



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** February 10, 2025

**SUBMITTED BY:** Anna Kelsey, Planning Department

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** **CONSIDERATION OF ORDINANCE NO. 25-05**

**SUBJECT:** Ordinance No. 25-05, an ordinance approving a request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from A-1 (Agricultural) and M-1 (Light Manufacturing), located in the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42.

## SUGGESTED ACTION:

## ATTACHMENTS:

- 1 [PUD 25-1 Maridel C-PUD Fact Sheet.docx](#)
- 2 [PUD 25-1 Maridel C-PUD - staff report.docx](#)
- 3 [PUD 25-1 Maridel C-PUD Ordinance.docx](#)
- 4 [PUD 25-1 - Maridel combined exhibits.pdf](#)
- 5 [C-PUD 25-1 Maridel Rezoning - PC resolution.pdf](#)



## FACT SHEET

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AGENDA ITEM NO: 14

DATE: 2/10/25

ORDINANCE NO: 25-05

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES (2/24/25  
at 7:15 p.m.)

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TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning & Community Development Director

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TITLE OF PROPOSED ORDINANCE/RESOLUTION:

An Ordinance approving a request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from A-1 (Agricultural) and M-1 (Light Manufacturing), located in the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42.

BACKGROUND:

See attached staff report and attachments.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Chapter 1130: Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 5-1 on February 5, 2025

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Sandra Pereira, Planning & Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

See attached

## PLANNING COMMISSION STAFF REPORT

CASE ID: PUD 25-1 Maridel

APPLICANT: Daniels Hinkley Housing, LLC  
5940 Whittingham Drive  
Dublin, OH 43015



### REQUEST

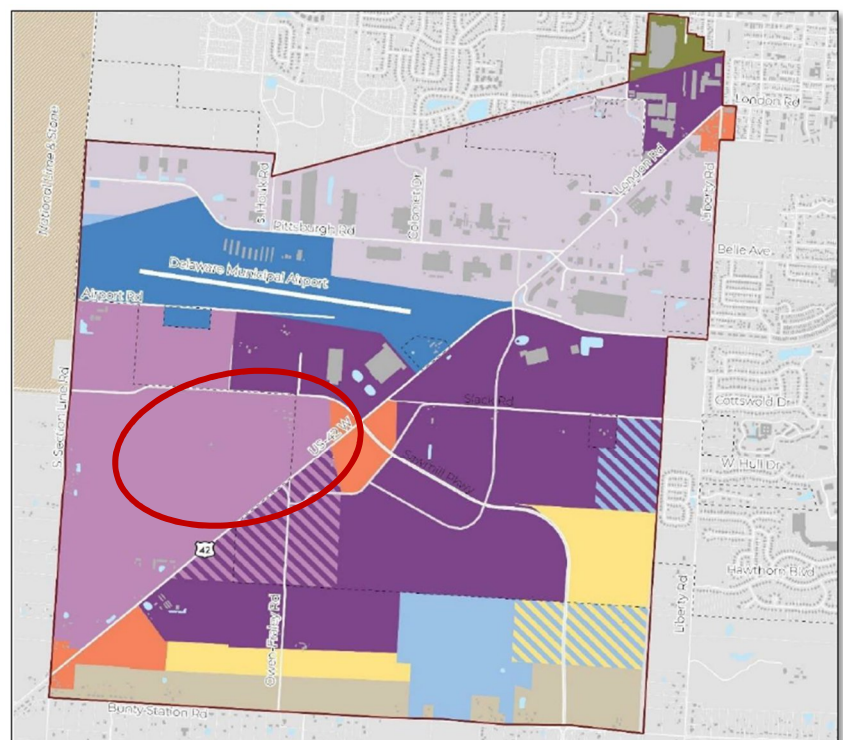
A request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from M-1 (Light Manufacturing) and A-1 (Agricultural), located within the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42.

### BACKGROUND/CASE HISTORY

This subject site is comprised of eight parcels located south of Sawmill Parkway and Northwest of US 42. The eastern 28.785-acre parcel was annexed into the City in 1976. The western seven parcels were annexed into the City in late 2024. The applicant is interested in a mixed-use, master development over the full 257.97-acre site, with specific interest in entertainment and service uses.

### EXISTING CONDITIONS/CURRENT ZONING

The subject 257.97-acre site has been used as farmland. There are several existing homes and outbuildings on the site. There are some minimal stands of trees (particularly surrounding the existing homes and outbuildings) and a high-tension power line which bisects the site. All parcels are located in the Southwest Overlay, with designations of SWA-1 (Corridor Commercial) on the eastern edge and SWA-3 (Innovative Business Campus) on the remainder of the site. Surrounding properties are also within the Southwest Overlay.



- |                                      |                                   |
|--------------------------------------|-----------------------------------|
| SWA-1: Corridor Commercial           | SWA-6: Suburban Mixed Residential |
| SWA-2: Traditional Industrial Campus | SWA-7: Suburban Mixed use         |
| SWA-3: Innovative Business Campus    | SWA-8: Suburban Residential       |
| SWA-4: Multi-use Innovation          | SWA-9: Government Campus          |
| SWA-5: Airport                       |                                   |

### STAFF ANALYSIS

Proposed Zoning: C-PUD (Commercial Planned Unit Development)

Staff is recommending a variety of commercial and institutional uses in this PUD including automotive sales and rental, indoor and outdoor entertainment, administrative offices, parks, and schools. These proposed uses are generally pulled from the permitted uses in the SWA-1 and SWA-3 sub-districts of the Southwest Focus Area, with minor adjustments to remove uses staff did not feel were appropriate or compatible in specific locations within the

development or in the proposed development as a whole. These incompatible uses include gasoline stations, manufacturing facilities, and warehouses, among others.

#### Comprehensive Plan:

The subject site has been used as agricultural land. This site is located within the Southwest Focus Area, mostly with the designation of SWA-3 (Innovative Business Campus). A portion of the site is designated as SWA-1 (Corridor Commercial). This proposed Zoning Map Amendment meets several of the goals and actions of the Southwest Plan, including:

- Action A.2: *Support flexible, innovation-oriented, high-value activities and uses in new business campus areas.*
- Action B.2: *Provide infrastructure for multimodal access and ease of mobility for pedestrians and cyclists.*
- Action C.1: *Develop commercial nodes with a mix of retail and services, including at US-42/Sawmill Parkway and US-24 near Bunty Station Road.*
- Action D.1: *Enhance gateway and commercial frontage to make it attractive and inviting.*
- Action F.4: *Explore a regional stormwater approach.*

Additionally, this proposal meets several of the goals and actions of Delaware Together, including:

- Objective A.1: *Encourage a greater mix of land uses in selected locations.*
- Objective A.8: *Improve design quality and align the design of major corridors.*
- Action A.10.1: *Require coordinated development on larger parcels.*
- Action A.14.1: *Implement the Bicycle and Pedestrian Master Plan 2027.*
- Action B.8.1: *Implement strategies to diversify the economic base.*
- Action B.8.8: *Create Activity Districts, gateways, and physical improvements.*
- Action B.8.10: *Integrate new uses at key locations.*

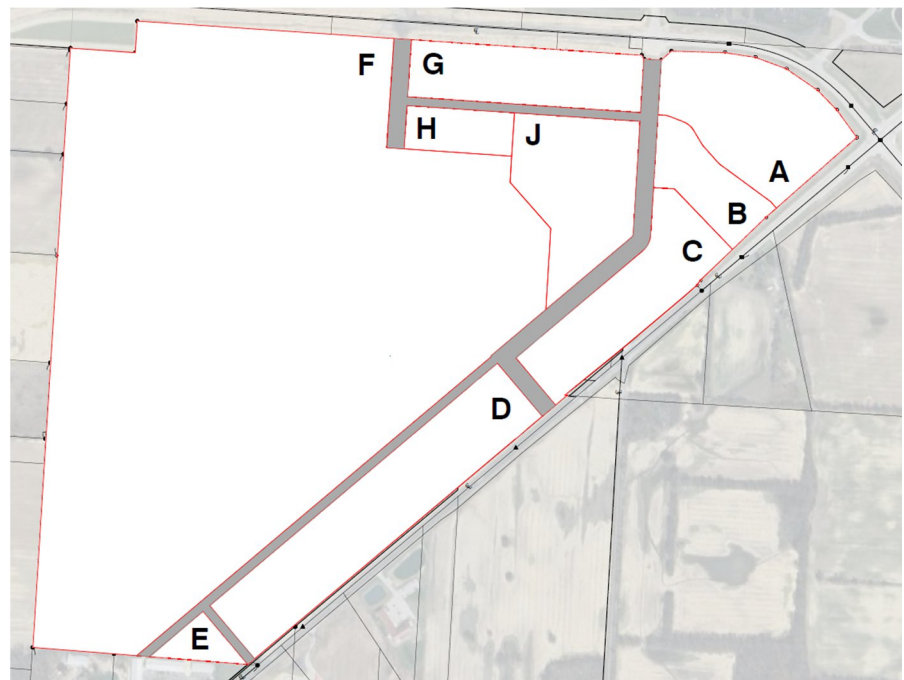
Overall, this Zoning Map Amendment request aligns with the Southwest Focus Area Plan, Delaware Together, and other City policies and goals.

#### Concept Plan:

At the zoning stage, there are no set plans for the layout or design of the site, only a general layout of proposed access points, internal access drives, and sub-areas, generally.

##### *Access and Right-of-Way*

The applicant is proposing two full-access points from Sawmill Parkway at the locations of the existing curb cuts. They will be permitted a maximum of one full-access intersection along US-42 subject to the approval of the City Engineer upon review and acceptance of the required Traffic Impact Study (TIS). The internal backage roads shown on the concept plan will be privately owned and maintained. The applicant will be required to dedicate any Right-of-Way deemed necessary. The final design and location of all access points will be reviewed and approved by the City Engineer.



*Setbacks and Buffers*

Staff is proposing site setbacks of 40-feet from US-42, 30-feet from Sawmill Parkway, and 50-feet from the western and southern boundaries of Sub-Area F. Landscaping, mounding, and other buffer details will be determined at the Development Plan stage once uses are finalized for each sub-area.

