

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Agenda

May 6, 2019

7:00 PM

City Council

*Bruce Jarvis – President
Mike Walker – Vice President
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Patrick Lynch*

A. Call To Order**B. Pledge of Allegiance - Coolman****C. Roll Call****D. Approval of Minutes**

[MIN-19-019](#) 4-15-19 Work Session Minutes ([Work Session Minutes](#))

[MIN-19-020](#) 4-15-19 Public Hearing Minutes ([Public Hearing Minutes](#))

[MIN-19-021](#) 4-15-19 City Council Minutes ([Council Minutes](#))

E. Communications & Petitions - NONE**F. Public Comments - Five Minute Limit Per Person****G. RESOLUTIONS - NONE****H. ORDINANCES*****Tabled***

[ORD-18-046](#)
Development
Sponsor: Clark

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 69.237 Acre Tract Of Exceptional Use (EU) To Limited Manufacturing (LM), Owned By Gender/Thirty Three, Located On The North Side Of Winchester Boulevard (PID 184-000532 And 184-000871) ([Ordinance, Exhibit A](#))

- Tabled at Third Reading

Third Reading - NONE***Second Reading***

[ORD-19-025](#)
Development
Sponsor: Amos

An Ordinance To Accept The Dedication Of Real Property From Phele Investment Properties, LLC ([Ordinance Exhibits A B](#))

- Second Reading Only

[ORD-19-026](#)
Development
Sponsor: Clark

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 110.244 Acres Of Land From A Combination Of Exceptional Use (EU),

Limited Manufacturing (LM), And General Commercial (GC) To Entirely Limited Manufacturing (LM), Owned By Willis M Alspach, Joan A Alspach, And David B Alspach, Trustees Of The Willis M Alspach Revocable Living Trust, Located On The Southeast Corner Of The Intersection Of Bixby Road And Rager Road (Parcel ID 181-000159, 181-000026, 184-000828, 184-000879, And 184-000954) ([Ordinance, Exhibit A](#))

- *Second Reading Only*

First Reading

[ORD-19-027](#)

Finance

An Ordinance To Amend The 2019 Appropriations Ordinance 18-040, Amendment #3 ([Ordinance](#))

- *Request waiver of second and/or third reading and adoption*

[ORD-19-028](#)

Finance

Authorizing The Issuance Of Not To Exceed Nine Hundred Fifty Thousand Dollars (\$950,000) Of Notes In Anticipation Of The Issuance Of Bonds For The Purpose Of Acquiring Approximately 110.244 Acres Of Land And Interests In Land At The Corner Of Bixby And Rager Roads And All Necessary Appurtenances And Improvements Thereto; And Declaring An Emergency ([Ordinance](#))

- *First Reading Only*

[ORD-19-029](#)

Development

An Ordinance To Authorize The Mayor To Accept An Easement For Water Line From HD Development Of Maryland, Inc. And Declaring An Emergency ([Ordinance, Exhibit A](#))

- *Request waiver of second and/or third reading and adoption*

[ORD-19-030](#)

Public Service

An Ordinance To Accept Hill Road Right-Of-Way ([Ordinance, Exhibits A B](#))

- *First Reading Only*

I. Reports

Mayor's Report

[19-039](#)

[Mayor's Report](#)

Fairfield County Sheriff

Law Director

Finance Director

[19-035](#)

[Finance Director's Report](#)

Public Service Director

[19-037](#)

[Public Service Project Updates, Construction Services Update](#)

Development Director

[19-036](#)

[Development Report](#)

J. Council Reports

Work Session/Council - May 20, 2019 at 6:00 p.m.

Work Session/Council - June 3, 2019 at 6:00 p.m.

CW Human Services - Mr. Lynch

CWICC - Mr. Clark

CWJRD - Mr. Bennett/Mrs. Amos

Destination: Canal Winchester - Mr. Walker

K. Old/New Business

L. Adjourn to Executive Session (if necessary)

M. Adjournment

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Minutes - DRAFT

April 15, 2019

6:00 PM

Council Work Session

*Mike Walker – Chair
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Bruce Jarvis
Patrick Lynch*

A. Call To Order

Walker called the meeting to order @ 6:00 p.m.

B. Roll Call

Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker

C. Also In Attendance

Mayor Ebert, Matt Peoples, Lucas Haire, Amanda Jackson, Bill Sims, Dick Miller, Steve Smith, Shawn Starcher, Rick Brown, Joe Taylor, Sargent Cassel, Shane Spencer

D. Reports

Bill Sims - Sims: Thank you Mr. Walker, Gender Road Phase IV – we are starting to wrap that up out there at this point; the traffic signal work is complete, with the exception of the street name signs, which we are expecting any day; concrete work was completed a little more than a week ago – that basically just leaves restoration as our primary objective here, which may begin this week – if not, it will definitely be done next week; get the last of the top soiling and seeding, and reseeding done, so we can get that project closed out right around the end of the month; 2019 Street Program is underway; the contractor is currently working on concrete items, which is primarily the sidewalk program and Winchester Village; sidewalk ramp replacements on the streets we are going to be paving in Ashbrook and Westchester, and Prentiss School and Canal Street, some miscellaneous curb work around town, a few pieces of things that have been damaged over the last year that are getting taken care of; the concrete work – we have about 2 weeks' worth of that, and then we are starting on the pavement work right around the 1st of May; ideally we should have that wrapped up right around June or so; on the private side, we have Crossroads Church – the sanitary sewer pipe is now installed for that project; they are currently working on the building foundation, all the perimeter footers are in, and they're working on some of the internal footings; the site has drastically improved from a mud standpoint with the improved weather here in the last few weeks; Westchester 13 – water and sewer are both in the ground; storm sewer is just about complete for phase 1 at this point; the contractor is currently working on grading for the roadway subgrade; they're going to be doing a cement stabilization of the subgrade out there, so they don't have to deal with the moisture issues in the soil that currently exist; you'll probably see that yet here in April; the Nifco project on Robinette Way – the waterline connection is scheduled for Wednesday later this week, to tap our main, and get the water run into their site; the sewer laterals have already been extended to the building on that project; Hampton Inn – the site work is basically complete for the time being, until they get further along on the building; Turning Stone project – contractor is currently working on earth work on the back of the site; that needs to be completed before they can finish the water and sewer, so they have some fills to place out there; they were basically waiting for better weather conditions to be able to place the earth, and dig the pond; the Mill Tech project on Canal Pointe, at the end of Howe Parkway – that site has been started, water and sewer taps have been made; things are progressing there; a couple of miscellaneous things – for acb.net, they're installing a conduit for fiber, for the small cell antennas; they've been installing conduit on Washington Street, Cemetery Street, West Waterloo from Cemetery to Gender, and then Gender, south of Groveport, also over on Winchester Pike; they're moving along pretty well, they should be wrapped up with all of the conduit work this week; we will probably see crews in town pulling fiber cables; there's a lot overhead as well – we'll see multiple crews working on that; Columbia Gas of Ohio – I'm sure you've noticed - has been

working in the road on High Street, north of the railroad tracks; they had a leak in their pipe, it's in the casing under the railroad tracks, thank goodness, but they did have to dig a hole on either side of the tracks to replace that pipe; just a couple items for the future – I'll be bringing you an easement for ACD, for a property of ours on Groveport Road that we had them run through, basically to avoid dealing with all of the utilities within the actual Groveport intersection that we just did; and also some right-of-way dedications for the Groveport and Gender Road intersection as part of Gender IV; we have a number of parcels in that area, we're going to dedicate some portions of those parcels as the new public right-of-way; I'll be working on bringing that to you.

Dick Miller - Miller: Mr. Walker – more exciting than the Spring Solstice, Stonehenge or the (unintelligible) is Potting Day – that is going to be noon, May 3rd; we are continuing to plant evergreen trees as a screening along the north side of the reclamation plant; that portion of the planting will be completed this week; Thursday, April 18th – Tree City Awards; that is taking place at Capital University; 2018 was our 26th year; we'll have to do a little sign change; this Saturday at 1pm is the Conservation Workshop at the community center; we will have an open discussion on the evergreen trees that residents should be planting in the warming world; Friday, April 26th is the Arbor Day celebration at 2:15pm with the 2nd grade class at Indian Trail Elementary; you would get to hear the mayor read the Arbor Day proclamation at that event; Saturday, May 4th – 9-11am is the annual tree giveaway at Stradley Place; Walker: Potting Day is one of my favorite days of the year.

Steve Smith - Smith: Hello everybody; I wanted to say thanks to everyone for their support and kindness through my family's tragedy, I appreciate that, and we are working through it; let me take you back to February, since I was in Florida in March; we had three times normal rainfall, set a new all-time record at 4.8 million gallons for the treatment plant; we had no problem meeting permit at all, as a matter of fact we beat it by 50%, so things are well there; we did find out something recent in regard to the power outages we've experienced through these storms; our existing generator, which is circa mid-80's, is not capable of providing enough power to the new upgrade, in order to support all of the equipment; as a temporary measure, we have constructed an algorithm to reconfigure the control feature that will stint off any unnecessary equipment while the generator is on; we will be moving forward in a faster fashion with an upgrade to that generator, you will probably hear more about that as time goes on; we are hoping to do that next year; we did have a little bit of less efficiency because of all this rain, you can imagine when all that water washes through, it lets the bugs swim a little faster, and they don't like that so much; we are doing manhole installations possibly later this week on the end of East Waterloo, it's to repair some subpar sewers there, before they do the paving; it may start tomorrow, but in the next couple of weeks it will be finished; we have a sewer line repair on Groveport Road – that was drilled through by an underground borer, and that's going to be repaired by a contractor; lastly, we rebuilt one of our biggest pumps in-house for the very first time; we got a 32% gain in efficiency, and I'm kind of proud of my crew for that; Jarvis: Steve – when you shared the stat of 4.8 million gallons – is that per day? Smith: Yes, the plant rating is 2.48, so we near doubled it; it's got a flow through of 5 (million) per day; we hit near right on that number, so that's all the water you can shove through there; we were really pleased with the performance – surprised might be a better word, because that's a lot of water; Jarvis: What would happen if it exceeded 5 million? Smith: The pump capacity is finite; you'll have a situation where the wet-well can back up, and that's why we installed that storm water pump; we rested easy during this thing, we weren't pacing like we had in the past – this time we knew we had a way to move some water out of there, and keep the basements dry; what it does – you can imagine, when you

see a rapids in a river, or in roads, it carries the bugs away and they go out to the river, and you're left with two 950,000 tanks of raw sewage; that takes months to reculture; we didn't have any of that – no solids lost, we were very pleased; Clark: 50% capacity left, or it was just running at 50%, even with that much volume? Smith: We beat the permit by 50% - we have what's called a 10-12 permit; we are allowed 10 parts per milligram of the primary pollutant, and 12 parts of trash – it's called TSS – we beat those by 50%; we weren't even near having a violation, which we were very pleased with that fact.

Shawn Starcher - Starcher: Thank you Mr. Walker, mowing season has begun – we started last Friday, and we were back at it today, and we'll finish up over the next 3 days here; the guys are glad to be on the mowers instead of plow trucks; we also started mulching playgrounds – we will start working with Dick and his crew as well with mulching all of the parks; street sweeper- that has been returned and repaired, and operating great; that was out today, and we're catching up – we had lost that machine for about a month for the repairs; it will be out Monday through Thursday, since we are off Friday; I understand with some residents who had some concerns about parking in Canal Cove; that was relayed to me, I met with Sargent Cassel about that; myself and some deputies went out there and we looked at the parking at the entrance on Cannon Drive; we did agree that there needed to be some signage; we agreed to where those needed to be placed, and what they needed to say – those were ordered and installed last Monday; everything should be good to go out there now; we have a painting contractor here in town – they are painting some wrought-iron, trash cans around town, they will be continuing to do some streetlights out over Waterloo as well; all of this is occurring with 2 guys down on staff with some personal injuries that happened at home; we did get one guy back today with some restrictions – we are busy and short-staffed a little bit, so it's been a challenge, but we are getting through it.

Rick Brown - Brown: Good evening everyone; the cameras we can finally call complete this year, we finished the last camera up at the pool; we have that guarding the pool parking lot this year that we haven't had in the past, along with the other cameras, so that project is complete; Microsoft has continued to challenge me this month with their updates; we're going to update a little less frequently to alleviate this situation, it's way too much time spent on fixing their problems with their software and how it interacts with ours; we will do that a little less frequent, but still frequently enough that's acceptable; offsite failover and backups – we've continued to work well on that, we've got 3 servers that are giving us a little problem; we've got an upgrade due to the infrastructure, the network between the data center in downtown Columbus and our data center; that should alleviate that problem, hopefully within the next 30 days; the wastewater plant – I've mentioned this before – we built a network, a wireless network, to test out the fiber – we're going to try and get rid of the fiber that's down there; it was great, but it's 25 years old and failing; if we can get this new wireless network working, it should save us around \$130,000 in costs to run new fiber, so that would be a pleasant surprise; other than that, nothing more to mention; Jarvis: Just to zero-in on your last statement – we were paying \$130,000 a year for leasing fiber? Brown: No, that's just to run the physical fiber to the plant; it's gotten brittle – the physical fiber itself, it needs replaced; we got an estimate from REI, I believe it was, and it came in around \$130,000; Jarvis: Okay, so it's a cost-avoidance thing; Brown: Absolutely.

Joe Taylor - Taylor: Good evening, today we started fire hydrant flushing; we started around the plant – tank town, Winchester Trace, everything old town east, a little bit going west towards the ? and around up ?; we've also been working out on East Waterloo doing valve bolt replacements prior to the paving construction we are going to be doing here in a couple of weeks; we hope to wrap that up tomorrow or

Wednesday; continuing the AMI meter installs – we haven't done a lot in the last few weeks because what we've had going on with the hydrant flushing and the valve bolts; we are at about 1,567 units, and we have installed 47 since the last meeting; we're running around 50-60 a month right now; we had the Ohio EPA lab recertification on March 22nd, we didn't have any violations or discrepancies, that went well; we are still working with Bird & Bull – just waiting on a quote for the VFD installs for high-service pumps 2 and 4; we pumped 24.7 million in March, at an average of 773,000 a day, which is equal to about 38% of our capacity – that's a pretty low number; Walker: I heard you say no complaints? Taylor: Nope – I'm sure we will with hydrant flushing, because we are stirring up the mains.

Sargent Cassel - Cassel: Thank you Mr. Walker, I have the stats for March 2019 – 460 dispatched calls, 1,028 pick-up runs, 291 multiple unit calls, 93 reports, 29 addendums, 0 FI cards, 13 civil papers attempted, 5 civil papers served, 3,762 building checks, 455 vacation checks – that's a good number, I'm glad that the residents are picking up on the vacation watches, because that's a good thing that we offer; 146 traffic stops, 75 citations, 116 warnings, 1 felony arrest, 23 warrant arrests, 23 misdemeanor arrests, 4 OVI arrests, 2 pink slips, 1 charge packet, 3 summons in lieu of arrest, 83 misdemeanor charges filed, 10 felony charges filed; I think we had a pretty good month, as you guys know, when it gets warm out, we get really busy; with the extra patrols that I've been putting up on Diley Road, it seems like the crashes have been going down, we aren't as busy on Diley; I'm trying to do the same thing on Gender Road, because that's kind of like the Bermuda Triangle of crashes.

Amos: Sargent Cassel, I have a very miscellaneous question – on the mayor's report, there's a charge called 'lighted lights', what is that? Cassel: Failure to dim probably, I'd have to see it in front of me; Jackson: I can show you; Cassel: It's probably failure to dim, or driving with your headlights off; Amos: Thank you, it was just odd – it just stuck out to me.

Shane Spencer - Spencer: Thank you Mr. Walker – just a couple of updates from last month; I think our big thing was our application to ODOT, to participate in their safety funds program for the Gender Road corridor; our application was accepted, so we have been enrolled into the program; over the last couple of weeks, we have been contacted by ODOT to initiate some of the kickoff activities, providing some information, questionnaires; it has been a little bit of an effort compiling a lot of historical information – past studies, current timing information, plans for the signals; we were able to compile all of that information – if you recall, that program we also partnered with the City of Columbus to include Winchester Pike and Lehman Road signals; Columbus was able to provide the same information to ODOT; in fact, right now, we are just waiting for a formal schedule for a kickoff meeting at ODOT's offices; at that time, they should give us a detailed schedule of those activities, which will include a lot of traffic counts; you may see some activity as they inspect all of the signal installations; expect the total process to take 6-9 months for their final recommendation and implementation; hopefully next month I'll be able to show you a little more detail on that schedule; good opportunity, that is definitely moving forward; the other item is the upgrade here to the rail crossing – design is in progress, and we're working with the railroad to try to come to terms on a schedule for implementation this year; that is what I have, any questions?

E. Request for Council Action

ORD-19-025
Development

An Ordinance To Accept The Dedication Of Real Property From Phele Investment Properties, LLC (Ordinance Exhibits A B)

- Request to move to full Council

Haire: Thank you Mr. Walker, this ordinance would allow the city to accept a little under half-acre parcel at the dead-end of Winchester Boulevard; this would allow the extension of Winchester Boulevard; there's actually another parcel that will come to us later, but it's owned by a different owner; we are trying to get this one taken care of, so we can get it in the city's hands prior to the project starting, and then we can do a right-of-entry with the developer that's proposing to extend Winchester Boulevard as part of OPUS's development project, they'll be extending Winchester Boulevard 1,100 feet; we did the TIF agreement at the last meeting, so ? Investments would like to get this over to us, so we can move that project forward.

