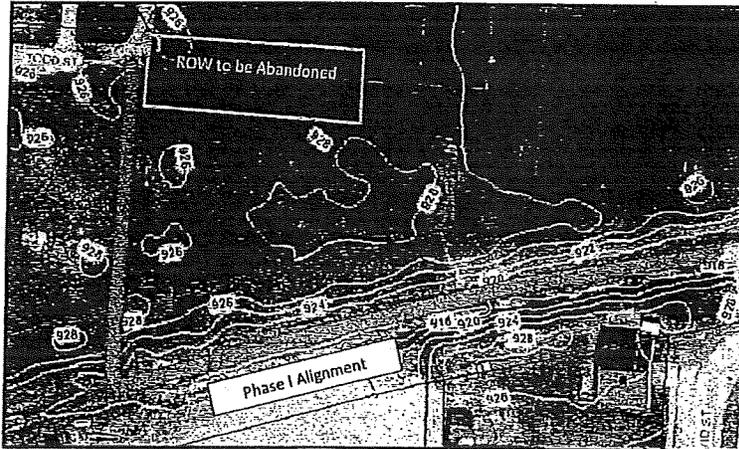
**DATE:** 01/15/11  
**SCALE:** AS SHOWN  
**SHEET NO.:** 51

1000 W. 10th Street, Suite 1000, Oklahoma City, Oklahoma 73101

# 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:

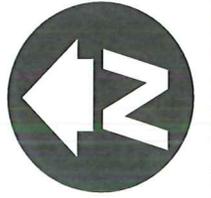
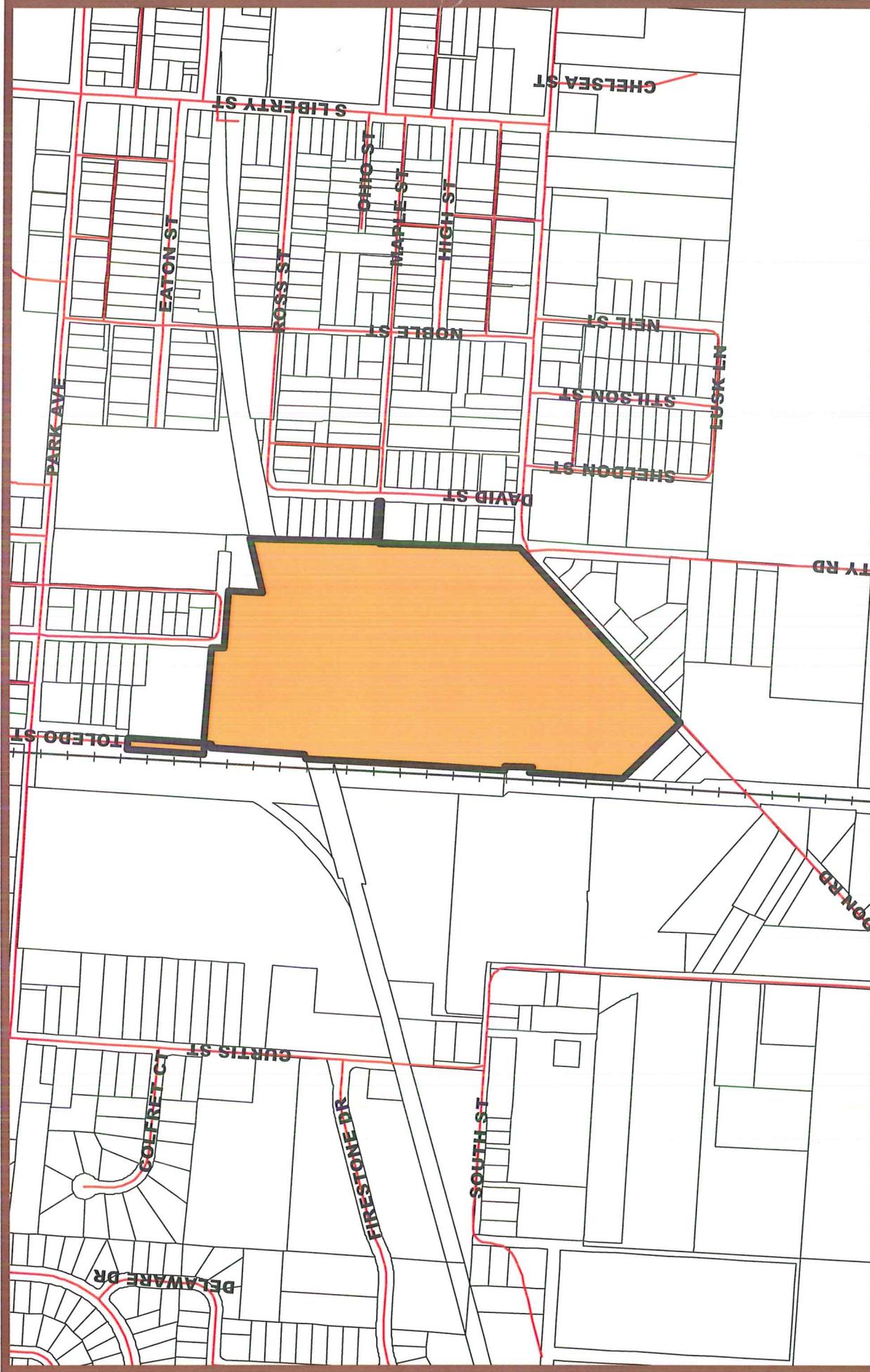
YEAS 7 NAYS 0  
ABSTAIN 0

PASSED: 4/22, 2013

YEAS 7 NAYS 0  
ABSTAIN 0

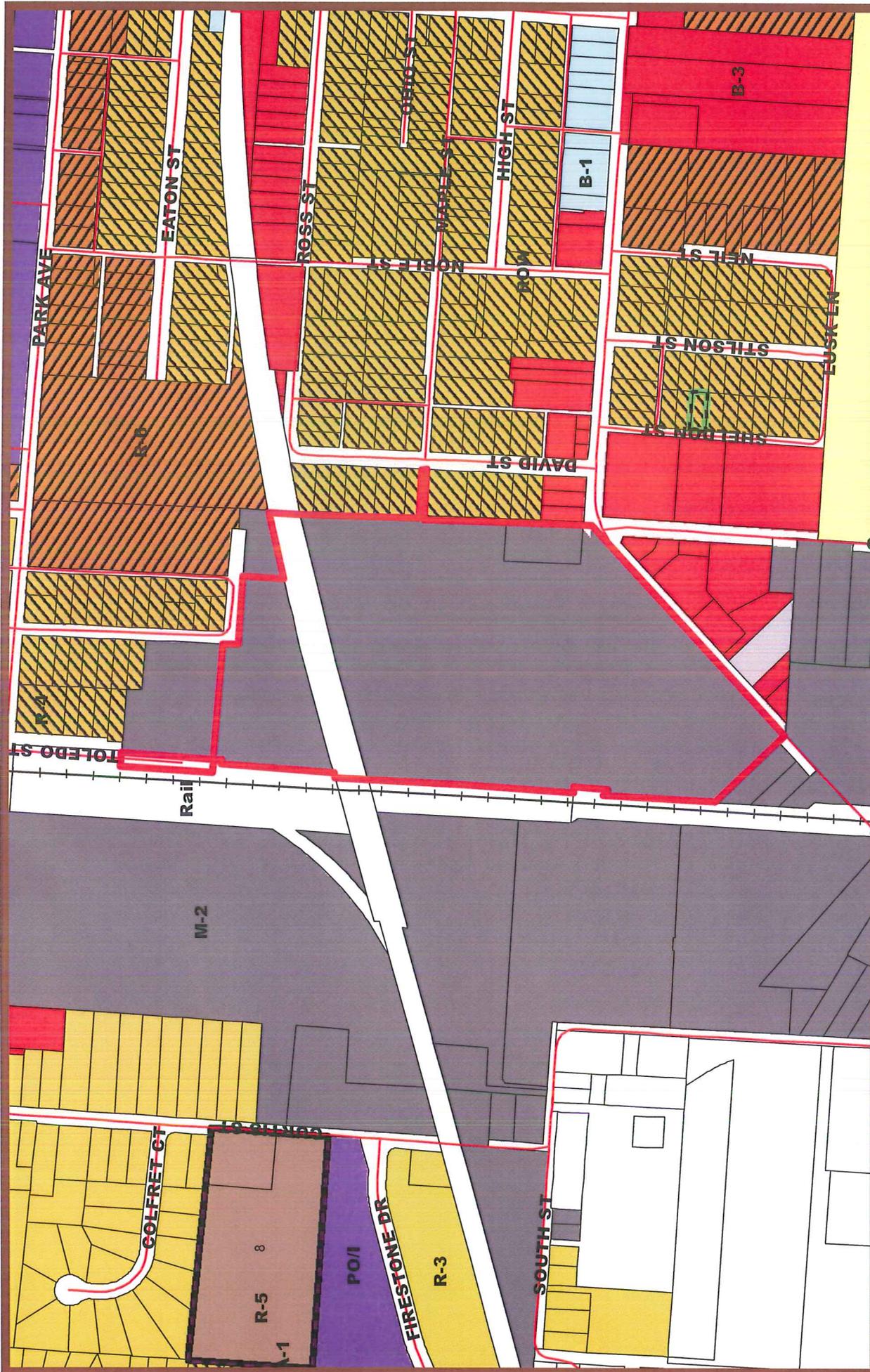
ATTEST: Christine Howald  
CITY CLERK

[Signature]  
MAYOR



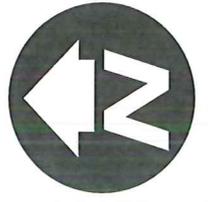
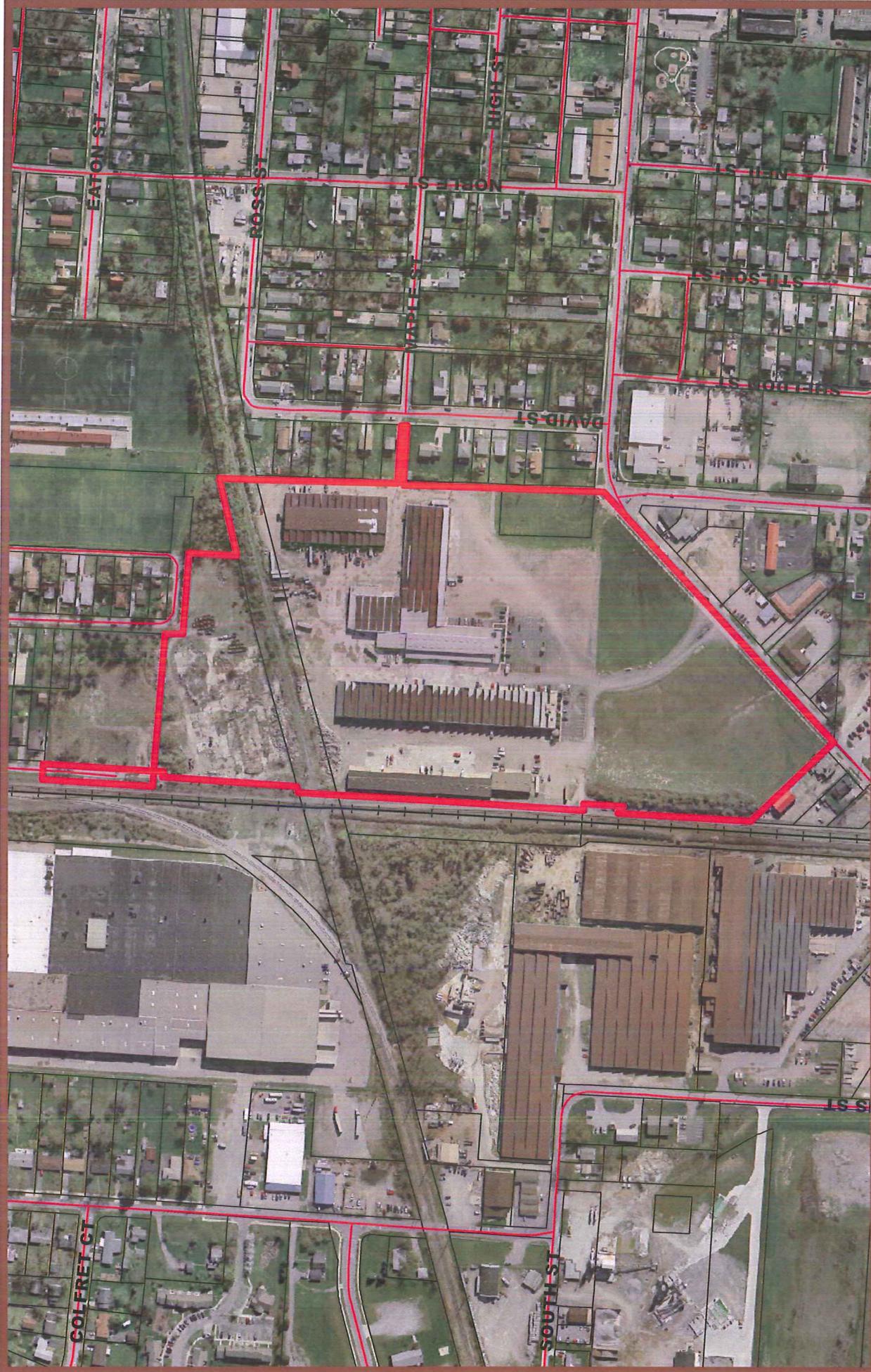
2015-1899-1901  
 Rezoning, Conditional Use Permit,  
 and Preliminary Development Plan  
 Howald Industrial Park - 320 London Road  
 Location Map





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.

<b>Land Use Category – General Business/M 1 &amp; M 2</b>	<b>Sub-Area</b>
(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.

<b>Minimum Parking Setbacks</b>	
(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.

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<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 BV

**AFFIDAVIT IN AID OF TITLE**

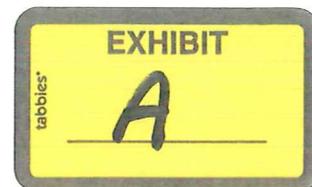
State of Ohio,  
 County of Delaware,

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-







Prescribed by **J. Kenneth Blackwell**

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

Expedite 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.

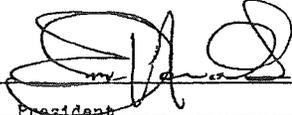
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SECRETARY OF STATE  
2001 JAN 24 AM 9:25  
REGISTRATION SERVICE CENTER

**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.

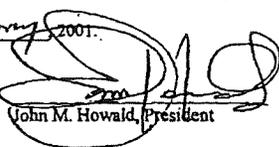
Third: The purpose or purposes for which the Corporation is formed is to engage in any lawful act or activity for which corporations may be formed under Ohio Revised Code §§1701.01 to 1701.98, inclusive, and any amendments heretofore made thereto.

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

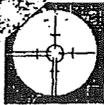


EXHIBIT "A"

VOL 0582 PAGE 662

# SCIOTO LAND SURVEYING SERVICE, INC.

173 NORTH SANDUSKY STREET

DELAWARE, OHIO 43015

(614) 362-7577

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;

Handwritten initials "B" and "S" in a circle.

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;

RECORDED  
1994 OCT 31 10 58 AM  
DELAWARE COUNTY, OHIO

*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.