Procedures:

The applicant will be required to plat the full site (including all easements, right-of-way, etc.) prior to the issuance of any building permits. Each sub-area (or portion of a sub-area) will require development plan approval.

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RECOMMENDATION

Staff and Planning Commission recommend approval of this request with the conditions outlined in the attached resolution.

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ORDINANCE NO. 25-05

AN ORDINANCE APPROVING A REQUEST BY DANIELS HINKLEY HOUSING, LLC FOR APPROVAL OF A REZONING AMENDMENT FROM A-1 (AGRICULTURAL) AND M-1 (LIGHT MANUFACTURING), LOCATED IN THE SOUTHWEST OVERLAY, TO C-PUD (COMMERCIAL PLANNED UNIT DEVELOPMENT) ON 257.97 ACRES ON THE SOUTHWEST CORNER OF SAWMILL ROAD AND US-42.

WHEREAS, the Planning Commission at its meeting on February 5, 2025 recommended approval of a request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from A-1 (Agricultural) and M-1 (Light Manufacturing), located in the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42 (PC Case PUD 25-1)

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

SECTION 1. A request by Daniels Hinkley Housing, LLC for approval of a rezoning amendment from A-1 (Agricultural) and M-1 (Light Manufacturing), located in the Southwest Overlay, to C-PUD (Commercial Planned Unit Development) on 257.97 acres on the southwest corner of Sawmill Road and US-42, is hereby confirmed, approved, and accepted with the following conditions:

1. The concept plan dated "Received 01/07/25" illustrates the general layout of the development within this Planned Unit Development.
2. Principal uses permitted in this Commercial Planned Unit Development shall be:

	Sub-Area A	Sub- Areas B, E	Sub- Areas C, D, G, H	Sub-Area F	Sub-Area J
Commercial Uses					
Automotive Sales and rental			P		
Brewery, distillery, winery, cidery (micro)			P		
Drive-in theater	P	P	P	P	
Hotel/motel			P		

Indoor recreation and entertainment	P			P	P
Motor vehicle storage				P	
Office, administrative					P
Outdoor recreation and amusement	P			P	P
Parking lot or deck (as principal use)		P			
Restaurant			P		
Retail			P		
Institutional Uses					
Park, public or private				P	P
Place of religious assembly			C		
School, public or private					P
School, trade, business, and arts					P

### 3. ACCESS AND RIGHT OF WAY

- a. A Traffic Impact Study is required for the entire development, inclusive of all subareas. Access to US 42, including but not limited to location, if full or partial movement, and/or signalization) is to be determined by the City. Applicant shall be responsible for the design and construction of all required improvements as determined by the City Engineer.
- b. All internal roadways shall be private and be owned and maintained by an association of owners or a master association for the Maridel development.
- c. Full access to Sawmill Parkway shall be limited to the existing full-access curb cuts adjacent to the property.
- d. A maximum of one full-access intersection along US 42 will be permitted if in conformance with City access management guidelines. The location and design of these access points shall be subject to the approval of the City Engineer.



- e. All out parcels in Sub-Areas C, D, G, and H, shall require cross access between adjacent lots.
- f. Right-of-Way along Sawmill Parkway and US 42 shall be dedicated to the City as required by the City Engineer.
- g. Points of access and vehicular circulation as shown on the concept plan are subject to City of Delaware final review and approval at the Development Plan stage.

#### 4. STORMWATER

- a. Preliminary stormwater submission is required and is to be master planned for the entire development, inclusive of all subareas. Coordination of design and construction of final stormwater improvements shall be required by this applicant with any additional sub-area applicant.
- b. Fountains and/or other aeration and water circulation devices are required for all retention ponds and shall be maintained by an association of owners or developer in perpetuity.
- c. Retention pond barriers shall be required around stormwater basins as required by the City Engineer.
- d. Retention ponds and open space shall be maintained by an association of owners or developer in perpetuity.

#### 5. LANDSCAPING AND TREE PRESERVATION

- a. Tree Canopy Management Plans shall be required for each development at the Development Plan stage.
- b. Street trees shall be installed outside the Right-of-Way along the Sawmill Parkway and US 42 frontages. These trees shall be maintained by the developer or master association of owners in perpetuity.
- c. Landscape plans shall be required at the Development Plan stage.

#### 6. PEDESTRIAN ACCESS

- a. A minimum 10-foot-wide multi-use path shall be installed along the US 42 and Sawmill Parkway frontages.
- b. Minimum five-foot wide sidewalks shall be required on both sides of all private streets and connecting to each out lot.

#### 7. SETBACKS

- a. All pavement and buildings shall be setback at least 40-feet from the Right-of-Way along US 42 and at least 30-feet from the Right-of-Way along Sawmill Parkway.

- b. Setbacks along the western boundary and southern boundary of sub-area F shall be at least 50-feet. Landscaping and mounding details shall be finalized at the Development Plan stage.
- 8. A plat showing all dedicated Right-of-Way, private access drive, all access, drainage, stormwater, utility, and other easements is required prior to the issuance of any building permits.

SECTION 2. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 257.97 acres of land as further depicted in Exhibit A from A-1, Agricultural and M-1, Light Manufacturing), to C-PUD, Commercial Planned Until Development.

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

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

PASSED: \_\_\_\_\_, 2025 YEAS\_\_\_NAYS\_\_\_ABSTAIN\_\_\_

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

\_\_\_\_\_  
MAYOR

January 8, 2025

Anna Kelsey  
Planning & Zoning Administrator, City of Delaware, OH  
1 South Sandusky St.  
Delaware, OH 43015



**RE: Maridel Development - Letter of Intent**

Dear Anna,

It is the intent of Daniels Hinkley Housing, LLC to develop the existing +/- 255 acres of farm land as a Retail/Commercial development known collectively as Maridel.

Proposed uses for the overall development include: Restaurant, Retail, Hotel, Automotive Dealership, Mixed-Use, Office, Motor Sports Park + Condo Community, Event + Sports Arena, Institutional, Community Events, Sports Complex, Park and Shared Parking.

Property Ownership:

Daniels Hinkley Housing, LLC

5940 Whittingham Drive

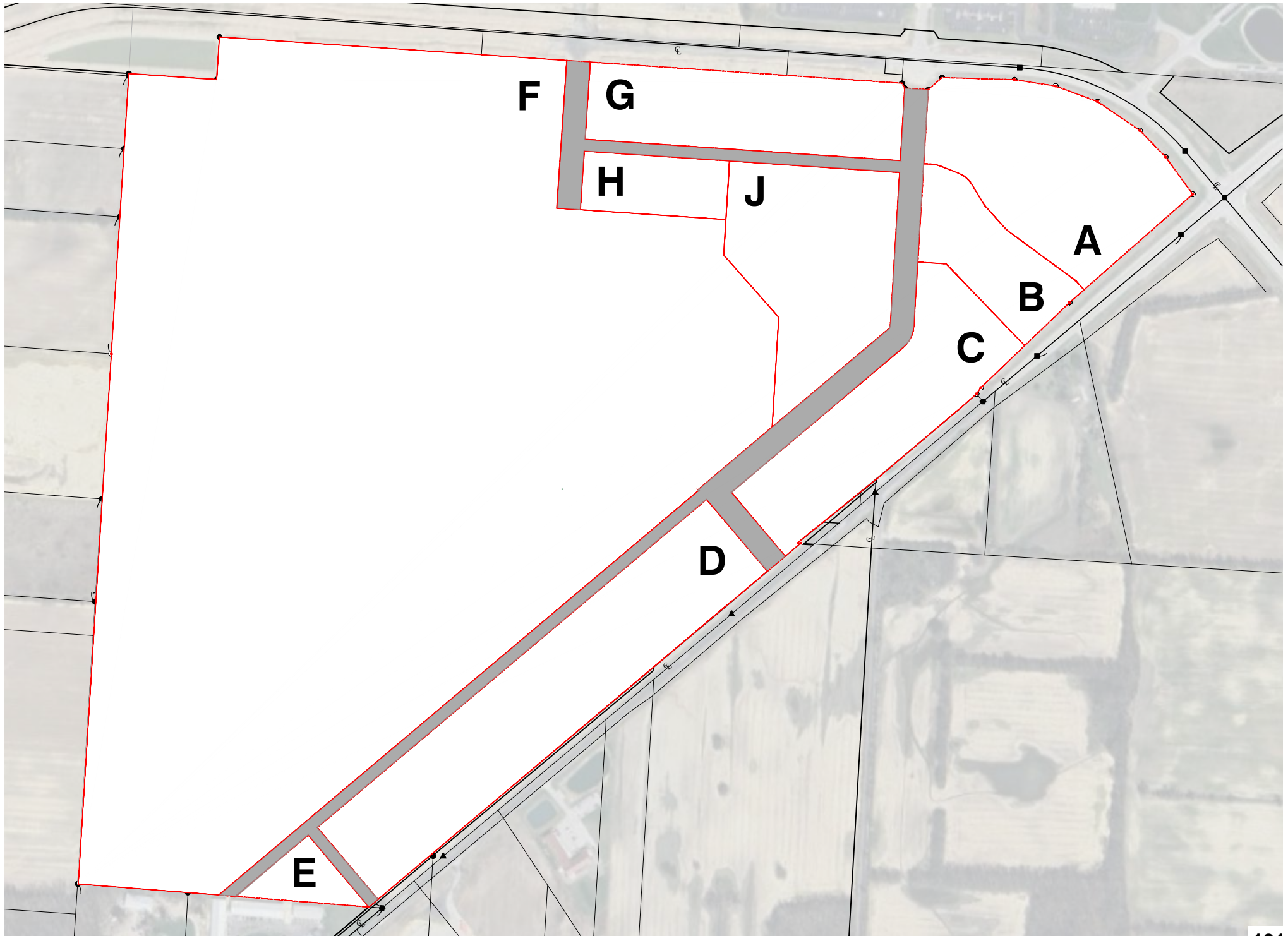
Dublin, OH 43017

Bruce Daniels, Managing Member

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bruce Daniels', with a long horizontal stroke extending to the right.

