

City of Napoleon, Ohio

MEETING AGENDA


PLANNING COMMISSION

Tuesday, April 13, 2021 at 5:00 pm

PC 21-02 –Street Dedication, Section East of 400 Block of Raymond Street
PC 21-03 – Subdivision Re-plat of Lot A-2 of the Replat of Lot A of Hogrefe's Plat II

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio
to join the meeting via WebEx, details are posted at www.napoleonohio.com

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) APPROVAL OF MINUTES from the March 9, 2021 meeting (in the absence of any objections or corrections, the minutes shall stand approved)
- 4) NEW BUSINESS
 - A. PC 21-02 Dedication of Street Section East of 400 Block of Raymond Street
An application for a Public Hearing has been filed by John Stock, Stock Development Company, LLC; Senior Housing, LP; and Keith Fruchey who wish to dedicate the section of Raymond Street located East of the 400 block of Raymond Street to the City of Napoleon, Ohio. This is pursuant to City Code Section 1105.13.
 - B. PC 21-03 Subdivision Re-plat of Lot A-2 of the Re-plat of Lot A of Hogrefe's Plat II
An application for a Public Hearing has been filed by Richard Luzny. The applicant is requesting the approval of a Subdivision of a Re-plat of Lot A-2 of the Re-plat of Lot A of Hogrefe's Plat II within the City. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon, Ohio. The property is located in an R-3 Moderate-Density Residential Zoning District.
- 5) CLOSING REMARKS
- 6) ADJOURNMENT.



Roxanne Dietrich - Clerk of Council

City of Napoleon, Ohio
PLANNING COMMISSION MEETING MINUTES
Tuesday, March 09, 2021 at 5:00 pm

PC 21-01 ~ SPECIAL USE PERMIT/CONDITIONAL USE PERMIT ~ 2950 ENTERPRISE AVENUE

PRESENT

Commission Members	Tim Barry-Chairman, Larry Vocke, Suzette Gerken, Mayor Jason Maassel
City Manager	Joel Mazur
City Staff	Kevin Schultheis-Zoning Administrator/Code Enforcement Officer
Clerk of Council	Roxanne Dietrich
Others	Brad Hibbard, Northwest Signal via WebEx

ABSENT

Commission Member	Marvin Barlow
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CALL TO ORDER

Chairman Barry called the Planning Commission meeting to order at 5:00 pm with a roll call noting a quorum was present.

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the December 8, 2020 Planning Commission meeting were approved as presented.

PC 21-01 – SPECIAL USE PERMIT/CONDITIONAL USE PERMIT

Barry read the background on PC 21-01:

An application for a Public Hearing has been filed by Brad and Laura Hibbard, Honey Blossom Orchard, 2950 Enterprise Avenue, Napoleon, Ohio. The applicant is requesting to turn the large barn into a seminar and lecture hall primarily for agricultural use for up to 250 people. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon, Ohio. The property is located in a C4 Planned Commercial District.

RESEARCH AND FINDINGS

Schultheis reported the application requires running city water within the building and presented his research and findings:

- 1) The Plat of Development permit is for any planned development to be located in the C4 Planned Commercial District as per 1145.01(a) Table of Permissible Uses.
- 2) The applicant is requesting to install city water to the main building that would be hosting the lectures and seminars in compliance with the Napoleon City Ordinance.
- 3) Permit Required. No person is permitted to drill, construct, and/or commence to use any well, pond, reservoir, lagoon or similar bodies of water for private, semi-private, public, commercial and/or industrial potable water purpose within the City corporation limits unless and until this Special Use well, pond, reservoir, lagoon permit is obtained therefore as provided in these rules.

The **Recommended Conditions** are:

- 1) The installation of the waterline into the building or the designated location will be overseen by the City of Napoleon Operations.
- 2) Backflow of the waterline will be monitored and inspected by the City of Napoleon Operations Department to ensure all safety measures are met.
- 3) Well water will be removed permanently from the structure and placed away from the existing water lines to prevent any contamination.

- 4) An inspection will be performed by the City of Napoleon Operations once per year to ensure the system is performing properly.
- 5) The establishment, maintenance, or operation of the Special Use or Conditional Use will not be detrimental to or endanger the public health, safety, morals, comfort and general welfare of the community.
- 6) A Special Use Permit or Conditional Use Permit will not be injurious to the use and enjoyment for lawfully used property in the immediate vicinity or substantially diminish impaired property values within the area.
- 7) Adequate utilities, water, sewer, and other environmental facilities have been or are being provided to the Special Use or Conditional Use project.
- 8) All recommended revisions made to the plans by the City Engineer or City Operations must be completed and approved prior to any installation.
- 9) This permit may not be transferable without prior approval by the Planning Commission and the City of Napoleon Council.
- 10) Each Special Use Permit; well, pond, reservoir, lagoon permit and each renewal thereof shall be valid for one year from the date such permit or renewal is issued. If the holder of the Special Use Permit issued under these rules desire to renew such permit, the holder shall notify the City not less than 60 days prior to the expiration of such permit. No such renewal shall be issued unless the city has conducted an on-site inspection and holder thereof has paid to the city a renewal fee as established. The holder request for renewal shall be denied if any one or more of the following events has occurred:
 - a) the city has substantially corrected the alleged deficiency in the quality and/or quantity of its potable water supply and/or water system on account of which the holder's permit was issued; or,
 - b) the holder has failed to timely apply for the renewal of such permit; or,
 - c) the holder has violated the provisions of these rules; or,
 - d) the holder has violated such permit and/or term of conditions upon which the holder's permit was issued.