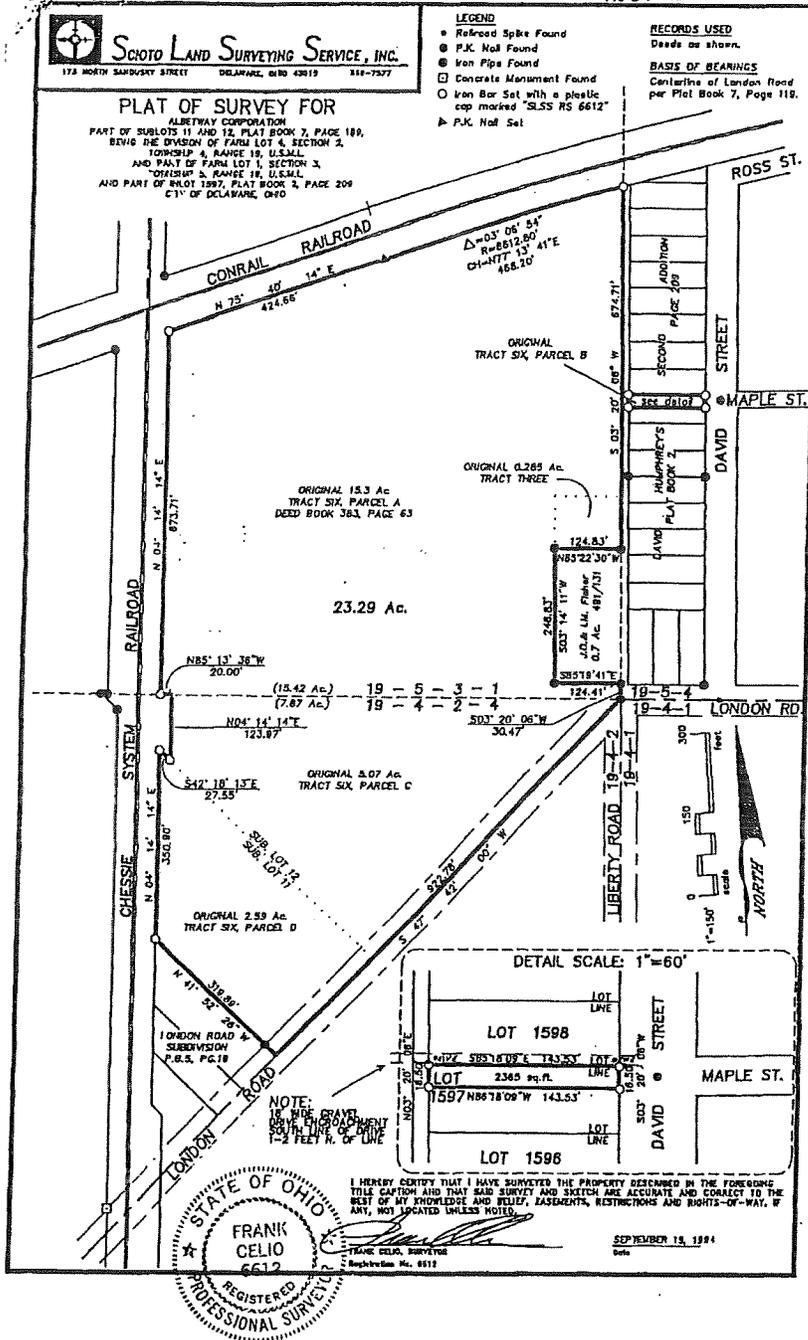
Surveyed by Frank Celio, Surveyor, Registration Number 6612 on September 19, 1994. Basis of bearings is the centerline of London Road per Plat Book 7, Page 119.

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





## 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:



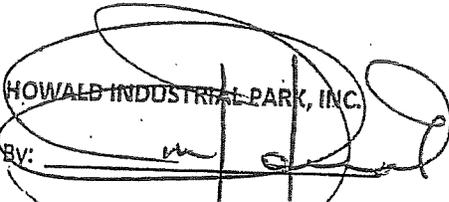
Darren Shulman, City Attorney

8/15/2013

Date

HOWALD INDUSTRIAL PARK, INC.

By:



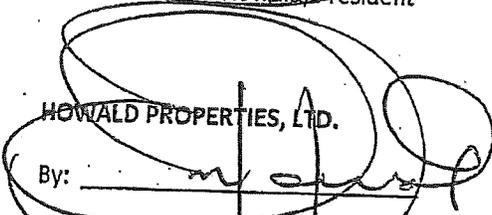
John M. Howald, President

8/15/2013

Date

HOWALD PROPERTIES, LTD.

By:



John M. Howald, Manager  
and President

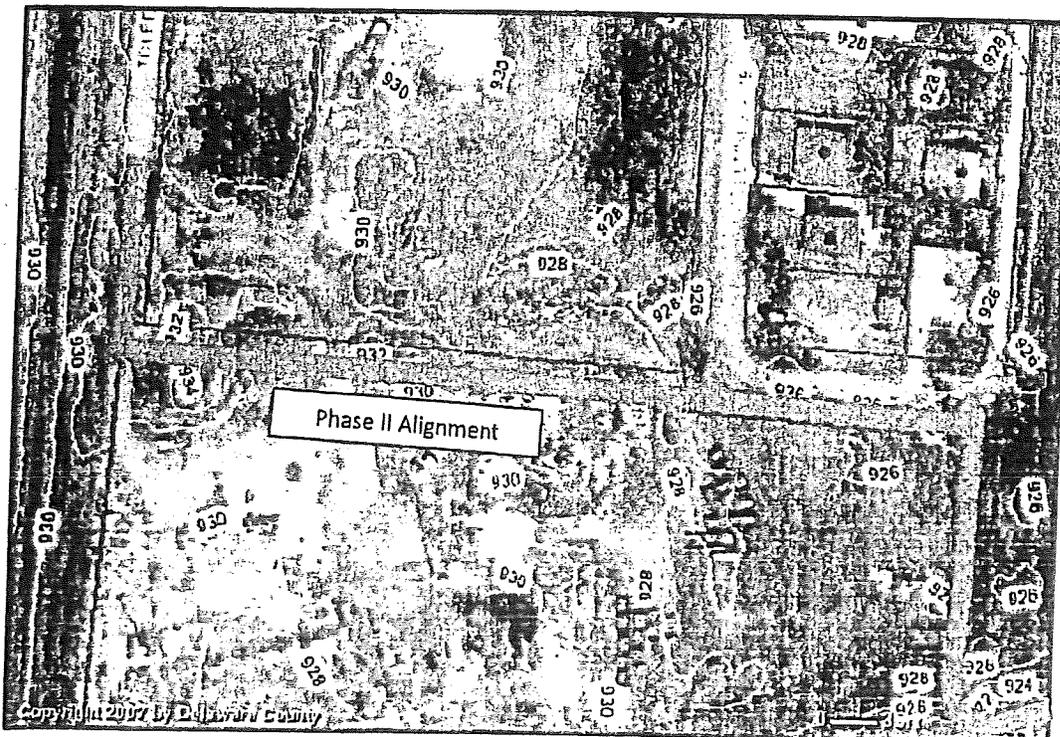
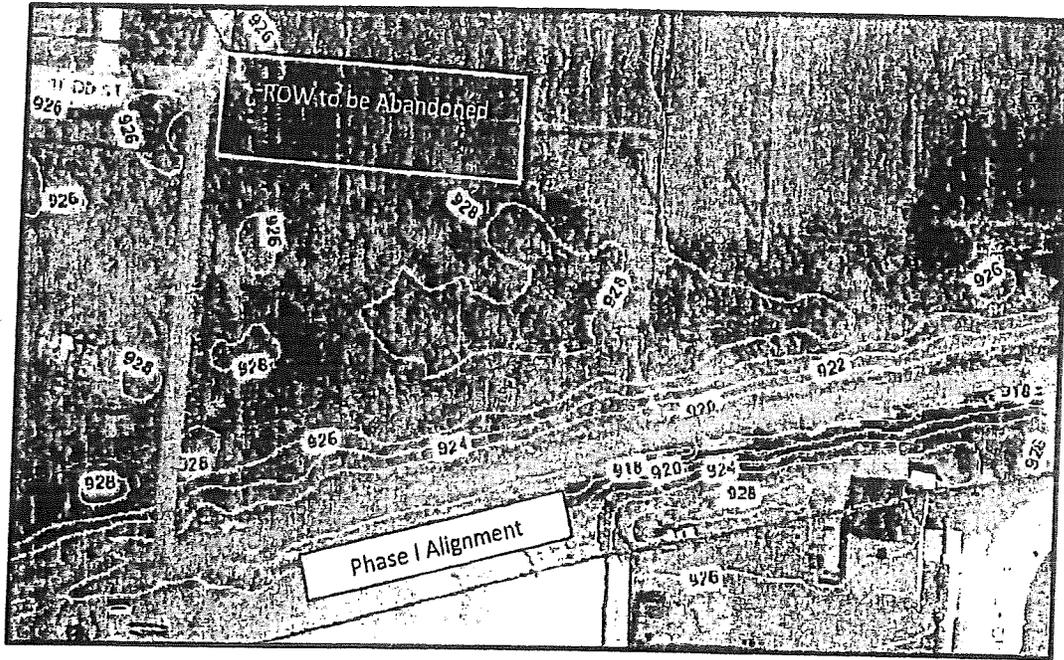
8/15/2013

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 [Signature]  
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



# BOUNDARY SURVEY MAP OF A 0.275 ACRE TRACT & A 2.417 ACRE TRACT

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE, LOCATED IN THE MONTROSE PARK ADDITION, P.B. 3, PG. 91, BEING PART OF (PARCEL 1 & PARCEL 2) LOTS 2851-2861 INCLUSIVE AND VACATED PORTIONS OF TOD AVE, TOLEDO ST., COLUMBUS AVE., AND A 12' FOOT WIDE ALLEY.

(A)  
 FERDINANT XHELILAJ  
 0.19 AC.  
 D.B. 1217, PG. 1047

(B)  
 EDNA J. WORKING  
 0.17 AC.  
 D.B. 198, PG. 248

(D)  
 2849  
 2850  
 2851  
 2852  
 2853  
 2854  
 2855  
 2856  
 2857

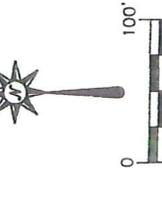
(M)  
 2861  
 2862  
 2863  
 2864  
 2865  
 2866  
 2867

(N)  
 2868  
 2869  
 2870  
 2871  
 2872  
 2873  
 2874

(P.O.B.)  
 TRUE P.O.B.  
 0.275 ACRE TRACT

(P.O.B.)  
 TRUE P.O.B.  
 2.417 ACRE TRACT

(P.O.B.)  
 TRUE P.O.B.  
 4.583 ACRES



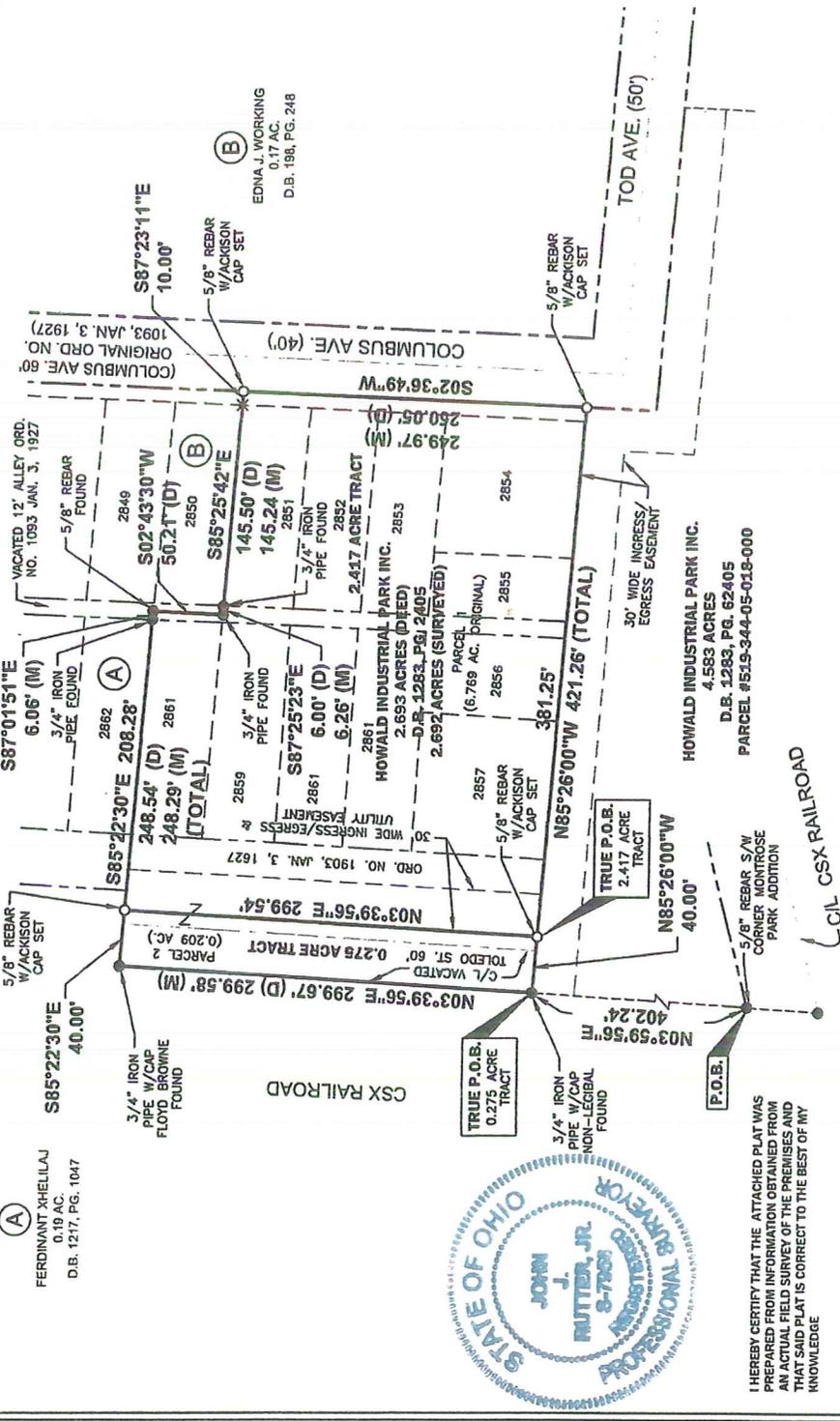
SCALE: 1"=100'  
 BASIS OF BEARINGS IS FROM THE CENTERLINE OF CSX RAILROAD BEING N 04° 12' 19" E (D.B. 547, PG. 290) AS SHOWN ON SURVEY PLAT OF 7.276 ACRES BY PATRIDGE PROFESSIONAL SURVEYORS AND ENGINEERS L.L.C. ON MAY 13, 2003 AND IS USED TO DENOTE ANGLES ONLY.

- 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 SCIOTO LAND SURVEYING SERVICES, INC. ON SEPTEMBER 19, 1994.