Bruce Daniels



# Proposed Uses

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- A** Event + Sports Arena
- B** Shared Parking + Stormwater Retention
- C** Commercial - Restaurant, Retail, Hotel, Automotive Dealership, Mixed-Use, Office
- D** Commercial - Restaurant, Retail, Hotel, Automotive Dealership, Mixed-Use, Office
- E** Shared Parking + Stormwater Retention
- F** Motor Sports Park + Condo Community
- G** Commercial - Restaurant, Retail, Hotel, Automotive Dealership, Mixed-Use, Office
- H** Commercial - Restaurant, Retail, Hotel, Automotive Dealership, Mixed-Use, Office
- J** Institutional - School of Drive, Community Events, Sports Complex, Office, Park



ALTA/NSPS LAND TITLE SURVEY  
FARM LOTS 24, 25, 26, 37, 39, AND 40, QUARTER TOWNSHIP 2, TOWNSHIP 4, RANGE 19  
UNITED STATES MILITARY DISTRICT  
CITY AND TOWNSHIP OF DELAWARE, COUNTY OF DELAWARE, STATE OF OHIO

DESCRIPTION FROM TITLE COMMITMENT NO. 22-08-02 ATA:

Tract 1 (40.20 parent parcel)

EXHIBIT A

Situated in the County of Delaware in the State of Ohio and in the Township of Delaware and bounded and described as follows:

Being the northwest part of Lot no. 24 in Section 2, Township 4, Range 19, U.S.M. Lands, described as follows:

Beginning at a stone at the northwest corner of said Lot no 24, and the northeast corner of Lot no. 25;

thence south 87 Deg 17' east along the north line of said Lot no 24, 115-65/111 poles to the center of the Ballpoint County Road (U.S. Route No. 42) passing over a post and stone at the west edge at 113-17/100 poles;

thence south 48-1/2 Deg. West along the center of said road 160-8/10 poles to the west line of Lot No. 24;

thence north 2-1/2 Deg. East along the west line of said Lot no, 24, 112 poles to the place of beginning, passing over a post and stone at the north side of said road at 2 poles and 12 links, containing 40.20 acres, more or less.

Excepting therefrom the following 8.749 acre tract and the 2.666 acre tracts.

Tract 1 First Exception: 8.749 Acres

PARCEL 85-WD DEL-CR 609-9.57  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN THE FOLLOWING DESCRIBED PROPERTY WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS IN THE NAME AND FOR THE USE OF THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situate in the State of Ohio, County of Delaware, City of Delaware and being located in Farm Lot Numbered 924, Section 92, Town 4, Range 19 US Military Lands as described in Delaware County Survey Records Volume 3, Page 182 Survey No. 210. The herein described parcels lies on the left side of existing US HWY 42 as shown in Plat Book 4, Page 249, and the left and right side of existing Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 739, Page 973. All stations and offsets are based on the Centerline Plat prepared by Burgess & Niple for the Delaware County Engineers office as shown in the Centerline Alignment for Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 739, Page 973 of the Delaware County Recorder's Office. Being part of lands conveyed to "DELAWARE. SAWMILL FARMS, LLC" (hereafter referred to as Grantor) as described in Official Record 1152, Page 1760 also of the Delaware County Recorder's Office and being more particularly described as follows:

COMMENCING at an Iron Pin Found at the common corner of Farm Lots 9 and 13, also lying on the North line of Farm Lot 24, and on the Grantor's North line, also the Southwest corner of lands conveyed to Sawmill 42 Land Group, LLC being a 93.814 acre tract as described in Official Record 714, Page 2805 and the Southeast corner of lands conveyed to Barbara A. Spierling, sole trustee, or her successors in trust, under the Barbara A. Spierling Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2284, and to Barbara A. Spierling, sole trustee, or her successors in trust, under the William E. Spierling III Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2287, and to Alyson Bartley Spierling (1/4 interest) and to Leslie Kate Spierling (1/4 interest) as described in Official Record 1268, Page 892 at 14-41 feet right of the existing centerline of said Sawmill Parkway Extension at station 715-97.07 and the TRUE POINT OF BEGINNING of the herein described parcel;

THENCE with the North line of Farm Lot 24 and the South line of Farm Lot 9, and the South line of Sawmill 42 Land Group's land, also with the South line of lands conveyed to JES Delaware Ohio, LLC as described in Official Record 828, Page 92408 and the Grantor's North line, S 85 deg. 59 min. 57 sec. E for a distance of 567.00 feet to an Iron Pin Set at 202.39 feet right of the existing centerline of Sawmill Parkway Extension at station 711-07.46;

THENCE through the Grantor's lands the following five (5) courses:

1. S 40 deg. 18 min. 41 sec. W for a distance of 92.68 feet to an Iron Pin Set at 109.92 feet right of the existing centerline of Sawmill Parkway Extension at station 711-12.80;

9. S 49 deg. 18 min. 40 sec. E for a distance of 124.11 feet to an Iron Pin Set, being 107.39 feet right of the existing centerline of Sawmill Parkway Extension at station 710-00.70;

8. S49 deg. 87 min. 47 sec. E for a distance of 54.82 feet to an Iron Pin Set at 110.95 feet right of the existing centerline of Sawmill Parkway Extension at station 709-51.832

4. S 47 deg. 37 min. 02 sec. E for a distance of 213.35 feet to an Iron Pin Set at 135.14 feet right of the existing centerline of Sawmill Parkway Extension at station 707-47.81, also at 130.65 feet left of the existing centerline of US HWY 42 at station 86-78.19;

5. N 53 deg. 50 min. 28 sec. E for a distance of 486.59 feet to an Iron Pin Set at the North line of Farm Lot 24 and the South line Farm Lot 9, also being the Grantor's North line, and the South line of JES Delaware Ohio, LLC at 96.29 feet left of the existing centerline of US HWY 42 at station 91+63.57;

THENCE with the North line of Farm Lot 24, the south line of Farm Lot 9 and the Grantor's North line, and the South line of JES Delaware Ohio, LLC, S 85 deg. 59 min. 57 sec. E for a distance of 188.09 feet to the centerline intersection of US HWY 42 and Slack Road (TR-146), also being the Northeast corner of the Grantor's lands, located on the existing centerline of US HWY 42 at station 92-62.55;

THENCE with the existing centerline of US HWY 42 and with the Grantor's East line, S 49 deg. 47 min. 29 sec. W for a distance of 962.55 feet to the existing centerline of US HWY 42 at station 83+00.00;

THENCE continuing with the existing centerline of US HWY 42 and Grantor's East line, S 49 deg. 5 min. 29 sec. W for a distance of 1100.00 feet to a Mag Nail Set on the existing centerline of US HWY 42 at station 72+00.00;

THENCE through the Grantor's lands the following thirteen (13) courses:

1) N 40 deg. 07 min. 31 sec. W for a distance of 42.50 feet to an Iron Pin Set at 120.50 feet left of the existing centerline of US HWY 42 at station 72+00.00;

92) N 35 deg. 19 min. 15 sec. E for a distance of 32.60 feet to an Iron Pin Set at 50.69 feet left of the existing centerline of US HWY 42 at station 72+31.56;

3) N 46 deg. 09 min. 32 sec. E for a distance of 521.91 feet to an Iron Pin Set at 84.52 feet left of the existing centerline of US HWY 42 at station 77-592.36;

4) N 48 deg. 40 min 11 sec. E for a distance of 697.05 feet to an Iron Pin Set at 98.96 feet left of the existing centerline of US HWY 42 at station 84+49.40, also being 93.69 feet left of the existing centerline of Sawmill Parkway Extension at station 707-16.42;

5) N 36 deg. 06 min 17 sec. W for a distance of 195.70 feet to an Iron Pin Set at 78.78 feet left of the existing centerline of Sawmill Parkway Extension at station 709+14.54;

6) N 44 deg. 10 min. 20 sec. W for a distance of 157.02 feet to an Iron Pin Set at 70.40 feet left of the existing centerline of Sawmill Parkway Extension at station 710+84.03;

7) N55 deg. 39 min. 34 sec. W for a distance of 9217.57 feet to an Iron Pin Set at 59.10 feet left of the existing centerline of Sawmill Parkway Extension at station 713+16.69;

8) N 69 deg. 37 min. 24 sec. W for a distance of 190.11 feet to an Iron Pin Set at 54.77 feet left of the existing centerline of Sawmill Parkway Extension at station 715+18.42;

9) N 81 deg. 15 min. 12 sec. W for a distance of 177.03 feet to an Iron Pin Set at 59.81 feet left of the existing centerline of Sawmill Parkway Extension at station 717+04.60;

10) N 88 deg. 17 min. 16 sec. W for a distance of 807.94 feet to an Iron Pin Set at 64.74 feet left of the existing centerline of Sawmill Parkway Extension at station 720+12.32;

11) S 48 deg. 41 min. 01 sec. W for a distance of 78.27 feet to an Iron Pin Set at 120.00 feet left of the existing centerline of Sawmill Parkway Extension at station 720+67.48;

12) N 86 deg. 07 min. 09 sec. W for a distance of 100.00 feet to an Iron Pin Set at 120.00 feet left of the existing centerline of Sawmill Parkway Extension at station 721+67.48;

13) N 30 deg. 48 min. 23 sec. W for a distance of 24.32 feet to an Iron Pin Set at the common line between Farm Lots 24 and 25, and the East line of lands conveyed to David R. and Teresa J. Shellhouse as described in Official Record 1092, page 2675; Official Record 1184, Page 2680; and Official Record 521, Page 672, also to the Grantor's West line, being the Corporation line of the City of Delaware at 100.00 feet left of the existing centerline of Sawmill Parkway Extension at station 721+81.32;

THENCE with the common line between Farm Lots 24 and 25, the East line of Shellhouse's lands, the Grantor's West line and the City of Delaware Corporation line, N 03 deg. 41 min. 01 sec. E for a distance of 106.37 feet to the common corner to Farm Lots 4 and 5, on the South line of Farm Lot 18, also on the South line of lands conveyed to Spierling, also being the Northwest corner of the Grantor's lands and a corner to the City of Delaware Corporation Line, being 6.37 feet right of the existing centerline of Sawmill Parkway Extension at station 721+81.69;

THENCE with the South line of Spierling's lands, the North line of Farm Lot 24, the Grantor's North line and the City of Delaware Corporation line, S 86 deg. 31 min. 13 sec. E for a distance of 585.78 feet BACK TO THE POINT OF BEGINNING of the herein described parcel.