Schultheis noted regarding what I just stated, as of right now they are compliant. They are following the rules. The City Operations Supervisor, Jeff Rathge, requests one more inspection and once that is done then it should be approved. Barry asked then it will be okay to connect the water? Schultheis replied yes, the water is connected and on now. Barry asked are they also connected to the sewer? Schultheis answered the sewer is not, the sewer system is still functioning through the septic tank as of right now and is within the legal boundaries.

Barry asked Mr. Hibbard if he would like to give more details on what they are trying to do.

Hibbard began thanking Rathge and his crew. When we went to turn the water on we had a lot of issues because the property had set vacant for years prior to us buying it in 2017. There was a two inch valve that had froze and nobody saw it and when we turned the water on the first time, the water shot out the side. So, we got a new valve and when we went to put the new valve on, the fitting that connects the two inch line to the valve would not thread back on. So, they had numerous visits out there prior to us getting that and they worked with me to get through the whole thing. I do appreciate what those guys did over those three days before we finally got everything resolved. The backflow preventer test has been done. I do not know if the certification has gone through the system yet but, it was done approximately one week after we turned the water on which is what we had discussed with Rathge that we would do it within one to two weeks of turning the valve on. We had Mike Rudy, the Wood County Inspector come out Friday to look at the property. There is stuff that he will not approve

for us to do what we want to do as a lecture hall and stuff like that. Right now the occupancy stands at 49. Mr. Rudy told us our bathrooms are capable of 75 per bathroom and we have two bathrooms, but the permit is only for 49. I could not get an answer on what and why. There is a whole list of stuff that has to be met for different categories. Maassel asked if anything has to do with the fire suppression? Hubbard said there is no fire suppression. Fire suppression falls under a different category. The category which we are in does not require fire suppression. From what I remember, fire suppression starts at 300 people. There are categories for banquet halls, dance hall and stuff like that and we fall under a different category. I think there are like five or six categories. One of the things that would have to be changed is the doors, there would have to be additional bathrooms added, we asked the question if we could we bring porta-johns in for events and we didn't really get a straight answer. We would probably have to saw up a good portion of the floor to try and put additional bathrooms in. I don't even have a clue where we'd start on an expense on that. Rudy said we have to have panic bars on the doors. I asked if we could do like the aluminum doors like at Love's Truck Stop where they have hydraulic closures and push pull systems and one-sided locks on it and he told me no. I couldn't get an explanation on how that would not fall for the ADA compliant and stuff like that. What we did discuss and I have a handout, is something that Mr. Rudy talked to us about and we started doing research on and that is agritourism. Agritourism is in the Ohio Revised Code which came out in 2016. It is to help with agricultural education and stuff. Mr. Rudy did talk about it a little bit to us and he feels with the farming operation there, the honey operation that we have, we would fall into the agritourism clause. From what I understand, we would have to present something and I don't know which way this would have to go, if it would go through zoning, the Planning Commission, Council or all the above. Maassel explained both the zoning and the Planning Commission things eventually go through City Council. Hibbard continued we have been told that there are a couple of them in the area. One is in Grand Rapids and the other is Nature's Fresh Greenhouses in Delta. We have been in contact with the Ohio State Extension Office out of the Columbus area. The lady down there replied back and is researching more on it to help us look at that as an avenue. From what I understand from Mr. Rudy is, if this would be approved, he would basically be out of the picture at that time. This is one thing that we are looking at to try and get something going out there. Barry stated my question is, your idea is that if you can get classified as agritourism then that will give you some flexibility through some of the zoning. Is that what I'm seeing in this Senate Bill 75? Hibbard responded from what I understand, you basically have to prove you are doing agricultural activities on the property. Barry asked what would constitute an agricultural activity? A lecture or do you have to be doing some hands-on stuff? Hibbard said what Rudy told us, he believes our honey operation would qualify as agriculture. We have about 23 acres right now that we farm organically which would fall under agriculture. Then, once you start doing the seminars and stuff that would be agriculture related, that would fall under that category also. Barry asked which part of the 23 acres is for sale? Hibbard replied all of it. Barry noted won't that cause an issue with your agritourism if you no longer own that? Hibbard said no, because we still have the honey operation there. Gerken clarified the honey operation would qualify for your agricultural? Hibbard stated correct. Right now we run about 30 hives and we're looking at going to somewhere between 60 and 100 for this year. Barry commented it has been a long time since I have been out there but, an occupancy of 250 did surprise me. If you do not have that property, is there enough room to park because you are going to need 2.1 acres to park a couple hundred cars. Hibbard replied currently there is a spot where greenhouses used to be that is a 60' by 200' area and then there are two driveways to the east of the red building. Barry remarked I did a quick calculation of what would be recommend for parking, you probably would not have 250 cars but, you would have support

