

May 16, 2007

Mac's Convenience Stores LLC  
c/o Thomas A. Vogtner  
Baker & Daniels LLP  
300 North Meridian Street, Suite 2700  
Indianapolis, Indiana 46204

Re: 777 Scott Street  
Napoleon, Henry County, Ohio  
Parcel Number 41-009421.4940

Dear Sirs:

According to applicable zoning ordinances and amendments thereto, the property referenced above is zoned C-1. The following use or uses are allowed under that classification subject to compliance with any conditions, restrictions, or requirements contained in the zoning ordinances and amendments thereto, including but not limited to the securing of necessary consents or authorizations as a prerequisite to the use or uses: service station and convenience store. The property complies with applicable zoning ordinances and amendments thereto, including parking and setback requirements.

Tom Zimmerman

By: \_\_\_\_\_

Printed: Tom Zimmerman

Title: Building + Zoning  
Administrator

MOTION NO. 109-94

**A MOTION ACCEPTING THE WRITTEN REPORT, FINDINGS OF FACT AND RECOMMENDATIONS OF THE PLANNING COMMISSION OF THE CITY OF NAPOLEON, OHIO AND APPROVING THE ISSUANCE OF A SPECIAL USE PERMIT TO THE STERLING MILK COMPANY TO ALLOW THE OPERATION OF A FUEL DISPENSING FACILITY AT THE LOCATION OF 777 SCOTT STREET, NAPOLEON, OHIO.**

**WHEREAS**, an application by The Sterling Milk Company was made for a Special Use Permit to allow The Sterling Milk Company to operate a fuel dispensing facility at the location of 777 Scott Street, Napoleon, Ohio pursuant to sections 151.43 & 151.44(A)(2)(b) of the City's Revised Code of General Ordinances.

**WHEREAS**, the City Planning Commission, pursuant to notice thereof, held a Public Hearing on such application on December 13, 1994 (file no. PC 94/21) and made a recommendation to this City Council that such Special Use Permit be granted according to the preliminary site plan submitted.

**NOW, THEREFORE, BE IT MOVED AND APPROVED BY THE COUNCIL OF THE CITY OF NAPOLEON, STATE OF OHIO:**

**Section 1.** That the written report, findings of fact and recommendation of the Planning Commission of the City of Napoleon, Ohio (hereinafter called "the City") as to the issuance of a Special Use Permit to The Sterling Milk Company to allow the operation of a fuel dispensing facility at the location of 777 Scott Street, Napoleon, Ohio pursuant to sections 151.43 and 151.44(A)(2)(b) of the City's Revised Code of General Ordinances, is accepted, so long as it conforms with the site plans currently on file in the City Engineering Office.

**Section 2.** That is found and determined that all formal actions of the City Council concerning and relating to the adoption of this Motion were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance

with all legal requirements, including Section 121.22 of the Ohio Revised Code and the City's Revised Code of General Ordinances.

**Section 3.** That this Motion shall be in full force and effect immediately after its passage.

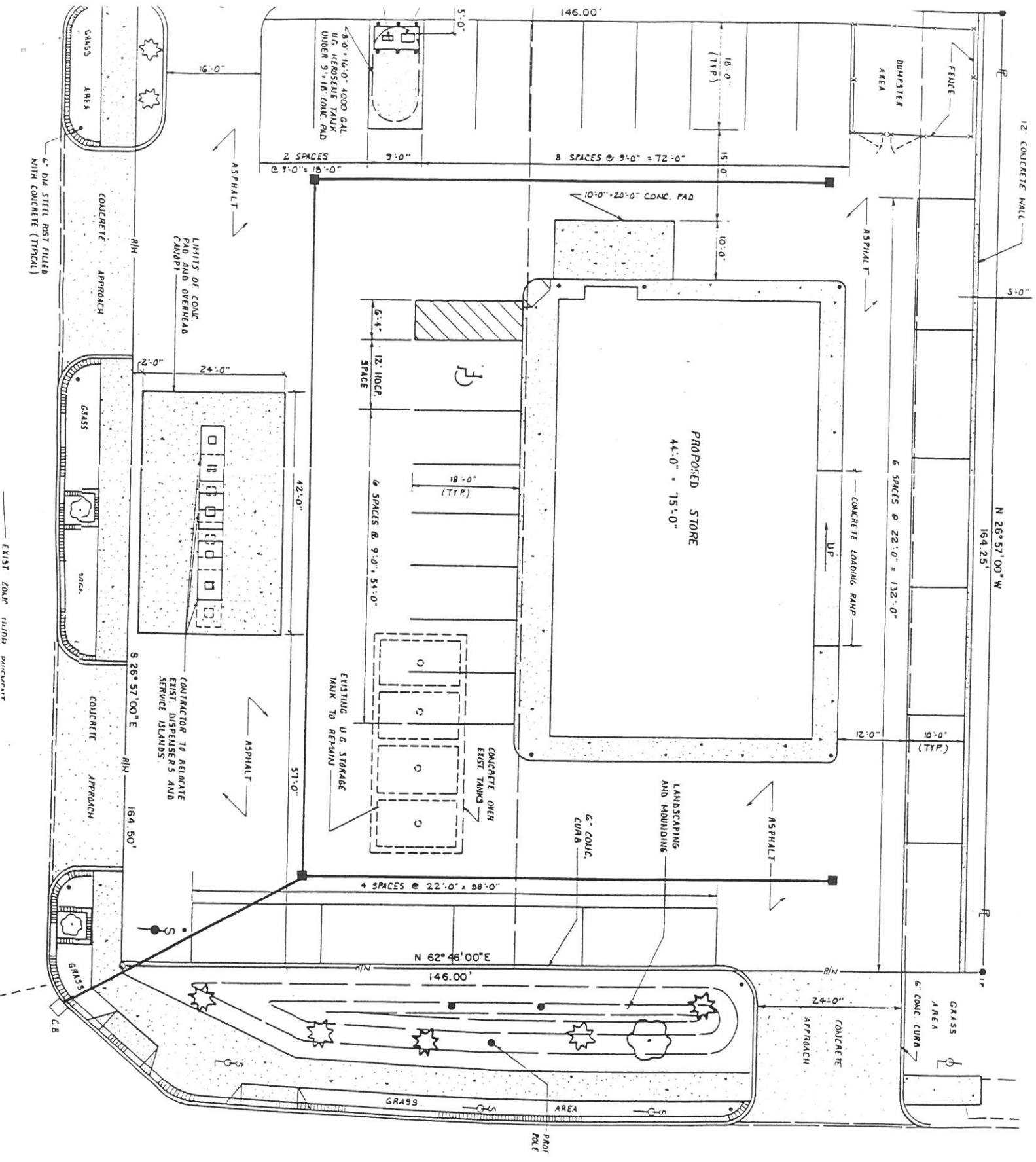
Passed: December 19, 1994

  
John Church, Council President

Vote on passage: 7 Yea 0 Nay

Attest:

  
Gregory Heath, Finance Director



W. CLINTON STREET

PROJ. POLY.