The above described parcel contains 8.749 acres total, including 1.909 acres in the present road occupied (PRO), lying in Delaware County Auditors parcel number 419-230-01-031-000.

The basis of bearing in the above described parcel is referenced to Grid North, Ohio State Plane North Zone 3401, NAD83(1986) datum, as resolved by GPS observations and described in the Centerline Alignment for Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 739, Page 973 of the Delaware County Recorder's Office. All distances recited are ground distances.

All Iron Pins described as set are 3/4" rebar, 30 inches in length with a 2 1/2 inch aluminum cap stamped "RW Burgess & Niple PS-7664" and shall be placed upon notification from the Delaware Counties Engineers Office at the completion of construction.

This description was prepared by Burgess & Niple, Inc. under the direct supervision of William C. LeRoy, P.S., Ohio License No. 7664 and is based on surveys performed by Burgess & Niple, Inc. beginning in October 2005.

Tract 1 Second Exception: 2.666 acres

PARCEL 85-WDI DEL-CR 609-9.57  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN THE FOLLOWING DESCRIBED PROPERTY WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS IN THE NAME AND FOR THE USE OF THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situate in the State of Ohio, County of Delaware, City of Delaware and being located in Farm Lot Numbered 24, Section 2, Town 4, Range 19 US Military Lands as described in Delaware County Survey Records Volume 3, Page 182 Survey No. 910. The herein described parcels lies on the right side of existing US HWY 42 as shown in Plat Book 4, Page 249, and on the right side of existing Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 739, Page 73. All stations and offsets are based on the Centerline Plat prepared by Burgess & Niple for the Delaware County Engineers office as shown in the Centerline Alignment for Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 789, Page 973 of the Delaware County Recorder's Office. Being part of lands conveyed to "DELAWARE. SAWMILL FARMS, LLC" (hereafter referred to as Grantor) as described in Official Record 1152, Page 1760 also of the Delaware County Recorder's Office and being more particularly described as follows:

COMMENCING at an Iron Pin Found at the common corner of Farm Lots 9 and 13, also lying on the North line of Farm Lot 4, and on the Grantor's North line, also the Southwest corner of lands conveyed to Sawmill 42 Land Group, LLC being a 23.814 acre tract as described in Official Record 714, Page 2305 and the Southwest corner of lands conveyed to Barbara A. Spierling, sole trustee, or her successors in trust, under the Barbara A. Spierling Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2284, and to Barbara A. Spierling, sole trustee, or her successors in trust, under the William E. Spierling II Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2287, and to Alyson Bartley Spierling (1/4 interest) and to Leslie Kate Spierling (1/4 interest) as described in Official Record 1268, Page 892 at 14.4 feet right of the existing centerline of said Sawmill Parkway Extension at station 715-97.07;

THENCE with the North line of Farm Lot 4 and the South line of Farm Lot 9, and the South line of Sawmill 42 Land Group's land, also with the South line of lands conveyed to JES Delaware Ohio, LLC being a 30.396 acre tract as described in Official Record 8928, Page 2403 and the Grantor's North line, S 85 deg. 59 min. 57 sec. E for a distance of 567.00 feet to an Iron Pin Set at 202.39 feet right of the existing centerline of Sawmill Parkway Extension at station 711-07.46 and the TRUE POINT OF BEGINNING of the herein described parcel;

THENCE continuing with the North line of Farm Lot 24, and the south line of Farm Lot 9 and the Grantor's North line, and the South line of JES Delaware Ohio, LLC, S 85 deg. 59 min. 57 sec. E for a distance of 627.90 feet to an Iron Pin Set at 96.29 feet left of the existing centerline of US HWY 42 at station 91+63.57;

THENCE through the Grantor's lands the following five (5) courses:

1. S 53 deg. 50 min. 28 sec. W for a distance of 486.59 feet to an Iron Pin Set at 135.14 feet right of the existing centerline of Sawmill Parkway Extension at station 707-47.81, also at 130.65 feet left of the existing centerline of US HWY 42 at station 86-78.19;

9. N47 deg. 837 min. 02 sec. W for a distance of 213.35 feet to an Iron Pin Set at 110.95 feet right of the existing centerline of Sawmill Parkway Extension at station 709+51.32;

3. N 49 deg. 87 min. 47 sec. W for a distance of 54.82 feet to an Iron Pin Set at 107.39 feet right of the existing centerline of Sawmill Parkway Extension at station 710+00.70;

4. N49 deg. 18 min. 40 sec. W for a distance of 124.11 feet to an Iron Pin Set at 109.92 feet right of the existing centerline of Sawmill Parkway Extension at station 711+12.80;

5. N 40 deg. 18 min. 41 sec. E for a distance of 92.68 BACK TO THE TRUE POINT OF BEGINNING.

The above described parcel contains 2.666 acres total, including 0.000 acres in the present road occupied (PRO), lying in Delaware County Auditors parcel number 419-230-01-031-000.

The basis of bearing in the above described parcel is referenced to Grid North, Ohio State Plane North Zone 3401, NAD83(1986) datum, as resolved by GPS observations and described in the Centerline Alignment for Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 789, Page 973 of the Delaware County Recorder's Office. All distances recited are ground distances.

All Iron Pins described as set are 3/4" rebar, 30 inches in length with a 2 inch aluminum cap stamped "RW Burgess & Niple PS-7664" and shall be placed upon notification from the Delaware Counties Engineers Office at the completion of construction.

This description was prepared by Burgess & Niple, Inc. under the direct supervision of William C. LeRoy, P.S., Ohio License No. 7664 and is based on surveys performed by Burgess & Niple, Inc. beginning in October 2005.

Tract 2: 26.124 acres

Being part of Farm Lot 26, Quarter-Township 2, Township 4 North, Range 19 West, U.S. Military Lands, and being part of an original 40 acre tract of land (Tract 9, Parcel 4, 1 Parcel), and a 4.395 acre tract of land (Tract 9, Parcel 7), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, Concord Township, Delaware County, State of Ohio and being more particularly described as follows:

Beginning at a survey nail set at the intersection of the Line between Concord Township and Delaware Township and North Line of Farm Lot 26 with the centerline of U.S. Route 42, said point being the Northeast corner of aforesaid original 4.595 acre tract and Northeast corner of hereinafter described 26.124 acre tract, said point also being a Southeast corner of an original 121.5 acre tract of land (Tract 9, Parcel 2), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489;

Thence along the centerline of U.S. Route 42 South 50 deg. 29 min. 22 sec. West for a distance of 460.30 feet to a railroad spike found at an angle point;

Thence continuing along said centerline South 50 deg. 43 min. 08 sec. West for a distance of 1660.65 feet to a survey nail set at the Southwest corner of said 26.124 acre tract (passing over a tract line at a distance of 657.58 feet);

Thence along the West Line of aforesaid original 40 acre tract and West Line of said 26.124 acre tract, and West Line of Farm Lot 26, and East Line of an original 51 acre tract (Tract 9, Parcel 4, 2nd Parcel), and then along the East Line of a 5 acre tract (Tract 9, Parcel 5), and then along the East Line of a 36.25 acre tract (Tract 9, Parcel 6), all said tracts now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, North 04 deg. 05 min. 48 sec. East for a distance of 1475.56 feet to an iron pin set at the Northwest corner of Farm Lot 26, said point being the Northwest corner of said 26.124 acre tract, said point also being on the Line between Concord Township and Delaware Township (passing over an iron pin set at a distance of 41.27 feet);

Thence along the North Line of Farm Lot 26 and North Line of Concord Township and North Line of said 26.124 acre tract and South Line of aforesaid original 121.5 acre tract (Tract 9, Parcel 2), South 85 deg. 15 min. 03 sec. East for a distance of 1540.42 feet to a survey nail set on the centerline of U.S. Route 42 (passing over a tract line at a distance of 729.12 feet and an iron pin set at a distance of 1497.43 feet) and the place of beginning.

Containing 26.124 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated May 31, 2012. All 5/8 inch dia. Iron pins set have a plastic identity cap with the inscription "Fox Surveying Co."

Prior Deed, O.R. Vol. 796, page 1489

Basis of bearings, Survey by F.D. Stultz, dated 05/09/1975, centerline U.S. 42, South 50 deg. 29 min. 22 sec. West

Tract 3: 69.767 acres

Being part of Farm Lot 25, Quarter Township 2, Township 4 North, Range 19 West, U.S. Military Lands, and being a 12 acre tract of land (Tract 9, Parcel 3) and part of an original 121.5 acre tract of land (Tract 9, Parcel 2), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, Delaware Township, Delaware County, State of Ohio and being more particularly described as follows:

Beginning at a survey nail set at the intersection of the Line between Concord Township and Delaware Township and South Line of Farm Lot 25 with the centerline of U.S. Route 42, said point being a Southeast corner of hereinafter described 69.767 acre tract, said point also being the Northeast corner of an original 4.595 acre tract of land (Tract 9, Parcel 7), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489;

Thence along the South Line of Delaware Township and South Line of Farm Lot 25 and North Line of said 4.595 acre tract and then along the North Line of an original 40 acre tract of land, (Tract 9, Parcel 4, 1st Parcel), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, North 85 deg. 15 min. 03 sec. West for a distance of 1540.42 feet to an iron pin set at the Southwest corner of Farm Lot 25, said point being on the common Line between Concord Township and Delaware Township (passing over an iron pin set at a distance of 42.99 feet and a tract line at a distance of 811.31 feet);

Thence along the West Line of Delaware Township and West Line of Farm Lot 25 and West Line of said 69.767 acre tract and East Line of a 36.25 acre tract of land (Tract 9, Parcel 6), now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, North 04 deg. 05 min. 48 sec. East for a distance of 599.70 feet to an iron pin set at the Northeast corner of said 36.25 acre tract, said point being the Northeast corner of Concord Township;

Thence continuing along the West Line of Farm Lot 25 and West Line of said 69.767 acre tract and crossing aforesaid original 121.5 acre tract (Tract 9, Parcel 2), North 04 deg. 25 min. 52 sec. East for a distance of 1484.06 feet to a 5/8 inch dia. Iron pin found at the Northwest corner of Farm Lot 25, said point being the Northwest corner of said 69.767 acre tract (passing over a tract line at a distance of 1005.56 feet);