A motion was made by Amos to move ORD-19-025 to full council, seconded by Coolman. The motion carried with the following vote:

Yes 7 – Amos, Coolman, Bennett, Clark, Jarvis, Lynch, Walker

F. Items for Discussion

19-030

2019 Pool Rates

Peoples: About this time of year, we like to come in and talk about the rates; we think we had a successful season last year – the only thing that we were really looking at was there was a CWJRD Swim Team rate on there – trying to figure out how to coordinate that; we met with Will and Chasity to try to figure out what would work best; they did their own survey, to figure out how their families liked the arrangement that we have with them; it's about \$70 – it could be a little more depending on if they are in town or out of town – but they do have quite a bit of savings associated with a membership when they sign up for swim team; it's quite expensive, maybe the most expensive sport; they were also required to get a swim membership from us, so that's why we discount the rate quite a bit; obviously the swim team does have an impact to the contract that we have with Columbus Pool Management; all that being said, that was the only thing that we were looking at; we figured out – the survey showed that 75% of the families liked the arrangement that we have, so we would like to keep it that way; our recommendation is not to have any increases or decreases in the pool memberships for 2019; Bennett: I think that's great, I appreciate Matt and Amanda's thought process on trying to provide families with another alternative; it was actually a cheaper initial investment for families, if they were looking to potentially get into the swim team; it was a great concept, and like Matt said, we took it back to the families, and it was overwhelming that most families preferred the structure the way it is; I do appreciate the extra effort they went through to think about families and the costs, and trying to help us mitigate the costs for families; Peoples: We do have some logistical issues that we work through on getting the memberships – the physical membership cards – and getting them all into the system, but that's something we will work on in the next week or so; Jarvis: Since there are no changes, does it require any action on our part? Peoples: No, we are just going to keep the ordinance we had last year in effect – it doesn't have an expiration, it's solid until changed.

G. Old/New Business

Bennett: Mr. Walker, when we came in tonight, there was an article about phone addicts at our desks, I didn't know if this was - Jarvis: The mayor came in with that, he found it in a periodical last week; Mayor: Yeah, it was in the daily news networking thing I get; I thought it was interesting, we were talking about it; Bennett: Yeah, it's extremely timely and interesting, thank you for sharing that.

Cassel: Lighted lights is no headlights; had to see it to see what you were talking about; Amos: Thank you, I appreciate you looking that up – it's an odd name for it.

Walker: I recommend that everybody read this, what the mayor put out – with the topic that Mr. Bennett brought up at the last meeting; Clark: Has Gene provided any further information? Walker: I think that might be possibly provided tonight; Mr. Bennett if you want to follow-up, and see if Gene has provided something for the next meeting? Bennett: Sure.

H. Adjournment @ 6:32 p.m.

A motion was made by Clark to adjourn, seconded by Lynch. The motion carried with the following vote:

Yes 7 – Clark, Lynch, Amos, Bennett, Coolman, Jarvis, Walker

DRAFT

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Minutes - DRAFT

April 15, 2019

6:30 PM

City Council

*Bruce Jarvis – President
Mike Walker – Vice President
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Patrick Lynch*

- A. **Call To Order** *Jarvis called the meeting to order @ 6:48 p.m.*
- B. **Roll Call** *Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*
- C. **Purpose of Public Hearing**

ORD-19-026
Development

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 110.244 Acres Of Land From A Combination Of Exceptional Use (EU), Limited Manufacturing (LM), And General Commercial (GC) To Entirely Limited Manufacturing (LM), Owned By Willis M Alspach, Joan A Alspach, And David B Alspach, Trustees Of The Willis M Alspach Revocable Living Trust, Located On The Southeast Corner Of The Intersection Of Bixby Road And Rager Road (Parcel ID 181-000159, 181-000026, 184-000828, 184-000879, And 184-000954) ([Ordinance, Exhibit A, P&Z Recommendation](#))

D. **Staff Report**

Haire: Thank you Mr. Jarvis, that was a mouthful; there are a number of parcels involved here; this is the property that the city is in contract to purchase on Bixby Road; some of that parcel – two of the parcels actually – are in the city of Canal Winchester, 3 of them are being annexed, which will come up before council at their May 20th meeting, to finalize that annexation; what we're doing tonight is the public hearing, and the first reading, and the final reading will align with the same night that the annexation is accepted; the property owner currently is Willis Alspach, we are in contract to purchase that property, and are the applicant for this; what we are requesting is to rezone the parcel from exceptional use, from limited manufacturing, and general commercial – rural in Madison Township is the current zoning – to limited manufacturing; that's the proposal there, the area in purple is the area that we are proposing to be rezoned to limited manufacturing, to allow for manufacturing uses – limited manufacturing is our only manufacturing district in our code; there is a number of restrictions for development on this parcel; the grey area on the map is floodplain – that's the 100 year floodplain, the hashed area is the floodway; to the south, there is a 100-foot-wide overhead electric transmission line easement, and also a natural gas – an underground transmission line that was relocated last year, if you recall the construction that took place, where they did the crossing under 33 – that's the location, it effects the southeast corner of the parcel; here is a flood map of that parcel; when you look at this parcel, it's 110 acres; about 55 acres of that – just about half – is in the floodplain, in the 100-year floodplain, and half would be available for development; primarily the areas that would be available for development are all along Bixby Road; the property currently has access to Rager Road and Bixby Road; Rager Road is still open to 33 as a full access point; Bixby Road was improved 3 years ago by Franklin County, it is a Madison Township road, but Franklin County did a project to realign Bixby Road with the intersection at Brice Road, putting in a traffic signals associated with that; primarily in the future any manufacturing traffic would access this site by using the Gender Road interchange, then would access via Winchester Pike, and then Winchester Pike to the traffic signal at Brice Road and Bixby Road, and then they would access the site; there is still a stub of Bixby Road that ends in a cul-de-sac, that is the majority of the frontage to this site; any future development that takes place on the site, they would have to look at the traffic impacts, and any potential traffic impacts that they would have, they would need to account for – that would be done through the

Franklin County Engineer; what we are annexing does not take in any of the road right-of-way from either Rager Road or Bixby Road; when Franklin County did their project, they split off the right-of-way parcels, and acquired those parcels; the Franklin County Engineer would overview those improvements for Madison Township; any development that takes place would likely have to do some improvements to widen Bixby Road, and if they're planning to access Rager Road, they would have to do some improvements to Rager Road; Rager Road is not of a width that you can even pass 2 cars, so it's not in a condition to serve any type of industrial development; that would be looked at with any future development proposal; this site is pretty isolated from any residential properties, so impacts on residential properties are few; there are 4 parcels to the north that are residentially used; one of those that is currently in the city of Canal Winchester is zoned general commercial; the other 3 are zoned rural, which is in Madison Township zoning; we have just prepared annexation petitions for 2 of those parcels, who will be annexing into the city of Canal Winchester; the property owners have inquired about doing that, and they've also inquired about being part of any future industrial development that takes place there; those are the 2 center parcels – the parcel on the corner, which is at Rager Road and Bixby Road, is not interested in doing that at this point; the other parcel is zoned commercial, those are the 4 residential parcels there; this is pretty isolated with the creek being there, with 33, with the overhead transmission lines; there are 2 parcels across Rager Road from this – 3 parcels – 2 uses there; there is a church that's there at the corner of Rager Road and US-33, and there is one single-family home that is located directly across from the parcel on Rager Road; Planning Commission held a public hearing on this in February; they recommended to council that they approve the rezoning to limited manufacturing at that meeting; that was a unanimous vote to do that; I'd be happy to answer any questions you may have about this property – we are proposing to serve this with a 12-inch waterline, which would be extended from Home Depot; we would have a sanitary sewer lift station located somewhere around the intersection of Rager Road and US-33, with a pressure main that would connect back to sanitary sewer that is currently at Wyler Chevrolet; we would be running a 15-inch sewer line up Rager Road to serve this, and potentially future parcels that might annex into the city.

Jarvis: With regard to the water and sewer, the utilities on that parcel, is it anticipated that there will be any heavy users of either of those utilities? Haire: We don't know exactly who the users would be right now; the users that have expressed interest so far would be more logistics-type businesses; they wouldn't necessarily have a large load on our utility system; Jarvis: The adjacent property owners to this parcel, they have all been notified that this process is underway? Haire: Yes, they have been notified of the public hearing this evening; they were notified of the application, and the Planning & Zoning public hearing; we had one property owner – he is not a resident, but he is the owner of a parcel adjacent to that, that showed up for the Planning & Zoning meeting; he was in support, he is one of the owners that has actually asked us to annex his property.

Clark: I think Lucas that you can develop more than just the floodplain by raising the land up, right? Haire: Correct; Clark: There's more than just 50%; Haire: More could be filled, it's just the cost of doing so – whether it makes economic sense to do it; it would be a challenge to do it right now, but in the future with the changes that take place, it could be developable.

Lynch: Mr. Haire, it looks like the utilities – the overhead lines, as well as the gas lines, they all go through the floodplain area; Haire: That's correct, there is a small portion – that is the electric line easement; there's maybe 3-4 acres that's underneath that transmission line; primarily it's in the floodplain area; Lynch: Does the gas line go through there as well? Haire: The gas line is almost all in the floodplain area; Lynch: The neat thing about this is that no matter what gets built back there, it's far enough from 33, so it

won't be right off of 33; it will be nice for any kind of future development aesthetically; Haire: With this zoning district, there is also buffer requirements from residential properties; in our limited manufacturing district, we require a 50-foot buffer from any residential property; the parcel to the east of this – the single family home that is zoned commercial – we would require a 20 foot buffer from that parcel, because it is commercial zoning; they generally require that with annexation, if you have incompatible land uses, that you provide some type of buffer; we would do that in this case, and we would do that from a landscaping, and screening, and all of those things.

Bennett: Mr. Haire, what are our 4 criteria when we are considering rezoning? Haire: The compatibility of the proposed amendment to adjacent land use, adjacent zoning into appropriate plans for the area, including but not limited to the comprehensive plan; relationship of the proposed amendment to access traffic flow, utility services, including sanitary sewer, water, storm drainage outlined the transportation thoroughfare plan, comprehensive plan, or other adopted plans for the area; relationship of the proposed amendment to the public health safety convenience, comfort, prosperity, and general welfare, including impact on infrastructure and municipal services; relationship of the proposed use to the adequacy and availability of the services into the general expansion plans and planned capital improvements; Bennett: Thank you for running through that, I appreciate it; do we know of any other development plan for the rest of that area? Not just that parcel we are looking at, but how that works with the rest of the area; Haire: We talked to the city of Columbus – the city of Columbus has utility services that currently run down Bixby Road, so we inquired to them about the potential of servicing this parcel using their utilities, and they declined to service this property; we don't know exactly what's going to take place in the parcels around it, because in Madison Township they're zoned rural; both the parcels to the west, and the parcel to the north are Madison Township, and zoned rural; to the northwest is a proposed development called Cobbleton that was planned prior to the recession; it's still priced like it's pre-recession pricing; I'm not sure anything is going to happen – that was planned when there were plans for a Bixby Road interchange as well; plans have obviously changed for that with the state kicking that further and further down; hopefully with the gas tax that's recently passed, and the increase of ODOT having more available funds, we can work with any potential developer of this site, and do a plan for the entire area; hopefully we can get that interchange at Bixby Road back on track; with Gender Road, and the amount of traffic on Gender Road, the amount of people being forced to use Gender Road because the access at Rager and Bixby are not really safe, then it drives more people to Gender; if you can disperse that with another interchange, it would be safer for everyone involved.

Bennett: I guess my next question would be if those rural zoned properties were Canal Winchester properties, how would we – would we still consider this rezoning to limited manufacturing? Would that still apply – would we have any concerns butting up limited manufacturing up to a rural-zoned property? Haire: Do we have any concerns about limited manufacturing, and its impact on rural zoning? Bennett: Yes; Haire: I don't have any, that's what typically takes place as you get industrial development that takes place around farms, generally; they're normally taking place on the edge of cities rather than in cities, just because they require much more extensive amounts of land.

Walker: Mr. Haire, you mentioned a lift station – what is the depth of the sewer there? Haire: I don't have the number in front of me; what we are proposing is a 15-inch sanitary sewer line that would run down Rager Road; I'm not sure of the depth of that; a 15-inch line allows you to lower the slope, so using a 15-inch line will give us more capacity in the pipe obviously, but it allows us to go a lower slope to get to that; the lift station really sets the depth of what that sewer would be, and we have to look at how much area we want to serve, or think we can adequately serve from that; we are designing the lift station to be

scale-able, so if we have more property that would want to come into it, they can scale up and use that lift station; we may have a pinch-point at some point expanding with the sanitary sewer line that crosses under 33; that would be our primary challenge to serving a wider area; there may be a point in the future, if we expand beyond this property and draw in a number of parcels, that we would have to come back in and change the line under 33 to a larger diameter pipe, to accommodate that; Walker: That's why I was asking, thank you.

Jarvis: I want to remind council that we will have an opportunity to discuss this after the public comments section.

**A motion was made by Clark to move ORD-19-026 to full council, seconded A mot
by Bennett. The motion carried with the following vote: by Ber**

Yes 7 – Clark, Bennett, Amos, Coolman, Jarvis, Lynch, Walker Yes 7 -

E. Public Comments - Five Minute Limit Per Person

F. Council Discussion and Recommendation

Amos: Mr. Haire, I know Bixby Road keeps getting pushed back; with this going forward, are you able to have a conversation with ODOT saying 'hey, listen, we are looking to build these manufacturing plants along here' in the hopes that we can speed that up? Haire: We are talking to ODOT already about that; their job is in commerce division about that; generally, the way ODOT looks at these things is they won't come to the table with any funding or improvements until there are jobs associated with the project; until there are users identified with those parcels, they're not going to participate in anything; it's kind of the chicken and the egg, right? If you had the improvements take place, you would have more users come there, but that's the way they look at those; they have funding available, if there are jobs associated with the project; we will stay in touch with them in terms of not only this development, but the proposed OPUS development as well, and the impacts that that would have on the Gender Road interchange; Amos: I think you and I are both on board with getting an alternative exit from Gender Road.

Bennett: Do we need to make a recommendation? Jackson: We just need a sponsor for the legislation; Boggs: The review procedure in this public hearing process gives council 45 days to make its decision; that does not have to be done tonight; Jarvis: However, it does appear on the agenda this evening, so there was some expectation that we were going to move forward; Jackson: It's just on for first reading; you still have the time to do what you choose with the legislation.

G. Adjournment @ 7:08 p.m.

A motion was made by Bennett to adjourn, seconded by Lynch. The motion carried with the following vote:

Yes 7 – Bennett, Lynch, Amos, Clark, Coolman, Jarvis, Walker

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Minutes - DRAFT

April 15, 2019

7:00 PM

City Council

*Bruce Jarvis – President
Mike Walker – Vice President
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Patrick Lynch*

A. Call To Order *Jarvis called the meeting to order @ 7:08 p.m.*

B. Pledge of Allegiance - Clark

C. Roll Call *Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Walker*

D. Approval of Minutes

[MIN-19-016](#) 4-1-19 Work Session Minutes ([Work Session Minutes](#))

[MIN-19-017](#) 4-1-19 City Council Minutes ([Council Minutes](#))

A motion was made by Bennett to approve MIN-19-016 and MIN-19-017, seconded by Amos. The motion carried with the following vote:

Yes 7 – Bennett, Amos, Clark, Coolman, Jarvis, Lynch, Walker

E. Communications & Petitions

[19-033](#) Dr. John Bender Scholarship Awards Presentation

Mayor: For the past several years now since John Bender's passing – Dr. John Bender – we have come up with the John Bender scholarship; every year we give out 2 scholarships to deserving students in the Canal Winchester high schools; we had a few applicants this year, and it's very hard; Bruce – Councilman Jarvis and Councilman Walker and myself reviewed the applications this year, as we do every year; every year it gets a little bit harder, it seems like; we don't know the names of the people, we don't know who we are voting for, or who we are deciding on, it's all done redacted; I think the people we chose are very, very deserving.

Mayor: The Doctor John Bender Scholarship, awarded to Courtney Cowgill on this day April 15th, 2019; signed Mayor Michael Ebert and Bruce Jarvis, council president.

Mayor: The Doctor John Bender Scholarship, awarded to Jacob Howard on this day April 15th, 2019; signed Mayor Michael Ebert and Bruce Jarvis, council president.

Mayor: We always look forward to doing this, Dr. Bender was an incredible person; it's a great tribute to him, and you all should be proud of getting this scholarship.

Courtney Cowgill, Canal Winchester High School student: I just wanted to say it is an honor to receive the Dr. John Bender scholarship; even more with the support of the city council, and the community behind me, making my future endeavors that much easier; I plan on attending the University of Toledo, and majoring in nursing; again, thank you.

Jacob Howard, Canal Winchester High School student: I just want to say thank you for this scholarship, and selecting me; I will be going to Ohio University and being a high school math teacher.

Jarvis: I just want to echo something that Mayor Ebert said about how difficult it was to go through those applications; it's really common for people to say the younger generation doesn't have the same drive; I can tell you from reading your papers, and seeing what you have accomplished and where you are headed that we have nothing to worry about, the world is in really good hands with people like yourselves; Walker: I will also add to that; I was up late reading these over, and over, and over again, and then the next day in meeting with everyone; excellent job, well done.

F. Public Comments - Five Minute Limit Per Person

Karen Stiles, Destination: CW: First of all, congratulations, very impressive; I'm Karen Stiles, the executive director of Destination: Canal Winchester; I'm here tonight, because we are gearing up for a lot of activities in Canal Winchester; with that, we're going to be using Stradley Park, with your permission, for the Farmers' Market, and the Art Stroll, and the streets for the Blues & Ribfest; I'm here to ask your permission for that; the Stradley Place for Farmer's Market, and the Art Stroll, and the Streets for TOSSR, as well as historic downtown for the Blues & Ribfest; Jackson: I can say that in the past, we have done a resolution specifically for Farmers' Market and Blues & Ribfest, allowing them the use of city property; I'm more than willing to do that again this year, if that's the way we would like to go; Jarvis: Yes, as long as we get everything that you have in the pipeline accounted for; is that alright with everyone? Stiles: I'm in real trouble if you turn me down; Jarvis: This would be a blanket resolution for all of the events that Destination: Canal Winchester sponsors; Jackson: Okay, we can have that ready for the first meeting in May; Walker: You will be bringing goats this year? Stiles: At the Farmers' Market? Of course, absolutely.

G. RESOLUTIONS - NONE

H. ORDINANCES

Tabled

[ORD-18-046](#)

*Development
Sponsor: Clark*

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 69.237 Acre Tract Of Exceptional Use (EU) To Limited Manufacturing (LM), Owned By Gender/Thirty Three, Located On The North Side Of Winchester Boulevard (PID 184-000532 And 184-000871) ([Ordinance, Exhibit A](#))

- Tabled at Third Reading

Jarvis: Is there any reason to remove this? Clark: There is no reason to remove it.