LEGEND

X	Point
●	Iron PIN Fnd. As (Noted)
○	Iron PIN Set w/ cap
⊙	P.K. Nail Fnd.
⊙	P.K. Nail Set
□	Stone Fnd.
(M)	Measured Distance
(R)	Deeded Distance

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



I HEREBY CERTIFY THAT THE ATTACHED PLAT 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. 7959  
 JOHN J. RUTTER, JR.

DECEMBER 9, 2014  
*Dec 9 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>		<b>Recent Transfer</b>	
Board of Revision	N	Mkt Land Value	\$24,200	# Parcels	1
Homestead/Disability	N	CAUV	\$0	Deed Type	Setup/RMW & TLB
Owner Occ Credit	N	Mkt Impr Value	\$0	Amount	\$0
Divided Property	Y	Total	\$24,200	Sale Date	1/6/2015
New Construction	N	<b>Current Tax</b>		Conveyance	
Foreclosure	N	Tax Due	\$605.74	Deed #	
Other Assessments	N	Paid To Date	\$605.74		
Front Ft.	N	Current Balance Due	\$0.00		

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

Card - 1

Property Sketch and Photos -- Card 1

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



Assurance  
Technical  
Services

PARK AVE

TOLEDO ST

COLUMBUS AVE

TODD ST

Mansfield  
Warehouse &  
Distributors



Delaware County Auditor  
George Kaltes

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 [delcogjs@co.delaware.oh.us](mailto:delcogjs@co.delaware.oh.us). Prepared by: Delaware County Auditor's GIS Office



Printed on 8/22/2016

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 2867 through 2893 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 61, Recorder's Office, Delaware County, Ohio, and presently owned by General Castings Company as recorded in Deed Book 601, 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. 1095, January 03, 1927), also being the northeast corner intersection of the CSX Railroad property;

thence North 65° 38' 66" East 402.34 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. 1093, January 03, 1927);

thence South 88 28' 60" East 431.26 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. 1093, January 03, 1927), at the intersection of and in the vacated line of Tod Avenue with Columbus Avenue;

thence South 02° 36' 48" West 50.03 feet, across said vacated Tod Avenue, to an iron pin set in the south line of Tod Avenue;

thence South 66° 29' 00" East 372.13 feet, in the south line of Tod Avenue, to an iron pin found marking the northeast corner of Lot 2867 and in the west line of vacated Montrose Avenue (Ordinance 1726, October 7, 1940);

thence North 02° 38' 58" East 25.01 feet, in the west line of Montrose Avenue, to an iron pin set;

thence South 66° 29' 00" East 60.03 feet, across Montrose Avenue, to an iron pin found in the east line of said Montrose Park Addition;

thence South 02° 36' 48" West 82.69 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 = 7866.40 feet, delta angle = 03° 23' 42") which has a chord bearing of South 76° 33' 38" West and a chord distance of 465.88 feet, to an iron pin set at the point of tangency of said curve;

thence South 76° 36' 57" West 442.67 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 0.440 acres are in vacated Tod Avenue, 0.275 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 plat and made part thereof.

Base of bearings from Deed Book 633, Page 142, based on the centerline of CSX Railroad being North 04° 12' 18" 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 PLANNING COMMISSION  
CITY OF DELAWARE, OHIO  
DATE 5-19-03

1320 DCL  
5-9-03

8464 Dublin Road, Powell Ohio 43068  
Tel. - 614-789-0031 - Fax 614-789-0030

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 2/20/04 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  
 RPC Approval Required  
 Municipal Approval Required  
 Delaware County Engineer

NEW DESCRIPTION  
Approved for transfer  
Chris Hennessey, Del. Co. Eng.  
Survey Plat Must Be Attached

APPROVED BY PLANNING COMMISSION  
CITY OF DELAWARE, OHIO  
NO PLAT REQUIRED

J:\Projects\Howard, John\06-50135-010.SR.VY\OFFICE\0\_520AC.doc

BY [Signature] DATE 2/22/23

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".

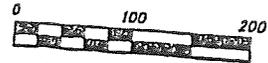


*Maynard H. Thompson*  
Maynard H. Thompson S.S. 7128 Date

APPROVED BY PLANNING COMMISSION  
CITY OF DELAWARE, OHIO  
NO FEE REQUIRED  
BY *[Signature]* DATE *2/10/06*

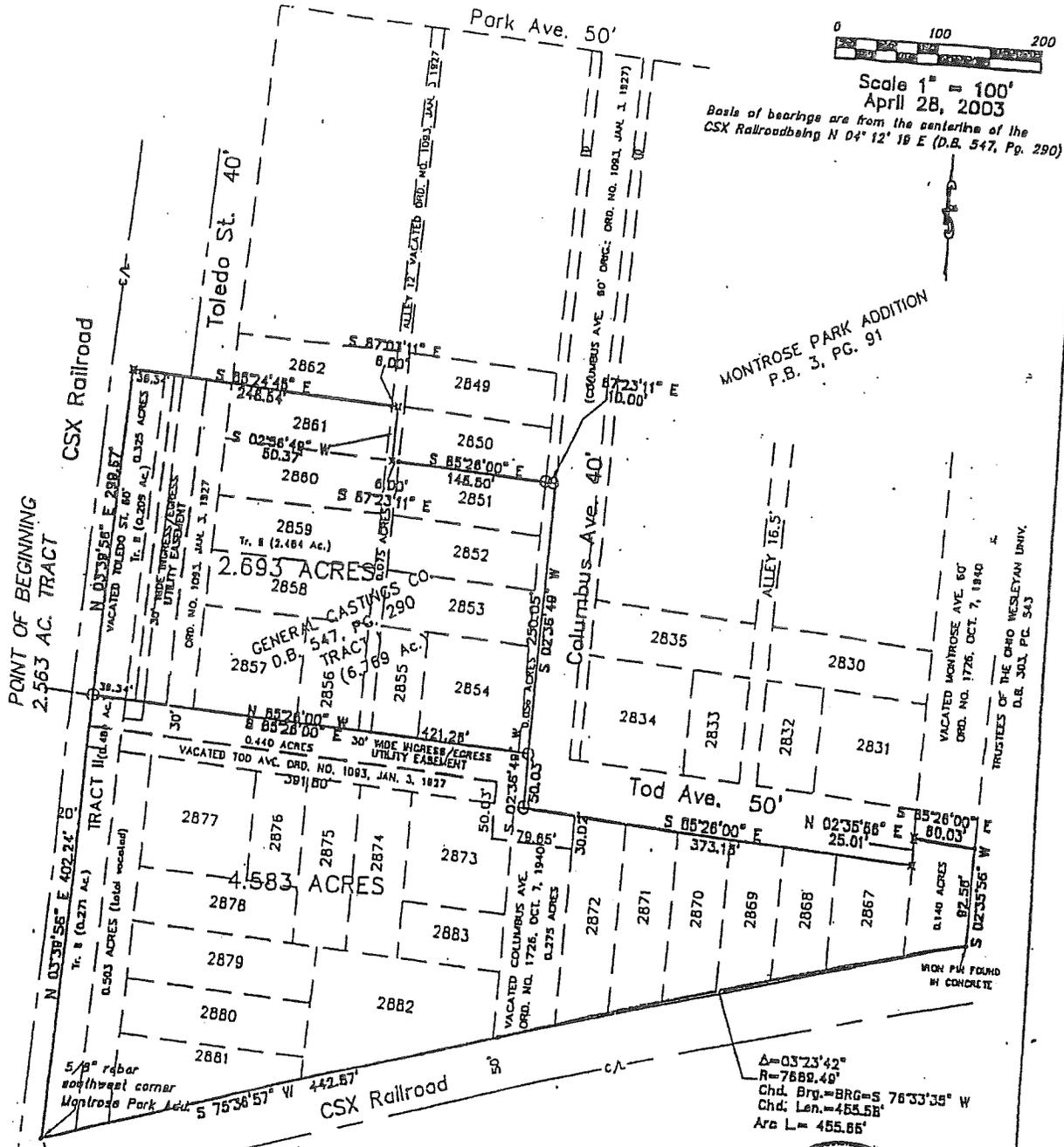
# SURVEY PLAT

PLAT SHOWING SURVEY OF A 2.593 ACRE AND A 4.583 ACRE TRACTS,  
 IN THE CITY OF DELAWARE, OHIO, LOCATED IN THE MONTROSE PARK ADDITION, (P.B. 3, PG. 91),  
 BEING ALL OF (TRACT I & TRACT II) LOTS 2851-2881 INCLUSIVE & LOTS 2867-2883  
 INCLUSIVE AND VACATED PORTIONS OF TOD AVE., TOLEDO ST., MONTROSE AVE. COLUMBUS  
 AVE. & A 12 FOOT WIDE ALLEY,



Scale 1" = 100'  
 April 28, 2003

Basis of bearings are from the centerline of the  
 CSX Railroad being N 04° 12' 18" E (D.B. 347, Pg. 290)

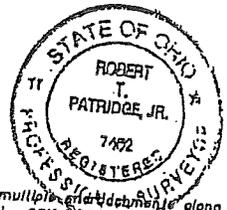


POINT OF BEGINNING  
2.563 AC. TRACT

POINT OF BEGINNING  
4.583 AC. TRACT

- LEGEND**
- found iron pin
  - set iron pin (capped PATRIDGE SURVEYING)
  - ▲ set PK nail
  - △ set railroad spike
  - found iron pin capped "SITE ENGINEERING"

APPROVED BY PLANNING COMMISSION  
 CITY OF DELAWARE, OHIO  
 AND FILED RECORDED  
 DATE: 5/12/03



Note: There are multiple iron pins located along the west property line by the CSX Railroad.

Note: fence line on the south side of Tod Ave. encroaches into R/W.

I hereby certify that I have surveyed the property described in the foregoing title caption, and that said survey and plat are accurate and correct to the best of my knowledge. Easements, restrictions, and rights-of-way not located, unless noted.

*Robert T. Patridge, Jr.*  
 Professional Surveyor No. 7445

**PATRIDGE PROFESSIONAL SURVEYORS AND ENGINEERS L.L.C.**  
 8484 DUBLIN ROAD  
 POWELL, OHIO 43085  
 FAX (614)-798-0030  
 TEL (614)-788-0031

Copyright © Patridge Professional Surveyors and Engineers LLC

## Property Information

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Parcel Number</td> <td>519-344-05-018-000</td> </tr> <tr> <td>Owner Name</td> <td>HOWALD INDUSTRIAL PARK INC</td> </tr> <tr> <td>Owner Address</td> <td>TOLEDO ST DELAWARE OH 43015</td> </tr> <tr> <td>Tax District</td> <td>14 DELAWARE CORP</td> </tr> <tr> <td>School District</td> <td>2103 DELAWARE CSD</td> </tr> <tr> <td>Neighborhood</td> <td>14006 Del Corp 006</td> </tr> <tr> <td>Use Code</td> <td>300 Industrial - vacant land</td> </tr> <tr> <td>Acres</td> <td>4.06300</td> </tr> <tr> <td colspan="2" style="text-align: center;">Description</td> </tr> <tr> <td colspan="2" style="text-align: center;">PT LOT 2869 &amp; LOTS 2870-2883 INCL &amp; VAC ST</td> </tr> </table>	Parcel Number	519-344-05-018-000	Owner Name	HOWALD INDUSTRIAL PARK INC	Owner Address	TOLEDO ST DELAWARE OH 43015	Tax District	14 DELAWARE CORP	School District	2103 DELAWARE CSD	Neighborhood	14006 Del Corp 006	Use Code	300 Industrial - vacant land	Acres	4.06300	Description		PT LOT 2869 & LOTS 2870-2883 INCL & VAC ST		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Property Address:</td> </tr> <tr> <td style="text-align: center;">TOLEDO ST DELAWARE OH 43015</td> </tr> <tr> <td style="text-align: center;">Tax Payer Address:</td> </tr> <tr> <td style="text-align: center;">2009  140 N SANDUSKY ST DELAWARE OH 43015 USA</td> </tr> </table>	Property Address:	TOLEDO ST DELAWARE OH 43015	Tax Payer Address:	2009  140 N SANDUSKY ST DELAWARE OH 43015 USA
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Acres	4.06300																								
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PT LOT 2869 & LOTS 2870-2883 INCL & VAC ST																									
Property Address:																									
TOLEDO ST DELAWARE OH 43015																									
Tax Payer Address:																									
2009  140 N SANDUSKY ST DELAWARE OH 43015 USA																									

Assessment Info	Current Value	Recent Transfer
Board of Revision	N Mkt Land Value	\$36,600
<u>Homestead/Disability</u>	N CAUV	\$0
<u>Owner Occ Credit</u>	N Mkt Impr Value	\$0
Divided Property	N Total	\$36,600
New Construction	N <b>Current Tax</b>	
Foreclosure	N Tax Due	\$916.12
Other Assessments	N Paid To Date	\$916.12
Front Ft.	N Current Balance Due	\$0.00
		# Parcels 2
		Deed Type Quit Claim Deed Ex
		Amount \$0
		Sale Date 5/5/2014
		Conveyance
		Deed # 765

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

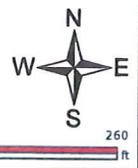
Card - 1

### Property Sketch and Photos -- Card 1

<p style="text-align: center;">Property Sketch</p> <div style="text-align: center;">  </div>	<p style="text-align: center;">Property Photos</p> <div style="text-align: center;">  </div>
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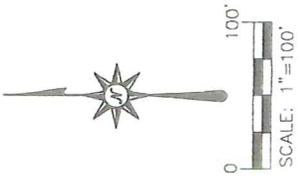