Thence along the North Line of Farm Lot 25 and North Line of said 69.767 acre tract and South Line of an original 54. 75 acre tract of land (Tract D), now or formerly owned by Francis L. Jr. & Mary Lou Wilgus, Trustees, TOD, O.R. 677, page 2363, and then along the South Line of an original 50 acre tract of land, now or formerly owned by Barbara A. Spierling, Trustee, O.R. 412, page 1362, South 85 deg. 19 min. 23 sec. East for a distance of 1301.17 feet to a 5/8 inch dia. Iron pin found at the Northeast corner of said 69.767 acre tract, said point being the Northwest corner of a 10.154 acre tract of land, now or formerly owned by Dorothy Susanne Jackson, Trustee, et al, O.R. 1092, page 2675 (passing over a tract line at a distance of 1047.75 feet);

Thence along the East Line of said 69.767 acre tract and West Line of said 10.154 acre tract South 04 deg. 31 min. 01 sec. West for a distance of 1275.87 feet to a 5/8 inch dia. Iron pin found at the Southwest corner of said 10.154 acre tract;

Thence along the South Line of said 10.154 acre tract South 84 deg. 52 min. 07 sec. East for a distance of 430.03 feet to a 5/8 inch dia. Iron pin found at the Southeast corner of said 10.154 acre tract, said point being on the West Line of a 5.044 acre tract of land, now or formerly owned by David R. & Teresa J. Shellhouse, Deed Vol. 521, page 672;

Thence along the East Line of said 69.767 acre tract and West Line of said 5.044 acre tract South 04 deg. 31 min. 01 sec. West for a distance of 627.88 feet to a survey nail found on the centerline of U.S. Route 42 (passing over a 5/8 inch dia. Iron pin found at a distance of 586.18 feet);

Thence along the centerline of U.S. Route 42 South 50 deg. 29 min. 22 sec. West for a distance of 256.10 feet to a survey nail set on the South Line of Delaware Township and the place of beginning.

Containing 69.767 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated May 31, 2012. All 5/8 inch dia. Iron pins set have a plastic identity cap with the inscription "Fox Surveying Co."

Prior Deed, O.R. Vol. 796, page 1489

Basis of bearings, Survey by F.D. Stultz, dated 05/09/1975, centerline U.S. 42, South 50 deg. 29 min. 22 sec. West

Tract 4: 40.973 acres

Being part of Farm Lot 37, Quarter-Township 2, Township 4 North, Range 19 West, U.S. Military Lands, and being part of an original 51 acre tract of land (Tract 9, Parcel 4, 2nd Parcel), and now or formerly owned by Dorothy Susanne Jackson, Trustee, O.R. 796, page 1489, Concord Township, Delaware County, State of Ohio and being more particularly described as follows:

Commencing at a survey nail found at the intersection of the Line between Concord Township and Delaware Township with the centerline of U.S. Route 42;

Thence along the centerline of U.S. Route 42 South 50 deg. 29 min. 22 sec. West for a distance of 460.30 feet to a railroad spike found at an angle point;

Thence continuing along said centerline South 50 deg. 43 min. 08 sec. West for a distance of 1660.65 feet to a survey nail found at the Southeast corner of hereinafter described 40.973 acre tract, said point being the Southwest corner of a 26.124 acre tract of land (Tract No. 1), now or formerly owned by 42 View Farm LLC, O.R. 1136, page 1636, and the point of beginning.

Thence continuing along the centerline of U.S. Route 42 South 50 deg. 43 min. 08 sec. West for a distance of 276.43 feet to a survey nail set at the Northeast corner of a 5.004 acre tract of land, now or formerly owned by 42 South LLC, O.R. 875, page 1219;

Thence along Grantor's South Line and North Line of said 5.004 acre tract and then along the North Line of a 5.47 acre tract of land, now or formerly owned by Ronald Eugene & Lisa K. Thompson, Deed Vol. 526, page 308, North 84 deg. 19 min. 07 sec. West for a distance of 1298.43 feet to an existing 8 inch dia. Wood post at Grantor's Southwest corner, said point being on the West Line of Farm Lot 37 (passing over an iron pin set at a distance of 56.83 feet and a 1/2 inch dia. Iron pipe found at the Northwest corner of aforesaid 5.004 acre tract at a distance of 830.00 feet);

Thence along Grantor's West Line and West Line of Farm Lot 37 and East Line of a 45.914 acre tract of land, now or formerly owned by SSF LLC, O.R. 1072, page 2181, North 04 deg. 44 min. 27 sec. East for a distance of 1201.38 feet to a 5/8 inch dia. Iron pin found at Grantor's Northwest corner, said point being the Northwest corner of Farm Lot 37, said point also being the Southwest corner of a 5 acre tract of land (Tract 9, Parcel 5), now or formerly owned by Farm 42 LLC, O.R. 1152, page 1745;

Thence along Grantor's North Line and North Line of Farm Lot 37 and South Line of said 5 acre tract South 84 deg. 54 min. 32 sec. East for a distance of 1485.57 feet to an iron pin set at Grantor's Northeast corner;

Thence along Grantor's East Line and West Line of aforesaid 26.124 acre tract South 04 deg. 05 min. 48 sec. West for a distance of 1021.58 feet to a survey nail found on the centerline of U.S. Route 42 (passing over a 5/8 inch dia. Iron pin found at a distance of 980.31 feet) and the place of beginning.

Containing 40.973 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated September 20, 2012. All 5/8 inch dia. Iron pins set have a plastic identity cap with the inscription "Fox Surveying Co."

Tract 5: 36.25 acres

Situated in the County of Delaware, in the State of Ohio, and in the Township of Concord, and bounded and described as follows: Being the N.E. part of Lot 39, Sec. 2, Twp. 4, Range 19, USM Lands, beginning at the N. E. corner of said Lot;

thence with the North line of said Lot N. 86° 15' W 1496.5 feet; thence S 3° 00' W. 1059 feet to the North line of said 4.5 acre tract sold to W. P. Ropp; thence with said 5 acre North line S. 86° 35' E 1498 feet to the East line of said Lot; thence with said East line N. 3° 00' E 1049.5 feet to the place of beginning, containing 36.25 acres, being the east part of a 56 acre tract.



ALTA/NSPS LAND TITLE SURVEY  
FARM LOTS 24, 25, 26, 37, 39, AND 40, QUARTER TOWNSHIP 2, TOWNSHIP 4, RANGE 19  
UNITED STATES MILITARY DISTRICT  
CITY AND TOWNSHIP OF DELAWARE, TOWNSHIP OF CONCORD, COUNTY OF DELAWARE, STATE OF OHIO

DESCRIPTION FROM TITLE COMMITMENT NO. 22-10-04 ATA:

PARCEL 1

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, AND IN THE TOWNSHIP OF DELAWARE:

BEING PART OF FARM LOT 25, SECTION 2, TOWNSHIP 4, RANGE 19, U.S. MILITARY LANDS, ALSO BEING PART OF A 123.5 ACRE TRACT (TRACT 3), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A RAILROAD SPIKE FOUND AT AN ANGLE POINT FOUND THE CENTERLINE OF U.S. ROUTE 42 WHERE IT INTERSECTS THE EAST LINE OF FARM LOT 25 (WEST LINE OF FARM LOT 24), ALSO BEING A WESTERLY CORPORATION LINE OF THE CITY OF DELAWARE;

THENCE ALONG THE CENTERLINE OF U.S. ROUTE 42, SOUTH 50 DEG. 29' 22" WEST A DISTANCE OF 83.44 FEET TO A RAILROAD SPIKE SET;

THENCE NORTH 04 DEG. 31' 01" EAST (PASSING OVER A 5/8" SOLID IRON PIN SET AT 41.70 FEET) A TOTAL DISTANCE OF 430.03 FEET TO AN IRON PIN SET;

THENCE NORTH 84 DEG. 52' 07" WEST A DISTANCE OF 430.03 FEET TO A 5/8" SOLID IRON PIN SET;

THENCE NORTH 04 DEG. 31'01" EAST A DISTANCE OF 1275.87 FEET TO A 5/8" SOLID IRON PIN SET ON THE NORTH LINE OF FARM LOT 25 (SOUTH LINE OF FARM LOT 13) ALSO BEING THE SOUTH LINE OF A 50 ACRE TRACT OF LAND NOW OR FORMERLY OWNED BY FRANCIS L. WILGUS, JR. AND MARY LOU WILGUS, AS DESCRIBED IN DEED BOOK 395, PAGE 198;

THENCE ALONG THE LINE COMMON TO FARM LOT 13 AND 25 AND THE SOUTHERLY LINE OF THE 50 ACRE TRACT, SOUTH 85 DEG. 19'23" EAST A DISTANCE OF 490.00 FEET TO A CORNER STONE FOUND AT A CORNER COMMON TO FARM LOT 25 AND 24 ALSO BEING THE CITY OF DELAWARE CORPORATION LINE;

THENCE ALONG THE LINE COMMON TO FARM LOT 24 AND 25 AND THE CITY OF DELAWARE CORPORATION LINE, SOUTH 04 DEG. 31'01" WEST (PASSING OVER A BOLT SET AT 1807.30 FEET) A TOTAL DISTANCE OF 1849.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING 15.198 ACRES, MORE OR LESS

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAYS OF RECORD.

ALL IRON PIN SET ARE 5/8" SOLID IRON PINS WITH YELLOW PLASTIC CAPS STAMPED "STULTS & ASSOC."