Third Reading - NONE

Second Reading

An Ordinance To Dedicate Lithopolis-Winchester Rd. Right-Of-Way And Declaring An Emergency ([Ordinance, Exhibits A B C D](#))

ORD-19-023

Public Service

Sponsor: Coolman

*- Request waiver of second and/or third reading and adoption****A motion was made by Coolman to waive the 3rd reading for ORD-19-023, seconded by Clark. The motion carried with the following vote:****Jarvis: What is the reason for the suspension of the 3rd reading? Coolman: The ordinance has to be passed before a survey is performed, so we are running out of time on that; this is a sudden discovery.****Yes 7 – Coolman, Clark, Amos, Bennett, Jarvis, Lynch, Walker******A motion was made by Coolman to adopt ORD-19-023, seconded by Walker. The motion carried with the following vote:******Yes 7 – Coolman, Walker, Amos, Bennett, Clark, Jarvis, Lynch******First Reading*****ORD-19-025**

Development

An Ordinance To Accept The Dedication Of Real Property From Phele Investment Properties, LLC ([Ordinance Exhibits A B](#))*- First Reading Only***ORD-19-026**

Development

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 110.244 Acres Of Land From A Combination Of Exceptional Use (EU), Limited Manufacturing (LM), And General Commercial (GC) To Entirely Limited Manufacturing (LM), Owned By Willis M Alspach, Joan A Alspach, And David B Alspach, Trustees Of The Willis M Alspach Revocable Living Trust, Located On The Southeast Corner Of The Intersection Of Bixby Road And Rager Road (Parcel ID 181-000159, 181-000026, 184-000828, 184-000879, And 184-000954) ([Ordinance, Exhibit A](#))*- First Reading Only***I. Reports**

Mayor's Report

19-029**March 2019 Mayor's Court Report*****A motion was made by Walker to approve the March 2019 Mayor's Court Report, seconded by Bennett. The motion carried with the following vote:******Yes 7 – Walker, Bennett, Amos, Clark, Coolman, Jarvis, Lynch****Mayor: Just some things that are coming up in the very near future – May 15th from 6-8pm is the Kris Sims Memorial Relay for Life fundraiser dinner, at the Francis Steube Community Center, that's when all of you will help me serve; that is a \$10 fee for adults and \$5 for kids; on May 17th, 2 days later, we have Touch-a-Truck at Stradley Park; we are going to have several different trucks from the city, fire department and*

others; Mike Walker is going to DJ that night, right Mike? Walker: Yes sir; Mayor: Destination: Canal Winchester is going to have on May the 18th Art on the Canal, which is the – formally the Art Stroll – that's coming up; 3 events in one week, that's pretty huge; I guess that's it for the events coming up in the very near future – oh, yes! The TOSSR Tour is the same weekend as the Art on the Canal; Walker: The same time as Touch-a-Truck; Stiles: The first night of registration is May 17th, that evening; a lot of those bike riders will come in and – TOSSR stands for 'Tour of the Scioto River Valley'; it started in the 60's; last year, we had 800 riders, and they start in Canal – they register Friday night, go home, some of them come back and register Saturday morning; we start at 5am – they leave Canal Winchester, and either ride all the way down to Portsmouth, stay the night in Portsmouth, and come back Sunday; or some will ride down to Circleville and Chillicothe Saturday morning, and then ride back, and hopefully stay in Canal Winchester for the Canal Winchester Art on the Canal; Walker: Ms. Stiles, that is the same night, right? It starts the same night as Touch-a-Truck; Stiles: That's the Friday night registration, but the actual ride is Saturday, May 18th; registration starts at 5 in the evening.

Mayor: Additionally, I'd like to put out a big thank you to the Canal Winchester residents and everybody in town – April the 3rd, when the young man who was killed in Afghanistan – the procession went down 33; there was a huge turnout for that at Gender Road, as well as Diley Road; not only us, but Pickerington and Madison Township, and Violet Township; it was very, very touching; there must have been 400 – if you did not see that procession – there must have been 400 motorcycles in that procession; they just kept coming, and coming, and coming, and coming; it was quite a tribute to the young man; thanks everybody for doing that; Jarvis: Mayor Ebert, I think the thanks goes both ways; the city folks were there in strong numbers, and handing out flags for people to carry; it was very moving; I appreciate the fact that that came together on a short, short notice; Jackson: Mayor, one other event – the Easter Egg hunt this Saturday; Mayor: The Easter Egg hunt! Saturday we have an Easter Egg hunt at Hanners Park, 10am; I think there is 3 or 4 different groups age-wise; it takes about an hour and a half to hide the eggs, and about 3 minutes to find them; get there quick.

Walker: I'd also like to mention, Mayor Ebert, in the past we all of council would typically bring a dessert for that – Mayor: Yeah, Bill Sims is going to be sending out an invite for that, to bring a dessert; Walker: It's a fun thing, the mayor and council people will be serving and fighting for tips for the cause; it's quite fun to watch; I have to really watch my tables, that they don't get taken from me this year; the mayor typically ends up winning – it's quite a competition; come, if you can, we'd love to see you.

Fairfield County Sheriff - I have nothing to add to my original report.

Law Director - Boggs: Thank you, I have nothing to report – I stand corrected, we would request an executive session for the potential purchase of property.

Jarvis: I did ask him if he had an update from Mr. Hollins regarding the hands-free legislation; they're still under review, I guess.

Finance Director

[19-032](#)

[Finance Director's Report, March 2019 Financial Statements](#)

Jackson: Thank you Mr. Jarvis, today is Tax Day – Stacey Williams, my assistant, and I were both very busy with multiple phone calls about filing for city taxes; I'm kind of glad that's over! Other than that, I don't have anything in addition to my written report this evening.

Public Service Director

19-031

Public Service Director's Report

Peoples: Thank you Mr. Jarvis; just one thing from my report is the recycle days; I did talk with the student group, they are confirmed for April 20th at Indian Trail, or somewhere on that campus; we are meeting on Friday with Waste Management and the group, just to go over some of the logistics of that; Mr. Jarvis, Mr. Walker, Mrs. Amos are invited out there for that meeting as well; 9 o'clock Friday morning.

Development Director - Thank you Mr. Jarvis; last Monday night, we had the mixed-use project for West Waterloo Street that went before Planning & Zoning Commission; they approved the site development plan for that project; the next steps are that they'll be back before Landmarks next Monday night to look at some of the finer details of that project, the specific lighting, the specific windows, all of those things – the patio area between the street and building; after that meeting – I anticipate that that'll be approved at that meeting – we will moved forward with the CWICC in terms of entering into a lease agreement once that is done; the hope is that they'll be breaking ground on the project in June; we are also moving forward with the demolition of the property; the asbestos testing is done, there is asbestos in that home, so that will be remediated; that's going to take place likely over the next 30-60 days; they've awarded the contract to a contractor called Lowendick; they'll be doing the demolition, they're a demolition contractor; they have 60 days, I think, from April 9th, when they awarded that to demolish the building and remediate the asbestos; if you see any activity going over there, we've had the utilities disconnected; that's the preliminary step, all of that is moving forward; Amos: Mr. Haire, the demolition on that one – that was what we looked at at the last meeting? Haire: I think 2 meetings ago; the Central Ohio Community Improvement Corporation; Coolman: Mr. Haire, they are also removing the pads that are out back? Haire: Yes; typically on these demolitions, they remove everything on the site, and then they grade it and seed the property; Coolman: Are they wrapping the house for the remediation? Haire: They'll do it within a certified contractor; I'm not sure exactly that process, or where the asbestos is, I haven't seen the report; I just know that it did have asbestos, it tested positive; they'll have a certified contractor come in and remediate that.

J. Council Reports

Committee of the Whole - Monday, April 29, 2019 at 6:00 p.m.

Work Session/Council - Monday, May 6, 2019 at 6:00 p.m.

Work Session/Council - Monday, May 20, 2019 at 6:00 p.m.

CW Human Services - Mr. Lynch: You have all received this report here, it talks about the people they served in the 3rd quarter; what I wanted to point out is they are getting started on the community gardens, they are funding that through the bed tax of \$2,000; we also fund community transport, and in a nutshell they do 1,000 trips per quarter, which is money well spent to get our seniors around; 75-80% of those trips are done for Canal Winchester residents; money well invested in our Human Services;

Jarvis: Mrs. Miller – has she left the organization? Lynch: She is in the process, Aletha will be taking over is my understanding; I do not know of the date on that yet; we will also be participating in the Easter Egg hunt on Saturday.

CWICC - Mr. Clark: Our next meeting is April 24th at 11:30 at the Interurban Building.

CWJRD - Mr. Bennett/Mrs. Amos: The next CWJRD executive board meeting is this Thursday, April 18th – 7pm at Town Hall; Amos: An open invitation for the Easter Egg hunt this weekend, we are looking for a few adult men for parking, or adult women to do parking; Jarvis: When we do have that Committee of the Whole meeting, not only are we going to hear from our own JRD, but also 2 other communities; Bennett: Andy Wileman from the Granville JRD, and Chris from the Bellefontaine JRD; they are working on a PowerPoint presentation to bring as well.

Destination: Canal Winchester - Mr. Walker: The next Art Stroll meeting will be April 23rd at 6:30 at the Interurban; you've already heard about TOSSR and the Farmers' Market; hope to see everyone at all of these wonderful things happening here in Canal Winchester.

K. Old/New Business

Amos: Another open invite for the same time as the Easter Egg hunt – we are looking for a few volunteers that would like to help with the recycle days; it will be the initial kickoff with the kids from the high school; if anybody is willing, they will start arriving around 8am; Bennett: That is where you will find Mr. Bennett that morning; Amos: If you come, just make sure you bring some gloves, I don't know how many extra pairs they'll have; they will be posting tonight – they just finished the flyer – they will be posting what people can take; hopefully this will be an every other week basis; I think it's a great thing that the kids helped – Matt has been influential in getting this together with a couple of people; we are super excited, the kids are very excited to roll this out this weekend; Walker: In our conversation with Waste Management, they are bringing puncture-proof gloves.

Mayor: I've got a couple of things, Mr. Jarvis – this Friday is Good Friday, city offices will be closed; April 27th, Saturday, is Prescription Drug Takeback Day at Diley Ridge from 10am-2pm; if you have any pills that you need to get rid of, we will take them; rain or shine – snow, sleet, hail; no liquids, we will not take liquids.

Coolman: I have one question on the recycle day – Mr. Peoples, did Waste Management say they can come and pick up the trash bins on Saturday? Peoples: Yes, they are going to do that on Saturday – I'm not sure when they are going to drop them off; Coolman: At least they won't sit there unattended all weekend, that's good; Peoples: The biggest concern was the impact on the schools, that there would be 0; I can't guarantee it's Saturday afternoon, but it will be first thing Monday morning if not; Amos: Mr. Peoples, can I confirm that they are bringing the wood to put down in the parking lot, or are you? Peoples: We are; Walker: They will be providing the vest, the goggles, and the puncture-proof gloves from my understanding of what they told us; Peoples: Yes.

Lynch: On the 27th, Saturday morning – we will be doing the first hopefully annual or twice a year 33 highway community cleanup; this group is partnering with the Lions Club who have been doing this forever, cleaning up 33; what we are looking to do is expand what they have been doing a great job with, and getting more people involved; right now we have a couple of community groups that will be

helping out, and a couple of businesses; we will be meeting at 8:30 at the David Lutheran Church, we will be getting all of the vests, pick-up sticks, bags, etcetera; we are partnering with the Lions as well as ODOT to get all of the safety information, the liability forms and trash bags from ODOT; KCB – Keep Columbus Beautiful – are providing a lot of vests and pick-up sticks for us; Jarvis: I've got my Saturday cleared up for that; Lynch: It might be a slow start this year with it, but once we get the bugs worked out as far as the online registration, we can keep it going; Coolman: The Lions in the past have focused mainly on the cloverleaf, so what you're going to do is extend it down to what destination? Lynch: The Lions will still cover the cloverleaf – Jeff Sweeny knows how many people he needs to cover those particular areas; the people he has leftover will go from Gender up to Diley; if we have enough people, we want to send them from Gender up north or west towards Groveport; we'll just go as far as we can – we've got the area of the highway blocked off in sections in terms of how many people can cover each section; it's just a matter of how many people we can get; it will be a little slow this year, but it's getting together; Coolman: I think the Lions appreciate your help; Amos: Their numbers have been going up, but they are very excited to have everybody joining on; Walker: I will be with the Lions as well; Lynch: They have done a great job, we just want to build upon what they have.

L. Adjourn to Executive Session @ 7:41 p.m.

A motion was made by Walker to adjourn to executive session, seconded by Bennett. The motion carried with the following vote:

Yes 7 – Walker, Bennett, Amos, Clark, Coolman, Jarvis, Lynch

Council returned from Executive Session @ 8:21 p.m.

M. Adjournment @ 8:21 p.m.

A motion was made by Coolman to adjourn, seconded by Clark. The motion carried with the following vote:

Yes 7 – Coolman, Clark, Amos, Bennett, Jarvis, Lynch, Walker

ORDINANCE NO. 18-046

AN ORDINANCE TO AMEND PART 11 OF THE CODIFIED ORDINANCES AND THE ZONING MAP OF THE CITY OF CANAL WINCHESTER, REZONING AN APPROXIMATELY 69.237 ACRE TRACT OF EXCEPTIONAL USE (EU) TO LIMITED MANUFACTURING (LM), OWNED BY GENDER/THIRTY THREE, LOCATED ON THE NORTH SIDE OF WINCHESTER BOULEVARD (PID 184-000532 AND 184-000871)

WHEREAS, the rezoning of the area hereinafter described has been proposed to the Council of the City of Canal Winchester; and

WHEREAS, notice of a public hearing has been duly advertised and the public hearing has been held before the Council of the City of Canal Winchester; and

WHEREAS, a public hearing has been held by the Planning and Zoning Commission of the City of Canal Winchester with a recommendation for approval of the rezoning;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1. That Part 11 of the Codified Ordinances and the Zoning Map of the City of Canal Winchester, Ohio, which is part thereof, be and hereby is amended as follows:

That approximately 69.237 acres, located on the north side of Winchester Boulevard, PID 184-000532 and 184-000871, owned by Gender/Thirty Three, as fully set forth in the description attached hereto as Exhibit A and incorporated herein by reference, is rezoned from Exceptional Use (EU) to Limited Manufacturing (LM).

SECTION 2. That all other provisions of Part 11 of the Codified Ordinances and accompanying zoning map shall remain in full force and effect.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

MAYOR

APPROVED AS TO FORM:

DATE APPROVED

LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Clerk of Council/Finance Director

ZONING DESCRIPTION

69.237 Acres

Situated in the State of Ohio, county of Franklin, City of Canal Winchester, Section 24, Township 11, Range 21, Congress Lands and being all of those tracts of land as conveyed to Gender/Thirty-three of Official Record 11357F13 and Official Record 1135F16, all deed references refer to the records of The Recorder's Office, Franklin County, Ohio and described as follows:

Beginning for reference at F.C.G.S. Monument 2270 reset located at the intersection of the northerly right-of-way line of Winchester Boulevard extended, also being the southerly line of said Section 24, with the centerline of Gender Road;

Thence, North 85°45'23" West with said northerly right-of-way line and said southerly section line a distance of 1231.68 feet to an iron pin set at the southwesterly corner of a 14.828 acre tract as conveyed to Winchester Square LLC of record in Instrument Number 200412200286893, the northwesterly corner of that 2.119 acre tract as conveyed to the City of Canal Winchester Official Record 31057H09, and the northeasterly corner of that 0.629 tract as conveyed to the City of Canal Winchester of record in Instrument Number 201608180109326, at the **True Point of Beginning** for the description;

Thence, North 85°45'23" West continuing with said South section line, partly with northerly line of said 0.629 acre tract, partly with the northerly line of an original 3.924 acre tract as conveyed to Gender/Thirty-Three of record in Official Record 27286D07 and partly with the northerly line of that 11.280 acre tract of land as conveyed to Phele Investment of record in Instrument Number 201706150081040, a distance of 1493.31 feet to a 13/16" pipe with an EMH&T cap at the northwesterly corner of said 11.280 acre tract and the northeasterly corner of a 78.384 acre tract as conveyed to Baker Levin Farms, LLC of record in Instrument Number 200704240071166, the southeasterly corner of a 134.50 acre tract as conveyed to Baker Levin Farms LLC of record in Instrument Number 200704240071166, also being the southwesterly corner of Section 24 at its common corner with Sections 23, 25, and 26;

Thence, North 4°26'33" East with the easterly line of said 134.50 acre tract and the common line between Section 24 and 23 a distance of 1597.99 feet to a 13/16" pipe found with EMH&T cap at an angle point in said line;

Thence, North 4°20'59" East partly with the easterly line of said 134.50 acre tract and partly with the easterly line of a 20.1366 acre tract as conveyed to Dill's Realty LLC of record in Instrument Number 200111050255847, and the common line between sections 24 and 23 a distance of 866.30 feet to a ¾" pipe found no cap at a corner thereof in the southerly right-of-way line of State Route 33 as recorded in Deed Book 2390, page 592, Parcel 69LA;

Thence, South 61°24'34" East with said southerly limited access right-of-way line a distance of 1698.02 feet to a 5/8" rebar found with a Preferred Surveying Company cap at the northwesterly line of an 11.315 acre tract as conveyed to H.D. Development of Maryland Inc. of record in Instrument Number 200707020115156;

Thence, with the westerly line of said 11.315 acre tract the following courses:

South 26°50'00" West a distance of 217.80 feet to an iron pin set at a corner thereof;
North 85°06'32" West a distance of 135.03 feet to an iron pint set at a corner thereof;

Thence, South 4°55'08" West partly with said westerly line and partly with the westerly line of a 6.395 acre tract as conveyed to Winchester Square LLC of record in Instrument Number 201412150165939 a distance of 822.51 feet to an iron pin set at a corner thereof;

Thence, South 64°45'23" East partly with the westerly line of said 7.393 acre tract and partly with the westerly line of said 14.828 acre tract passing a 13/16" iron pipe found with the EMH&T cap at a distance of 162.39 feet a total distance of 345.56 feet to an iron pin set at a corner thereof;

Thence, South 4°14'37" West with the westerly line of said 14.828 acre tract a distance of 440.00 feet to the **True Point of Beginning** and containing 69.237 acres of land more or less, 51.032 acres being out of PID 184-000532 and 18.205 acres out of PID 184.000871. This description is for zoning purposes only.