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Printed on 8/22/2015

# EASEMENT EXHIBIT 1.564 ACRES

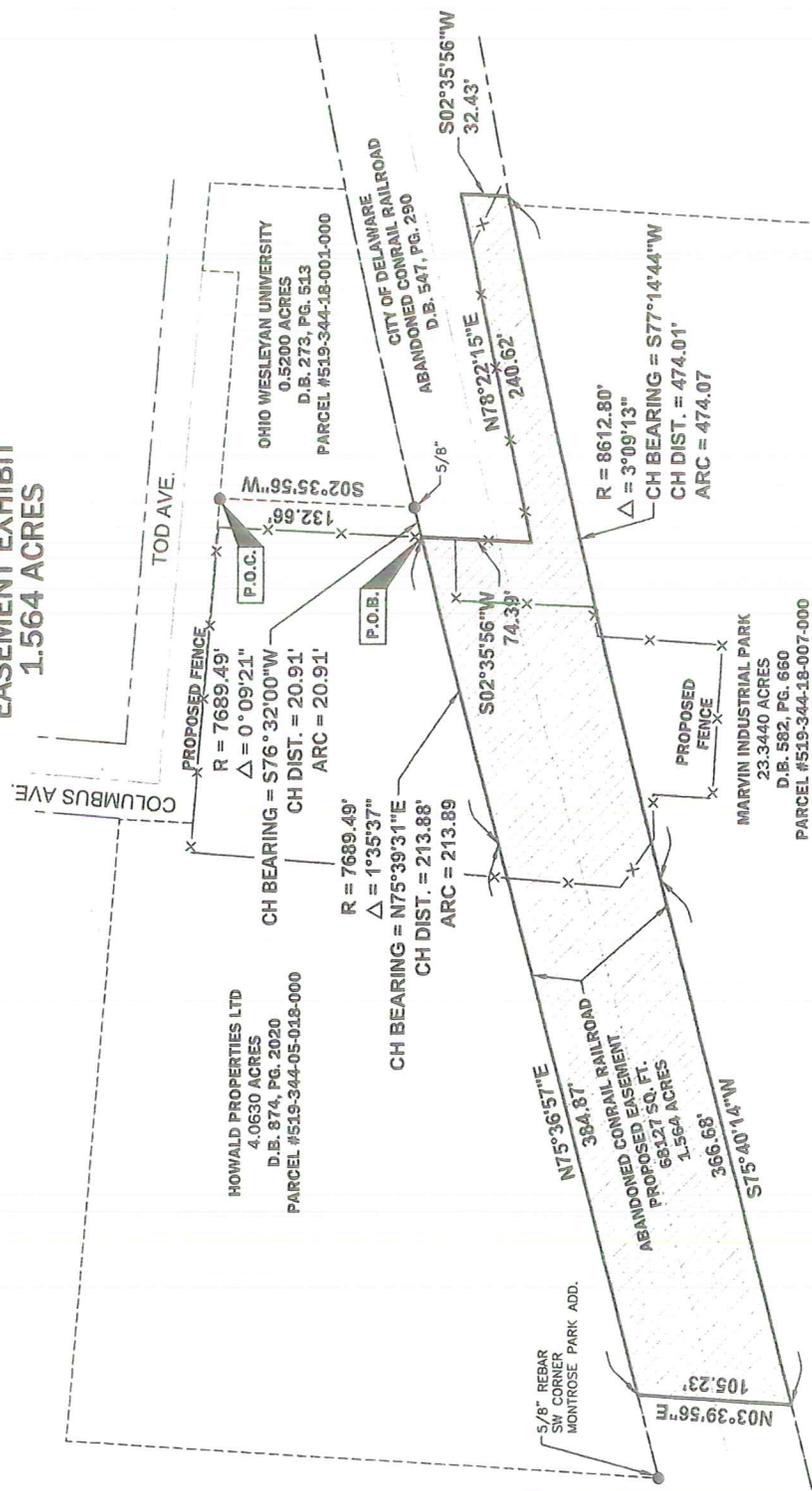


BASIS OF BEARINGS IS FROM THE CENTERLINE OF CSX RAILROAD BEING N 04° 12' 19" E (D.B. 547, PG. 290) AS SHOWN ON SURVEY PLAT OF 7.276 ACRES BY PATRIDGE PROFESSIONAL SURVEYORS AND ENGINEERS L.L.C. ON MAY 13, 2003 AND IS USED TO DENOTE ANGLES ONLY.

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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



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  
*Jeffrey V. Green*  
NOVEMBER 25, 2013



CITY OF DELAWARE

### 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, 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: 5789.2227'

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'

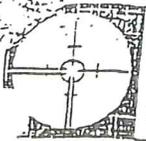


EXHIBIT "A"

VOL 0582 PAGE 662

# SCIOTO LAND SURVEYING SERVICE, INC.

173 NORTH SANDUSKY STREET

DELAWARE, OHIO 43015

(614) 369-7577

VOL 0582 PAGE 2026

October 31, 1994

Tract I  
Description of a 23.29 acre tract for  
Albetway 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;

Seeing Is Believing, Measuring Is Knowing



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





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).

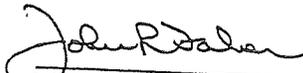
Subject, however, to all easements, restrictions and rights-of-way of record, if any.

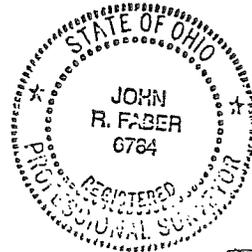
Basis of bearing are the centerline of London Road (S 47°42'00" W) as shown in Plat Book 7, Page 119.

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.

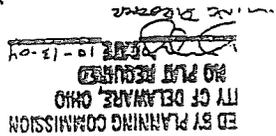
All iron pins set are 5/8" rebar with an orange plastic cap stamped "FBA, INC."

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

  
John R. Faber, PS  
Registered Surveyor No. 6784

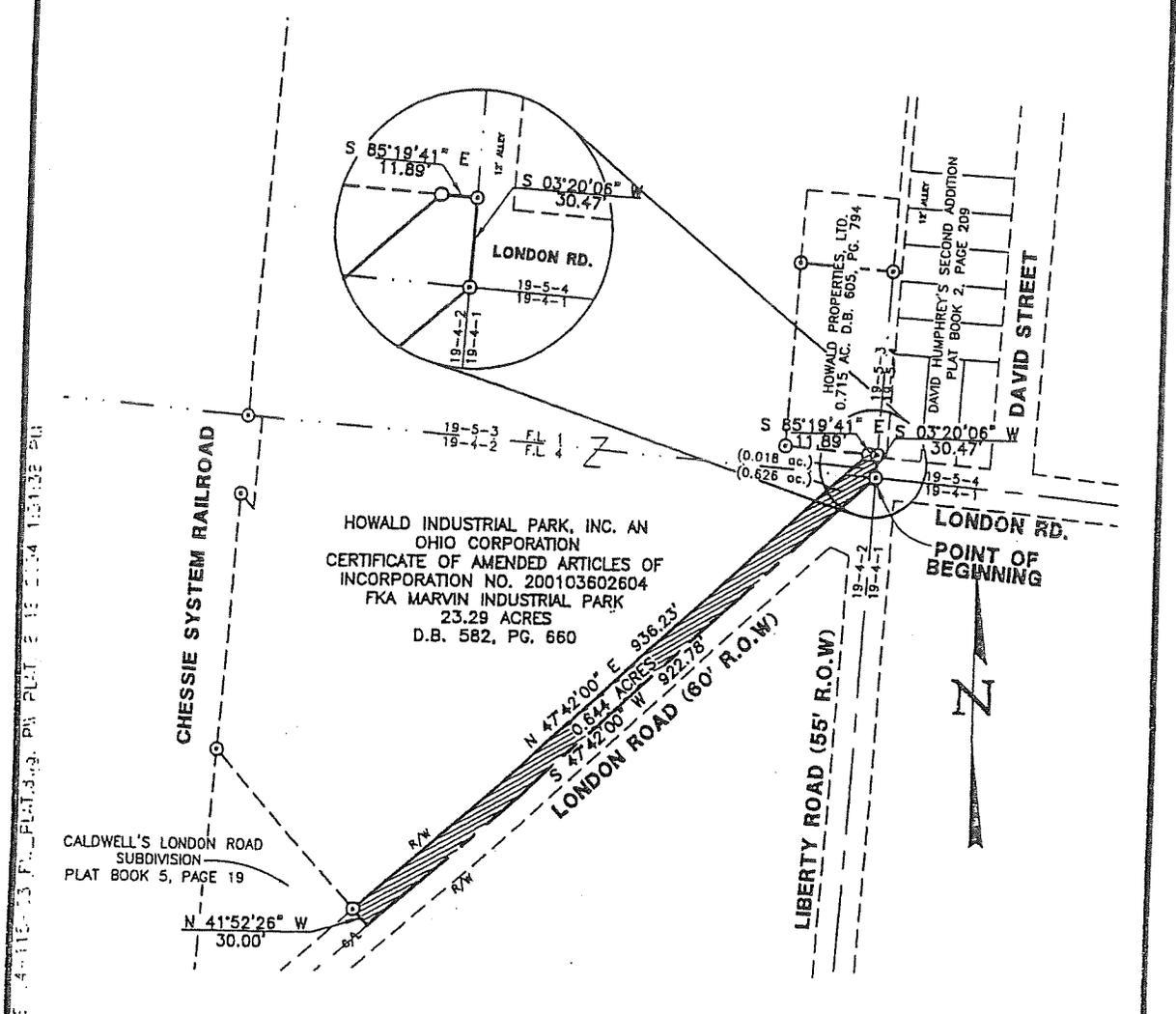


DESCRIPTION FOR CLOSING ONLY  
 RPC Approval Required  
 Municipal Approval Required  
Delaware County Engineer

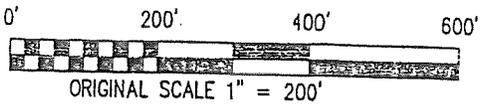


**PLAT OF SURVEY FOR  
HOWALD INDUSTRIAL PARK, INC. AN OHIO CORPORATION  
OF 0.644 ACRES**

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. Survey Office 4-115-03 FBA PLAT 3 18 2004 15:32:30



**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**

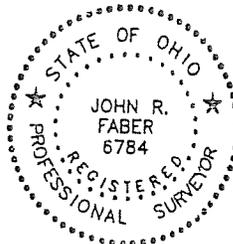
- ⊙ IRON PIPE FOUND
- IRON PIN SET

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 DIRECTOR

Aug 16, 2004  
DATE



### Property Information

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

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>Use Code</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>SEPARATION</td> <td>21858</td> <td>858</td> <td>N/A</td> </tr> <tr> <td>B</td> <td>SEPARATION</td> <td>10781</td> <td>558</td> <td>N/A</td> </tr> <tr> <td>C</td> <td>CV2</td> <td>3000</td> <td>0</td> <td>N/A</td> </tr> <tr> <td>D</td> <td>SEPARATION</td> <td>38276</td> <td>800</td> <td>N/A</td> </tr> <tr> <td>E</td> <td>SEPARATION</td> <td>1952</td> <td>0</td> <td>N/A</td> </tr> </tbody> </table>	ID	Label	Area	Perimeter	Use Code	A	SEPARATION	21858	858	N/A	B	SEPARATION	10781	558	N/A	C	CV2	3000	0	N/A	D	SEPARATION	38276	800	N/A	E	SEPARATION	1952	0	N/A	<p><b>Property Photos</b></p> <p>51934418007000 10/29/2009      51934418007000 04/12/2010</p>
ID	Label	Area	Perimeter	Use Code																											
A	SEPARATION	21858	858	N/A																											
B	SEPARATION	10781	558	N/A																											
C	CV2	3000	0	N/A																											
D	SEPARATION	38276	800	N/A																											
E	SEPARATION	1952	0	N/A																											

#### Property Sketch and Photos -- Card 2

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

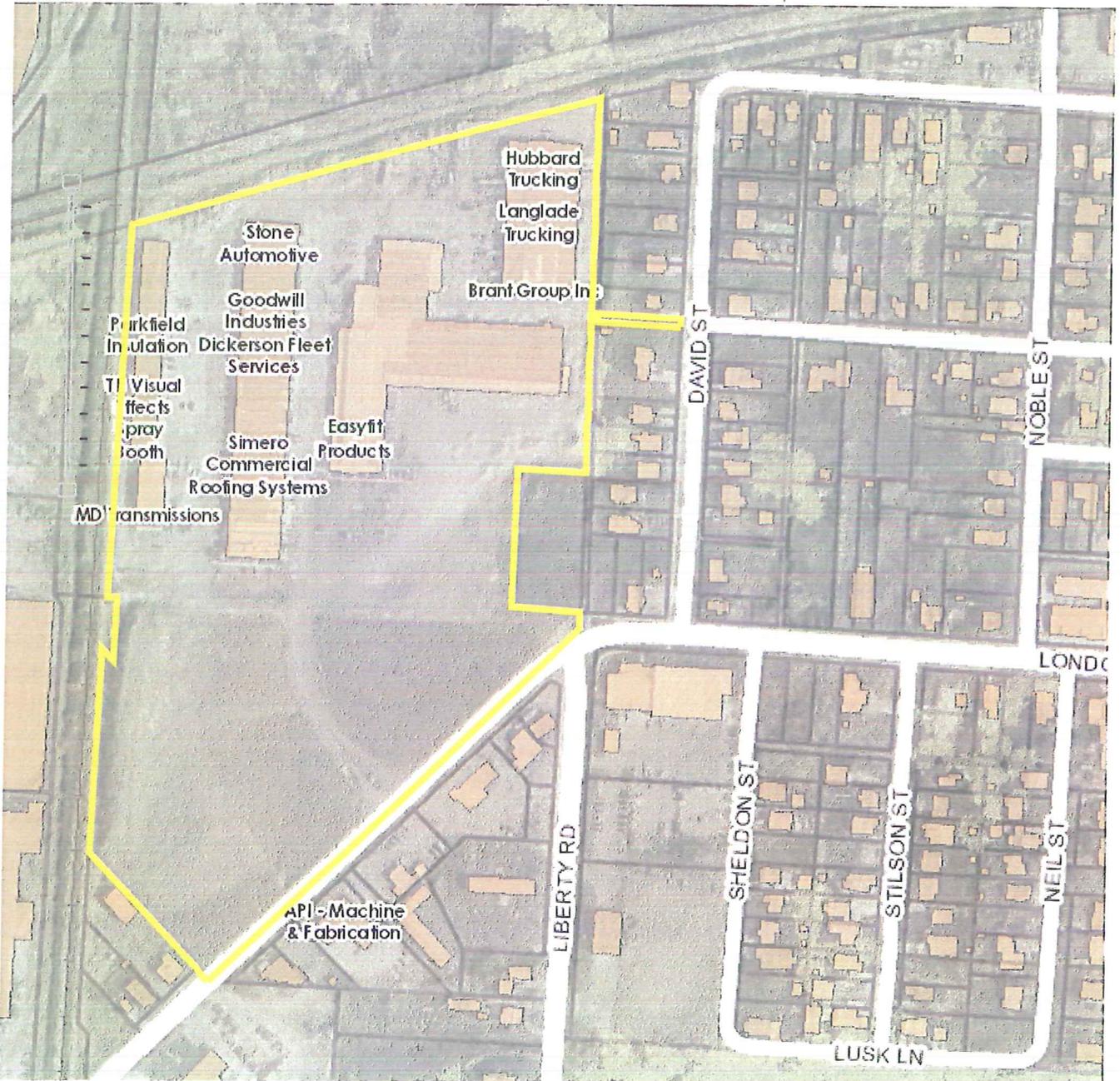
Advanced Search

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.

V.C. AFFIDAVIT FOR  
12/2/05  
Deputy Recorder

**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.

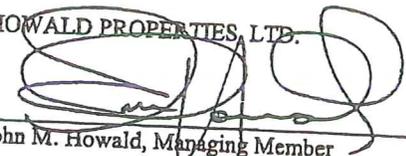
Street Address: 310 London Road, Delaware, Ohio  
Parcel No.: 519-344-18-008-000

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  
DR Book 599 Page 182 - 183  
200500012973  
HANDSBOX

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.  
Paid 44.05 Transfer Tax Paid   
TRANSFERRED OR TRANSFER NOT NECESSARY  
Noted by Auditor By: S. L. P.