EXCEPTING THEREFROM THE FOLLOWING:

Being situated in the State of Ohio, in the County of Delaware, and in the Township of Delaware and being bounded and described as follows:

Being Part of Farm Lot 25, Section 2, Township 4, Range 19, U.S. Military Lands, and being part of an original 15.198 acre tract of land, now or formerly owned by David R. & Teresa J. Shellhouse, Deed Vol. 521, Page 672, Delaware Township, Delaware County, State of Ohio and being more particularly described as follows:

Commencing at an existing railroad spike located at the intersection of the centerline of U.S. Route 42 with the centerline of Township Road 142;

Thence along the centerline of U.S. Route 42 South 50 deg. 29 min. 22 sec. West for a distance of 83.44 feet to a survey nail found;

Thence North 04 deg. 31 min. 01 sec. East for a distance of 627.88 feet to a 5/8 inch dia. iron pin found at the Southeast corner of hereinafter described 10.154 acre tract (passing over a 5/8 inch dia. iron pin found at a distance of 41.70 feet) and the point of beginning;

Thence North 84 deg. 52 min. 07 sec. West for a distance of 430.03 feet to a 5/8 inch dia. iron pin found;

Thence North 04 deg. 31 min. 01 sec. East for a distance of 1275.87 feet to a 5/8 inch dia. iron pin found on the North Line of Lot 25;

Thence along said Lot Line South 85 deg. 19 min. 23 sec. East for a distance of 490.00 feet to a stone found at the Northeast corner of Lot 25;

Thence along the East Line of Lot 25 and City of Delaware West Corporation Line South 04 deg. 31 min. 01 sec. West for a distance of 255.87 feet to an iron pin set;

Thence North 85 deg. 19 min. 23 sec. West for a distance of 300.00 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 360.00 feet to an iron pin set;

Thence South 85 deg. 19 min. 23 sec. East for a distance of 120.00 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 300.00 feet to an iron pin set;

Thence South 85 deg. 28 min. 59 sec. East for a distance of 120.01 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 363.75feet to a 5/8 inch dia. iron pin found and the place of beginning.

Containing 10.154 acres, more or less, and subject to easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated January 14, 1997. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

Prior Deed Vol. 619, Page 100

Basis of bearings, Survey by Franklin D. Stultz, dated 12/13/89, East Line of 15.198 acres South 04 deg. 31 min. 01 sec. West. PARCEL #419-230-01-030-000

PARCEL 2

Being situated in the State of Ohio, in the County of Delaware, and in the Township of Delaware and being bounded and described as follows:

Being Part of Farm Lot 25, Section 2, Township 4, Range 19, U.S. Military Lands, and being part of an original 15.198 acre tract of land, now or formerly owned by David R. & Teresa J. Shellhouse, Deed Vol. 521, Page 672, Delaware Township, Delaware County, State of Ohio and being more particularly described as follows:

Commencing at an existing railroad spike located at the intersection of the centerline of U.S. Route 42 with the centerline of Township Road 142;

Thence along the centerline of U.S. Route 42 South 50 deg. 29 min. 22 sec. West for a distance of 83.44 feet to a survey nail found;

Thence North 04 deg. 31 min. 01 sec. East for a distance of 627.88 feet to a 5/8 inch dia. iron pin found at the Southeast corner of hereinafter described 10.154 acre tract (passing over a 5/8 inch dia. iron pin found at a distance of 41.70 feet) and the point of beginning;

Thence North 84 deg. 52 min. 07 sec. West for a distance of 430.03 feet to a 5/8 inch dia. iron pin found;

Thence North 04 deg. 31 min. 01 sec. East for a distance of 1275.87 feet to a 5/8 inch dia. iron pin found on the North Line of Lot 25;

Thence along said Lot Line South 85 deg. 19 min. 23 sec. East for a distance of 490.00 feet to a stone found at the Northeast corner of Lot 25;

Thence along the East Line of Lot 25 and City of Delaware West Corporation Line South 04 deg. 31 min. 01 sec. West for a distance of 255.87 feet to an iron pin set;

Thence North 85 deg. 19 min. 23 sec. West for a distance of 300.00 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 360.00 feet to an iron pin set;

Thence South 85 deg. 19 min. 23 sec. East for a distance of 120.00 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 300.00 feet to an iron pin set;

Thence South 85 deg. 28 min. 59 sec. East for a distance of 120.01 feet to an iron pin set;

Thence South 04 deg. 31 min. 01 sec. West for a distance of 363.75 feet to a 5/8 inch dia. iron pin found and the place of beginning.

Containing 10.154 acres, more or less, and subject to easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated January 14, 1997. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

Prior Deed Vol. 619, Page 100

Basis of bearings, Survey by Franklin D. Stultz, dated 12/13/89, East Line of 15.198 acres South 04 deg. 31 min. 01 sec. West.

EXCEPTING THEREFROM THE FOLLOWING:

Situate in the State of Ohio, County of Delaware, Township of Delaware and being located in Farm Lot Numbered 24, Section 2, Town 4, Range 19 US Military Lands as described in Delaware County Survey Records Volume 3, Page 182 Survey No. 210. The herein described parcels lies on the left and right side of existing Sawmill Parkway Extension (DEL-CR 609-4.84) as recorded in Official Record 739, Page 973. All stations and offsets are based on the Centerline Plat prepared by Burgess & Niple for the Delaware County Engineers office as shown in the Centerline Alignment for said Sawmill Parkway Extension. Being part of lands conveyed to "DAVID R. and TERESA J. SHELLHOUSE" (hereafter referred to as Grantor) as described in Official Record 1092, Page 2675, Official Record 1184, Page 2680, and Deed Volume 521, Page 672 also of the Delaware County Recorder's Office and being more particularly described as follows:

COMMENCING at an Iron Pipe Found at the common corner of Farm Lots 9 and 13, also lying on the North line of Farm Lot 24, and on the Grantor's North line, also the Southwest corner of lands conveyed to Sawmill 42 Land Group, LLC being a 23.314 acre tract as described in Official Record 714, Page 2305 and the Southeast corner of lands conveyed to Barbara A. Spierling, sole trustee, or her successors in trust, under the Barbara A. Spierling Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2284, and to Barbara A. Spierling, sole trustee, or her successors in trust, under the William E. Spierling III Family Trust, dated May 26, 2005, and any amendments thereto (1/4 interest) as described in Official Record 886, Page 2287, and to Alyson Bartley Spierling (1/4 interest) and to Leslie Kate Spierling (1/4 interest) as described in Official Record 1268, Page 892 at 14.41 feet right of the existing centerline of Sawmill Parkway Extension at station 715+97.07;

THENCE with the South line of Farm Lot 13, the North line of Farm Lot24 and the south line of Barbara A. Spierling, Trustee lands, N 86 deg. 31 min. 13 sec. W for a distance of 585.78 feet at the common corner to Farm Lots 24 and 25, same being the Northwest corner of a 40.200 acre tract of lands conveyed to Delaware Sawmill Farms, LLC as described in Official Record 1152, Page 1760 and the northeast corner of the Grantor's lands at 6.37 feet right of the existing centerline of Sawmill Parkway Extension at station 721+81.69 and the TRUE POINT OF BEGINNING of the herein described parcel;

THENCE with the common line between Farm Lot 21 and Farm Lot 25 and the West line of Delaware Sawmill Farms lands and the Grantor's East line, S 03 deg. 41 min. 01 sec. W for a distance of 106.37 feet to an Iron Pin Set at 100.00 feet left of the existing centerline of Sawmill Parkway Extension at station 721+81.32;

THENCE through the Grantor's lands, N 86 deg. 07 min. 09 sec. W for a distance of 489.93 feet to an Iron Pin Set on the East line of a 69.767 acre tract of lands conveyed to 42 View Farm, LLC as described in Official Record 1136, Page 1636 and the Grantor's West line at 100.00 feet left of the existing centerline of Sawmill Parkway Extension at station 726+71.25;

THENCE with the East line of 42 View Farm lands and the Grantor's West line, N 03 deg. 38 min. 48 sec. E for a distance of 106.54 feet to the Northeast corner of 42 View Farm lands and the Grantor's Northwest corner and lying on the common line between Farm Lots 13 and 25, also being on the South line of Barbara A. Spierling, Trustee lands at 6.54 feet Right of the existing centerline of Sawmill Parkway Extension at station 726+71.69;

THENCE with the line between Farm Lots 13 and 25, the South line of Barbara A. Spierling, Trustee lands and the Grantor's North line, S 86 deg. 05 min. 56 sec. E for a distance of 490.00 feet BACK TO THE TRUE POINT OF BEGINNING.

Described parcel contains 1.197 acres, with 0.000 acres being in the Present Road Occupied (PRO) lying in Delaware County Auditors parcel number 419-230-01-030-001.

The basis of bearing in the above described parcel is referenced to Grid North, Ohio State Plane North Zone 3401, NAD83(1986) datum, as resolved by GPS observations and described in the Centerline Alignment for Sawmill Parkway Extension (DEL-CR 609-1-.84) as recorded in Official Record 739, Page 973 of the Delaware County Recorder's Office. All distances recited are ground distances.

All Iron Pins described as set are 3/4" rebar, 30 inches in length with a 2 ½ inch aluminum cap stamped "RW Burgess & Niple PS-7661" and shall be placed upon notification from the Delaware County's Engineers Office at the completion of construction

Schedule B Items from Title Commitment No. 22-10-04 ATA issued by Acquisition Title Agency with an effective date of November 4, 2022 at 6:00 A.M.

Items 1-16 NOT SURVEY RELATED ITEMS.

Item 17 Right of Way Easement to Columbus and Southern Ohio Electric Company as described in Lease Volume 10, Page 453, Delaware County Records. THE ELECTRIC EASEMENT IS LOCATED ON PARCEL 1 OF THE SUBJECT TRACT AS SHOWN APPROXIMATELY HEREON. NO WIDTH GIVEN.

Item 18 Right of Way Easement to Columbus and Southern Ohio Electric Company as described in Deed Book Volume 305, Page 35, Delaware County Records. THE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON FOR REFERENCE.

Item 19 Oil and Gas Lease as described in Lease Volume 27, Page 411, Delaware County Records; Affidavit Pursuant to ORC 5301.56 file in Official Record 719, Page 657 and Official Record 719, Page 669, Delaware County Records. THE SUBJECT TRACTS ARE LOCATED IN THE AREA DESCRIBED.