ZONING DESCRIPTION

69.237 Acres

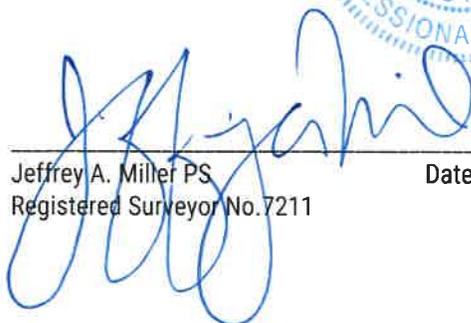
Subject to all covenants, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.

All iron pins called as set are 5/8" x 30" rebar with yellow cap stamped "CESO".

The basis of bearing is based on a bearing of North 85°45'23" West for the southerly line of Section 24 as determined by GPS observation, based on NAD 83 (2011), Ohio State Plane South zone and post processed using and OPUS Solution.

CESO, Inc.



 9-12-18

Jeffrey A. Miller PS
Registered Surveyor No. 7211

Date 9/12/2018

ORDINANCE NO. 19-025

AN ORDINANCE TO ACCEPT THE DEDICATION OF REAL PROPERTY FROM PHELE INVESTMENT PROPERTIES, LLC.

WHEREAS, Phele Investment Properties, LLC, is the owner of property located at O Winchester Boulevard identified as part of Parcel Number 184-000996 and which will be intended for public use as right-of-way; and,

WHEREAS, Phele Investment Properties, LLC desires to dedicate the 0.455-acre parcel of land to the City of Canal Winchester pursuant to a Tax Increment Financing Agreement that was approved as ordinance 19-024 that provides for the extension of Winchester Boulevard, with the parcel being used for right-of-way, water, and storm water purposes; and,

WHEREAS, the Director of Public Service recommends acceptance of the dedication.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That Council does hereby accept the 0.455-acre parcel of land described in Exhibit A and depicted in Exhibit B for potential right-of-way purposes.

Section 2. That Council hereby authorizes and directs the Law Director to record an appropriate General Warranty Deed from Phele Investment Properties, LLC, evidencing the acceptance of the parcel and the right-of-way dedication as authorized herein.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____

CLERK OF COUNCIL

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Finance Director/Clerk of Council

LEGAL DESCRIPTION 0.455 Acres

Situated in the State of Ohio, county of Franklin, City of Canal Winchester, Section 25, Township 11, Range 21, Congress Lands and being a part of the 11.280 acre tract as conveyed to Phelc Investment Properties of record in Instrument Number 201706150081040 (all deed references refer to the records of The Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning for reference at F.C.G.S. Monument 2270 Reset located at the intersection of the northerly right-of-way line of Winchester Boulevard extended, also being the northerly line of said Section 25, with the centerline of Gender Road,

Thence North 85°45'23" West with said northerly right-of-way line and said northerly section line a distance of 2424.99 feet to an iron pin set at the northeasterly corner of the said 11.280 acre tract, at the northwesterly corner of a 1.180 acre tract as conveyed to Gender/Thirty-three of record in Official Record volume 27286, page D07, and on the southerly line of a 52.338 acre tract as conveyed to Gender/Thirty-three of record in Official Record volume 11357, page F13 and Official Record volume 11357, page F16, the said pin being the **True Point of Beginning** for the description;

Thence South 4°14'37" West with the easterly of the said 11.280 acre tract and the westerly line of the said 1.180 acre tract a distance of 66.00 feet to an iron pin set at an interior corner of the said 11.280 acre tract and the southwesterly corner of the said 1.180 acre tract;

Thence North 85°45'23" West crossing through the said 11.280 acre tract a distance of 300.21 feet to an iron pin set on the westerly line of the said 11.280 acre tract and on the easterly line of a 78.384 acre tract as conveyed to Baker Levin Farms, LLC of record in Instrument Number 200704240071166, also being on the westerly line of section 25 and the easterly line of section 26;

Thence North 4°25'44" East along the westerly line of the said 11.280 acre tract, the easterly line of the said 78.384 acre tract, and the said section line a distance of 66.00 feet to a 13/16" pipe with an EMH&T cap at the common corner of Sections 23, 24, 25, and 26, also being the northwesterly corner of the said 11.280 acre tract, the northeasterly corner of the said 78.384 acre tract, the southwesterly corner of a 134.500 acre tract as conveyed to Baker Levin Farms, LLC of record in Instrument Number 200704240071166, and the southwesterly corner of the said 52.338 acre tract;

Thence South 85°45'23" East with the northerly line of the said 11.280 acre tract and southerly line of the said 52.338 acre tract a distance of 300.00 feet to the **True Point of Beginning** and containing 0.455 acres of land more or less, out of PID 184-000996.

Subject to all covenants, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.

All iron pins called as set are 5/8" x 30" rebar with yellow cap stamped "CESO".

The basis of bearing is based on a bearing of North 85°45'23" West for the southerly line of Section 24 as determined by GPS observation, based on NAD 83 (2011), Ohio State Plane South zone and post processed using an OPUS Solution.

APPROVAL
FRANKLIN COUNTY
ENGINEERING DEPT
02/27/2019 RJN
DEED PRESENTATION

CESO, Inc.

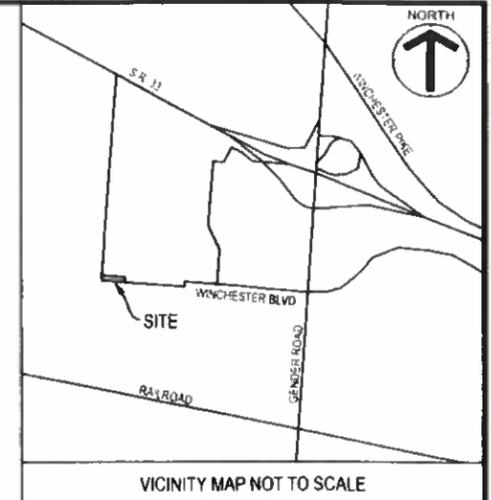
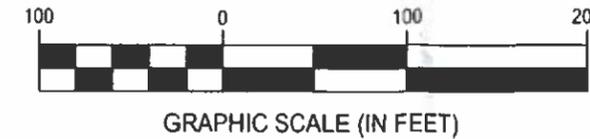


[Signature] 3-1-19
Jeffrey A. Miller PS
Registered Surveyor No. 7211
Date 02/27/2019



SURVEY OF ACREAGE PARCEL

STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF CANAL WINCHESTER,
SECTION 25, TOWNSHIP 11, RANGE 21
CONGRESS LANDS

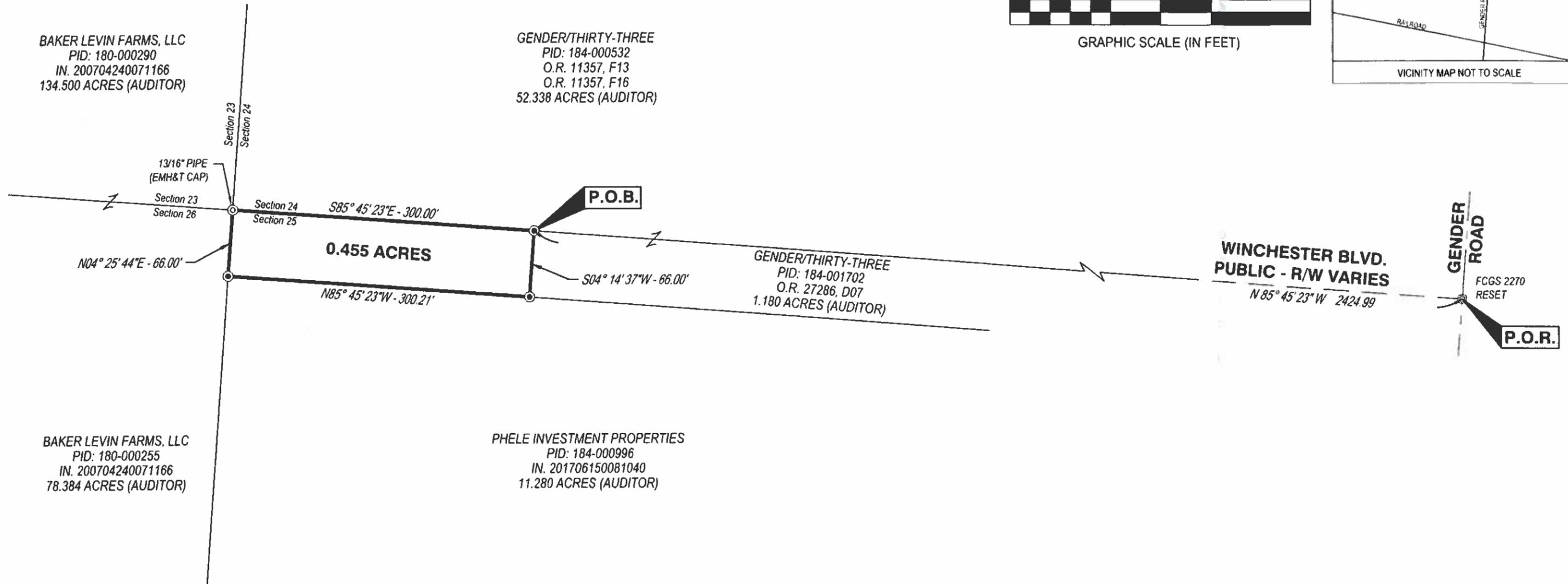


BAKER LEVIN FARMS, LLC
PID: 180-000290
IN. 200704240071166
134.500 ACRES (AUDITOR)

GENDER/THIRTY-THREE
PID: 184-000532
O.R. 11357, F13
O.R. 11357, F16
52.338 ACRES (AUDITOR)

BAKER LEVIN FARMS, LLC
PID: 180-000255
IN. 200704240071166
78.384 ACRES (AUDITOR)

PHELE INVESTMENT PROPERTIES
PID: 184-000996
IN. 201706150081040
11.280 ACRES (AUDITOR)



BASIS OF BEARING:

THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON A BEARING OF N85° 45' 23" W FOR THE SOUTHERLY LINE OF SECTION 24 AS DETERMINED BY GPS OBSERVATION, BASED ON NAD 83 (2011), OHIO STATE PLANE SOUTH ZONE AND POST PROCESSED USING AN OPUS SOLUTION.

LEGEND

- 5/8"x30" REBAR W/ YELLOW CAP STAMPED "CESO" SET
- ⊙ IRON PIPE FOUND
- ⊠ MONUMENT BOX FOUND



Jeffrey A. Miller 3-1-19
JEFFREY A. MILLER, OHIO PS NO 7211
jeff.miller@cesoinc.com

DATE

SURVEY OF ACREAGE PARCEL	
PHELE INVESTMENT PROPERTIES	
WINCHESTER BLVD CITY OF CANAL WINCHESTER	SECTION 25, TOWNSHIP 11, RANGE 21 FRANKLIN COUNTY, OHIO
SCALE: 1"=100'	DATE: FEBRUARY 2019
DESIGN: N/A	JOB NO.: 755691
DRAWN: JEK	SHEET NO.:
CHECKED: JAM	1 OF 1



ORDINANCE NO. 19-026

AN ORDINANCE TO AMEND PART 11 OF THE CODIFIED ORDINANCES AND THE ZONING MAP OF THE CITY OF CANAL WINCHESTER, REZONING AN APPROXIMATELY 110.244 ACRES OF LAND FROM A COMBINATION OF EXCEPTIONAL USE (EU), LIMITED MANUFACTURING (LM), AND GENERAL COMMERCIAL (GC) TO ENTIRELY LIMITED MANUFACTURING (LM), OWNED BY WILLIS M ALSPACH, JOAN A ALSPACH, AND DAVID B ALSPACH, TRUSTEES OF THE WILLIS M ALSPACH REVOCABLE LIVING TRUST , LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF BIXBY ROAD AND RAGER ROAD (PARCEL ID 181-000159, 181-000026, 184-000828, 184-000879, AND 184-000954)

WHEREAS, the rezoning of the area hereinafter described has been proposed to the Council of the City of Canal Winchester; and

WHEREAS, notice of a public hearing has been duly advertised and the public hearing has been held before the Council of the City of Canal Winchester;

WHEREAS, a public hearing has been held by the Planning and Zoning Commission of the City of Canal Winchester with a recommendation to approve the proposed rezoning by the Planning and Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, OHIO:

Section 1. That Part 11 of the Codified Ordinances and the Zoning Map of the City of Canal Winchester, Ohio, which is a part thereof, be and hereby is amended as follows:

That approximately 110.244 acres, located at the southeast corner of Bixby Road and Rager Road, consisting of Parcel IDs 181-000159, 181-000026, 184-000828, 184-000879, and 184-000954, owned by Willis M Alspach, Joan A Alspach, and David B Alspach, Trustees of the Willis M Alspach Revocable Living Trust, as fully set forth in the description attached hereto as Exhibit A and incorporated herein by reference, is rezoned from a combination of Exceptional Use (EU), Limited Manufacturing (LM), and General Commercial (GC) to entirely Limited Manufacturing (LM).

Section 2. That all other provisions of Part 11 of the Codified Ordinances and accompanying zoning map shall remain in full force and effect.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED _____

ATTEST _____
CLERK OF COUNCIL

PRESIDENT OF COUNCIL

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Finance Director/Clerk of Council

December 10, 2018

**DESCRIPTION OF A 110.244 ACRE TRACT
AT THE SOUTHEAST CORNER OF BIXBY ROAD AND RAGER ROAD,
MADISON TOWNSHIP AND CITY OF CANAL WINCHESTER, FRANKLIN CO., OHIO**

Situated in the State of Ohio, County of Franklin, Township of Madison and City of Canal Winchester, in the northeast quarter of Section 23, Township 11 North, Range 21 West, Congress Lands and being all or portions of the following eight (8) tracts of land, all of which having been conveyed to Willis M. Alspach, Trustee (25% Interest) and Joan A. Alspach, Trustee (25% Interest), by deed of record in Instrument No. 201208090115353 and David Benjamin Alspach (50% Interest), by deeds of record in Official Record 3195, Page C 17 and Official Record 3195, Page D 03:

1. all of a 14.385 acre tract of land (14.409 acres by recent survey), conveyed as Parcel II,
2. 15.837 acre portion of a 16 acre tract of land, conveyed as Parcel I, Tract No. 1,
3. 31.149 acre portion of an original 32 acre tract of land, conveyed as Parcel I, Tract No. 2,
4. the remaining 20.561 acre portion of an original 32 acre tract of land, conveyed as Parcel III,
5. all of a 7.65 acre tract of land (7.620 acres by recent survey), conveyed as Parcel IV,
6. all of a 2.783 acre tract of land (2.770 acres by recent survey), also conveyed as Parcel IV,
7. all of a 17.34 acre tract of land (17.336 acres by recent survey), also conveyed as Parcel III, and
8. all of a 0.534 acre tract of land (0.562 acre by recent survey), also conveyed as Parcel II,

all records referenced to the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a FCGS Monument No. 9936 found at the corner common to Section 13, Section 14, Section 23 and Section 24 of Township 11 North, Range 21 West, in the centerline Bixby Road (variable width), at the northeast corner of said original 32 acre tract, conveyed as Parcel III and at the northwest corner of a 1.19 acre tract of land conveyed to Robert R. & Norma J. Bender, by deed of record in Deed Book 3259, Page 502;

thence S 04° 18' 30" W along a portion of the common line between said Section 23 and said Section 24, along a portion of the east line of said original 32 acre tract, conveyed as Parcel III, and along the west line of said 1.19 acre tract a distance of 399.29 feet to a 3/4" I.D. iron pipe found at the southwest corner of said 1.19 acre tract and at the northwest corner of said 2.770 acre tract (passing a 3/4" I.D. iron pipe found in the south right-of-way line of Bixby Road at 30.00 feet);

thence S 85° 41' 30" E along the north line of said 2.770 acre tract, along the south line of said 1.19 acre tract and along the south line of a 2.247 acre tract of land conveyed to The Ohio Bell Telephone Company, by deed of record in Deed Book 2508, Page 623 a distance of 380.00 feet to a 1/2" solid pin found at the northeast corner of said 2.770 acre tract, at the southeast corner of said 2.247 acre tract and in the west line of an original 4.0 acre tract of land conveyed to Henrietta L. Pfeifer, by deed of record in Instrument No. 199710300131189;

thence S 04° 19' 12" W along the east line of said 2.770 acre tract, along a portion of the west line of said original 4.0 acre tract, along the east line of said 17.336 acre tract, along the west line of a 37.846 acre tract of land conveyed to Damon A. Pfeifer and Mark A. Pfeifer, by deed of record in Instrument No. 201811300162078, along the east line of said 0.561 acre tract and along a west line of an original 41.990 acre tract of land conveyed to The Mountain Agency, LLC, by deed of record in Instrument No. 201110030124958 a distance of 2,455.40 feet to a 3/4" I.D. iron pipe found at the southeast corner of said 0.561 acre tract, at the a corner of said original 41.990 acre tract and in the northeasterly Limited Access Right-of-Way line of U.S. Route 33 ~ Southeast Expressway (250 feet in width) (FRA-33-(26.21-30.13)), said right-of-way being a perpetual Highway Easement conveyed, as Parcel 67-LA, to the State of Ohio, by deed of record in Deed Book 2399, Page 206;

thence N 61° 15' 01" W along the southwesterly line of said 0.561 acre tract, along the northeasterly Limited Access Right-of-Way line of U.S. Route 33 ~ Southeast Expressway and along a northeasterly line of said original 41.990 acre tract a distance of 361.11 feet to a 3/4" I.D. iron pipe set at the west corner of said 0.562 acre tract, in the half section line of said Section 24 and in the southwesterly line of said 17.336 acre tract;