people and workers so, we will just leave it at 250 to keep it easy and you would need over two acres for parking. How big is the area behind there and where the road goes, would you have to put in another access road? Hibbard noted we have two accesses off Enterprise already. Enterprise runs north and south to the property. There is one drive that actually comes off of American Road about another 100' to the North of that to where we bought up to Vorwerk's farm. On the north side there is another driveway there. Barry pointed out but that would sell with the property. Hibbard said no, right now the north drive would go with the 20 acres and the south drive would stay with this product. The 250 is what that code for occupancy fell into for like the sprinkler system and stuff that is part of that code with that headcount of occupancy. Barry expressed we are doing the Special Use/Conditional Use and I would like an accurate number on there. Are we okay leaving it up to 250? Shouldn't the occupancy be more in line with what the building actually is so they don't come back and say well we are just going to make the building bigger because we already have 250. Hibbard asked are we going to keep it at 250, is that what you recommend? Barry replied I'm just asking, right now it is at 50. Schultheis asked if Hibbard plans on making corrections in addition to this as to the buildings to gain occupancy? Hibbard replied well right now what we were doing was staying with what it currently was and trying to get the 250 which is what Rudy said he couldn't do but, going through agritourism would take Rudy out of the picture. Schultheis clarified but, you will have to return to the Planning and Zoning Commission in order for us to present that Agritourism permit. Hibbard said right. Schultheis commented so why don't we just do it then. Mazur pointed out we cannot provide any recommendation right now since this is the first that we are hearing about this. There has to be some research and findings to be able get through the process and do what's necessary to get it right. Barry stated there are two things we are dealing with. One was the water and that seems to be pretty well taken care of through the Water Department. The only permit we are issuing is if they can have this thing with 250 people. Mazur noted that is what's on the agenda. Maassel noted if that is accurate. Hibbard said well yeah the 250 is what was on the agenda and like I said, we derived that number basically coming off of this code or whatever that puts us in this category that said up to 250 people this is what you got to do. Basically we took that information and transferred it into this. Now, if we come back in one, two, three months or whatever and say our cutoff is 200, then we discuss the 200 at that time. Barry pointed out the Fire Marshal would determine the occupancy. Once they come in and see the size and the exits and whatever they are going to say here's how many people you get in there. So, we could say yeah up to 250 but, the Fire Marshal is the one that gives you that plaque, right? Mazur stated that's right. Gerken asked the other people that are doing this agritourism have they found that they are drawing people from other parts of the state to come to this? Hibbard responded well like Nature Fresh. I haven't made contact with them but I talked to them at the Fulton County Fair two years ago. They are a Canadian-owned company and the person that started Nature Fresh his first phase was a greenhouse designer, he was designing greenhouses. Next thing you know he can't just sell a greenhouse without having a working model so he started a working model with tomatoes. The next thing you know, he is selling more tomatoes than he has greenhouses and then he has 200 acres in Canada and whatever he has in Delta now. He has people coming in to see their operations. For him it is to be a show piece you know of selling more greenhouses to other companies and bringing in customers to increase his customer base for that. Gerken asked there is one in Grand Rapids too? Hibbard said correct. Gerken asked if they draw people in from Hibbard said they are still in the construction phase. I talked to them Saturday and they are in the process of finalizing their construction to where they hope to be open this summer. They have been working on their facility, including drawings and all that stuff since about 1997. Gerken then asked if they have farmground that they are

showcasing? Hibbard said they have 40 acres that they own and their plan is that they will have venues in their facility plus have their produce for sale at the same time. Gerken asked why would you want to sell your farmground? Why wouldn't you want to keep your building and your farmground and then when you have these seminars or tourism, you could go out and show them where and how you are growing your organic food. Hibbard explained right now the farmground is for sale because I have been paying for everything out-of-pocket and I need some cash. Gerken asked if the apple orchard is for sale, is that part of that farmground? Hibbard replied yes, what is left of that orchard. Mother nature has not been kind and was very unkind this year. 75% of those trees have been eaten by rabbits there is about a two foot section of no bark on those trees. Those trees will probably not produce again this year which they have not for the last two years. The peach trees for the last two years have had the blossoms freeze off, that's why they were removed and will be converted into organic grain this year. We have not had any interest in the farmground the two times that we have had it listed so, it probably will stay under my ownership. Barry asked what hinges on this agritourism? I know there are some things that you have to do to meet what they are outlining as an agritourism to get that kind of classification but, what we are dealing with tonight for this Special Use Permit to make this a lecture hall is really what we need to decide, correct? Schultheis explained this here tonight is just one step closer to becoming that, this was required for him to establish that. Whatever he has to do from here on out is either through us or it's going to be through Wood County. Barry commented the only flag was when I saw the 250. My thought was I'm sure it is on a septic and yes we are going to hook water up but, where is it going to go? That will all have to be dealt with the building codes, that's not for us. Schultheis added I'm sure the septic was brought up through Mike Rudy at some point too because of the Hibbard interjected actually it wasn't. Other than that we were on septic like we were when Rudy was there in 2017. Barry asked where is the sewer line if they ever decide to do that? Schultheis thought the sewer line would probably run with the waterline out on the north end. Mazur noted it is on the north end of that property on the other side of the street. Hibbard added it is actually on the northwest corner of American and Enterprise which means somebody is going to have to pay about \$30,000 to get it under the road. We are actually paying the assessment on that sewer line that was run down American Road along with the water language. I believe it has about another four years worth of assessments. Maassel clarified so if the permit reads for use up to 49 people that is okay through Wood County, right? Hibbard replied that is what we are currently at right now. Maassel said but you want to grow it to 250. So, right now you get 49 people there, no problem you don't need to come see us. Hibbard-correct. Maassel continued as soon as you put the 50th to 250 people in there, you have to say "we are going to change the use". Hibbard-correct. Maassel noted but we don't have permission yet from Wood County to do that. Hibbard said keep it rolling. I will tell you what I know and we can question Rudy on the rest of it. Maassel stated I'm just making sure we understand. Wood County said 49 only and if you want to go more you have a whole bunch of things you can do or, you can get agritourism. If you get agritourism then you don't have to do all the steps that you would have to do through Wood County. Hibbard-correct. Let me rephrase that, to my understanding from what Mike Rudy told me, correct. Maassel commented if we say yes to this, we are just saying yes if it gets to agritourism or you do all the things for Wood County. Mazur clarified we are just talking about the well. This is what this is about is the well. The background explains what they want it to be which is different than what was presented in the past. That is why it's worded that way. When you get to the permit application Maassel interjected all we are saying is just use the city water and get the well out. Mazur continued so it gets the city water to the buildings. They want to keep the well because they cannot use the city water to water, they will water with the well water so