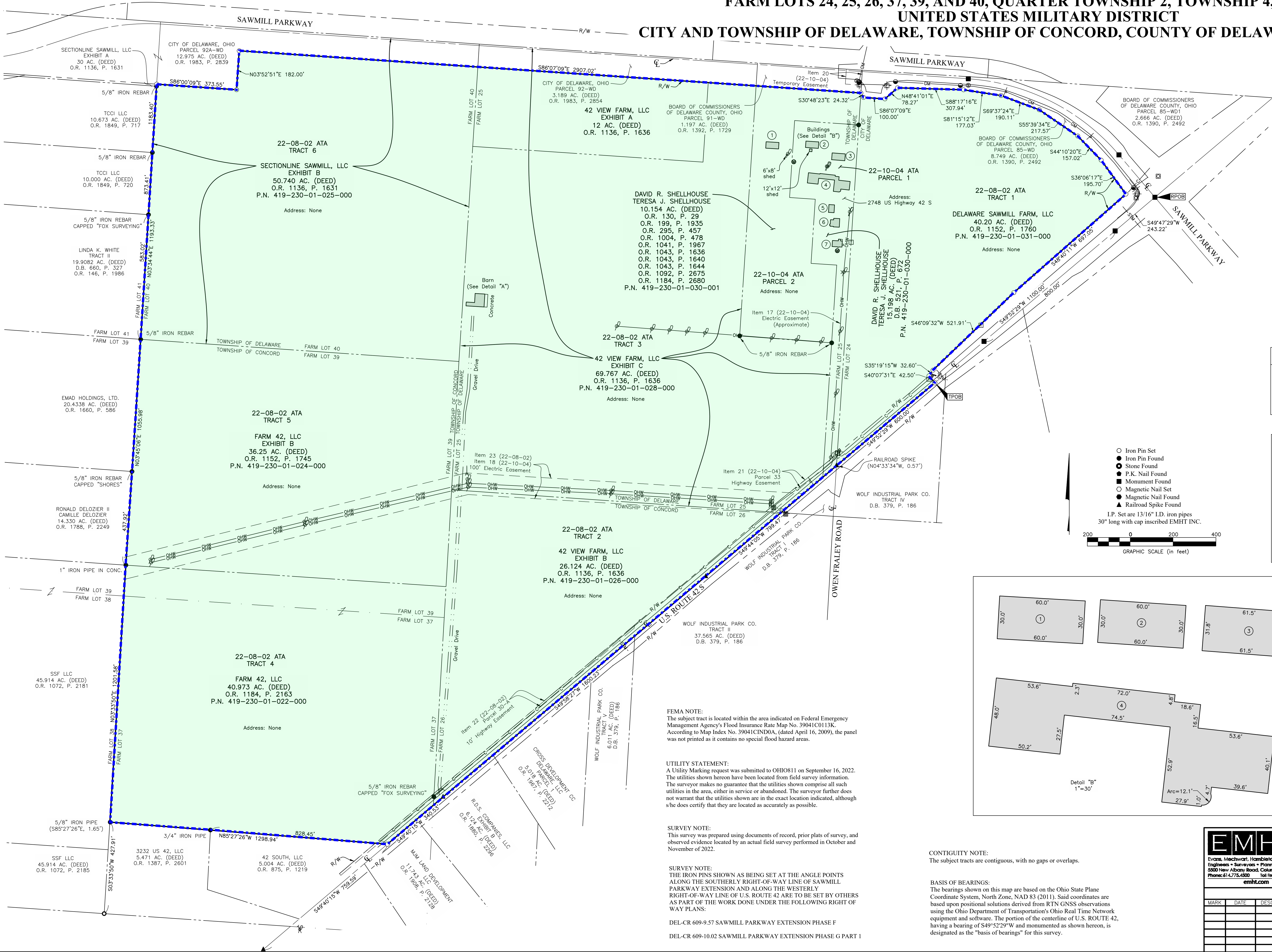
Item 20 Easement to the City of Delaware as described in Official Record Book 1389, Page 2142, Delaware County Records. THE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON FOR REFERENCE.

Item 21 Easement to the State of Ohio as described in Deed Book 231, Page 418, Delaware County Records. EASEMENT IS LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.

<div>EMHT</div> <div>Evans, Mechwart, Hambelton &amp; Tilson, Inc.</div> <div>Engineers • Surveyors • Planners • Scientists</div> <div>5800 New Albany Road, Columbus, OH 43054</div> <div>Phone: 614.778.4300    Fax: 614.778.4308</div> <div>emht.com</div>			Date: December 24, 2022
			Scale: 1" = 200'
			Job No: 2022-0819
			Sheet: 2 of 3
REVISIONS			
MARK	DATE	DESCRIPTION	

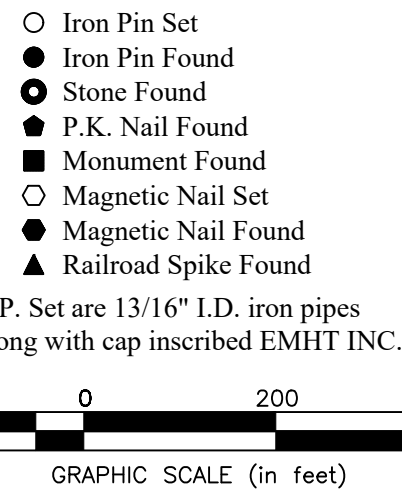


ALTA/NSPS LAND TITLE SURVEY  
FARM LOTS 24, 25, 26, 37, 39, AND 40, QUARTER TOWNSHIP 2, TOWNSHIP 4, RANGE 19  
UNITED STATES MILITARY DISTRICT  
CITY AND TOWNSHIP OF DELAWARE, TOWNSHIP OF CONCORD, COUNTY OF DELAWARE, STATE OF OHIO

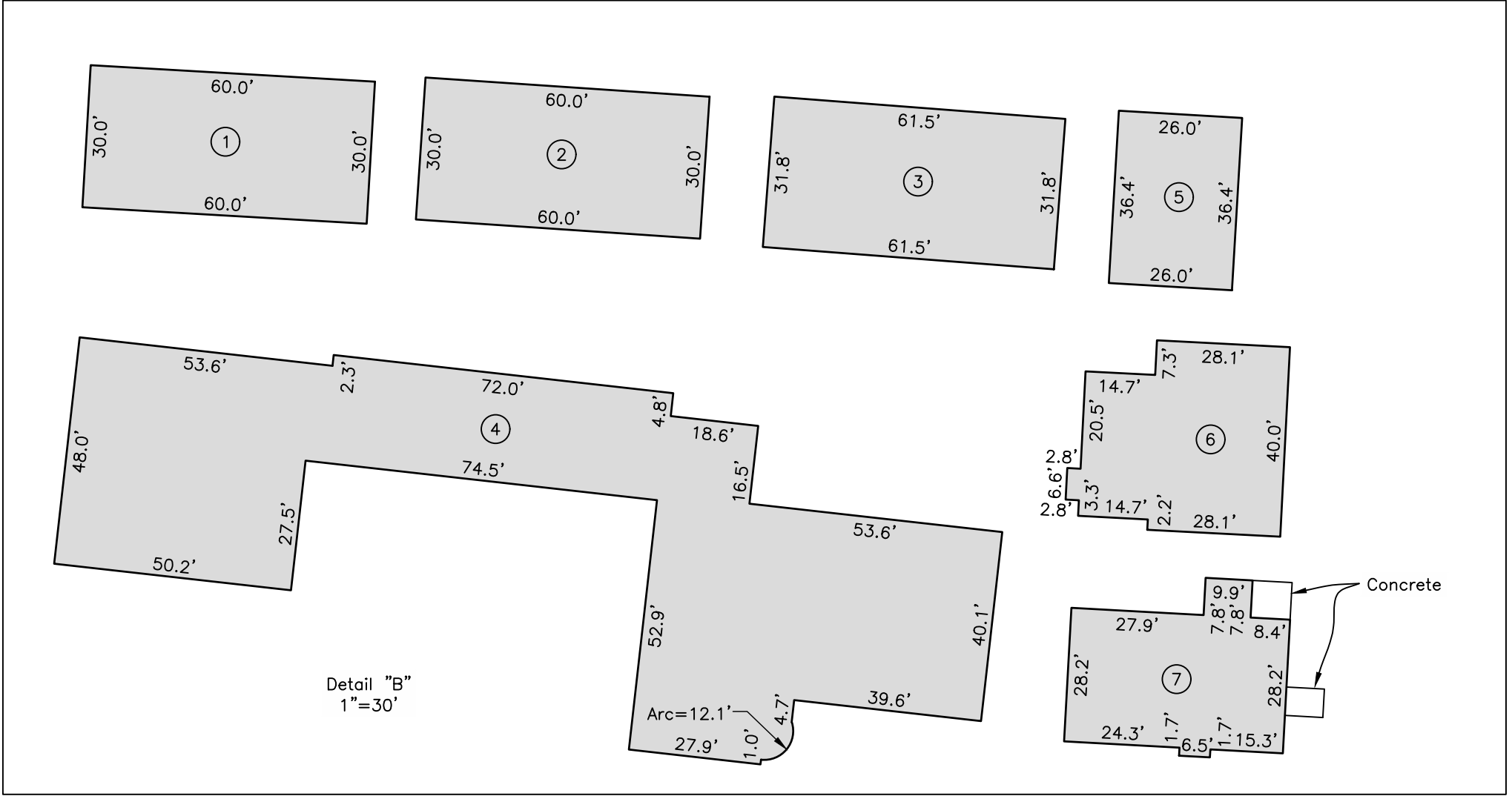


SYMBOL LEGEND	
	Fiber Optic Pull Box
	Telephone Pedestal Box
	Gas Marker Post
	Electric Pull Box
	Electric Pole
	Traffic Signal Pole
	Sign
	Sanitary Sewer Manhole
	Catch Basin
	Storm Sewer Grated Manhole
	Guy Wire & Anchor
	Utility Pole
	Building Number

LINE LEGEND	
	Fence Line
	Gas Line
	Storm Line
	Underground Comm.
	Overhead Wires



- Iron Pin Set
  - Iron Pin Found
  - Stone Found
  - P.K. Nail Found
  - Monument Found
  - Magnetic Nail Set
  - Magnetic Nail Found
  - Railroad Spike Found
- I.P. Set are 13/16" I.D. iron pipes  
30" long with cap inscribed EMHT INC.



FEMA NOTE:  
The subject tract is located within the area indicated on Federal Emergency Management Agency's Flood Insurance Rate Map No. 39041C0113K. According to Map Index No. 39041CIND0A, (dated April 16, 2009), the panel was not printed as it contains no special flood hazard areas.