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	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	.71500		USA		
	Description				
	LANDS 19 5 3 1				
<b>Assessment Info</b>		<b>Current Value</b>		<b>Recent Transfer</b>	
Board of Revision	N	Mkt Land Value	\$10,300	# Parcels	1
<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	\$10,300	Sale Date	8/19/2014
New Construction	N	<b>Current Tax</b>		Conveyance	
Foreclosure	N	Tax Due	\$258.18	Deed #	1437
Other Assessments	N	Paid To Date	\$258.18		
Front Ft.	N	Current Balance Due	\$0.00		

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

Card - 1

#### Property Sketch and Photos -- Card 1

Property Sketch	Property Photos
	



Delaware County Auditor  
George Keltza

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 [delcogs@co.delaware.oh.us](mailto:delcogs@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. 06-50 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 BRENNER  
09-13-2006 At 02:04 PM.  
ORDINANCE 44.00  
OR Book 736 Page 2186 - 2189  
*Stored in Cab 3 S 766*

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

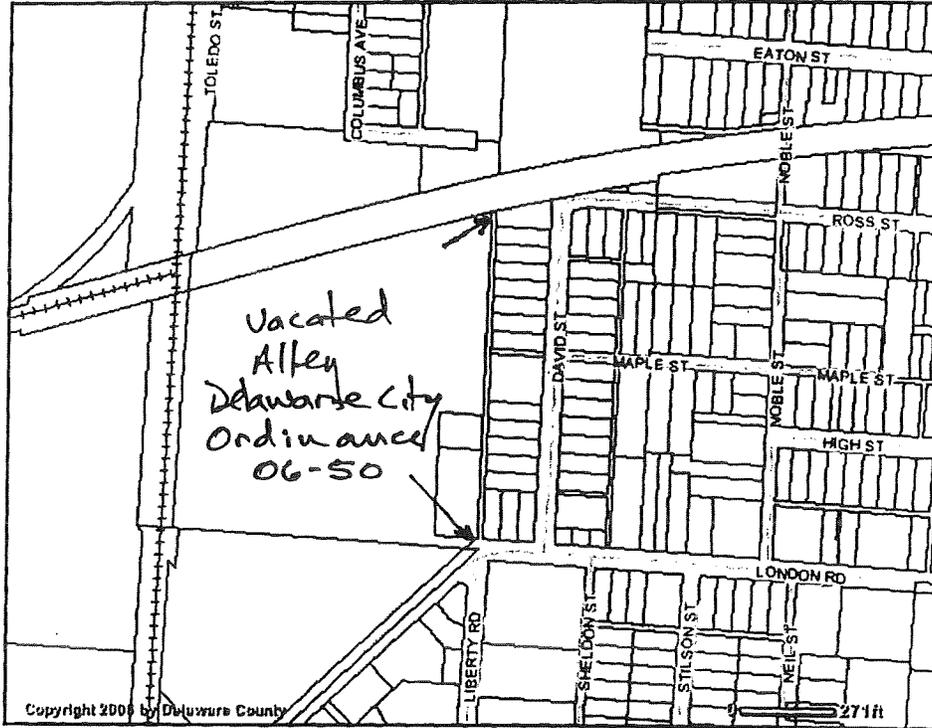
PASSED: April 10, 2006

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.

*M. A. Smith*

8/18/2011

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

Date

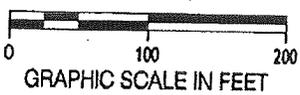
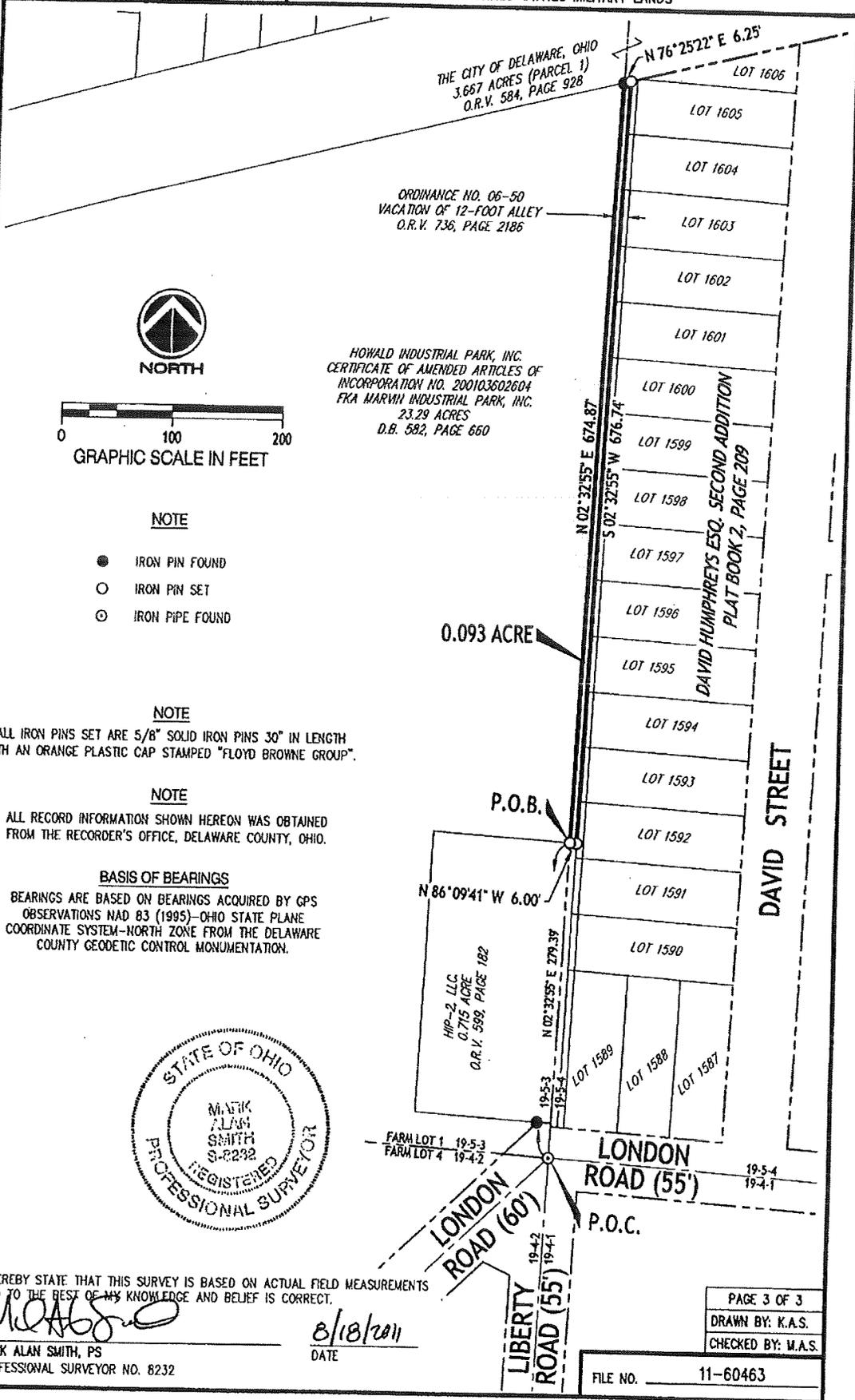




Solutions for Your World  
www.FloydBrowne.com

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



**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*

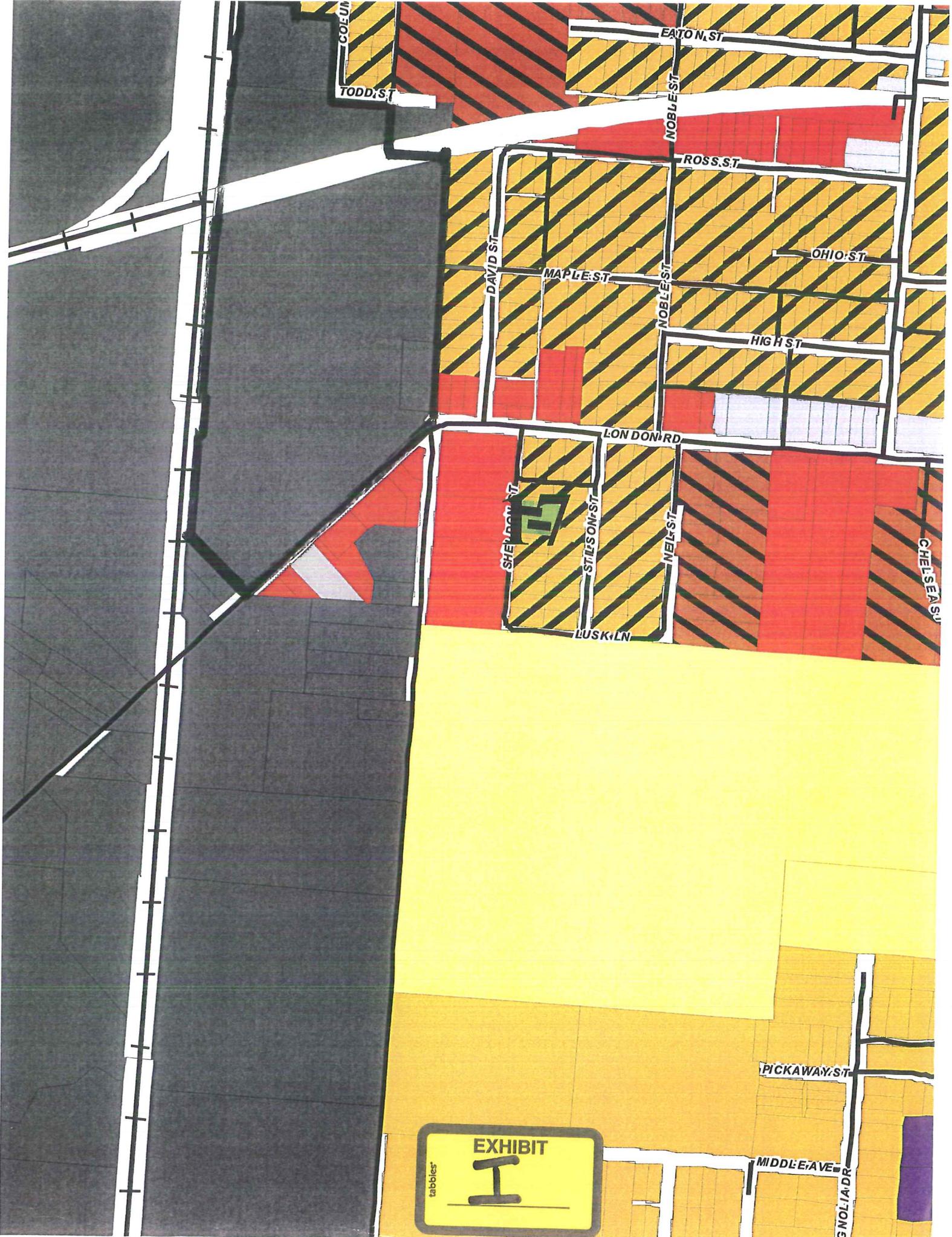
8/18/2011  
DATE

MARK ALAN SMITH, PS  
PROFESSIONAL SURVEYOR NO. 8232

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 AC.DWG - 8/18/2011 7:59:28 AM



tabbles  
**EXHIBIT**  
**I**



# 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

Howald Industrial Park - Railroad Storm

Use Tc 10min. Minimum

Storm Event to Design For: 5 year Storm

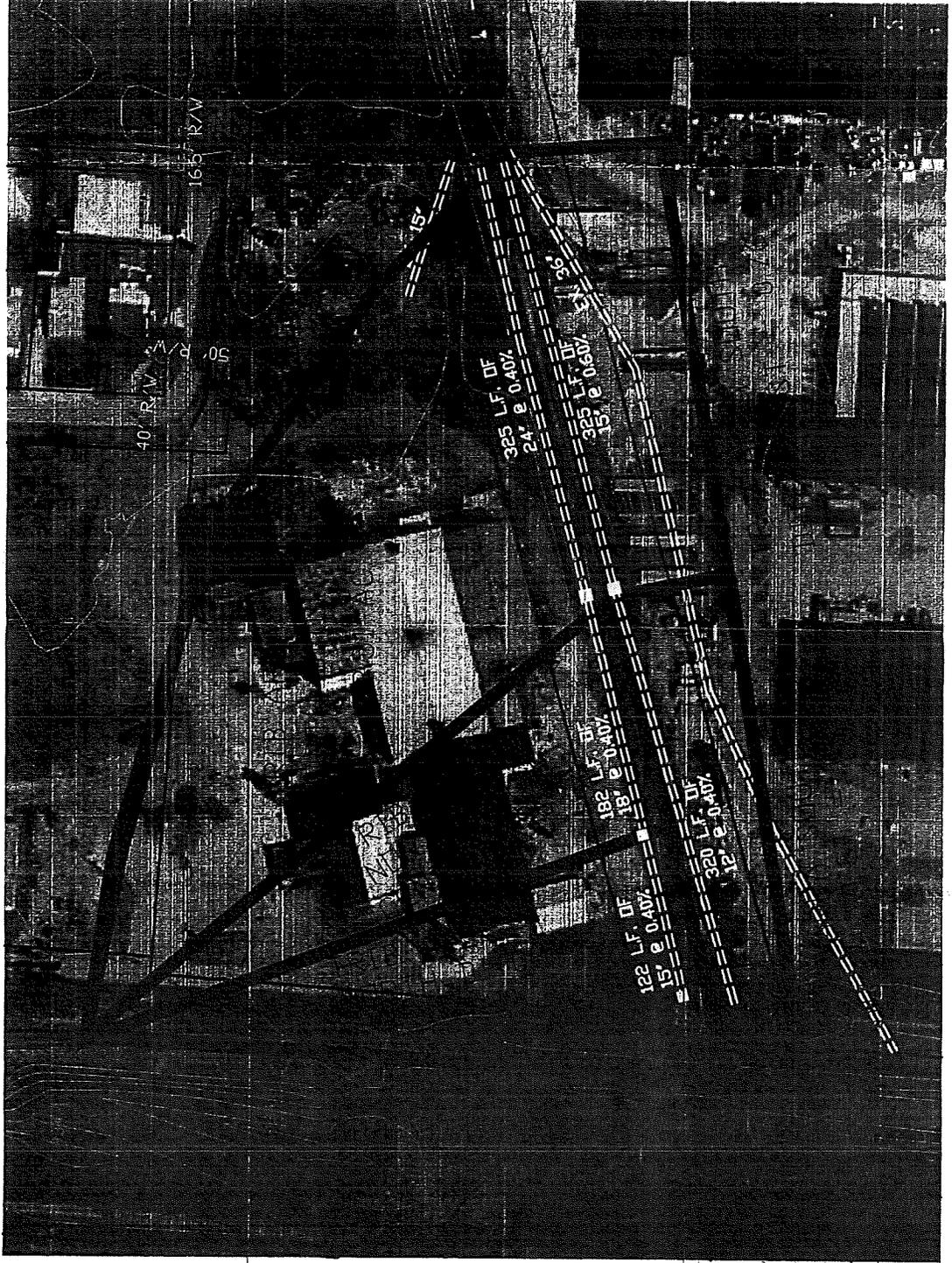
Area	Runoff Coefficient (C)	Rainfall Intensity (in/hr)	Runoff Area (Ac)	Run Off Flow (Q) (CFS)	Pipe Diameter (in.)	Area of Pipe (Ft <sup>2</sup> )	Slope of Pipe (ft/ft)	N Factor	Velocity (fps)	Q Actual (cfs)	Pipe Capacity (cfs)	Length of pipe (ft)	Time of Pipe Travel (min)	Tc Minimum Standard is 10 minutes (min)	Total Time of Travel (min)
South Ditch West	0.83	4.50	0.61	2.27837	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	1.255845	16.4	17.67
North Ditch East	0.83	3.56	2.51	7.408501	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 80



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# 2015-00000369

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.