they can have the organic status. Hibbard stated right now the way it stands with the water, the pressure tank is out of the building, the controls are out of the building, there is the line that used to feed from the well into the building which has been capped, there's a line that comes out of the building to when they used to have irrigation out there for the nursery and stuff that's capped, the line that used to come from the well to the manifold system of where the water is, is gone. Right now it's basically out of the ground, a valve, meter, valve, valve, backflow preventer, valve, valve into the bathrooms and sinks and stuff like that. Mazur added Jeff Rathge has one more inspection, it should be good, everything else is in compliance up to the right now. Per the Water and Sewer Rules, the Planning Commission has to hear this. It's a Special Use Permit that has these conditions and the request is to allow for the Special Use Permit for the well. Maassel asked Hibbard if these conditions make sense? This is the first time you heard them, right? Hibbard asked which conditions are we talking about? Maassel replied the ones that Mr. Schultheis read off tonight. Hibbard said well, yes and no. At one time in there on line 10 it actually says you can get a permit for having the well which we tried clear back in 2017 and never got anywhere with that. So, going forward with everything that had been going on, the conversation had always been back and forth of switching to city water. With us wanting to get to the 250, the city water made sense so we went forward and did that. But, we were also told in the 2017-2018 timeframe when we were trying to keep the well we were told to contact the EPA which we did. The EPA said they had no idea what we were talking about. With what they told me, with everything that was in place with the backflow preventer and everything they were fine with the well being on the property and being in use at the same time as the city water. Maassel stated that is an EPA thing, that's not a city Hibbard interjected I know, I'm just telling you the history. That I had been referred to the EPA and I actually went to the EPA and was told that they had nothing to do with issuing permits and stuff like that. Like I said, we eliminated everything inside the building for the well on city water. Barry stated most of my questions been answered but, like I said, the 250 number and then a place to put all those cars. As long as there's enough ground back there and you have some open space to park cars, it's not like it will be every day it would be per event. Most of the other things, the appropriate agencies will regulate. Hibbard said there is one thing I do want to add to your question when you were talking about the greenhouses and stuff. What I can tell you is back in 2018 we had an OEFFA (Ohio Ecological Food & Farm Association) tour there. We were one of the first ones that OEFFA did in Northwest Ohio and we had people from Columbus, Dayton and I think there was some people from Zaneville that actually came up to view our property. That is one of the things that we have done as an agricultural promotion. There's a sanctuary in Defiance for beekeeping and in 2019 there was some political issues that happened there and they actually pulled their use of that property at that time. We were contacted to see if we were willing to have the annual field day at our property. We had beekeepers from probably somewhere between eight and ten counties come to this event and then we also had 23 acres of sunflowers that year. We probably had close to 750 to 1,000 people come through and view our sunflowers. We had wedding pictures taken there, we had maternity pictures taken there, family pictures, senior pictures and stuff like that. The first weekend we had it, 80%-90% of the people that stopped had Indiana plates on their vehicle. From that sunflower event we actually donated around \$500 to the Henry County Humane Society, anything that anybody give to us plus the portion of sales went to the Humane Society from that three weekend event. That kind of lends to what it can draw in for the tourism portion of it. You figure we had 30 some cars that first weekend and we never even really advertised for it. Love's wasn't their at the time but, you figure out of the three truck stops there at least one of them got utilized for something

whether it was Subway or gas or whatever. Gerken noted you bring that many people are they going to patronize the area.

Motion: Maassel

Second: Vocke

to approve PC 21.01 Special Use Permit/Conditional Use Permit 2950 Enterprise Avenue

Roll call vote on the above motion:

Yea-Vocke, Barry, Maasel, Gerken

Nay-

Yea-4 Nay-0. Motion Passed

Maassel pointed out this will go before City Council at their next on Monday night, March 15, 2021 at 7:00 pm.

ADJOURNMENT

Motion: Maassel

Second: Vocke

to adjourn the Planning Commission meeting at 5:33 pm

Roll call vote on the above motion:

Yea-Vocke, Barry, Maasel, Gerken

Nay-

Yea-4 Nay-0. Motion Passed

Approved

April 13, 2021

Tim Barry - Chair



City of Napoleon, Ohio
Kevin Schultheis, Zoning Administrator
Code Enforcement

*255 West Riverview
Napoleon, OH 43545
Telephone: (419) 592-4010 Fax: (419) 599-8393
www.napoleonohio.com*

PC-21-02

STREET DEDICATION

LOCATION: RAYMOND ST. RIGHT-OF WAY BEING PART OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 19, TOWN 5 NORTH, RANGE 7 EAST, IN THE CITY OF NAPOLEON.