December 10, 2018

thence N 85° 35' 02" W crossing said Limited Access Right-of-Way line of U.S. Route 33 ~ Southeast Expressway, along a portion of said half section line and along a portion of the south line of said 17.336 acre tract a distance of 50.76 feet to a 3/4" I.D. iron pipe set in the west line of said Section 24, in the east line of said Section 23, at the southwest corner of said 17.336 acre tract and in the east line of a 20.6276 acre tract of land conveyed, as Parcel Two, to Drill's Realty LLC, by deed of record in Instrument No. 200111050255847;

thence N 04° 18' 30" E along a portion of the west line of said Section 24, along a portion of the east line of said Section 23, along a portion of the west line of said 17.336 acre tract and along the east line of said 20.6276 acre tract a distance of 22.97 feet to a 3/4" I.D. iron pipe set in the northeasterly Limited Access Right-of-Way line of U.S. Route 33 ~ Southeast Expressway, at a northeast corner of said 20.6276 acre tract and at the southeast corner of said 14.409 acre tract;

thence N 61° 15' 01" W along the northeasterly Limited Access Right-of-Way line of U.S. Route 33 ~ Southeast Expressway, along the southwesterly line of said 14.409 acre tract and along the northeasterly line of said 20.6276 acre tract a distance of 1,828.04 feet to 3/4" I.D. iron pipe set at the west corner of said 14.409 acre tract, in the south line of said 15.837 acre tract and at a northeast corner of said 20.6276 acre tract;

thence N 85° 37' 09" W crossing said Limited Access Right-of-Way line of U.S. Route 33 ~ Southeast Expressway, along a portion of the south line of said 15.837 acre tract and along the north line of said 20.6276 acre tract a distance of 126.15 feet to a MAG nail set in the centerline of Rager Road (variable width), at the southwest corner of said 15.837 acre tract and at the northwest corner of said 20.6276 acre tract;

thence N 03° 40' 40" E along the centerline of Rager Road, along the west line of said 15.753 acre tract and along a portion of the west line of said 31.149 acre tract a distance of 570.84 feet to a P.K. nail found at the southwest corner of a 0.43 acre tract of land conveyed, as Parcel 66A-WD for Rager Road roadway purposes, to the State of Ohio, by deed of record in D.B. 2370, Page 459;

thence crossing said 31.149 acre tract and said 7.620 acre tract and along the south, east and north lines of said 0.43 acre tract the following six (6) courses:

1. S 84° 28' 06" E a distance of 20.01 feet to a 3/4" I.D. iron pipe set;
2. N 19° 55' 33" E a distance of 129.77 feet to a 3/4" I.D. iron pipe set;
3. N 10° 16' 09" E a distance of 100.35 feet to a 3/4" I.D. iron pipe set;
4. N 04° 15' 50" E a distance of distance of 200.59 feet to a 3/4" I.D. iron pipe set;
5. N 12° 33' 09" W a distance of 178.46 feet to a 3/4" I.D. iron pipe set;
6. N 86° 16' 18" W a distance of 20.00 feet to a railroad spike set in the centerline of Rager Road, at the northwest corner of said 0.43 acre tract and in a west line of said 7.620 acre tract;

thence N 03° 40' 40" E along the centerline of Rager Road and along a west line of said 7.620 acre tract a distance of 328.07 feet to a railroad spike set at a northwest corner of said 7.620 acre tract and at the southwest corner of a 1 acre tract of land conveyed to Teresa L. McCormick, by deed of record in Instrument No. 200909140133203;

thence S 86° 16' 18" E along a north line of said 7.620 acre tract and along the south line of said 1 acre tract a distance of 100.00 feet to a 3/4" I.D. iron pipe set at a corner of said 7.620 acre tract and at the southeast corner of said 1 acre tract;

thence N 03° 40' 40" E along a west line of said 7.620 acre tract and along the east line of said 1 acre tract a distance of 434.36 feet to a MAG nail set in the north line of said Section 23, in the south line of said Section 14, in the centerline of Bixby Road (60 feet this portion), at a northwest corner of said 7.620 acre tract and at the northeast corner of said 1 acre tract (passing a 3/4" I.D. iron pipe found in the south right-of-way line of Bixby Road at 404.36 feet), said MAG nail being S 85° 33' 24" E a distance of 100.01 feet from FCGS Monument No. 1431 found at the intersection of the centerline of Bixby Road with the centerline of Rager Road;

thence S 85° 33' 24" E along a portion of the north line of said Section 23, along a portion of the south line of said Section 14, along the centerline of Bixby Road and along a north line of said 7.620 acre tract a distance of 332.54 feet to a MAG nail set at a northeast corner of said 7.620 acre tract and at the northwest corner of a 1.35 acre tract of land conveyed to L. Dean Jenkins, by deed of record in Instrument No. 201210250161756;

December 10, 2018

thence S 04° 26' 42" W along an east line of said 7.620 acre tract and along the west line of said 1.35 acre tract a distance of 435.60 feet to a 3/4" I.D. iron pipe set at a corner of said 7.620 acre tract and at the southwest corner of said 1.35 acre tract (passing a 3/4" I.D. iron pipe found in the south right-of-way line of Bixby Road at 30.00);

thence S 85° 33' 18" E along a north line of said 7.620 acre tract and along the south line of said 1.35 acre tract a distance of 135.11 feet to a 3/4" I.D. iron pipe set at a northeast corner of said 7.620 acre tract and at the southeast corner of said 1.35 acre tract;

thence N 04° 26' 42" E along a portion of the east line of said 1.35 acre tract a distance of 395.60 feet to a 3/4" I.D. iron pipe w/cap found (FCE) at the southwest corner of a 0.780 acre tract of land conveyed, as Parcel 3-WD for Bixby Road roadway purposes, to Franklin County Commissioners, by deed of record in Instrument No. 201507090092985, said portion of Bixby Road being shown on the roadway improvement plans for FRA-TR229-1.890;

thence S 84° 45' 13" E along a south line of said Parcel 3-WD a distance of 357.55 feet to a 3/4" I.D. iron pipe w/cap found (FCE) at a corner of said Parcel 3-WD;

thence S 85° 33' 18" E along a south line of said Parcel 3-WD a distance of 176.00 feet to a 3/4" I.D. iron pipe set at a corner of said Parcel 3-WD;

thence N 86° 23' 26" E along a south line of said Parcel 3-WD a distance of 107.06 feet to a 3/4" I.D. iron pipe set at a corner of said Parcel 3-WD;

thence S 85° 33' 18" E along a south line of said Parcel 3-WD a distance of 229.78 feet to a 3/4" I.D. iron pipe set at the southeast corner of said Parcel 3-WD and in the west line of a 0.713 acre tract of land conveyed to Michael L. & Cassandra J. Sullivan, by deed of record in Instrument No. 201310180177122;

thence S 04° 26' 42" W along a portion of the west line of said 0.713 acre tract a distance of 199.31 feet to a 3/4" I.D. iron pipe set at the southwest corner of said 0.713 acre tract;

thence S 85° 33' 18" E along the south line of said 0.713 acre tract a distance of 135.00 feet to a 3/4" I.D. iron pipe found at the southeast corner of said 0.713 acre tract;

thence N 04° 26' 42" E along the east line of said 0.713 acre tract a distance of 229.31 feet to a MAG nail set at the northeast corner of said 0.713 acre tract, in the north line of said Section 23, in the south line of said Section 14, in the centerline of Bixby Road (variable width this portion) and in the north line of said original 32 acre tract, conveyed as Parcel III;

thence S 85° 33' 18" E along a portion of the north line of said Section 23, along a portion of the south line of said Section 14, along the centerline of Bixby Road and along a portion of the north line of said original 32 acre tract, conveyed as Parcel III, a distance of 239.66 feet to the place of beginning;

containing 110.244 acres of land, more or less, and being subject to all highways, easements and restriction of record. Of said 110.244 acres, 81.956 acres are within P.N. 181-000026 (0.237 acre is within Rager Road right-of-way, 0.165 acre is within Bixby Road right-of-way and 0.083 acre is within U.S. Rte. 33 ~ Southeast Parkway), 7.620 acres are within P.N. 181-000159 (0.151 acre is within Rager Road right-of-way and 0.229 acre is within Bixby Road right-of-way), 2.770 acres are within P.N. 184-000828, 17.336 acres are within P.N. 184-000879 (0.013 acre is within U.S. Rte. 33 ~ Southeast Parkway right-of-way) and 0.562 acre is within P.N. 184-000954.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio from an actual field survey, performed under his supervision, in November, 2018. Basis of bearings is the centerline of U.S. Rte. 33 ~ Southeast Parkway (FRA-33-(26.21-30.13)), being N 61° 15' 01" W, between Franklin County Engineer's Monuments 10-693 and 9-693, Ohio State Plane Coordinate System (South Zone – NAD 83, 2011 Adjustment) and all other bearings are based upon these monuments.

Kevin L. Baxter ~ Ohio Surveyor #7697

ORDINANCE NO. 19-027

AN ORDINANCE TO AMEND THE 2019 APPROPRIATIONS ORDINANCE 18-040, AMENDMENT #3

WHEREAS, the City Council desires to proceed with activities of the City which require changes in the appropriations to accommodate those activities;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, OHIO:

Section 1: That the 2019 Annual Appropriations Ordinance be amended by appropriating from the unappropriated monies of the General Fund \$121,463.00 as follows; and

Department	Function	Amount
Finance	Operating Expenses	\$7,000.00
Construction Services	Operating Expenses	\$101,063.00
Street Maintenance	Operating Expenses	\$13,400.00

Section 2: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Finance Director/Clerk of Council

ORDINANCE NO. 19-028

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING APPROXIMATELY 110.244 ACRES OF LAND AND INTERESTS IN LAND AT THE CORNER OF BIXBY AND RAGER ROADS AND ALL NECESSARY APPURTENANCES AND IMPROVEMENTS THERETO; AND DECLARING AN EMERGENCY

WHEREAS, the Fiscal Officer (the "Fiscal Officer") of the City of Canal Winchester, Ohio (the "City") has certified to this Council that the estimated life of the improvements stated in the title of this Ordinance (the "Project") that are to be financed with the proceeds of bonds and notes hereinafter referred to exceeds 5 years, the maximum maturity of bonds being thirty (30) years and notes being twenty (20) years;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO, THAT:

Section 1. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the maximum principal sum of not to exceed Nine Hundred Fifty Thousand Dollars (\$950,000), for the purpose described in the title of this Ordinance.

Section 2. The Bonds shall be dated prior to the maturity date of the Notes (as defined in Section 4 hereof), shall bear interest at the maximum average annual interest rate presently estimated to be five (5.00%) per annum, payable semiannually until the principal sum is paid or provision for payment has been duly made therefor. The Bonds shall mature in thirty (30) annual installments. Debt service payments on the Bonds in years in which principal of the Bonds is payable shall be substantially equal.

Section 3. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed Nine Hundred Fifty Thousand Dollars (\$950,000), or such lesser amount as shall be determined by the Finance Director and certified to this Council, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Finance Director and certified to this Council and shall mature on such date as shall be determined by the Finance Director and certified to this Council, provided that such date shall not be later than one (1) year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book-entry form in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

The Finance Director is hereby authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of the Notes (the "Certificate of Fiscal Officer") setting forth and determining such final terms and other matters pertaining to the Notes, as required by and is consistent with the terms of this Ordinance.

Section 5. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose.

Section 6. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and

in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 7. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same fall due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Finance Director and certified to this Council, provided that such rate shall not exceed four and one-half per centum (4.50%) per annum. The Notes shall be sold at private sale to Fifth Third Securities, Inc. or such purchaser or purchasers (collectively, the "Original Purchaser") as the Finance Director shall designate in the Certificate of Fiscal Officer at the purchase price set forth in the Certificate of Fiscal Officer, plus interest accrued to the date of delivery of the Bonds to the Original Purchaser.

The Finance Director is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price set forth in the Certificate of Fiscal Officer and interest, if any, accrued to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose. Any accrued interest received from the sale of the Notes shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes, or other obligations of the City, as permitted by law. Any premium received from the sale of the Notes shall be deposited into such funds and used for the purpose of said funds as shall be specified in the Certificate of Fiscal Officer.

The Finance Director is hereby authorized to execute on behalf of the City a note purchase agreement (the "Note Purchase Agreement"), if required, with the Original Purchaser, setting forth the conditions under which the Notes are to be sold and delivered. The terms of such Note Purchase Agreement, if any, shall be consistent with the terms of this Ordinance.

Section 9. The Notes shall be executed by the Finance Director and the Mayor, provided that either or both of such signatures may be a facsimile, and shall be designated "City of Canal Winchester, Ohio General Obligation Land Acquisition Notes, Series 2019," or as otherwise determined by the Finance Director. The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar (as defined in Section 10 hereof). The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Finance Director on

behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. The Finance Director is hereby authorized and directed to serve as authenticating agent, note registrar, transfer agent, and paying agent (collectively, the "Note Registrar") or to execute on behalf of the City a note registrar agreement (the "Note Registrar Agreement") with such bank or other appropriate financial institution as shall be acceptable to the Finance Director and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as Note Registrar for the Notes. The terms of such Note Registrar Agreement, if any, shall be consistent with the terms of this Ordinance. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Finance Director in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Finance Director may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this Ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business fifteen (15) days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

Section 11. In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Notes surrendered upon that transfer or exchange.

Section 12. For purposes of this Ordinance, the following terms shall have the following meanings:

“Book-entry form” or “book-entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to the Depository or its nominee as registered owner, with the Notes “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of Notes, and to effect transfers of Notes, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Notes may be initially issued to a Depository for use in a book-entry system, and the provisions of this section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity; (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book-entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Payment of principal of and interest on Notes in book-entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of Notes as provided in this Ordinance.

The Note Registrar may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal of and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and this Council. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar shall furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The Mayor, Finance Director, Clerk of Council, and any other officer of this Council, are each authorized to execute, acknowledge and deliver, if necessary, in the name of and on behalf of the City, the letter agreement among the City, the Note Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book-entry system.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book-entry system, the City and the Note Registrar may attempt to establish a securities depository/book-entry relationship with another qualified Depository under this Ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then-acting Depository, shall permit withdrawal of the Notes from the then-acting Depository, and authenticate and deliver note certificates in fully registered form to the successor, assign or nominee of the then-acting Depository, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 13. The City hereby covenants that it will comply with the requirements of all existing and future laws that must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Mayor, the Finance Director, or any other officer of the City are each hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Mayor, the Finance Director, or any other officer of the City, which action shall be in writing and signed by the Mayor, the Finance Director, or any other officer of the City, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The Finance Director shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The Finance Director of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates. Monies necessary to make such rebate payments (or to pay such penalties) are hereby appropriated for such purpose.

Section 14. The law firm of Frost Brown Todd LLC is hereby appointed to serve as bond counsel to the City in connection with the issuance of the Notes. The fees to be paid to such firm shall be subject to review and approval of the Finance Director and shall not exceed the fees customarily charged for such services.

Section 15. The Clerk of Council and any other officers of the Council are each hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including without limitation a general certificate of the Clerk of Council and a no-litigation certificate of the Mayor and the Finance Director, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

Section 16. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditors of Franklin and Fairfield Counties, Ohio.

Section 17. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations

of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal thereof and interest thereon at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 18. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 19. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that the City may wish to enter into and consummate a purchase contract for the purchase of the land, and it may be in the best interests of the City to make immediate provision therefor; wherefore, in accordance with Sections 4.07 and 5.05 of the Charter of the City, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves or vetoes this Ordinance.

[Signature Page to Follow]

1st Reading: _____, 2019
2nd Reading: _____, 2019
3rd Reading: _____, 2019

Signed:

President of Council

Adopted: _____, 2019

Signed:

Effective: _____, 2019

Clerk of Council

Approved:

Mayor

Approved as to Form:

Law Director

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. _____ duly adopted by the Council of the City of Canal Winchester, Ohio on _____, 2019 and that a true copy thereof was certified to the County Auditors of Franklin and Fairfield Counties, Ohio.

Clerk of Council
City of Canal Winchester, Ohio

CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The Council of the
City of Canal Winchester, Ohio

The undersigned Finance Director of the City of Canal Winchester, Ohio (the "City") as the fiscal officer of the City, hereby certifies as follows:

1. The estimated life or period of usefulness of the following permanent improvements (the "Improvements") exceeds five (5) years:

ACQUIRING APPROXIMATELY 110.244 ACRES OF LAND AND
INTERESTS IN LAND AT THE CORNER OF BIXBY AND RAGER
ROADS AND ALL NECESSARY APPURTENANCES AND
IMPROVEMENTS THERETO.

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Ohio Revised Code Section 133.20 is thirty (30) years; provided, that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is twenty (20) years.

Dated: May ____, 2019

Finance Director
City of Canal Winchester, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES

I, Michael Stinziano, the duly elected, qualified, and acting County Auditor in and for Franklin County, Ohio hereby certify that a certified copy of Ordinance No. _____ duly adopted by the Council of the City of Canal Winchester, Ohio on _____, 2019 providing for the issuance of general obligation notes designated City of Canal Winchester, Ohio General Obligation Land Acquisition Notes, Series 2019, in the amount of not to exceed \$950,000 was filed in this office on _____, 2019.

WITNESS my hand and official seal at Columbus, Ohio this ___ day of _____, 2019.

[SEAL]

County Auditor
Franklin County, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES

I, Jon A. Slater, Jr., the duly elected, qualified, and acting County Auditor in and for Fairfield County, Ohio hereby certify that a certified copy of Ordinance No. _____ duly adopted by the Council of the City of Canal Winchester, Ohio on _____, 2019 providing for the issuance of general obligation notes designated City of Canal Winchester, Ohio General Obligation Land Acquisition Notes, Series 2019, in the amount of not to exceed \$950,000 was filed in this office on _____, 2019.

WITNESS my hand and official seal at Lancaster, Ohio this ____ day of _____, 2019.

[SEAL]

County Auditor
Fairfield County, Ohio

ORDINANCE NO. 19-029

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ACCEPT AN EASEMENT FOR WATER LINE FROM HD DEVELOPMENT OF MARYLAND, INC. AND DECLARING AN EMERGENCY

WHEREAS, Council hereby finds and determines that it is in the best interest of the City of Canal Winchester to accept an easement for the purposes of future water services to properties located along US 33;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That the Mayor be and hereby is, authorized to accept on behalf of the City of Canal Winchester an easement for water line and temporary work, as more fully described in the Waterline and Temporary Work Easement attached hereto as Exhibit A and incorporated herein by reference

Section 2. That this ordinance hereby is declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare and specifically for the reasons set forth in the preamble hereto; wherefore, this ordinance shall take effect and be in force from and after its passage.

