

MEMORANDUM

TO: Mayor & Members of City Council
FROM: Brent N. Damman, Zoning Administrator
SUBJECT: Minor Subdivision at 808 E. Graceway.
MEETING DATE: December 19th, 1994 @ 8:00 pm
PC HEARING #: PC 94/19

BACKGROUND:

An application by Earnest Hatfield Toledo Ohio, owner of a parcel of land know as lot 28 of William Renneckers Subdivision of outlot 8 in John G. Lowes addition to Napoleon, further known as a vacant lot at 808 E. Graceway Napoleon, Ohio, requesting final plat approval of a Minor Subdivision thereof. The request is pursuant to the City of Napoleon Ohio Code of General Ordinances Chapter 154 entitled "Subdivision Control Code", and is located in a "B" Residential Zoning District.

RESEARCH AND FINDINGS:

1. The proposed lot split will be in compliance with all applicable zoning regulations.
2. There is a storm sewer which is located across the proposed lot which will need to be relocated before it is built on, an easement has been drafted and submitted to the City.

ADMINISTRATIVE OPINION AND RECOMMENDATIONS:

I am recommending approval with the following condition:

1. That a deed restriction be placed on the subdivision plat which states:

The existing storm sewer line which is located across and near the center of lot B, must be re-routed (according to the latest City of Napoleon Engineering Specifications) to within the storm sewer easement shown along the northerly side of lot B, before any building may be placed on lot B.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends that City Council approve the Minor Subdivision as requested, with the following deed restriction to be placed on the Subdivision Plat:

The existing twenty four inch diameter City storm sewer line which is located across and near the center of lot B, must be re-routed (according to the latest City of Napoleon Engineering Specifications) to within the storm sewer easement shown along the northerly side of lot B, before any building may be placed or constructed on lot B.

**MINUTES OF THE CITY OF NAPOLEON PLANNING COMMISSION HEARING #
PC 94/19 HELD ON DECEMBER 13th, 1994**

MEMBERS PRESENT WERE: Chairman Richard McBroom, Larry Haase, Jon Bisher, Mayor Robert Heft, Brent Damman (secretary).

OTHERS PRESENT WERE: Earnest T. Hatfield (property owner) Don Moore.

McBroom: Read public notice.

Sec: Read research, findings and recommendation.

McBroom: Is there anyone here on behalf of the applicant ?

Hatfield: I am Earnest Hatfield.

McBroom: Are you willing to accept the proposed deed restriction ?

Hatfield: Yes, I would rather the buyer know what is going on.

There was considerable discussion on the buyer beware issue and Mr. Heft stated a good Realtor would disclose such a deed restriction to a potential buyer.

Haase: Is that the most we can do to protect the buyer.

Heft: That's all you can do, the buyer should get a copy of the plat before they buy.

Sec: I will get together with the law director and try to improve the restriction language.

Motion By: Heft, To approve the Minor Subdivision as requested with the following deed restriction to be placed on the subdivision plat.

The existing twenty four inch diameter City storm sewer line which is located across and near the center of lot B, must be re-routed (according to the latest City of Napoleon Engineering Specifications) to within the storm sewer easement shown along the northerly side of lot B, before any building may be placed or constructed on lot B.