MEMORANDUM

TO: MEMBERS OF THE CITY PLANNING COMMISSION

FROM: KEVIN L. SCHULTHEIS, ZONING ADMINISTRATOR/CODE ENFORCEMENT OFFICER

SUBJECT: STREET DEDICATION

HEARING #PC-21-02

BACKGROUND:

AN APPLICATION FOR PUBLIC HEARING HAS BEEN FILED BY JOHN STOCK, STOCK DEVELOPMENT COMPANY, LLC, SENIOR HOUSING, LP AND KEITH FRUCHEY, WHO WISHES TO DEDICATE THIS SECTION OF RAYMOND ST., LOCATED EAST OF THE 400 BLOCK OF RAYMOND ST., IN THE CITY OF NAPOLEON, OHIO. THIS IS PURSUANT TO CITY CODE SECTION 1105.13

RESEARCH AND FINDING

1. THIS SECTION OF RAYMOND ST. IS A PRIVATE EXTENSION OF 400 BLOCK OF RAYMOND ST. EAST OF THE GERMAN AND BADEN SUBDIVISION, OWNED BY THE STOCK DEVELOPMENT COMPANY, LLC, JOHN STOCK, AND KEITH FRUCHEY, NOW WISH TO DEDICATE EAST RAYMOND ST. TO THE CITY OF NAPOLEON, OHIO
2. THIS PLAT HAS BEEN REVIEWED AND APPROVED BY ALL CITY DEPARTMENTS.

Application for Public Hearing

City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

<u>Planning Commission</u> <small>(MZON 100.1700.46690)</small> ___ Conditional Use \$125.00 ___ Amendment \$125.00 ___ Subdivision in City \$75.00 + \$5.00 each, after two ___ Preliminary Plat of Development \$125.00 ___ Alley Vacation \$25.00 + publication cost	<u>Preservation Commission</u> <small>MZON 100.1700.46690)</small> ___ Certificate of Appropriateness \$25.00	<u>Board of Zoning Appeals</u> <small>(MZON 100.1700.46690)</small> ___ Certificate of Zoning \$25.00 ___ Re-Zoning \$125.00 ___ Variance \$125.00 ___ Administrative Appeal \$50.00
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Address of property: ___ Raymond Street Extension – 501 to 545 Raymond Street _____

Description of request: _____

___ Street Dedication per attached plan. _____

Street Dedication of Raymond St / Sen. Living Area

___ Napoleon Senior Housing, LP and Keith Fruchey
OWNER(S) NAME (PRINT)

4260 Tuller Road, Suite 100, Dublin Ohio 43017 _____
ADDRESS- CITY, STATE, ZIP

___ 614-309-3182
PHONE NUMBER

SIGNATURE

*****Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled. *****

APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.

John Stock
APPLICANT NAME (PRINT)

ADDRESS

APPLICANT SIGNATURE

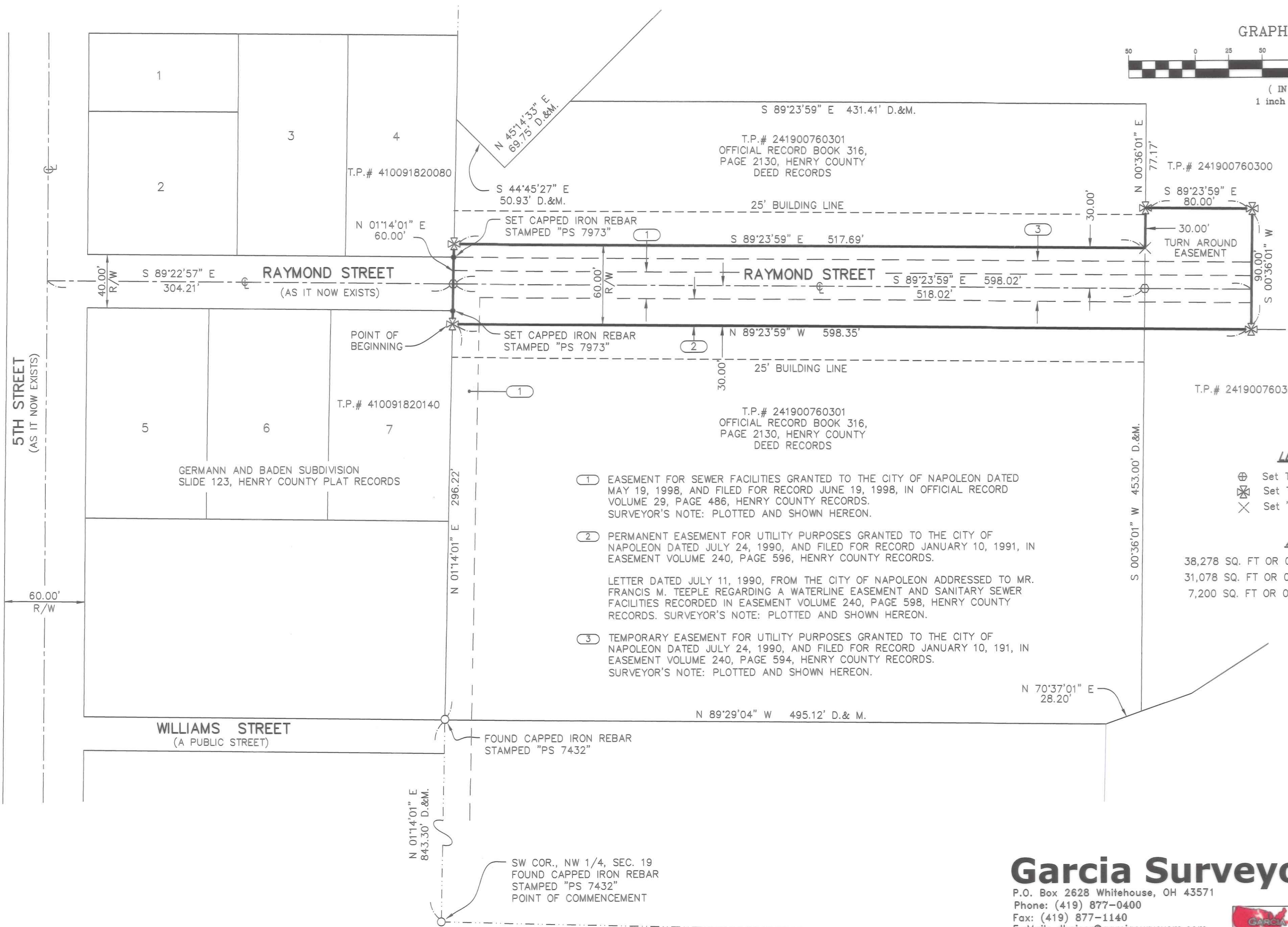
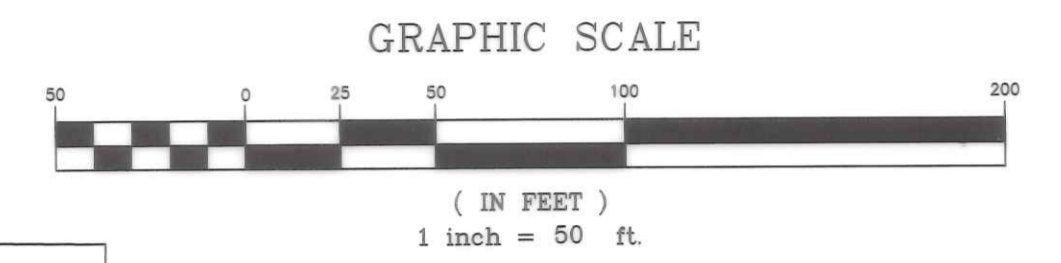
CITY, STATE, ZIP