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Finance Director/Clerk of Council

WATERLINE AND TEMPORARY WORK EASEMENT

HD Development of Maryland, Inc., a Maryland corporation (hereinafter "Grantor"), in consideration of One Dollar (\$1.00) and other good and valuable considerations, paid by the City of Canal Winchester, an Ohio municipal corporation (hereinafter "Grantee"), receipt of which is hereby acknowledged, does hereby, for itself, its heirs, successors and assigns, GRANT AND CONVEY to Grantee, its successors and assigns forever, the following rights and easements, subject to those certain special stipulations set forth on Exhibit A attached hereto and incorporated herein (collectively, the "Special Stipulations"):

1. The non-exclusive right and easement to construct, install, operate, repair, replace, relocate, inspect and maintain waterlines, together with all appurtenances incidental thereto (collectively, the "Waterlines"), on, over, through, under and across a 0.012 +/- acre parcel (the "Waterline Easement Area"), as described with more particularity in the legal description and accompanying survey plat attached hereto as Exhibit B and incorporated herein by reference. Notwithstanding the foregoing, any and all Waterlines shall be installed and maintained below the ground level or surface of such Waterline Easement Area, except that fire hydrants above ground shall be permitted.
2. The temporary, non-exclusive right and easement for access and passage to the extent reasonably necessary to construct, reconstruct, improve and develop the Waterlines, including providing for grading and restoration of lawn areas and shrubbery, on, over, through, under and across a 0.067 +/- acre parcel (the "Construction Easement Area"; the Waterline Easement Area and the Construction Easement Area are sometimes referred to herein, collectively, as the "Easement Area"), as described with more particularity in the legal descriptions and accompanying survey plat attached hereto as Exhibit B and incorporated herein by reference.
3. The temporary, non-exclusive right of ingress and egress on and over that certain access drive (the "Access Drive") depicted on Exhibit C attached hereto and incorporated herein, and located on the Grantor's parcel described with more particularity in the legal description attached hereto as Exhibit D and incorporated herein by reference (the "HD Parcel"), to the extent reasonably

necessary and at reasonable times for the purposes set forth in paragraphs 1 and 2 above.

At any time following the date hereof, Grantee may commence the initial construction of the Waterlines and, once commenced, shall diligently and continuously proceed with initial construction of the Waterlines to completion within ten (10) business days following the commencement of such construction; provided, however, in no event shall Grantee commence the initial construction of the Waterlines on or between April 15 through July 5 of any calendar year. Notwithstanding anything herein to the contrary, if Grantee fails to commence the initial construction of the Waterlines within one (1) year of Grantor's execution hereof, all of the rights and obligations set forth in this Waterline and Temporary Work Easements shall automatically terminate and be of no further force or effect.

Any and all temporary rights granted to Grantee herein shall be in effect only during periods when actual construction and/or maintenance is being performed and the exercise of such temporary right by Grantee shall not unreasonably interfere with the use and operation of (i) any business conducted by Grantor on the HD Parcel, or (ii) the Access Drive (excepting only that portion of the Access Drive located in the Easement Area). Staging for the construction and/or maintenance of the Waterlines shall be located solely in the Easement Area.

To have and to hold said easements and rights-of-way, with all of the privileges and appurtenances thereto belonging, to said Grantee, its successors and assigns forever.

The easements granted hereby include the right to trim and/or remove any trees or shrubbery which may hereafter interfere with the construction, reconstruction, operation and maintenance of said Waterlines, within the limits of the Waterline Easement Area.

The Grantor shall have the right to use the Easement Area for purposes not inconsistent with the Grantee's, and its successors and assigns, full enjoyment of the rights herein granted. For purposes of clarifying the foregoing and without limiting or expanding the same, Grantee hereby acknowledges and agrees that Grantor shall have the exclusive right to store and display products, items and materials and park vehicles in that certain paved portion of the Easement Area at any time and from time to time.

The consideration herein mentioned includes total compensation for the initial grant of the easements and rights-of-way; provided however, that the Grantee, its successors and assigns, shall promptly restore all property, including fences, except buildings or other structures, and shall sod any and all bare soils within the Easement Area, at Grantee's sole cost and expense, to its original condition, after entering upon the HD Parcel for any of the purposes herein set forth, including construction, repair, maintenance, replacement, relocation, operation, inspection and maintenance of all facilities and improvements of the Grantee, its successors and assigns, located within such Easement Area (collectively, the

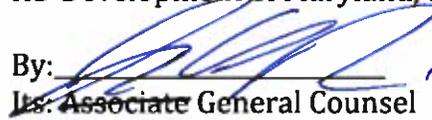
"Restoration"). Such Restoration shall be to the satisfaction of the Grantor, in Grantor's sole and absolute discretion.

Grantor, for itself, its heirs, successors and assigns, covenants with the Grantee, its successors and assigns, that Grantor is lawfully seized of the HD Parcel and that Grantor will forever warrant and defend the same unto the Grantee, its successors and assigns, against all claims of all persons whomsoever lawfully claim by, through or under the Grantor but against no other, subject to all easements, restrictions and encroachments of record or which would be ascertainable by an inspection or survey of the HD Parcel and all existing zoning laws and ordinances.

The term "Grantor" shall include singular and plural, masculine and feminine, individuals, corporations, partnerships and associations, and the heirs, assigns, administrators, executors and successors and assigns of all of them.

IN WITNESS WHEREOF, the Grantor has hereunto caused Grantor's name to be subscribed this 25 day of April, 2019.

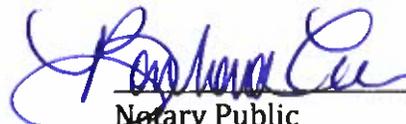
HD Development of Maryland, Inc.

By: 
Its: Associate General Counsel *MBS*
Assistant

STATE OF GEORGIA
COUNTY OF COBB, SS:

Before me, a Notary Public, personally appeared Jessica Borgert, an authorized representative of HD Development of Maryland, Inc., who acknowledged the signing of the foregoing instrument to be her and its voluntary act and deed for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal this 25 day of April, 2019.


Notary Public
Barbara Turner
NOTARY PUBLIC
Fulton County, GEORGIA
My Commission Expires 09/10/2022

This instrument prepared by:
Eugene L. Hollins, Esq.
Frost Brown Todd LLC
10 W. Broad Street, Ste. 2300
Columbus, Ohio 43215

Exhibit A
Special Stipulations

The Waterline and Temporary Work Agreement (“Agreement”) to which these Special Stipulations are attached and made a part hereof is hereby made subject to the following (in the event of any discrepancies between the Agreement and these Special Stipulations, these Special Stipulations shall control):

1. Grantor hereby reserves its right to extend and maintain other utilities such as electricity, telecommunications, storm drainage and sanitary lines through the Easement Area, but Grantor’s utilities will not interfere or endanger the Waterlines.
2. Grantee hereby agrees to indemnify and hold Grantor and its successors in title harmless from and against any cost or expense Grantor or its successors may incur resulting from or otherwise associated with any injuries to persons or damage to property to the extent caused by the negligent or willful act or omissions of Grantee, its employees, agents, contractors or Grantee’s breach of the Agreement.
3. Grantee hereby agrees to provide a minimum of forty-eight (48) hours’ advance written notice to Grantor prior to entry onto the Easement Area for purposes of initially installing the Waterlines or for its standard maintenance. Said dates and times are to be reasonably agreeable to Grantor or its successors. No notice for emergency repairs is required.
4. Grantee may temporarily close that portion of the Access Drive located in the Easement Area during the period in which Grantee is initially constructing the Waterlines; provided, however, (I) no such closure shall exceed two (2) weeks, in the aggregate, and (II) Grantee shall continuously display clearly visible traffic control and directional signs and markers to: (A) advise motorists of such closure; (B) direct any and all passenger vehicles to other portions of the HD Parcel in order to maintain orderly and proper traffic flow on the HD Parcel; and (C) direct any and all semi-trucks to (i) access the loading dock located the back of the building located on the HD Parcel (the “HD Building”) via the route depicted on Exhibit C as the “Truck Route”, (ii) utilize the truck turn-around area located behind the HD Building, and (iii) exit the HD Parcel via the Truck Route.
5. Grantee shall, at Grantee’s sole cost and expense, utilize such materials, personnel and/or construction techniques necessary or required for the construction and/or maintenance of the Waterlines in order to prevent damage or adverse effect on any and all other utility lines, conduits, appurtenances, equipment and/or facilities or portions thereof located in the Easement Area (collectively, the “Existing Utility Equipment”) and to prevent any adverse effect on the utility service provided by such Existing Utility Equipment including, without limitation, wet tapping any and all water lines and pipes to ensure that the fire suppression system(s) serving the HD Building are at all times fully

operational and maintain the minimum water pressure/supply requirements to ensure continuous and adequate water for fire-fighting purposes.

6. Grantee hereby agrees that upon the completion of the initial construction of the Waterlines, the soils in the Waterline Easement Area shall be compacted to a firm and unyielding condition and a minimum density of ninety-five percent (95%) of the soils modified Proctor value. Within fifteen (15) days of Grantee's completion of initial construction of the Waterlines, Grantee shall deliver to grantor an original certification from the third-party geotechnical engineer who completed such compaction certifying to Grantor without any material qualifications or caveats that such compacting work has been completed in accordance with the foregoing requirements.
7. All notices, requests, demands or other communications hereunder shall be in writing and shall be delivered by personal delivery, overnight mail or delivery service, or United States registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

If to Grantor: HD Development of Maryland, Inc.
2455 Paces Ferry Road, C-19
Atlanta, Georgia 30339
Attention: Real Estate Manager

With a copy to: HD Development of Maryland, Inc.
2455 Paces Ferry Road, C-20
Atlanta, Georgia 30339
Attention: Associate General Counsel, Real Estate Law

To Grantee: City of Canal Winchester
36 South High Street
Canal Winchester, OH 43110
Attention: Mayor

With a copy to: Frost Brown Todd, LLC
10 West Broad Street, Ste. 2300
Columbus, OH 43215
Attention: Eugene Hollins, Esq.

Any such notice, request, demand or communication shall be deemed to have been given on the date of mailing. The refusal to accept delivery by Grantee or Grantor or the inability to deliver any communication because of a changed address of which no notice has been given in accordance with this provision shall constitute delivery.

WS

Exhibit B
Easement Area

[see attached three (3) pages]

October 25, 2018

**DESCRIPTION OF A WATERLINE EASEMENT
THROUGH A PORTION OF 6035 GENDER ROAD,
CITY OF CANAL WINCHESTER, FRANKLIN CO., OHIO**

Situated in the State of Ohio, County of Franklin, City of Canal Winchester, in Section 24, Township 11 North, Range 21 West, Mathew's Survey of Congress Lands, and being an easement for waterline purposes through a portion of an 11.3151 acre tract of land conveyed to IID Development of Maryland, Inc., by deed of record in Instrument No. 200707020115156, all records referenced to the Recorder's Office, Franklin County, Ohio, said easement bounded and described as follows:

Beginning at a point in the southwesterly Limited Access right-of-way line of U.S. Route 33 as shown on the Ohio Department of Transportation plans for FRA-33-(26.21-30.13) Columbus – Lancaster Road and in a northeasterly line of said 11.3151 acre tract, said point being the following two (2) courses along a portion of the southwesterly Limited Access right-of-way line of U.S. Route 33 and northeasterly lines of said 11.3151 acre tract from the most northwesterly corner of said 11.3151 acre tract:

1. and with a curve to the right, data of which is: radius = 12,402.67 feet, and delta = $00^{\circ} 44' 23''$, arc length = 160.13 feet, a chord distance of 160.13 feet bearing $S 67^{\circ} 52' 03'' E$, and
2. $S 53^{\circ} 46' 20'' E$ a distance of 150.85 feet;

thence, from said place of beginning, $S 53^{\circ} 46' 20'' E$ along the southwesterly Limited Access right-of-way line of U.S. Route 33 and along a portion of a northeasterly line of said 11.3151 acre tract a distance of 20.16 feet to a point;

thence $S 43^{\circ} 26' 49'' W$ crossing a portion of said 11.3151 acre tract a distance of 25.07 feet to a point in a northeasterly line of an existing Sanitary Sewer and Waterline easement conveyed to the Village of Canal Winchester, by deed of record in Instrument No. 200011010221846;

thence $N 43^{\circ} 28' 06'' W$ crossing a portion of said 11.3151 acre tract and along a portion of said northeasterly line of said existing easement a distance of 4.48 feet to a point;

thence $N 70^{\circ} 25' 26'' W$ crossing a portion of said 11.3151 acre tract and along a portion of said northerly line of said existing easement a distance of 16.98 feet to a point;

thence $N 43^{\circ} 26' 49'' E$ crossing a portion of said 11.3151 acre tract a distance of 29.17 feet to the place of beginning;

containing 525 square feet (= 0.012 acre) of land, more or less.

Together with a temporary construction easement, and bounded and described as follows:

Beginning at a point in the southwesterly Limited Access right-of-way line of U.S. Route 33 as shown on the Ohio Department of Transportation plans for FRA-33-(26.21-30.13) Columbus – Lancaster Road and in a northeasterly line of said 11.3151 acre tract, said point being the following two (2) courses along a portion of the southwesterly Limited Access right-of-way line of U.S. Route 33 and northeasterly lines of said 11.3151 acre tract from the most northwesterly corner of said 11.3151 acre tract:

3. and with a curve to the right, data of which is: radius = 12,402.67 feet, and delta = $00^{\circ} 44' 23''$, arc length = 160.13 feet, a chord distance of 160.13 feet bearing $S 67^{\circ} 52' 03'' E$, and
4. $S 53^{\circ} 46' 20'' E$ a distance of 135.73 feet;

thence, from said place of beginning, $S 53^{\circ} 46' 20'' E$ along the southwesterly Limited Access right-of-way line of U.S. Route 33 and along a portion of a northeasterly line of said 11.3151 acre tract a distance of 38.26 feet to a point at a corner of said 11.3151 acre tract;

MBS

thence S 44° 38' 15" E along the southwesterly Limited Access right-of-way line of U.S. Route 33 and along a portion of a northeasterly line of said 11.3151 acre tract a distance of 12.05 feet to a point;
thence S 43° 26' 49" W crossing a portion of said 11.3151 acre tract a distance of 60.18 feet to a point;
thence N 46° 33' 11" W crossing a portion of said 11.3151 acre tract a distance of 50.00 feet to a point;
thence N 43° 26' 49" E crossing a portion of said 11.3151 acre tract a distance of 55.78 feet to the place of beginning;
containing 2,936 square feet (= 0.067acre) of land, more or less.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from information and design provided by McGill Smith Punshon, Inc., on October 24, 2018. Basis of bearings are based on the bearings as defined by the 11.3151 acre tract of land conveyed to HD Development of Maryland, Inc., in deed of record in Instrument No. 200707020115156, Recorder's Office, Franklin County, Ohio.

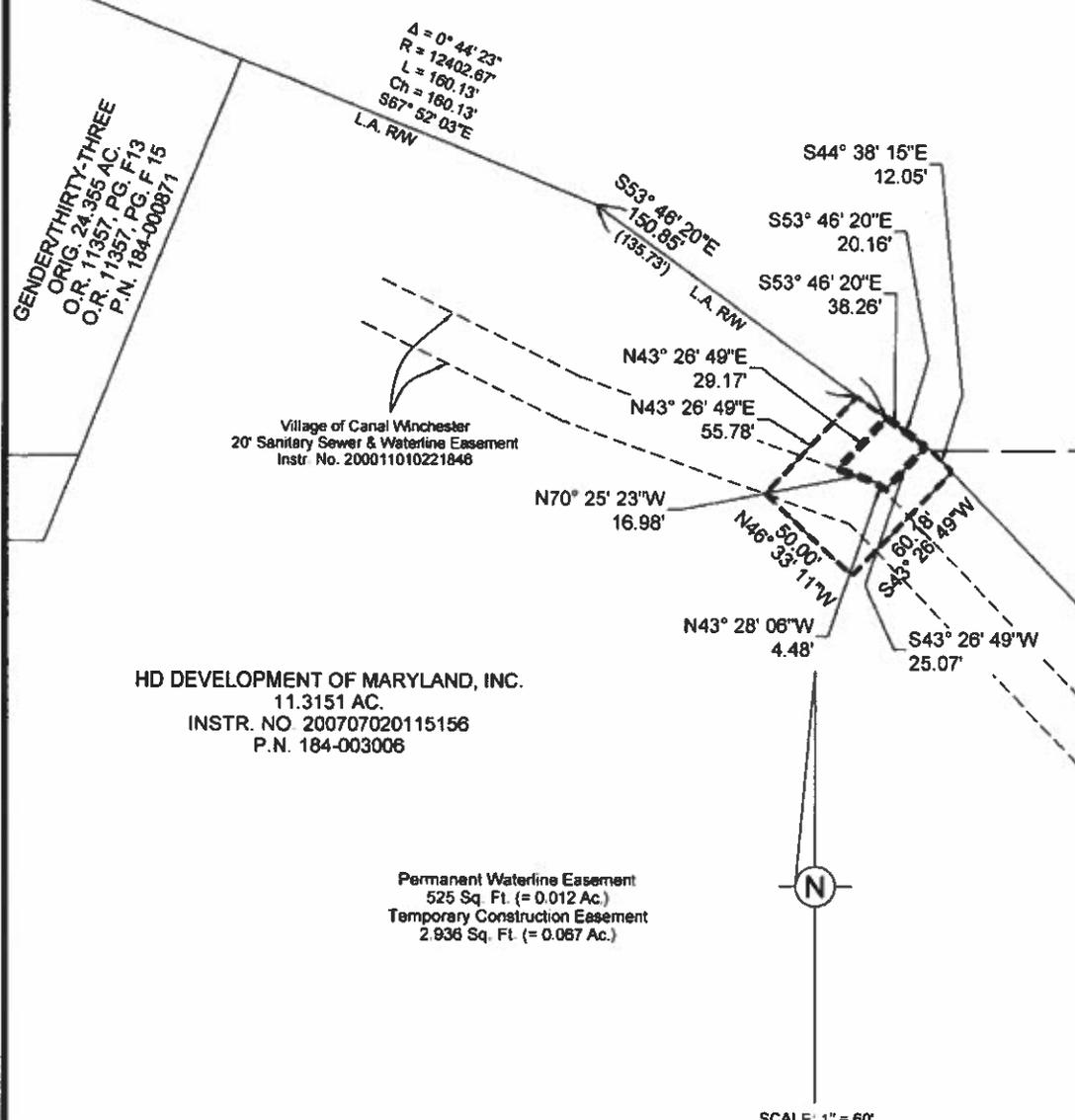
Kevin L. Baxter 10/25/18

Kevin L. Baxter ~ Ohio Surveyor No. 7697



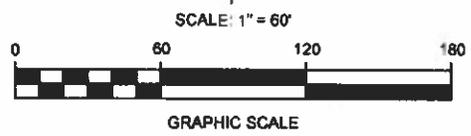
MBS

U.S. ROUTE 33
 FRA-33-(26.21-30.13) COLUMBUS - LANCASTER ROAD



HD DEVELOPMENT OF MARYLAND, INC.
 11.3151 AC.
 INSTR. NO. 200707020115156
 P.N. 184-003006

Permanent Waterline Easement
 525 Sq. Ft. (= 0.012 Ac.)
 Temporary Construction Easement
 2,936 Sq. Ft. (= 0.067 Ac.)