UTILITY STATEMENT:  
A Utility Marking request was submitted to OHIO811 on September 16, 2022. The utilities shown hereon have been located from field survey information. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the utilities shown are in the exact location indicated, although s/he does certify that they are located as accurately as possible.

SURVEY NOTE:  
This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey performed in October and November of 2022.

SURVEY NOTE:  
THE IRON PINS SHOWN AS BEING SET AT THE ANGLE POINTS ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAWMILL PARKWAY EXTENSION AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE 42 ARE TO BE SET BY OTHERS AS PART OF THE WORK DONE UNDER THE FOLLOWING RIGHT OF WAY PLANS.

DEL-CR 609-9.57 SAWMILL PARKWAY EXTENSION PHASE F

DEL-CR 609-10.02 SAWMILL PARKWAY EXTENSION PHASE G PART 1

CONTIGUITY NOTE:  
The subject tracts are contiguous, with no gaps or overlaps.

BASIS OF BEARINGS:  
The bearings shown on this map are based on the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011). Said coordinates are based upon positional solutions derived from RTN GNSS observations using the Ohio Department of Transportation's Ohio Real Time Network equipment and software. The portion of the centerline of U.S. ROUTE 42, having a bearing of S49°52'29"W and monumented as shown hereon, is designated as the "basis of bearings" for this survey.

<b>EMHT</b> Evans, Mechwart, Hambelton & Tilton, Inc. Engineers • Surveyors • Planners • Scientists 5500 New Albany Road, Columbus, OH 43254 Phone: 614.778.4200 Tel: 614.778.3648 emht.com		Date: December 24, 2022
Scale: 1" = 200'		Job No: 2022-0819
Sheet: 3 of 3		
REVISIONS		
MARK	DATE	DESCRIPTION



## **Maridel: Parcel Numbers and Acreage**

419-230-01-031-000 (28.785 AC)

419-230-01-030-000 (5.044 AC)

419-230-01-030-001 (8.957 AC)

419-230-01-028-000 (66.578 AC)

419-230-01-026-000 (26.124 AC)

419-230-01-025-000 (45.255 AC)

419-230-01-024-000 (36.25 AC)

419-230-01-022-000 (40.973 AC)

257.966 AC TOTAL

\*\*FOR OFFICE USE ONLY\*\*

Received 01/07/25

DATE RECEIVED

EST 1808



\*\*FOR OFFICE USE ONLY\*\*

PUD 25-1

CASE NUMBER

## Master Zoning & Development Application

### Planning Commission / City Council

- ☒ Rezoning / Zoning Amendment
- ☐ Comprehensive Plan Amendment
- ☐ Development Plan
- ☐ Development Plan Extension
- ☐ Development Plan Minor Modification
- ☐ Development Plan Major Modification
- ☐ Conditional Use Approval

- ☐ Preliminary Subdivision Plat
- ☐ Preliminary Subdivision Plat Extension
- ☐ Final Subdivision Plat
- ☐ Final Subdivision Plat Extension
- ☐ Right-of-Way Vacation
- ☐ Determination of Similar Use

### Board of Zoning Appeals

- ☐ Appeal Administrative Decision or Interpretation
- ☐ Variance
- ☐ Substitution of a Non-Conforming Use

### Administrative

- ☐ Development Plan Incidental Modification
- ☐ Zoning Determination Letter
- ☐ Minor Subdivision Lot Split / Combination
- ☐ Floodplain Letter of Interpretation
- ☐ Certificate of Zoning Compliance

Subdivision / Project Name MARIDEL Address US HIGHWAY 42S DELAWARE OH 43015

Acreage SEE ATTACHED Parcel Number SEE ATTACHED Number of Lots 8 EXISTING Number of Units

Current Zoning FR-1, M-1 Proposed Zoning PUD

Current Land Use FARM/UNDEVELOPED Proposed Land Use SEE ATTACHED EXHIBIT

Applicant Name  Contact Person BRIAN REYNOLDS

Applicant Address 2164 CITYGATE DR, COLUMBUS, OH 43219

Phone 614-866-4580 Email BREYNOLDS@RENIER.COM

Owner Name DANIELS HINKLEY HOUSING, LLC Contact Person BRUCE DANIELS

Owner Address 5940 WHITTINGHAM DR., DUBLIN, OH 43017

Phone 937-537-0912 Email BDANIELS@PERFORMANCECOLUMBUS.COM

Engineer/Architect/Attorney Contact MATT STYPULA Company EMHT

Address 5500 NEW ALBANY ROAD, COLUMBUS, OH 43054

Phone 614-775-4500 Email MSTYPULA@EMHT.COM

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

Owner Signature

*Brian Reynolds*

Agent Signature

*Bruce Daniels*

Owner Printed Name

BRIAN REYNOLDS

Agent Printed Name

CITY OF DELAWARE  
PLANNING COMMISSION  
February 5, 2025

C-PUD 25-1  
MARIDEL  
REZONING

## RESOLUTION

WHEREAS, Daniels Hinkley Housing LLC, 5940 Whittingham Drive, Dublin, Ohio, 43219, has filed an application requesting to rezone 257.97 acres of land from M-1, Light Manufacturing District and A-1, Agricultural District (located in the Southwest Overlay), to C-PUD, Commercial Planned Unit Development. The property is located on the southwest corner of Sawmill Road and US-42, further described as parcels 419-230-01-031-000, 419-230-01-030-000, 419-230-01-030-001, 419-230-01-028-000, 419-230-01-026-000, 419-230-01-025-000, 419-230-01-024-000, and 419-230-01-022-000.

WHEREAS, a public hearing was held on February 5, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for PUD rezoning approval as per §1144.06 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1144.06 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific C-PUD; and

WHEREAS, the City of Delaware Planning Commission finds that the applicant's plans are in compliance with the City of Delaware Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that the City of Delaware Planning Commission recommends to the City of Delaware City Council:

SECTION 1. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 257.97 acres of land described as parcels 419-230-01-031-000, 419-230-01-030-000, 419-230-01-030-001, 419-230-01-028-000, 419-230-01-026-000, 419-230-01-025-000, 419-230-01-024-000, and 419-230-01-022-000, from M-1, Light Manufacturing District and A-1, Agricultural District, to C-PUD, Commercial Planned Unit Development.

## SECTION 2.

1. The concept plan dated "Received 01/07/25" illustrates the general layout of the development within this Planned Unit Development.
2. Principal uses permitted in this Commercial Planned Unit Development shall be:

	Sub-Area A	Sub-Areas B, E	Sub-Areas C, D, G, H	Sub-Area F	Sub-Area J
Commercial Uses					
Automotive Sales and rental			P		
Brewery, distillery, winery, cidery (micro)			P		
Drive-in theater	P	P	P	P	
Hotel/motel			P		
Indoor recreation and entertainment	P			P	P
Motor vehicle storage				P	
Office, administrative					P
Outdoor recreation and amusement	P			P	P
Parking lot or deck (as principal use)		P			
Restaurant			P		
Retail			P		
Institutional Uses					
Park, public or private				P	P
Place of religious assembly			C		
School, public or private					P
School, trade, business, and arts					P

### 3. ACCESS AND RIGHT OF WAY

- a. A Traffic Impact Study is required for the entire development, inclusive of all subareas. Access to US 42, including but not limited to location, if full or partial movement, and/or signalization) is to be determined by the City. Applicant shall be responsible for the design and construction of all required improvements as determined by the City Engineer.
- b. All internal roadways shall be private and be owned and maintained by an association of owners or a master association for the Maridel development.
- c. Full access to Sawmill Parkway shall be limited to the existing full-access curb cuts adjacent to the property.
- d. A maximum of one full-access intersection along US 42 will be permitted if in conformance with City access management guidelines. The location and design of these access points shall be subject to the approval of the City Engineer.
- e. All out parcels in Sub-Areas C, D, G, and H, shall require cross access between adjacent lots.
- f. Right-of-Way along Sawmill Parkway and US 42 shall be dedicated to the City as required by the City Engineer.
- g. Points of access and vehicular circulation as shown on the concept plan are subject to City of Delaware final review and approval at the Development Plan stage.

### 4. STORMWATER

- a. Preliminary stormwater submission is required and is to be master planned for the entire development, inclusive of all subareas. Coordination of design and construction of final stormwater improvements shall be required by this applicant with any additional sub-area applicant.
- b. Fountains and/or other aeration and water circulation devices are required for all retention ponds and shall be maintained by an association of owners or developer in perpetuity.
- c. Retention pond barriers shall be required around stormwater basins as required by the City Engineer.
- d. Retention ponds and open space shall be maintained by an association of owners or developer in perpetuity.

### 5. LANDSCAPING AND TREE PRESERVATION

- a. Tree Canopy Management Plans shall be required for each development at the Development Plan stage.



b. Street trees shall be installed outside the Right-of-Way along the Sawmill Parkway and US 42 frontages. These trees shall be maintained by the developer or master association of owners in perpetuity.

c. Landscape plans shall be required at the Development Plan stage.

#### 6. PEDESTRIAN ACCESS

a. A minimum 10-foot-wide multi-use path shall be installed along the US 42 and Sawmill Parkway frontages.

b. Minimum five-foot wide sidewalks shall be required on both sides of all private streets and connecting to each out lot.

#### 7. SETBACKS

a. All pavement and buildings shall be setback at least 40-feet from the Right-of-Way along US 42 and at least 30-feet from the Right-of-Way along Sawmill Parkway.

b. Setbacks along the western boundary and southern boundary of sub-area F shall be at least 50-feet. Landscaping and mounding details shall be finalized at the Development Plan stage.

8. A plat showing all dedicated Right-of-Way, private access drive, all access, drainage, stormwater, utility, and other easements is required prior to the issuance of any building permits.

SECTION 3. These plans and all papers relating to the approved plan shall be submitted with this resolution to City Council

The Clerk is directed to transmit this case to City Council for further determination as required by law.

PASSED: February 5, 2025

YEAS 5 NAYS 1  
ABSTAIN 0

ATTEST: Sarah Simon  
CITY CLERK

[Signature]  
CHAIRMAN