Hearing #: _____ Hearing Date: 4/13/2021 PHONE _____ Zoning District: _____

Office Use Only		
Batch #	Check #	Date

RAYMOND STREET RIGHT OF WAY DEDICATION PLAT

PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 19, TOWN 5 NORTH, RANGE 7 EAST, IN THE CITY OF NAPOLEON, HENRY COUNTY, OHIO



- LEGEND:**
- ⊕ Set Type "A" Monument
 - ⊗ Set Type "B" Monument
 - ✕ Set "X" Cut
- AREA:**
- 38,278 SQ. FT OR 0.879 AC. ± (TOTAL PLAT)
 - 31,078 SQ. FT OR 0.714 AC. ± T.P.# 241900760301
 - 7,200 SQ. FT OR 0.165 AC. ± T.P.# 241900760300
- ① EASEMENT FOR SEWER FACILITIES GRANTED TO THE CITY OF NAPOLEON DATED MAY 19, 1998, AND FILED FOR RECORD JUNE 19, 1998, IN OFFICIAL RECORD VOLUME 29, PAGE 486, HENRY COUNTY RECORDS. SURVEYOR'S NOTE: PLOTTED AND SHOWN HEREON.
 - ② PERMANENT EASEMENT FOR UTILITY PURPOSES GRANTED TO THE CITY OF NAPOLEON DATED JULY 24, 1990, AND FILED FOR RECORD JANUARY 10, 1991, IN EASEMENT VOLUME 240, PAGE 596, HENRY COUNTY RECORDS.

LETTER DATED JULY 11, 1990, FROM THE CITY OF NAPOLEON ADDRESSED TO MR. FRANCIS M. TEEPLE REGARDING A WATERLINE EASEMENT AND SANITARY SEWER FACILITIES RECORDED IN EASEMENT VOLUME 240, PAGE 598, HENRY COUNTY RECORDS. SURVEYOR'S NOTE: PLOTTED AND SHOWN HEREON.
 - ③ TEMPORARY EASEMENT FOR UTILITY PURPOSES GRANTED TO THE CITY OF NAPOLEON DATED JULY 24, 1990, AND FILED FOR RECORD JANUARY 10, 1991, IN EASEMENT VOLUME 240, PAGE 594, HENRY COUNTY RECORDS. SURVEYOR'S NOTE: PLOTTED AND SHOWN HEREON.

Garcia Surveyors, Inc.