BASIS OF BEARINGS: Bearings are based on the 11,315.1 acre tract of land conveyed to HD Development of Maryland, Inc. in deed of record in Instrument No. 200707020115156, Recorder's Office, Franklin County, Ohio.

EXHIBIT OF A WATERLINE EASEMENT,
 THROUGH A PORTION OF 6035 GENDER ROAD
 CITY OF CANAL WINCHESTER, FRANKLIN CO., OHIO
 (SEC. 24, T. 11 N., R. 21 W., MATCHES W'S SURVEY OF CONGRESS LANDS)

SCALE: 1" = 60'

OCTOBER 25, 2018



3500 Snouffer Road, Ste. 225
 Columbus, Ohio 43225
 Ph: (614) 761-1661



Kevin L. Baxter
 Kevin L. Baxter ~ Ohio Surveyor No. 7697

NBS

H:\Jobs\2018\031\CAD\Drawings\Exhibit\HD-Water Easement.dwg 10/24/2018

Exhibit C
Depiction of Access Drive and Truck Route

[see attached page]

MBS

Exhibit D
Legal Description of HD Parcel

Parcel No. 124 - 003004e - 00
Township of Franklin, City of Canal Winchester

Tract I - 0.0380 Acres

Situate in Section 24, Township 11, range 21, Village of Canal Winchester, Franklin County, Ohio, being a part of a tract of land described as "Parcel 2" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records and more particularly described as follows:

Beginning in the southwest corner of section 24, said section corner being witnessed by a found 3/4" iron pipe;

Thence in the southerly line of section 24, North 89°35'38" East, a distance of 1493.31 feet to a found 5/8" iron pin with cap marked "E M H & T", said iron pin also being the southwesterly corner of a tract of land conveyed to WINCHESTER SQUARE, LLC, by instrument no. 200412200286893 of the Franklin County, Ohio records, said iron pin also being the southeast corner of a tract of land described as "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records;

Thence leaving said section line, and in an easterly line of said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 00°24'22" West, a distance of 440.00 feet to a found 5/8" iron pin with cap marked "E M H & T";

Thence in an easterly line of said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 29°24'22" West, a distance of 610.00 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.";

Thence in an easterly line of said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 24°44'36" East, a distance of 690.83 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.", said iron pin with cap also being a common corner to a tract of land described as "Parcel 2" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13, said iron pin with cap also being the True Point of Beginning for the parcel herein described;

WBS

thence the following 4 courses:

1. In said line common to "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records and said "Parcel 2" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, South 89°33'38" West, a distance of 5.83 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
2. In a new division line across said "Parcel 2" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 22°11'01" East, a distance of 179.15 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.", said iron pin also being in a southerly right-of-way line of U. S. Route 33, said right-of-way line being described in a survey made by the Ohio Department of Transportation and recorded in Book 32, Page 53 of the Franklin County, Ohio Records; thence
3. Following in said southerly right-of-way line of U. S. Route 33, in a curve to the left with a radius of 12402.67 feet, with a delta angle of 0° 03' 41", subtended by a chord which bears South 67°31'44" East, a chord distance of 13.28 feet, with an arc distance of 13.28 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
4. Leaving said southerly right-of-way line, and in the easterly line of said parcel 2 conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, South 24°44'36" West, a distance of 177.02 feet to the True Point of Beginning.

Containing 1.654 Square Feet or 0.0380 Acres.

The basis of bearings for the above description is the south line of the southwest 1/4 section 24, North 89° 35' 38" East, as described in Official Record 295291114.

The above description is based on a survey dated November 2004, December 2004 and January 2005, by Preferred Surveying Company, Inc., under the direct supervision of Patrick S. Finn, Professional Surveyor no. 7181.

Tract 2 - 0.4906 Acres

Situate in Section 24, Township 11, range 21, Village of Canal Winchester, Franklin County, Ohio, being a part of a tract of land described as "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, and being more particularly described as follows:

Beginning in the southwest corner of section 24, said section corner being witnessed by a 3/4" iron pipe;

Thence in the southerly line of section 24, North 89°35'38" East, a distance of 1493.31 feet to a found 5/8" iron pin with cap marked "E M H & T", said iron pin also being the southwesterly corner of a tract of land conveyed to WINCHESTER SQUARE, LLC, by instrument no. 200412200286893 of the Franklin County, Ohio records, said iron pin also being the southeast corner of a tract of land described as "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records;

thence leaving said section line, and in an easterly line of said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 00°24'22" West, a distance of 440.00 feet to a found 5/8" iron pin with cap marked "E M H & T";

Thence in an easterly line of said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 29°24'22" West, a distance of 610.00 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.";

Thence in an easterly line of said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 24°44'36" West, a distance of 316.00 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.", said iron pin with cap being the True Point of Beginning for the parcel herein described;

MBS

thence the following 5 courses:

1. In a new division line across said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 00°16'09" East, a distance of 305.16 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
2. In a new division line across said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, South 89°45'31" East, a distance of 135.03 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
3. In a new division line across said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 22°11'01" East, a distance of 38.66 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; said iron pin also being in the southerly line of a tract of land described as "Parcel 2" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records; thence
4. Following in the southerly line of said "Parcel 2" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 89°33'38" East, a distance of 5.83 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
5. In the easterly line of said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, and in a westerly line of a tract of land conveyed to Gender/Thirty-Three by deed recorded in Official Record 29529I01, South 24°44'36" West a distance of 374.83 feet to the True Point of Beginning.

Containing 21,365 Square Feet or 0.4906 Acres.

The basis of bearings for the above description is the south line of the southwest 1/4 section 24, North 89° 35' 38" East, as described in Official Record 29529H14.

The above description is based on a survey dated November 2004, December 2004 and January 2005, by Preferred Surveying Company, Inc., under the direct supervision of Patrick S. Finn, Professional Surveyor no. 7181.

Tract 3 - 10.7865 Acres

Situate in Section 24, Township 11, range 21, Village of Canal Winchester, Franklin County, Ohio, being a part of a tract of land conveyed to Gender/Thirty-Three by instrument No. 200412200286893 of the Franklin County, Ohio records, and being more particularly described as follows:

Beginning in the southwest corner of section 24, said section corner being witnessed by a 3/4" iron pipe.

Thence in the southerly line of section 24, North 89°35'38" East, a distance of 1493.31 feet to a found 5/8" iron pin with cap marked "E M H & T"; said iron pin also being the southwesterly corner of a tract of land conveyed to WINCHESTER

SQUARE, LLC, by instrument no. 200412200286893 of the Franklin County, Ohio records, said iron pin also being the southeast corner of a tract of land described as "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records;

Thence leaving said section line, and in an easterly line of said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 00°24'22" West, a distance of 440.00 feet to a found 5/8" iron pin with cap marked "E M H & T";

NBS

Thence in an easterly line of said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 29°24'22" West, passing a found iron pin with cap "E M H & T" at 183.15 feet, a distance of 345.56 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.";

Thence in a westerly line of a tract of land conveyed to WINCHESTER SQUARE, LLC, by instrument no. 200412200286893 of the Franklin County, Ohio records, North 00°16'09" East, passing a found 5/8" iron pin with cap marked "E M H & T" at 183.15 feet, a distance of 277.82 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.", said iron pin being the True Point of Beginning of the parcel herein described; thence the following 17 courses:

1. In a new division line across a tract of land conveyed to Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, North 00°16'19" East, a distance of 239.51 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.", said iron pin with cap being in an easterly line of said "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records; thence
2. In an easterly line of "Parcel 1" and "Parcel 2", both conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 21°44'36" East, a distance of 551.85 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.", said iron pin with cap being in a southerly right-of-way line of U. S. Route 33, said right-of-way line being described in a survey made by the Ohio Department of Transportation and recorded in Book 32, Page 53 of the Franklin County, Ohio Records; thence
3. In said southerly right-of-way line of U. S. Route 33, in a curve to the left, with a radius of 12402.67 feet, with a delta angle of 0° 40' 42", subtended by a chord which bears South 67°53'54" East, a chord distance of 146.84 feet, with an arc distance of 146.84 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
4. Continuing in a southerly right-of-way line of U. S. Route 33, South 53°46'20" East, a distance of 173.99 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
5. Continuing in a southerly right-of-way line of U. S. Route 33, South 43°42'36" East, a distance of 260.56 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
6. Continuing in a southerly right-of-way line of U. S. Route 33, South 46°55'15" East, a distance of 203.62 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.", said iron pin with cap also being a common corner to tract of land conveyed to WINCHESTER SQUARE, LLC, by instrument no. 200412200286893 of the Franklin County, Ohio records; thence
7. Leaving said right-of-way line of U. S. Route 33, and in a westerly line of said Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, South 43°04'45" West, a distance of 30.50 feet to a set mag nail; thence
8. Continuing in a westerly line of said Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, in a curve to the right, whose radius is 75.00 feet, with a delta angle of 46° 08' 59", subtended by a chord which bears South 23°50'39" East, a chord distance of 58.79 feet, with an arc distance of 60.41 feet to a set mag nail; thence
9. Continuing in a westerly line of said Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, South 01°06'12" East, a distance of 142.34 feet to a set mag nail; thence

WBS

10. Continuing in a westerly line of said Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, in a curve to the left, whose radius is 75.00 feet, with a delta angle of 37° 42' 02", subtended by a chord which bears South 17°33'38" East, a chord distance of 48.46 feet, with an arc distance of 49.35 feet to a set mag nail; thence
11. Continuing in a westerly line of said Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, South 37°25'51" East, a distance of 6.71 feet to a set mag nail; thence
12. Leaving said westerly line of Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, and in a new division line across said Gender/Thirty-Three, South 52°34'11" West, a distance of 23.33 feet to a set mag nail; thence
13. Continuing in new division line across said Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, South 78°55'52" West, a distance of 42.88 feet to a set mag nail; thence
14. Continuing in new division line across said Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, South 89°29'30" West, a distance of 301.26 feet to a set mag nail; thence
15. Continuing in new division line across said Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, South 76°33'44" West, a distance of 107.29 feet to a set mag nail, said mag nail being in a northerly line of WINCHESTER SQUARE, LLC, recorded in instrument no. 200412200286893 of the Franklin County, Ohio records; thence
16. Following in said northerly line of WINCHESTER SQUARE, LLC, South 89°29'30" West, passing a corner of said WINCHESTER SQUARE, LLC at 44.63 feet, and continuing in a new division line across said Gender/Thirty-Three recorded in Official Record 29529101 of the Franklin County, Ohio records, a distance of 67.71 feet to a set mag nail; thence
17. Continuing in a new division line across said Gender/Thirty-Three recorded in Official Record 29529101 of the Franklin County, Ohio records, North 78°43'50" West, a distance of 334.19 feet to the True Point of Beginning.

Containing 469,858 Square Feet or 10.7865 Acres.

The basis of bearings for the above description is the south line of the southwest 1/4 section 24, North 89° 35' 38" East, as described in Official Record 29529114

The above description is based on a surveys dated November 2004, December 2004 and January 2005, by Preferred Surveying Company, Inc., under the direct supervision of Patrick S. Finn, Professional Surveyor no. 7181.

Said three Tracts described above (Tract 1 - 0.0380 Acres, Tract 2 - 0.4906 Acres, and Tract 3 - 10.7865 Acres), when consolidated, can also be described as follows:

11.3151 Acre Tract

Situate in Section 24, Township 11, range 21, Village of Canal Winchester, Franklin County, Ohio, being a part of a tract of land conveyed to Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, and also being a part of the tracts of land described as "Parcel 1" and "Parcel 2" as conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, and being more particularly described as follows:

Beginning in the southwest corner of section 24, said section corner being witnessed by a 3/4" iron pipe:

Thence in the southerly line of section 24, North 89°35'38" East, a distance of 1493.31 feet to a found 5/8" iron pin with cap marked "E M H & T", said point also being the southwesterly corner of a tract of land conveyed to WINCHESTER SQUARE, LLC, by instrument no. 200412200286893 of The Franklin County, Ohio records, said point also being the southeast corner of a tract of land described as "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official

MBS

Record 11357F13 of the Franklin County, Ohio records;

Thence leaving said section line, and in an easterly line of a tract of land described as "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 00°24'22" West, a distance of 440.00 feet to a found 5/8" iron pin with cap marked "E. M. H. & T".

Thence in an easterly line of said tract of land described as "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in Official Record 11357F13 of the Franklin County, Ohio records, North 29°24'22" West, passing a found iron pin with cap marked "E. M. H. & T" at 183.15 feet, a distance of 345.56 feet to a found 5/8" iron pin with cap marked "E. M. H. & T".

Thence in a westerly line of a tract of land conveyed to WINCHESTER SQUARE, LLC, by instrument no. 200412200286893 of The Franklin County, Ohio records, North 00°16'09" East, passing a found 5/8" iron pin with cap marked "E. M. H. & T" at 183.15 feet, and in a line across a tract of land conveyed to Gender/Thirty-Three by deed recorded in Official record 29529101 of the Franklin County, Ohio records, a distance of 277.82 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.", said iron pin also being the True Point of Beginning of the parcel herein described; thence the following 18 courses:

1. Continuing in a new division line across a tract of land conveyed to Gender/Thirty-Three by deed recorded in Official Record 29529101 of the Franklin County, Ohio records, and also in a new division line through "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in official record 11357F13 of the Franklin County, Ohio records, North 00° 16' 09" East, a distance of 544.67 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
2. In a new division line through "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in official record 11357F13 of the Franklin County, Ohio records, South 89° 45' 31" East, a distance of 135.03 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
3. Continuing in a new division line through "Parcel 1" conveyed to Gender/Thirty-Three by deed recorded in official record 11357F13 of the Franklin County, Ohio records, North 22° 11' 01" East, a distance of 217.81 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co.", said iron pin being in the northwesterly corner of the parcel herein described, said iron pin also being in the southerly right-of-way line of U. S. Route 33; thence
4. In said southerly right of way line of U. S. Route 33 and in the northerly line of a tract of land conveyed to Gender/Thirty-Three by deed recorded in Official record 29529101 of the Franklin County, Ohio records, in a curve to the left with a radius of 12402.67 feet, with a delta angle of 0° 40' 42", subtended by a chord which bears South 67° 52' 03" East, a chord distance of 160.13 feet, with an arc distance of 160.13 feet, to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
5. Continuing in said line of U. S. Route 33 and in the northerly line of a tract of land conveyed to Gender/Thirty-Three by deed recorded in Official record 29529101 of the Franklin County, Ohio records, South 53°46' 20" East, a distance of 173.99 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
6. Continuing in said line of U. S. Route 33 and in the northerly line of a tract of land conveyed to Gender/Thirty-Three by deed recorded in Official record 29529101 of the Franklin County, Ohio records, South 43° 42' 36" East, a distance of 260.56 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
7. Continuing said line of U. S. Route 33 and in the northerly line of a tract of land conveyed to Gender/Thirty-Three by deed recorded in Official record 29529101 of the Franklin County, Ohio records, South 46° 55' 15" East, a distance of 203.62 feet to a set 5/8" iron pin with cap marked "Preferred Surv. Co."; thence
8. Leaving said line of U. S. Route 33 and in the easterly line of a tract of land conveyed to Gender/Thirty-Three by deed recorded in Official record 29529101 of the Franklin County, Ohio records, South 43° 04' 45" West, a distance of 30.30 feet to a set mag nail; thence
9. Continuing and in the easterly line of a tract of land conveyed to Gender/Thirty-Three by deed recorded in Official record 29529101 of the Franklin County, Ohio Records, in a curve to the right with a radius of 75.00 feet, with a delta angle of 46° 08' 59", subtended by a chord which bears South 23° 50' 39" East, a chord distance of 58.79 feet, with an arc distance of 60.41 feet to a set mag nail; thence

NBS

10. Continuing and in the easterly line of a tract of land conveyed to Gender/Thirty Three by deed recorded in Official record 29529101 of the Franklin County, Ohio Records, South 01° 06' 12" East, a distance of 142.34 feet to a set mag nail; thence
11. Continuing and in the easterly line of a tract of land conveyed to Gender/Thirty Three by deed recorded in Official record 29529101 of the Franklin County, Ohio Records, in a curve to the left with a radius of 75.00 feet, with a delta angle of 37° 42' 02", subtended by a chord which bears South 17° 33' 58" East, a chord distance of 48.46 feet, with an arc distance of 49.35 feet to a set mag nail; thence
12. Continuing and in the easterly line of a tract of land conveyed to Gender/Thirty Three by deed recorded in Official record 29529101 of the Franklin County, Ohio Records, South 37° 25' 51" East, a distance of 6.71 feet to a set mag nail; thence
13. In a new division line through said tract of land conveyed to Gender/Thirty Three by deed recorded in Official record 29529101 of the Franklin County, Ohio Records, South 52° 34' 11" West, a distance of 23.33 feet to a set mag nail; thence
14. Continuing in a new division line through said tract of land conveyed to Gender/Thirty Three by deed recorded in Official record 29529101 of the Franklin County, Ohio Records, South 78° 55' 52" West, a distance of 42.88 feet to a set mag nail; thence
15. Continuing in a new division line through said tract of land conveyed to Gender/Thirty Three by deed recorded in Official record 29529101 of the Franklin County, Ohio Records, South 89° 29' 30" West, a distance of 301.26 feet to a set mag nail; thence
16. Continuing in a new division line through said tract of land conveyed to Gender/Thirty Three by deed recorded in Official record 29529101 of the Franklin County, Ohio Records, South 76° 33' 44" West, a distance of 107.29 feet to a set mag nail, said mag nail being in a northerly line of a tract of land conveyed to Winchester Square, LLC in instrument no. 200412200286889; thence
17. Continuing in said northerly line of a tract of land conveyed to Winchester Square, LLC in instrument no. 200412200286889, passing a set mag nail at 44.63 feet, and continuing in a new division line through said tract of land conveyed to Gender/Thirty Three by deed recorded in Official record 29529101 of the Franklin County, Ohio Records, South 89° 29' 30" West, a distance of 67.71 feet to a set mag nail; thence
18. Continuing in a new division line through said tract of land conveyed to Gender/Thirty Three by deed recorded in Official record 29529101 of the Franklin County, Ohio Records, North 78° 43' 50" West, a distance of 334.19 feet to the True Point of Beginning.