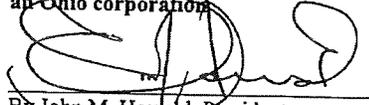
Grantor further grants to Grantees, their heirs and assigns, a non-exclusive ingress and egress easement over and across a portion of Grantor's 0.275 acre tract depicted on the Boundary Survey Map of a 0.275 Acre Tract + a 2.417 Acre Tract which is part of Exhibit A attached hereto and as described in 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

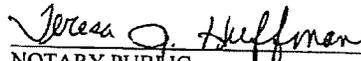
**STATE OF OHIO, DELAWARE COUNTY, ss.:**

**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 43015-1826. 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;

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;

Thence easterly with the southerly line of a 0.19 acre tract as conveyed to Ferdinand 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;

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

1-5-15

DESCRIPTION APPROVED FOR TRANSFER  
 Chris Bauserman  
 Delaware County Engineer

1-6-15



APPROVED BY PLANNING COMMISSION  
 CITY OF DELAWARE, OHIO  
 NO PLAT REQUIRED  
 BY [Signature] 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.

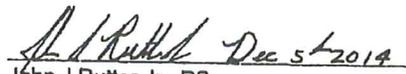
Subject to all easements, rights-of-ways or restrictions of record.

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.

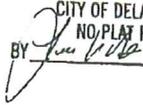
Deed References and Documents as Recorded in the Delaware County, Ohio Recorder's Office.

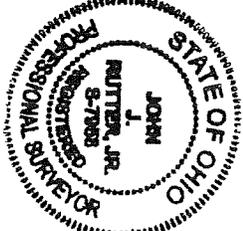
All Iron Pins set are 5/8" X 30" rebar with a yellow plastic cap reading Ackison Surveying.

  
John J Rutter Jr. PS  
Registered Surveyor No. 7958

December 05, 2014

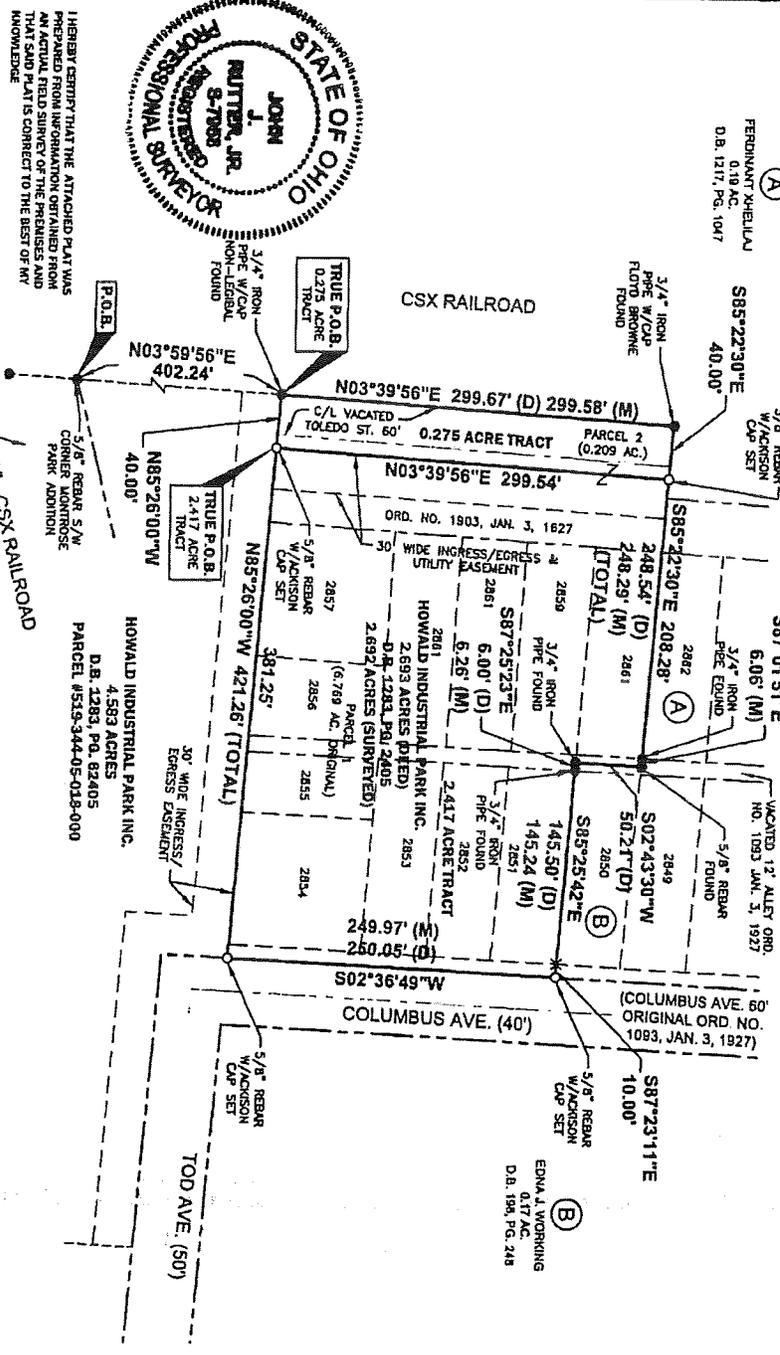


APPROVED BY PLANNING COMMISSION  
CITY OF DELAWARE, OHIO  
NO PLAT REQUIRED  
BY  DATE 1/5/15



**BOUNDARY SURVEY MAP OF A 0.275 ACRE TRACT & A 2.417 ACRE TRACT**

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE, LOCATED IN THE MONROSE PARK ADDITION, P.B. 3, PG. 91, BEING PART OF (PARCEL 1 & PARCEL 2) LOTS 2851-2861 INCLUSIVE AND VACATED PORTIONS OF TOD AVE, TOLEDO ST., COLUMBUS AVE, AND A 12' FOOT WIDE ALLEY.



REGISTERED SURVEYOR NO. 7956  
 JOHN J. RUTTER, JR.  
 DECEMBER 9, 2014  
*John J. Rutter, Jr.*

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

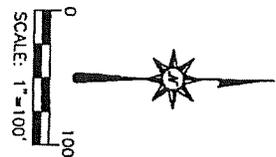
**ACKISON**  
 SURVEYING  
 Office: 614-766-4000  
 Cell: 614-207-8214  
 www.ackisonsurveying.com

LEGEND	
X	Point
●	Iron Pin (rod, As (thead)
○	Iron Pin Set w/ cap
⊙	P.K. Nail Pnd.
⊖	P.K. Nail Set
⊞	Stone Pnd.
⊠	Measured Distance
(R)	Deeded Distance

- REFERENCES:**
1. SURVEY OF 7.276 ACRES BY PATRIBOE PROFESSIONAL SURVEYORS AND ENGINEERS L.L.C. ON MAY 11, 2003.
  2. SURVEY 23.28 ACRES BY SCOTO LAND SURVEYING SERVICES, INC. ON SEPTEMBER 21, 1994.

**REMARKS:**

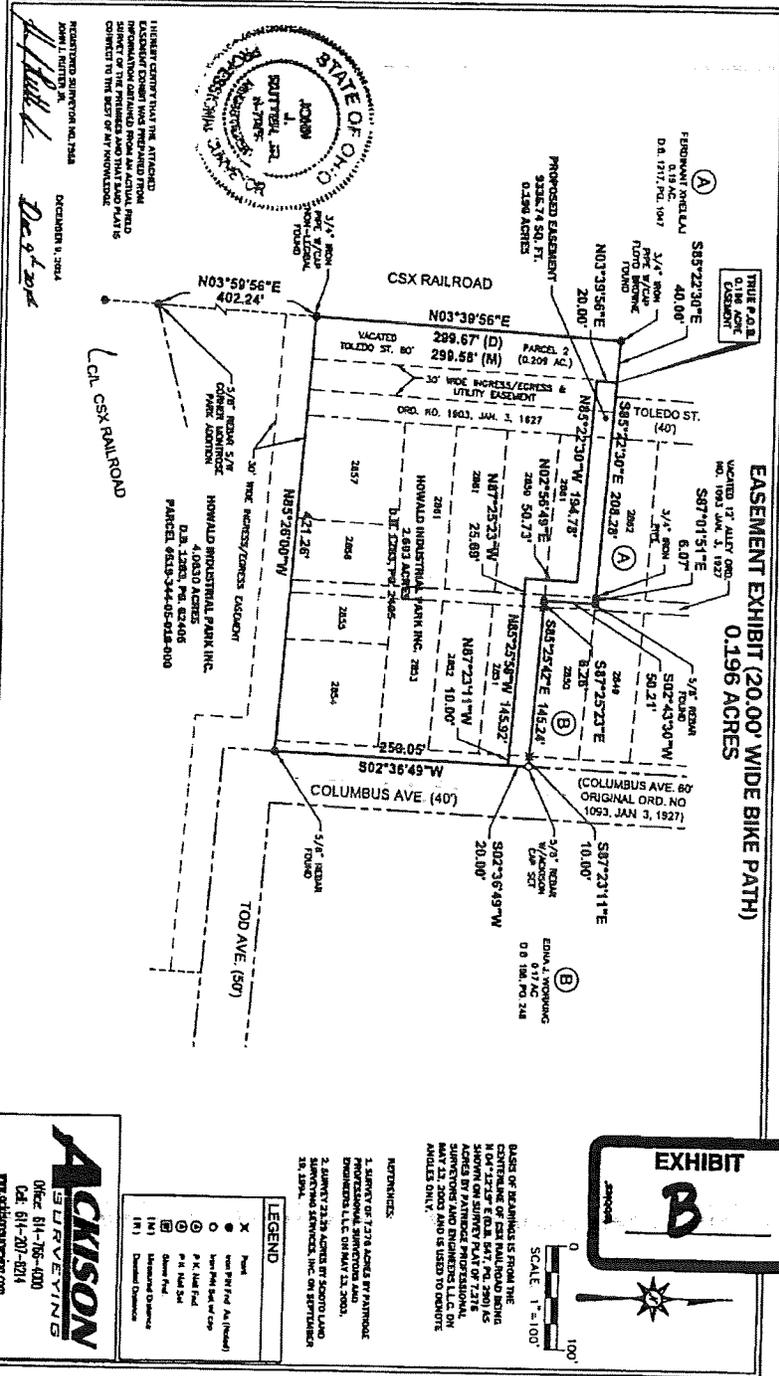
1. BASIS OF BEARINGS IS FROM THE CENTERLINE OF CSX RAILROAD BEING N 04° 12' 19" E D.B. 1217, PG. 1047 AS SHOWN ON SURVEY PLAT OF 2001 AS AGREED BY PATRIBOE PROFESSIONAL SURVEYORS AND ENGINEERS L.L.C. ON MAY 11, 2003 AND IS USED TO DENOTE ANGLES ONLY.





STATE OF OHIO  
 ENGINEER  
 ROBERT C. SUTTER, JR.  
 No. 10368  
 License No. 10368  
 Mechanical Engineering

REGISTERED SURVEYOR NO. 7374  
 ROBERT C. SUTTER, JR.  
 DECEMBER 8, 2004  
*Dec 8 2004*



**ACKISON**  
 SURVEYING  
 OFFICE 61-166-4000  
 CELL 611-207-8214  
 www.ackisonsurveying.com

**LEGEND**

X	Point
○	Iron Peg 5/16" Dia. (Found)
○	Iron Peg 5/16" Dia. (Set)
○	P.C. (Found)
○	P.C. (Set)
○	Corner Peg
○	Survey Peg
(M)	Metropolitan District
(M)	Chained Distance

**NOTICES:**

1. SURVEY OF 2.778 ACRES BY PATRICK PROFESSIONAL SURVEYING AND DESIGNERS LLC ON MAY 12, 2003.
2. SURVEY OF 23.29 ACRES BY SCOTT LAND SURVEYING SERVICES, INC. ON SEPTEMBER 28, 2004.

**BASE OF BEARINGS IS FROM THE CENTERLINE OF CSX RAILROAD BEING N 0° 12' 57" E 0.24 S 47' P.M. 2890 AS ADDED BY AMENDING DEEDS TO THE SURVEYING AND ENGINEERS LLC ON MAY 12, 2003 AND IS USED TO DERIVE ANGLES ONLY.**

**SCALE 1" = 100'**

0 100'

**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 1/4" 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 1/4" 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 1/4" iron pipe;

Thence easterly with the Grantor's northerly line, South 87°25'23" East, a distance of 6.26 feet to a found 1/4" iron pipe;

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

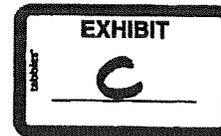
Thence easterly with the Grantor's northerly line, South 87°23'11" East, a distance of 10.00 feet to a Set 5/8" rebar with Ackison cap, said set rebar being on the westerly right-of-way line of Columbus Avenue ( 40' );

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.

*John 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





## FACT SHEET

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AGENDA ITEM NO: 10

DATE: 1/11/16

ORDINANCE NO: 15-119

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: **YES**  
**January 11, 2015 at 7:30 p.m.**

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE APPROVING A REZONING FROM M-2 (GENERAL MANUFACTURING DISTRICT) TO M-2 PMU (GENERAL MANUFACTURING DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) FOR HOWALD INDUSTRIAL PARK ON APPROXIMATELY 27.79 ACRES LOCATED AT 320 LONDON ROAD.

**BACKGROUND:**

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.

In addition, the applicant has agreed to grant a bike path easement per the 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 Todd Street. Also, 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. Furthermore, staff recommends a Comprehensive Sign Plan for all wall and ground signage that would achieve compliance with the zoning code and the adopted Gateways and Corridor Plan.

**REASON WHY LEGISLATION IS NEEDED:**

N/A

**COMMITTEE RECOMMENDATION:**

Planning Commission approved this case 6-0 on December 2, 2015.

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

David Efland, Planning and Community Development Director

**RECOMMENDATION:**

Staff recommends approval with the documented conditions.

**ATTACHMENT(S)**

ORDINANCE NO. 15-119

AN ORDINANCE APPROVING A REZONING FROM M-2 (GENERAL MANUFACTURING DISTRICT) TO M-2 PMU (GENERAL MANUFACTURING DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) FOR HOWALD INDUSTRIAL PARK ON APPROXIMATELY 27.79 ACRES LOCATED AT 320 LONDON ROAD.

WHEREAS, the Planning Commission at its meeting of December 2, 2015, recommended approval of a Rezoning from M-2 (General Manufacturing District) to M-2 PMU (General Manufacturing District with a Planned Mixed Use Overlay District) for Howald Industrial Park on approximately 27.79 acres located at 320 London Road (PC 2015-1899), and

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

SECTION 1. That the Rezoning from M-2 (General Manufacturing District) to M-2 PMU (General Manufacturing District with a Planned Mixed Use Overlay District) for Howald Industrial Park on approximately 27.79 acres located at 320 London Road, is hereby confirmed, approved, and accepted, 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.

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 Revised Code.

VOTE ON RULE SUSPENSION: YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2016 YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK MAYOR



## FACT SHEET

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AGENDA ITEM NO: 11

DATE: 1/11/16

ORDINANCE NO: 15-120

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR HOWALD INDUSTRIAL PARK ON APPROXIMATELY 27.79 ACRES ZONED M-2 PMU (GENERAL MANUFACTURING DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED AT 320 LONDON ROAD.