P.O. Box 2628 Whitehouse, OH 43571
Phone: (419) 877-0400
Fax: (419) 877-1140
E-Mail: dkaiser@garciasurveyors.com
Job Number: 214S04443



Legal Description

A parcel of land being part of the West Half (1/2) of the Northwest Quarter (1/4) of Section nineteen (19), Town five (5) North, Range seven (7) East, in the City of Napoleon, Henry County, Ohio, said parcel of land being bounded and described as follows:

Commencing at the intersection of the West line of said Northwest Quarter (1/4) of Section nineteen (19) with the South line of said Northwest Quarter (1/4) of Section nineteen (19), said West line of the Northwest Quarter of Section nineteen also being the easterly line of Germann and Baden Sub-Division, Slide 123, Henry County Plat Records, said point of intersection being marked with a found capped iron rebar stamped "PS 7432";

Thence in a northerly direction along said West line of the Northwest Quarter (1/4) of Section nineteen (19), having an assumed bearing of North one (01) degree, fourteen (14) minutes, one (01) second East, passing through a found capped iron rebar stamped "PS 7432" at a distance of eight hundred forty-three and thirty hundredths (843.30') feet, a total distance of one thousand one hundred thirty-nine and fifty-two hundredths (1,139.52') feet to the intersection of a line drawn thirty and zero hundredths (30.00') feet southerly of and parallel with the centerline of Raymond Street, as it now exists, said point of intersection being marked with a set concrete monument, said point of intersection being the True Point of Beginning;

Thence continuing North one (01) degree, fourteen (14) minutes, one (01) second East along said West line of the Northwest Quarter (1/4) of Section nineteen (19) passing through a set capped iron rebar at a distance of ten and zero hundredths (10.00') feet, also passing through a set concrete monument at a distance of thirty and zero hundredths (30.00') feet, also passing through a set capped iron rebar at a distance of fifty and zero hundredths (50.00') feet, a total distance of sixty and zero hundredths (60.00') feet to the intersection of a line drawn thirty and zero hundredths (30.00') feet northerly of and parallel with the centerline of Raymond Street, as it now exists, said point of intersection being marked with a set concrete monument;

Thence South eighty-nine (89) degrees, twenty-three (23) minutes, fifty-nine (59) seconds East along said line drawn thirty and zero hundredths (30.00') feet northerly of and parallel with the centerline of Raymond Street, as it now exists, a distance of five hundred seventeen and sixty-nine hundredths (517.69') feet to the intersection of the easterly line of a parcel of land described in Official Record Book 316, Page 2130, Henry County Deed Records, currently deeded to Napoleon Senior Housing, L.P., said point being marked with a set x-cut in concrete curb;

Thence North zero (00) degrees, thirty-six (36) minutes, one (01) second East along said easterly line of a parcel of land described in Official Record Book 316, Page 2130, Henry County Deed Records, currently deeded to Napoleon Senior Housing, L.P., a distance of thirty and zero hundredths (30.00') feet to the intersection of a line drawn sixty and zero hundredths (60.00') feet northerly of and parallel with the centerline of Raymond Street, as it now exists, said point of intersection being marked with a set concrete monument;

Thence South eighty-nine (89) degrees, twenty-three (23) minutes, fifty-nine (59) seconds East along said line drawn sixty and zero hundredths (60.00') feet northerly of and parallel with the centerline of Raymond Street, as it now exists, line, a distance of eighty and zero hundredths (80.00') feet to the intersection of a line drawn eighty and zero hundredths (80.00') feet easterly of and parallel with the easterly line of a parcel of land described in Official Record Book 316, Page 2130, Henry County Deed Records, currently deeded to Napoleon Senior Housing, L.P., said point of intersection being marked with a set concrete monument;

Thence South zero (00) degrees, thirty-six (36) minutes, one (01) second West along said line drawn eighty and zero hundredths (80.00') feet easterly of and parallel with the easterly line of a parcel of land described in Official Record Book 316, Page 2130, Henry County Deed Records, currently deeded to Napoleon Senior Housing, L.P., a distance of ninety and zero hundredths (90.00') feet to the intersection of said line drawn thirty and zero hundredths (30.00') feet southerly of and parallel with the centerline of Raymond Street, as it now exists, said point being marked with a set concrete monument;

Thence North eighty-nine (89) degrees, twenty-three (23) minutes, fifty-nine (59) seconds West along said line drawn thirty and zero hundredths (30.00') feet southerly of and parallel with the centerline of Raymond Street, as it now exists, a distance of five hundred ninety-eight and thirty-five hundredths (598.35') feet to the True Point of Beginning.

Said parcel of land containing an area of 38,279 square feet or 0.879 acres of land, more or less.

The above described parcel of land is subject to any and all leases, easements and restrictions of record.

The bearings used hereon are based on an assumed meridian and are solely for the purpose of calculating angular measurement.

Prior Deed Reference is Official Record Book 316, Page 2130, Henry County Deed Records. Currently deeded to Napoleon Senior Housing, L.P.

Said set concrete monument being a set Type "A" Monument.

Said set and capped iron rebars being a 5/8" diameter by 30" long iron rebar with a plastic cap stamped "PS 7973".

The above description is based on a survey performed under my supervision during January, 2021.

Owner's Certificate

The Undersigned owners Keith Fruchey, and Napoleon Senior Housing, Lp An Ohio Limited Partnership of the estate described hereon, do hereby dedicate to the City of Napoleon all rights of way, streets, alleys, easements or other areas described or indicated as dedicated on the plat.

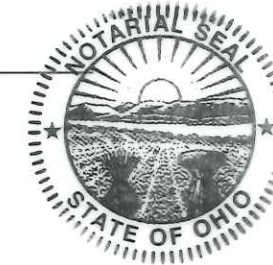
Keith Fruchey
Keith Fruchey (Owner)
ALB SB
Napoleon Senior Housing, LP
An Ohio Limited Partnership (Owner)

Janice Beam
Witness
Janice Beam
Witness

STATE OF OHIO
COUNTY OF Henry

Before me, a Notary Public in and for said County and State, personally appeared the above owners of the lands shown hereon, and that the signing of the above certificate is their own free act and deed for the uses and purposes therein expressed, in witness thereof, this 3rd day of March, 2021.