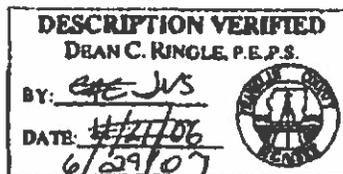
Containing 492,890 Square Feet or 11.3151 Acres.

The basis of bearings for the above description is the south line of the southwest 1/4 section 24, North 89° 35' 38" East, as described in Official Record 29529114.

The above description is based on a survey dated November 2004, December 2004 and January 2005, by Preferred Surveying Company, Inc., under the direct supervision of Patrick S. Finn, Professional Surveyor no. 7181.

TOGETHER WITH the appurtenant easement rights in the easement for access, parking, utilities and walkway more fully described in the Declaration of Easements appearing of record at Instrument No. 200412200286889, Franklin County records.

ALSO TOGETHER WITH a Restriction Agreement and Grant of Easements agreement appearing of record at Instrument No. 200503220052790, Franklin County records.



D-046-C
ALL OF
(184)
3006

MBS

ORDINANCE NO. 19-030

AN ORDINANCE TO ACCEPT HILL ROAD RIGHT-OF-WAY

WHEREAS, Westport Homes, Inc., owns property located on Hill Road identified as Fairfield County Auditor Parcel No. 0370240800, upon which Westport Homes reserved property for road right-of-way; and

WHEREAS, by Ordinance No. 19-014, the Council accepted from Westport Homes, Inc. and dedicated a 0.921-acre parcel of land, which formerly was part of Fairfield County Auditor Parcel No. 0370240700, adjacent to the parcel identified above; and

WHEREAS, Westport Homes, Inc., desires to dedicate a 0.074-acre parcel of land from Fairfield County Auditor Parcel No. 0370240800, adjacent to the previously accepted 0.921-acre parcel, to the City of Canal Winchester for road right-of-way purposes; and

WHEREAS, the Director of Public Service recommends acceptance of the dedication;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That Council does hereby accept and dedicate the 0.074-acre parcel of land described in Exhibit A and depicted in Exhibit B for road right-of-way purposes.

Section 2. That Council hereby authorizes and directs the Law Director to record an appropriate General Warranty Deed from Westport Homes, Inc., evidencing the acceptance of the right-of-way dedication as authorized herein and in Ordinance No. 19-014.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED: _____

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

Legal Counsel

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Finance Director/Clerk of Council

0.995 ACRE

Situated in the State of Ohio, County of Fairfield, Township of Violet, in Section 29, Township 15, Range 20, Congress Lands, being comprised of a part of each of those tracts of land conveyed to Westport Homes, Inc. by deeds of record in Official Record 1686, Page 506 and Official Record 1729, Page 1280, (all references are to the records of the Recorder's Office, Fairfield County, Ohio) and more particularly bounded and described as follows:

BEGINNING at an iron pin set at the southwesterly corner of the subdivision entitled "Canal Cove Section 1", of record in Plat Cabinet 2, Slot 78, in the easterly line of that 0.324 acre tract conveyed to G & B 262 LLC by deed of record in Official Record 1717, Page 3618, in the northerly right-of-way line of Hill Road (County Road 18);

Thence South 81° 44' 02" East, partly with the southerly line of said "Canal Cove Section 1", partly crossing said Westport Homes tracts, and with said northerly right of way line, a distance of 1444.46 feet to an iron pin set in the westerly line of that tract conveyed to Chester Limited Partnership by deeds of record in Deed Book 607, Page 162, Deed Book 607, Page 164 and Deed Book 607, Page 166;

Thence South 04° 46' 24" West, with said westerly line, a distance of 30.06 feet to a magnetic nail set at the southwesterly corner thereof, in the centerline of said Hill Road;

Thence North 81° 44' 02" West, with said centerline, a distance of 1444.27 feet to a 1" solid iron pin found at the southeasterly corner of said 0.324 acre tract;

Thence North 04° 26' 09" East, with the easterly line of said 0.324 acre tract, a distance of 30.07 feet to the POINT OF BEGINNING, containing 0.995 acre of land, more or less, of which 0.921 acre falls within Parcel Number 0370240700 and 0.074 acre falls within Parcel Number 0370240800.

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

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System as per NAD 83. Control for the bearings was from coordinates of monument numbers 4442 and 7761 established by the Franklin County Engineering Department using global positioning procedures and equipment.

This description is based on documents of record, prior plats of survey and observed evidence located by an actual field survey performed in November 2016.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A Kirk

9 AUG 17

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:jrm
0_995 ac 20160373-VS-BNDY-01.doc

LEGAL DESCRIPTION AND PLAT
MEETS MINIMUM STANDARDS FOR
BOUNDARY SURVEYS. FAIRFIELD
COUNTY ENGINEER.

BY *[Signature]* DATE 8/17/17

DESCRIPTION REVIEWED AND APPROVED
FOR TRANSFER ONLY. FAIRFIELD COUNTY
AUDITOR/ENGINEER TAX MAPS.

BY AS DATE 8/10/17
90/19393





Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648

emht.com

SURVEY OF ACREAGE PARCEL

SECTION 29, TOWNSHIP 15, RANGE 20

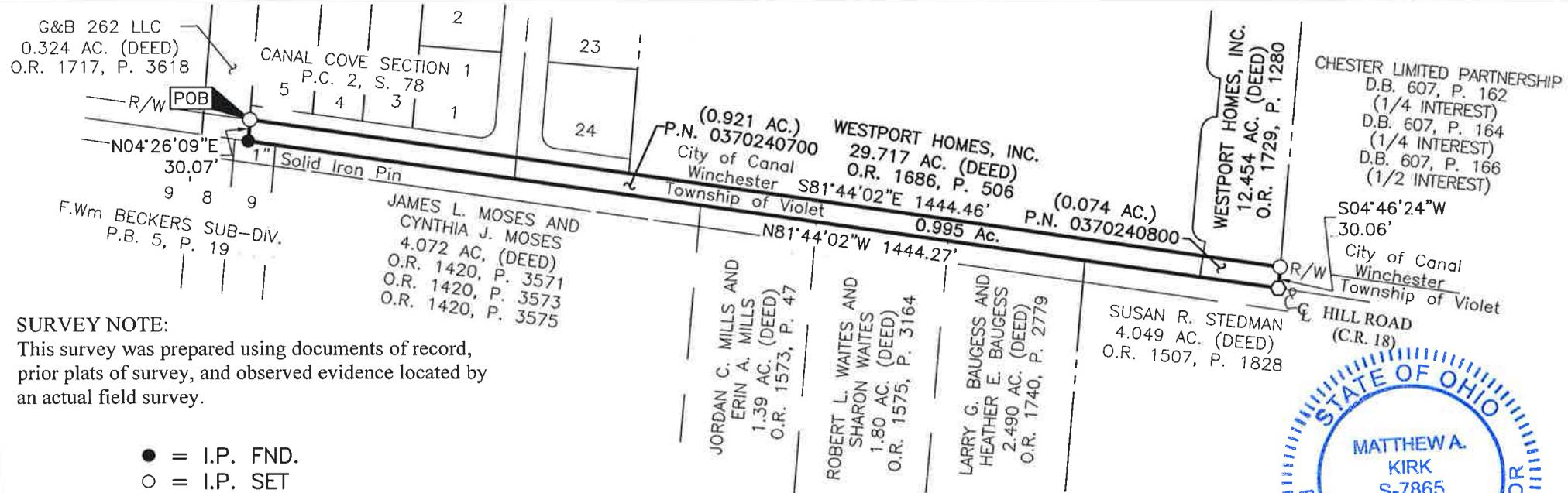
CONGRESS LANDS

TOWNSHIP OF VIOLET, COUNTY OF FAIRFIELD, STATE OF OHIO

Date: August 9, 2017

Scale: 1" = 200'

Job No: 20160373



SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

- = I.P. FND.
- = I.P. SET
- ⊗ = I.P. RESET
- ⬡ = MAG. NAIL SET
- ⊗ = MAG. NAIL RESET

I.P. Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.



GRAPHIC SCALE (in feet)

BASIS OF BEARINGS:

The bearings shown on this survey are based on the Ohio State Plane Coordinate System as per NAD83. Control for the bearings was from coordinates of Monument Numbers 4442 and 7761 established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.



By Matthew A. Kirk 9 Aug 17
Matthew A. Kirk Date
Professional Surveyor No. 7865



Mayor's Report

May 6, 2019

Prescription Drug Take Back Day:

This spring's net take was 103 lbs. of unwanted unused prescription drugs. Thanks to Bobbi Sumner, Jessica Lee, Deputy D'Amore, and the Community watch members for their help. And, of course a big thank you Diley Ridge Medical Center for allowing us to use their parking lot for the drop off area.

Potting Day:

Potting day went very well again this year thanks to Dick Millers assembly line. It's like building a car, put your part in and move it on to the next and repeat until full. It took less than one-half hour to plant all of the hanging baskets and a few planters. Record Time.



COUNCIL UPDATE

May 3, 2019

Finance Department
Amanda Jackson, Finance Director

Project Status:

2017-2018 Audit – The Auditor of State's Office has begun work on our audit performing work off site currently. They will be on site for a few days in May and again in June to complete testing. They anticipate having the audit completed by the end of July.

2019 Pool Season – Opening day for the pool is quickly approaching. Memberships and pool parties will be available for purchase starting May 1st on our website. There have been no changes in prices this year as discussed at the last council meeting. We are working on the concession offerings and making some changes to both pricing and options. Pricing changes on select items will be reduced and it is not anticipated that any prices will be raised.

COUNCIL UPDATE



May 2, 2019

Department of Public Service
Matthew C. Peoples, Director

Project Status:

Ohio EPA Director Tour: Canal Winchester has been chosen to host a media event with the new Director of the Ohio EPA. The new director will meet with Mayor Ebert, Matt Peoples, Steve Smith, and Joe Taylor to tour the facility and discuss the utility industry's need for qualified workers.

Recycle Days: The school group had their first recycle days April 20 with a low turnout. Another event is being held May 4th with their hope for them to be held every two weeks. Waste Management is providing two dumpsters and safety gear for the group.

Westchester Park Improvements: OHM has begun design work for the project and has finished up the survey for drainage.

Additionally, the School received word from Batelle that their fitness station grant was awarded. This is an approximately \$75,000 grant that will install 20 exercise structures at 15 stations; five each at the elementary and middle school and campuses and five at Westchester Park for the High School location. Installation is scheduled for mid-September and our crews will be assisting.

McGill Park: The \$450,000 Clean Ohio Trails Fund grant for The McGill Park Trail Connector project and the \$500,000 Land and Water Conservation Fund grant has been submitted and we expect to hear back on both this spring.

Water Tower Contract: Our 10-year water tower maintenance contract has expired and we are negotiating the terms of the next contract. In the first contract we performed yearly maintenance and inspections as well as painting all of our three towers at a cost of approximately \$77,000 per year. The next contract to paint only two of the towers and, along with the maintenance, and expect to see some savings over the last contract. We will discuss as an agenda item at the May 20 work session.

Gender Road Paving: ODOT Urban Paving Program is scheduled to pave Gender Rd. from US Rt. 33 to Lithopolis Rd. in spring 2020. The program pays 80% of the estimated cost of around \$700,000 with the city being responsible for the remaining 20% and all ancillary items such as pavement repairs, guardrail, drainage and lighting. Preliminary approval legislation will be presented late spring or early summer.

Gender Rd. Signal Synchronization Project: EMH&T has submitted information on for the project to ODOT and the data collection portion is scheduled to start in early May.

2019 Street Capital Improvement Program: Project that includes E. Waterloo St., Canal St., Prentiss School Dr., Ashbrook Village, and Westchester Section 3 is underway with curb ramp, crosswalk, and path work ongoing.

COUNCIL UPDATE



May 2, 2019

Division of Urban Forestry
Dick Miller, Urban Forester

Project Status:

Herbicide Spraying: Spot spraying for weeds, utilizing a back-pack sprayer will continue until October. Gutter pans are not usually in need of spraying until early summer. No guard rails have been treated to date. Better control of annual and perennial weeds in gravel areas is attained once the rainy season passes.

Potted Annual Plants: All sidewalk containers in old town are in place. Volunteers via the Street Tree Advisory Board will plant the above containers as weather allows. Hanging baskets are potted on May 3 and will grow in place at 400 Ashbrook Road before placement in various locations on street lamp poles.

Tree Installations: The street trees are being planted at this writing. Once inspected, that planting will be complete.

The following species were planted in-house along the north side of the Water Reclamation Plant as an improvement to an existing visual screening: White Pine, Western Red Cedar, Limber Pine, Norway Spruce, Serbian Spruce, Concolor Fir.

Mulching: Mulching of existing beds will continue in early May.

May 2, 2019

Division of Water Reclamation
Steve Smith, Superintendent

Project Status:

N. Gender Lift Station: A new, less clog-prone pump was ordered as a replacement for a failing pump at the station. It is to be installed the week of this report.

Influent Pump Damage: A power phase imbalance destroyed the motor and controls on raw pump 3. The motor is being rebuilt and the controls repaired and the pump is expected to be returned to service the first week of May.

EPA Director Tour: Canal Winchester has been chosen to host a media event with the new Director of the Ohio EPA. The new director will meet with Mayor Ebert, Matt Peoples, Steve Smith, and Joe Taylor to tour the facility and discuss the utility industry's need for qualified workers.

E. Waterloo St. Sewer: Dow Construction completed the installation of a manhole and a new line on East Waterloo St. to properly sewer the east area prior to new pavement installation.

Aeration Diffusers: We have received the new diffusers for the WRF for no cost from the manufacturer as a warranty issue. They are also paying a contractor to install them and that should occur sometime after the weather breaks.

Power Outage Assessments: the WRF experienced difficulties with sufficient power following the power outages caused by windstorm of 2/24/19. As a temporary measure, a new SCADA algorithm was installed that curtails electric use during generator function during outages. This will buy time until the new generator is in place.

Safety: The next safety meeting is slated to discuss Mower/Chipper safety as well as roll out the new accident/incident forms.

COUNCIL UPDATE



May 2, 2019

Division of Streets, Lands and Buildings

Shawn Starcher, Superintendent

Project Status:

Mowing: Crews have stayed busy so far this month with Parks and Roadside mowing.

Municipal Building Roof: The contractor has completed the install of the new roof system at the Municipal Building

Old Town Painting: The contractor is currently painting all of our metal benches, trash can and rod iron at Stradley Park and throughout the old town area

Pool Season: Crews have begun CW Pool building maintenance in preparation for pool season.

Street Sweeper: The Street Sweeper is back from receiving its repairs and has been out numerous times already. The repairs are expected to extend the life of the unit.

Cleanup Projects: A BIG thank you to TS Tech, the Lions Club, and Friends of 33 for the litter cleanup on Gender Road and U.S. Route 33. It was a huge help!

Seasonal Employees: Three seasonal employees will begin work starting in early May.

COUNCIL UPDATE



May 2, 2019

Division of Information Technology
Rick Brown, Coordinator

Project Status:

Network Environment: Working on offsite failover processing for one remaining server.

Network Speed: Network bandwidth has been increased for 2 locations to provide a more efficient transfer for backups and replications.

Pool Technology: Pool technology is being readied for opening.

COUNCIL UPDATE

May 2, 2019



Division of Water
Joe Taylor, Superintendent

Project Status:

Plant Production:

We pumped 24.735 Million gallons in March at an average of .773 mgd per day with an average hardness of 119 mg/l.

High Service Pumps: Working are evaluating the engineering proposal from Bird and Bull for the design of variable frequency drive (VFD) installations for high service pumps 2&4.

Consumer Confidence Report: Our annually required Consumer Confidence Report(CCR) is completed and the internet link will be included with the May utility bill.

Tallman Ct. Water Issue: We were called out to an incident on Tallman Ct on Monday April 29th. An irrigation subcontractor for the Westchester HOA shut the water off to the entire street by operating the main line valve. Water was restored that night and we are working with the contractor to be reimbursed.

AMI: AMI Metering System installs are ongoing. There are currently 1,575 units installed with around 1,750 more MIU's to install (47% complete).

Hydrant Flushing: Hydrant flushing is scheduled for April 15th-May 3rd.

Valve Bolts: Bolts have been replaced on 15 E. Waterloo St. valves.

Shutoffs: There were 43 properties on the shut off list this cycle with 36 actually shut off.

Stradley Fountain: Fountain was put into service the week of April 29th.

COUNCIL UPDATE



May 2, 2019

Construction Services Department
Bill Sims, Administrator

ACTION NEEDED BY COUNCIL:

Capital Improvement Projects

Gender Rd. Ph. 4: Project work complete. Closeout documents and final Payment this month.

2019 Street Program: Sidewalk Program complete. Pavement repairs underway. Paving to commence week of May 6th.

Private Development Projects

Canal Cove Sec. 6 & 7: Underground Utilities being installed.

Crossroads Church: On site Utilities installed.

Winchester Veterinary Clinic: Construction dormant due to design issues.

Villages At Westchester Section 13: Underground utilities installed. Curbs to be placed week of 5/6/19.

Winchester Office Park, Phase 1&2: Utility work complete. Buildings under construction.

NIFCO on Robinett Way: Waterline delayed due to design issue.

Hampton Inn: . Site work complete for time being. Building underway.

Turning Stone: Utility work resumed.

Mill Tech: Site work started. Water and sewer taps made.

Other

ACD: Conduit 90% complete.

CGO: Pipe replaced under RR Tracks on N. High. Pavement repair within a week.

Misc.

- R/W dedications from our parcels to R/W at Gender & Groveport.
- Easement for ACD. Net on Groveport Rd.

COUNCIL UPDATE



April 30, 2019

Development Department

Lucas Haire, Director

Development Report

- Planning and Zoning will review the final plat for Villages at Westchester Section 13-1 which consists of 20 new lots at their meeting on May 13.
- Winchester Office Park is nearing completion of the first two buildings. Edward Jones plans to open their office in May, and Oakview Dermatology and Nationwide Children's Hospital Sports Medicine are currently working on their tenant spaces.
- Wyler Chrysler, Dodge, Jeep and Ram is nearing completion of their new dealership building and they plan to open in May.
- Magnolia Dental recently opened a new dental office at 6160 Gender Road they replaced a previous dentistry office that was in the space and closed last fall.