**BACKGROUND:**

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.

In addition, the applicant has agreed to grant a bike path easement per the 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 Todd Street. Also, 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. Furthermore, staff recommends a Comprehensive Sign Plan for all wall and ground signage that would achieve compliance with the zoning code and the adopted Gateways and Corridor Plan

**REASON WHY LEGISLATION IS NEEDED:**

N/A

**COMMITTEE RECOMMENDATION:**

Planning Commission approved this case 6-0 on December 2, 2015.

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

David Efland, Planning and Community Development Director

**RECOMMENDATION:**

Staff recommends approval with the documented conditions.

**ATTACHMENT(S)**

ORDINANCE NO. 15-120

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR HOWALD INDUSTRIAL PARK ON APPROXIMATELY 27.79 ACRES ZONED M-2 PMU (GENERAL MANUFACTURING DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED AT 320 LONDON ROAD.

WHEREAS, the Planning Commission at its meeting of December 2, 2015, recommended approval of a Preliminary Development Plan for Howald Industrial Park on approximately 27.79 acres zoned M-2 PMU (General Manufacturing with a Planned Mixed Use Overlay District) located at 320 London Road (PC 2015-1901), and

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

SECTION 1. That the Preliminary Development Plan for Howald Industrial Park on approximately 27.79 acres zoned M-2 PMU (General Manufacturing with a Planned Mixed Use Overlay District) located at 320 London Road, is hereby confirmed, approved, and accepted, 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.

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 Revised Code.

VOTE ON RULE SUSPENSION:

YEAS \_\_\_ NAYS \_\_\_  
 ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2016

YEAS \_\_\_ NAYS \_\_\_  
 ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
 CITY CLERK

\_\_\_\_\_  
 MAYOR



## FACT SHEET

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AGENDA ITEM NO: 12

DATE: 1/11/16

ORDINANCE NO: 15-121

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Brad Stanton, Public Utilities Director

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE AUTHORIZING THE FUNDING OF THE PANHANDLE BRIDGE WATER MAIN CONSTRUCTION TO THE DELAWARE COUNTY ENGINEER AS PART OF THE PANHANDLE BRIDGE REPLACEMENT PROJECT.

**BACKGROUND:**

As part of the Delaware County Engineering Department's Panhandle Bridge replacement project the City's Public Utilities Department 2015 CIP appropriation included funding for the design and installation of a 12-inch encased water main with the construction of the new Panhandle Road Bridge. The design for the water main was coordinated with the Delaware County bridge design and completed in 2015. Delaware County received construction bids for the project with the cost of the water main by the City at \$134,680. This project will enable the City to provide potable water to existing customers and for future water customers within the City's water service area. The City was required to abandon an existing 2-inch water line that crossed the Olentangy River in 2009 for the ODOT Panhandle Low-head dam removal project.

**REASON WHY LEGISLATION IS NEEDED:**

This Ordinance is necessary for the City to provide the funding for the construction of the water main to the Delaware County Engineer's Department.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

The funding for the Panhandle Bridge water main and construction project was appropriated in the Public Utilities 2015 Water Capacity CIP (\$150,000).

Design Fee \$16,141.50

Construction Cost \$134,680

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Brad Stanton, Public Utilities Director

**RECOMMENDATION:**

Take to a second reading

**ATTACHMENT(S)**

Water Main Construction Cost Estimate from Delaware County

Map of bridge water line

ORDINANCE NO. 15-121

A ORDINANCE AUTHORIZING THE FUNDING OF THE PANHANDLE BRIDGE WATER MAIN CONSTRUCTION TO THE DELAWARE COUNTY ENGINEER AS PART OF THE PANHANDLE BRIDGE REPLACEMENT PROJECT.

WHEREAS, the Delaware County Engineer will be replacing the Panhandle Road Bridge in 2016, and

WHEREAS, the City of Delaware appropriated funding in the 2015 CIP for the design and construction of a 12-inch water main to be included with the replacement of the Panhandle Bridge, and

WHEREAS, the Delaware County Engineer will enter into a contract for the replacement of the Panhandle Bridge and water main construction and,

WHEREAS, the City's cost for the water main toward the project is \$134,680 (One-Hundred thirty-four Thousand and six-hundred and eighty Dollars)

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. The City is hereby authorized to provide funding to the Delaware County Engineer for the construction of the water main as included with the Panhandle Bridge replacement project.

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 Revised Code.

VOTE ON RULE SUSPENSION:

YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2016

YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

## CONSTRUCTION COST ESTIMATE\*

\* Based on plan quantities and bid prices from Shelly and Sands

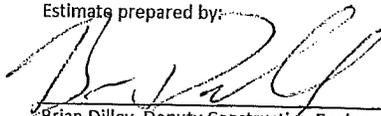
**DEL-CR 215-00.00**

**PID NO. 0851**

ESTIMATE PREPARED BY:  
DELAWARE COUNTY ENGINEER  
50 CHANNING STREET, DELAWARE, OH 43015

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	
<b>WATER WORK</b>						
638	00600	6" WATER MAIN DUCTILE IRON PIPE ANSI CLASS 52, PUSH-ON JOINTS AND FITTINGS	22	FOOT	\$68.00	\$1,496.00
638	01200	8" WATER MAIN DUCTILE IRON PIPE ANSI CLASS 52, PUSH-ON JOINTS AND FITTINGS	3	FOOT	\$300.00	\$900.00
638	02401	12" WATER MAIN DUCTILE IRON PIPE ANSI CLASS 52, PUSH-ON JOINTS AND FITTINGS, AS PER PLAN	340	FOOT	\$125.00	\$42,500.00
638	02507	12" WATER MAIN DUCTILE IRON PIPE ANSI CLASS 54, MECHANICAL JOINTS AND FITTING, AS PER PLAN	312	FOOT	\$150.00	\$46,800.00
638	07800	6" GATE VALVE AND VALVE BOX	1	EACH	\$1,004.00	\$1,004.00
638	08100	12" GATE VALVE AND VALVE BOX	1	EACH	\$0.00	\$0.00
638	10200	6" FIRE HYDRANT	1	EACH	\$2,000.00	\$2,000.00
SPECIAL	63822904	24" STEEL CASING PIPE	68	FOOT	\$3,200.00	\$5,200.00
638	98000	WATER WORK, MISC: 12" EX-TEND EXPANSION JOINT	1	EACH	\$86.00	\$5,848.00
638	98600	WATER WORK, MISC: 24" STAINLESS STEEL CASING PIPE	71	FOOT	\$392.00	\$5,100.00
<b>SUBTOTAL WATER WORK</b>						<b>\$134,680.00</b>

Estimate prepared by:

  
\_\_\_\_\_  
Brian Dilley, Deputy Construction Engineer

12/4/15  
Date

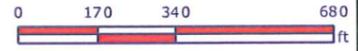


### Panhandle Bridge Water Line

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



Delaware County Auditor  
 George Kaitsa



Printed on 1/7/2016



0 10 20  
HORIZONTAL SCALE IN FEET

CALCULATED  
JLF  
CHECKED  
CSR

PLAN AND PROFILE - C.R. 215  
STA. 30+00.00 TO STA. 34+50.00

DEL - CR 215 - 0.00

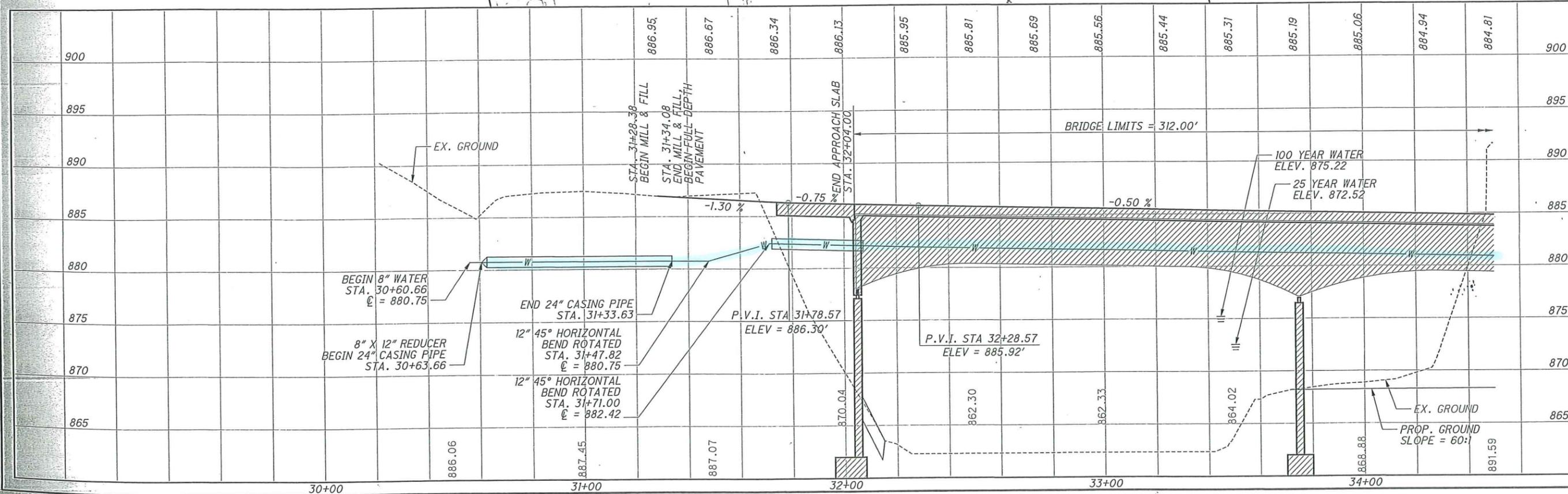
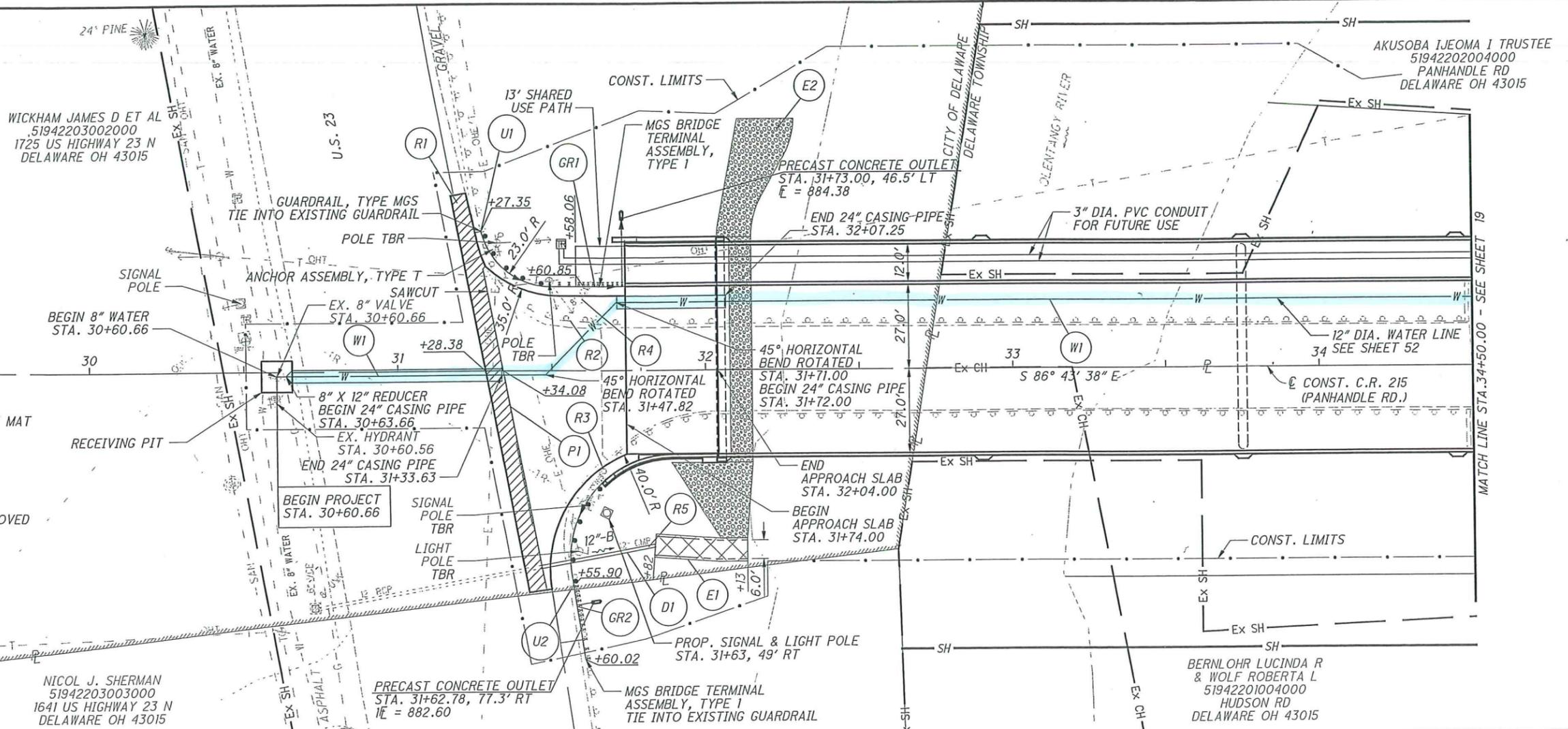
18  
70

**BENCHMARK DATA**  
BM "B"  
A CHISELED "X" SET ON TOP OF THE WEST BOLT FOR A TRAFFIC SIGNAL STRAN POLE. LOCATED AT THE S.E. CORNER OF STATE ROUTE 23 AND PANHANDLE ROAD STA. 31+60.49, 43.01' RT  
ELEVATION = 886.88 (NAVD 88)