Sheila K. Celani
Notary Public

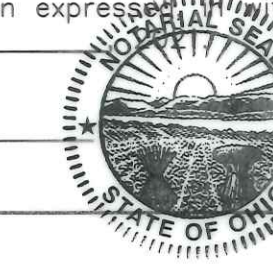


SHEILA K. CELANI
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 7-15-22

STATE OF OHIO
COUNTY OF Henry

Before me, a Notary Public in and for said County and State, personally appeared the above owners of the lands shown hereon, and that the signing of the above certificate is their own free act and deed for the uses and purposes therein expressed, in witness thereof, this 3rd day of March, 2021.

Sheila K. Celani
Notary Public



SHEILA K. CELANI
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 7-15-22

Henry County Auditor

I, the Henry County Auditor, do hereby certify that there are no unpaid taxes on the property herein and certify the same for transfer. Transferred this _____ day of _____, 2021.

Henry County Auditor

Henry County Recorder

Filed for record this _____ day of _____, 2021, at _____ o'clock ____M. and recorded in Plat Cabinet _____, Slide _____.

Henry County Recorder

City of Napoleon Planning Commission

Under authority provided by Ohio R.C. Chapter 711 and Chapter 1105 of the Napoleon Codified Ordinances, the plat is hereby approved by the Planning Commission of the City of Napoleon.

Date: _____

Chairman

Clerk of Council

City of Napoleon Council

Under authority provided by Ohio R.C. Chapter 711 and Chapter 1105 of the Napoleon Codified Ordinances, the plat is hereby approved by the City Council of the City of Napoleon.

Date: _____

Mayor

Attest: Clerk of Council

City of Napoleon Engineer

In accordance with Ohio R.C. 711.08, the undersigned, being the Engineer for the City of Napoleon, Ohio hereby certifies that the streets as laid out on this plat of such addition corresponds with those laid out on the recorded plats of the Commission.

City of Napoleon Engineer

Surveyor's Certificate

I hereby certify that this plat represents a survey made by me, and that the specified monumentation shown hereon actually exists, and its location is correctly shown.

Daniel C. Kaiser 2/22/21
Daniel C. Kaiser Reg. Surveyor #7973
Garcia Surveyors, Inc.



Garcia Surveyors, Inc.

P.O. Box 2628 Whitehouse, OH 43571
Phone: (419) 877-0400
Fax: (419) 877-1140
E-Mail: dkaiser@garciasurveyors.com
Job Number: 214S04443



PLANNING COMMISSION RESOLUTION NO. PC 21-02

**A RESOLUTION RECOMMENDING THE APPROVAL OF A PLAT-
KNOWN AS EAST RAYOND ST. RIGHT-OF-WAY BEING PART OF
THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 19, TOWN 5
NORTH, RANGE 7 EAST, IN THE CITY OF NAPOLEON, OHIO**

Whereas, this Owner, Stock Development company, LLC, John Stock, Senior Housing, LP., and Keith Fruchey has legal ownership of certain real property being Raymond St. being part of the West 1/2 of the Northwest 1/4 of section 19, town 5 North, range 7 East, in the City of Napoleon, Henry County, Ohio; and,

Whereas, a certain street exists known as the 500 Block of Raymond St. East of the Germann and Baden Subdivision that has been used and maintained By the owner, John Stock, Stock Development Company, LLC, Keith Fruchey and, Senior Housing, LP, and has requested this section to be dedicated and accepted as a public street; and,

Whereas, the City's Engineering department is unable to locate a record evidencing the dedication and acceptance of the said street, at least in the entirety as now used as a public street; Therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, it is the recommendation of this Planning Commission that the Plat known as the Raymond St. Right of Way Dedication Plat" situated in the City of Napoleon, County of Henry, State of Ohio, be approved, and the Right of Way (Street) be hereby accepted by the City as a public street.

That, it is found and determined that all formal actions of this Commission concerning and relating to the adoption of this Resolution were adopted in open meetings of this Commission, and that all deliberations of this Commission 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 Codified Ordinances of Napoleon Ohio.

Section 2. That, if any other prior Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail; further if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 3. That, this Resolution shall take effect at the earliest time permitted by law.

Passed: _____
Chairperson

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest: _____ Roxanne Dietrich, Clerk of Council

Dedication Certificate

The undersigned, _____ owner(s) of the real estate described herein do hereby dedicate to the City of Napoleon all rights of way, streets, alleys, easements or other areas described or indicated as dedicated on the plat.

Owner

Witness

Owner

Witness

STATE OF _____:

COUNTY OF _____:

Be it remembered, that on this ____ day of _____, _____, before me a notary Public in and for the State of _____, personally appeared the owner(s) _____, _____, the grantor(s) in the foregoing instrument, who acknowledge that He/she/they/it did sign the same, and that the same is grantor's free act and deed.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal of Henry County, Ohio on the day and year aforesaid.

(SEAL)

NOTARY PUBLIC, STATE OF _____
MY COMMISION EXPIRES: _____

City Engineer Certification

In accordance with Ohio Revised Code 711.08, the undersigned, being the Engineer for the City of Napoleon, Ohio hereby certifies that the streets as laid out on the plat of such addition correspond with those laid out on the recorded plats of the Planning Commission.

Date

Engineer

City Engineer Certification

I Hereby Certify, this plat illustrates the location and description of the street and alley as vacated.

Date

Engineer