Seconded By: Bisher

Vote Cast: Haase - In Favor
Bisher - In Favor
Heft - In Favor
McBroom - In Favor

Respectfully Submitted

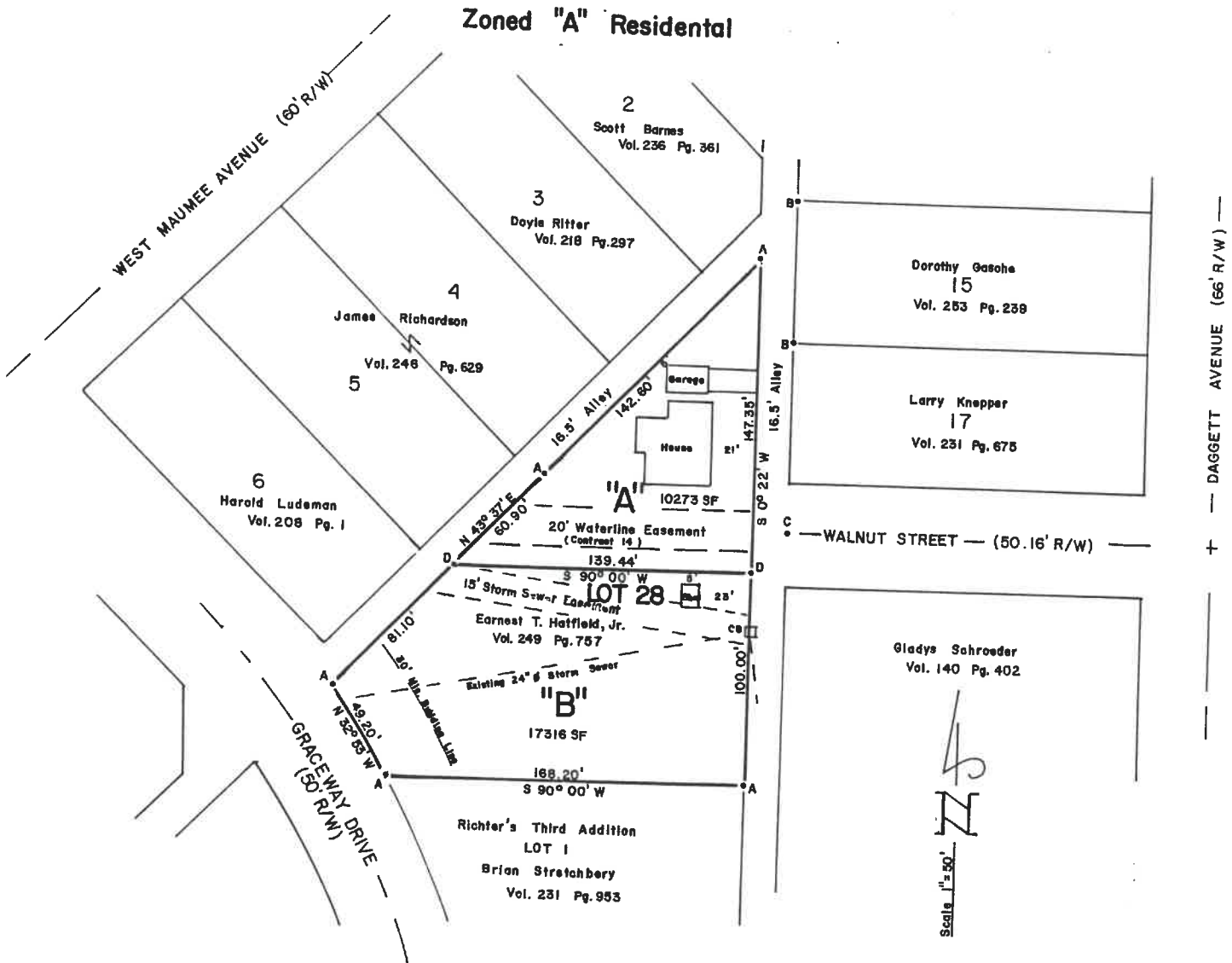
Brent N. Damman
Building & Zoning
Administrator

02236002.03

Subdivision of Part of Lot 28 in William Rennecker's Subdivision of Outlots in John G. Lowe's Addition of Outlots to the City of Napoleon, Henry County, Ohio

Description of Lots A and B, of said subdivision more particularly described as follows:

Beginning at the northeast corner of said Lot 28, thence S 0° 22' W a distance of 247.3 to an iron pin, thence S 90° 00' W a distance of 168.20 feet to an iron pin, thence N 32° 5 to chord distance of 49.20 feet to an iron pin, curve left with radius of 550 feet, thence N 43° a distance of 284.60 feet to an iron pin, said point being the point of beginning.



LEGEND

- A - Found iron pin from previous survey.
- B - Found iron pipe from previous survey.
- C - Set railroad spike this survey.
- D - Set iron pin this survey.

I hereby certify that this plat represents a survey made by me and that all corners are marked as shown hereon.

Herbert Behrman
 Herbert Behrman
 Registered Surveyor No. 5778
 August 16, 1994

BUILDING RESTRICTION

The Existing Twenty Four Inch Diameter City Storm Sewer Line Which Is Located Across And Near The Center Of Lot B, Must Be Re-Routed According To The Latest City Of Napoleon Engineering Department Specifications) To Within The Storm Sewer Easement Shown Along The Northerly Side Of Lot B, Before Any Building May Be Placed Or Constructed On Lot B.