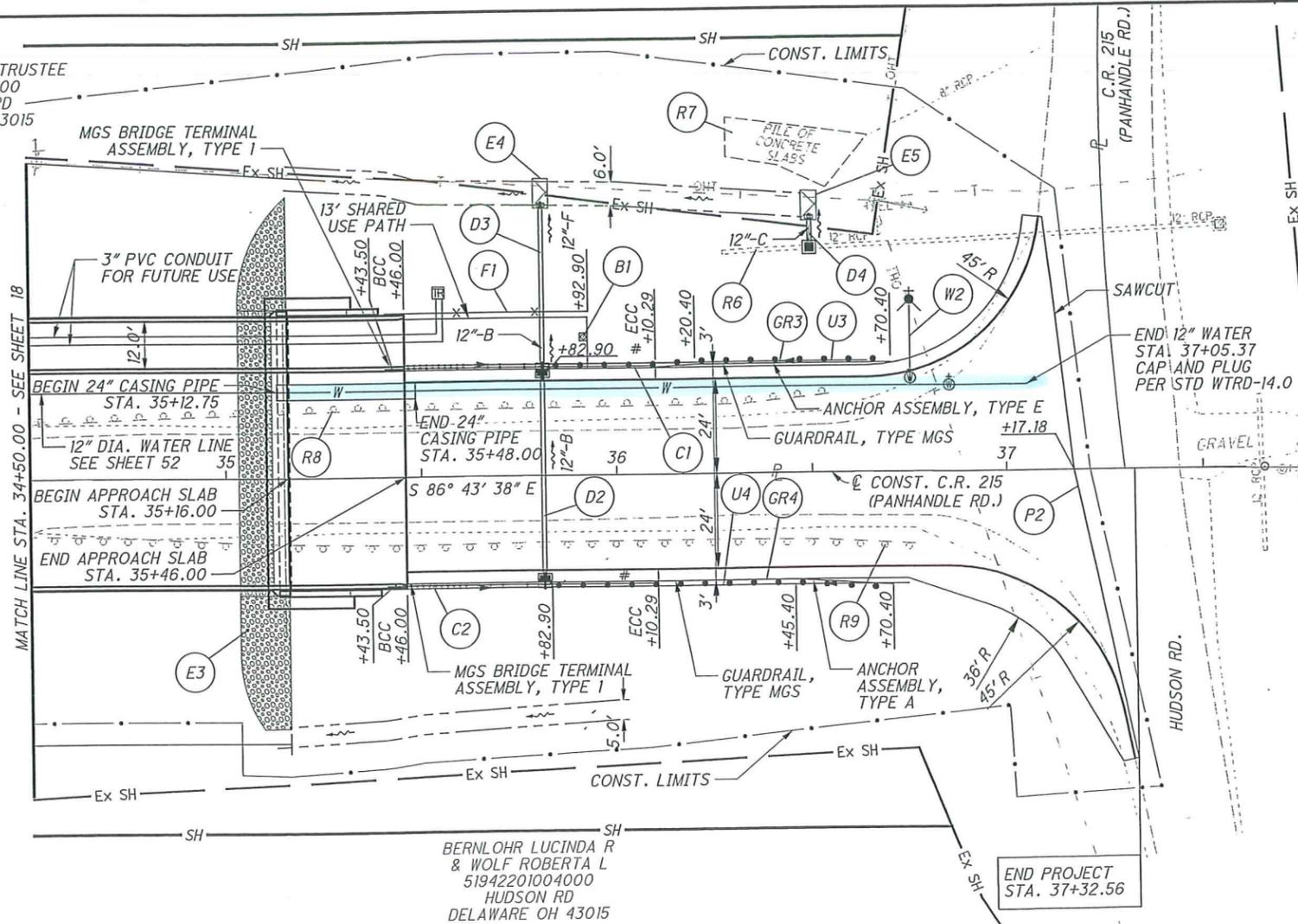
**BENCHMARK DATA**  
BM "C"  
A CHISELED SQUARE ON THE SOUTHWEST CORNER OF THE CONCRETE PAD FOR THE TRAFFIC CONTROL BOX LOCATED ON THE WEST SIDE OF US-23 AT ITS INTERSECTION WITH PANHANDLE ROAD. STA. 30+50.69, 10.07' LT  
ELEVATION = 886.71 (NAVD 88)

**LEGEND**

- ITEM 601 - TIED CONCRETE BLOCK MAT
- ITEM 601 - ROCK CHANNEL PROTECTION, TYPE C W/ FABRIC FILTER, 2'-0" THICK
- ITEM 202 - WEARING COURSE REMOVED (MILL AND FILL PAVEMENT)
- # TAPER CURB HEIGHT FROM 6" TO 0" OVER 10'



AKUSOBA IJEOMA I TRUSTEE  
51942202004000  
PANHANDLE RD  
DELAWARE OH 43015



C TO SHINING C LLC  
& FOR LAND SAKE LLC  
51942201001000  
PANHANDLE RD  
DELAWARE OH 43015

BENCHMARK DATA  
BM "A"  
A MINE SPIKE SET IN THE NORTH SIDE  
OF A 10" HACKBERRY TREE LOCATED  
±50' EAST OF HUDSON ROAD AT THE  
INTERSECTION WITH  
PANHANDLE ROAD  
STA. 37+82.29, 4.26' RT  
ELEVATION = 884.75 (NAVD 88)



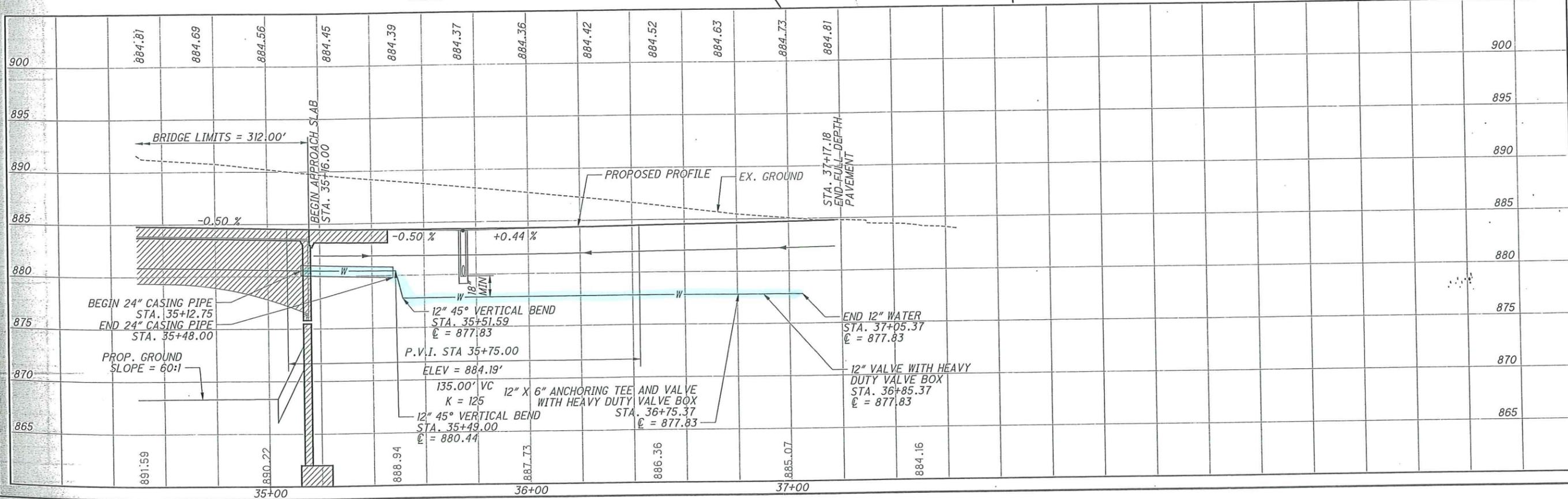
CALCULATED JLF CHECKED CSR

PLAN AND PROFILE - C.R. 215  
STA. 34+50.00 TO STA. 37+32.56

LEGEND

- ITEM 601 - ROCK CHANNEL PROTECTION, TYPE C W/ FABRIC FILTER, 2'-0" THICK
- ITEM 601 - TIED CONCRETE BLOCK MAT
- # TAPER CURB HEIGHT FROM 6" TO 0" OVER 10'
- BCC - BEGIN CONCRETE CURB
- ECC - END CONCRETE CURB

NOTE:  
1. CONTRACTOR SHALL COORDINATE ALL WATER CONSTRUCTION WITH THE CITY OF DELAWARE AND FOLLOW ALL APPLICABLE CITY STANDARDS.  
2. CONTRACTOR SHALL COORDINATE ALL CHLORINATION AND TESTING WITH THE CITY OF DELAWARE INCLUDING LOCATION OF ALL BLOW OFFS.  
3. CONTRACTOR TO INSTALL EBAA EX-TEND SERIES ZOO EXPANSION JOINT PER MANUFACTURERS RECOMMENDATIONS. COST TO BE INCLUDED IN UNIT PRICE FOR 12" DIP



DEL - CR215 - 0.00

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TO: Mayor Riggle and Members of Council  
FROM: R. Thomas Homan, City Manager  
SUBJECT: Miscellaneous Matters  
DATE: January 6, 2016

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1. **Calendar**  
See Attached
2. **Per Section 73 Of The City Charter The City Manager Is To Report Contract Agreements**  
See Attached
3. **Bi-Weekly Meetings**  
December 11  
\* City of Piqua – Tour of our YMCA/National Guard  
December 14  
\* Rotary  
\* Council meeting  
December 15  
\* Strand Board meeting  
December 16  
\* SourcePoint Annual Celebration  
December 21  
\* Rotary  
\* Council meeting  
December 28  
\* Rotary  
December 30  
\* JEDD meeting  
January 4  
\* Rotary
4. **Required Reading**
  - A. Fire Department Monthly Report

# January

2016

*Sun*   *Mon*   *Tue*   *Wed*   *Thu*   *Fri*   *Sat*  
**1**   **2**

**3**   **4**   **5**   **6**   **7**   **8**   **9**

**10**   **11**   **12**   **13**   **14**   **15**   **16**

Council 7   Sister City Advisory Board 6-7   BZA – cancelled

**17**   **18**   **19**   **20**   **21**   **22**   **23**

MLK Day Offices Closed   Parks and Recreation Advisory Board 7   Planning Commission 7   Airport Commission 7

**24**   **25**   **26**   **27**   **28**   **29**   **30**

Council 7   Shade Tree Commission 7   HPC 7

**31**

**CONTRACT APPROVAL - JANUARY 11, 2016**

<b>VENDOR</b>	<b>EXPLANATION OF AGREEMENT</b>	<b>2016 AMOUNT</b>	<b>DEPARTMENT</b>
Sims Brothers	Recycling Services	\$0	Public Works
Francis and Mary Lou Wilgus ms consultants	Maintenance Agreement	\$1	Public Works
Pomeroy & Associates ms consultants	The Point MORPC Application	\$27,500	Engineering
ODOT	Revised Proposal West Central Bikeway East Side Traffic Alt. Analysis	\$84,273	Engineering
H2O Innovation	US 23 Penn-Sandusky	\$39,445	Engineering
	Antiscalant	\$145,670	Engineering
		\$1060/drum	Public Utilities

# Delaware Fire Department

## November 2015 Monthly Report

PERFORMANCE REVIEW	2012	2013	2014	2015	November	Year-to-Date	% Year to Date	% of Budget	(+/-)
	Actual	Actual	Actual	Budget	Actual	Actual	Budget	Completed	Projected for Year
<b>Total number of incidents</b>	4,928	4,831	5,173	5,372	460	4,927	91.72%	91.67%	0.05%
Fire	103	104	101	107	9	121	113.08%	91.67%	21.42%
Rupture/Explosion	9	3	3	3	0	1	33.33%	91.67%	-58.33%
EMS	3,861	3,883	4,047	4,197	362	3,887	92.61%	91.67%	0.95%
Hazardous Conditions	173	131	124	135	15	122	90.37%	91.67%	-1.30%
Service Calls	146	94	141	146	21	147	100.68%	91.67%	9.02%
Good Intent	169	165	162	176	10	145	82.39%	91.67%	-9.28%
False Calls	453	440	589	599	42	493	82.30%	91.67%	-9.36%
Severe Weather	6	3	0	2	0	1	50.00%	91.67%	-41.67%
Other	8	8	6	7	1	10	142.86%	91.67%	51.19%
Number of medical transports	2,593	2,576	2,586	2,888	360	3,654	126.52%	91.67%	34.86%
Percent of priority calls w/ response within 6 min	57%	56%	68%	68%	78%	75%	72.00%	91.67%	3.00%
Percent residential structure fires ERF of 15 FF within 12 minutes	40%	70%	78%	70%	N/A	80%	14.29%	91.67%	70.00%
# Structure Fires			9	10	0	10	100.00%	91.67%	8.33%
# Structure with personnel and Times			7	7	0	8	114.29%	91.67%	22.62%
Number of commercial inspections conducted	594	1,222	1,473	1,250	55	1,344	107.52%	91.67%	15.85%
Number of plans reviewed within five days	89%	86%	100%	95%	100%	100%	105.26%	91.67%	100.00%
Number of fires greater than \$10,000	6	13	8	8	1	11	137.50%	91.67%	45.83%
Number of fires of suspicious nature	3	5	5	3	1	6	200.00%	91.67%	108.33%
Hours of Training	9,326	8,831	13,335	10,000	759	10,296	102.96%	91.67%	11.30%

### Major Incidents

- November 6, Structure Fire (small), Rockmill
- November 17, Structure Fire (small), Brittany
- November 20, Structure Fire, Scioto Twp.

### Other Activities

- November 8, Veterans Day Parade
- November 21, Christmas Parade
- 

### 2010 Fire Levy Status

- Equipment - Continuing
  - Three new Paramedic trucks are currently on order. The expected delivery is mid-2015.
  - Staff cars have been replaced in 2012, 2013 and 2014. This has included the implementation of retired police vehicles for station and inspector cars.
  - The new engine was delivered and placed in-service in April 2013.
  - The new paramedic truck was delivered and was placed in-service in January 2013.
  - The new ladder truck was delivered and was placed in-service in April 2012.
- Personnel - Continuing
  - Officer Development Training Continued. All new Lieutenants have completed their Instructor training, Fire Inspector and Fire Officer 1 certifications. They continue to work on their Associates Degree and other required classes.

- The total amount of new personnel hired since the new levy will be 22 with the addition of the three new Firefighters. Some of these positions have filled open positions.
- New Fire Station 304 - Continuing
  - Property was purchased in 2011 at 821 Cheshire Rd. The property was leased out and the lease moved out on November 30, 2013. In 2014, we plan to begin the analysis and plans for an anticipated groundbreaking in 2016.
  - The opening of this Station is dependent on the increased staffing. This will be accomplished through the use of Part-Time personnel to supplement the staffing. The Part-Time personnel will be backfilling the open positions caused by personnel scheduled leaves.
- Fire Station 303 - Completed
  - On September 27, 2014 we began operation 24/7. The Fire Station was dedicated on October 19.

**Council for Older Adults – Monthly Report on the Firehouse Coordinator**



**First In Response to Seniors**

**November 2015**

Referrals		# new SP-enrolled clients		Total Contacts (duplicated clients)		# Discrete Individuals served during the month		# of new individuals served	
Month	YTD	Month	YTD	Month	YTD	Month	Average Mo	New for Month	YTD Unduplicated
50	397	0	8	147	1773	53	66.00	25	427

**Referrals**

Delaware City Service Coordinator direct referral		Delaware City FD		Genoa Township FD		COA Staff		Orange Township FD	
Month	YTD	Month	YTD	Month	YTD	Month	YTD	Month	YTD
40	330		41	0	3	0	5	0	4
Liberty Township FD		Delaware County EMS							
Month	YTD	Month	YTD						
0	3	0	2						

**City of residence for those served:**

Delaware		Galena		Lewis Center		Ostrander		Westerville	
Month	YTD	Month	YTD	Month	YTD	Month	YTD	Month	YTD
51	405	0	2	1	2	0	2	0	4
Powell		Sinbury		Ashley		Other		Total	
Month	YTD	Month	YTD	Month	YTD	Month	YTD	Month	YTD
0	6	1	3	0	0	0	3	53	427

**Additional Services**

# services added		Home Delivered Meals		Shelf Stable Meals		Emergency Response Unit		Medication Dispenser	
Month	YTD	Month	YTD	Month	YTD	Month	YTD	Month	YTD
1	47	0	3	0	1	0	9	0	2
# individuals with new services		Incontinence Products		Durable Medical Equipment		In-Home Support		*Other	
Month	YTD	Month	YTD	Month	YTD	Month	YTD	Month	YTD
1	24	0	2	0	6	1	14	0	5

\*Other  
N/A

