

TEMPORARY ORDINANCE NO. 2-17

PERMANENT ORDINANCE NO. 3-17

AN ORDINANCE TO ACCEPT THE FINAL PLAT FOR EWING STREET BUSINESS PARK

WHEREAS, the Final Plat was submitted to the Lancaster Planning Commission; and

WHEREAS, on the 8th day of December 2016, the said City Planning Commission gave approval of the Final Plat; and

WHEREAS, the engineering improvement plans are approved prior to acceptance;

BE IT ORDAINED by the Council of the City of Lancaster, Fairfield County, Ohio, that:

SECTION 1. That the Final Plat for Ewing Street Business Park be and the same is hereby approved and accepted.

Passed: 1/9/17 after 1st reading. Vote: Yeas 8 Nays 0

Approved: 1/10/17

Attest: Teresa Lee Sandy

At B. Hage
President of Council

[Signature]
Mayor

The foregoing is a true and correct copy of Ordinance 3-17 as adopted by the Council of the City of Lancaster, Ohio at its meeting on 1/9, 2017.

Offered by: Mary R. Turner

Second by: [Signature]

Requested by Code Enforcement & Zoning

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2017 and _____, 2017 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

DESCRIPTION OF 4.978 ACRES

EWING STREET BUSINESS PARK

Situated in the State of Ohio, County of Fairfield, City of Lancaster, Township 14, Range 18, Section 5, Being 4,934 acres of 11.79 acre tract as described in Official Record 1480, Page 2986, and 0.044 acres of a 12 foot alley vacated by ordinance 15-82 and being more fully described as follows:

Beginning at a 5/8 inch rebar previously set at the southeast corner of the intersection of Ewing Street (52') and a 12 foot alley, said rebar is located South 01 degrees 09'26" East a distance of 12.06 feet from a 1/2 inch iron pipe found at the southeast corner of Lot 1 in The Carbon Works Addition as recorded in Plat Book 2, Page 11;

thence with the south line of the 12 foot alley North 83 degrees 21'47" East a distance of 524.75 feet to a 5/8 inch rebar set at the southwest corner of the portion of the alley vacated by ordinance 15-82;

thence North 00 degrees 46'48" West a distance of 6.05 feet to a 5/8 inch rebar set, thence with the center of the vacated alley North 83 degrees 21'58" East a distance of 315.81 feet to 5/8 inch rebar set;

thence South 00 degrees 22'00" East a distance of 6.04 feet to a 5/8 inch rebar set at the southeast corner of the vacated alley;

thence with the south line of the 12 foot alley North 83 degrees 21'58" East a distance of 39.65 feet to a 5/8 inch rebar previously set at the northwest corner of a 0.114 acre tract described in Deed Volume 514, Page 514;

thence South 00 degrees 19'38" East a distance of 210.81 feet to a 5/8 inch rebar previously set on the north right-of-way line of Penn Railroad and being the southwest corner of said 0.114 acre tract;

thence with the north right-of-way line of said railroad South 78 degrees 48'49" West a distance of 986.64 feet to a 5/8 inch rebar previously set on the east line of Ewing Street, thence North 01 degrees 09'26" West a distance of 281.15 feet to the point of beginning, containing 4.978 Acres.

Bearings are based on the centerline of the railroad being South 78°48'49" West. Rebars set are 5/8 inch by 30 inches and have a yellow plastic identification cap stamped "Robin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

DEDICATION Situated in the State of Ohio, Fairfield County, City of Lancaster and being a part of Section 5 in Township 14, Range 18 Congress Lands, Being 4,934 acres of 11.79 acre tract as described in Official Record 1480, Page 2986, and 0.044 acres of a 12 foot alley vacated by Ordinance 15-82.

I the undersigned, Paul Martin, being the Services-Safety Director for the City of Lancaster, Ohio, do hereby voluntarily consent to the execution of this plat, do hereby certify the attached plat to be a correct representation of "EWING STREET BUSINESS PARK", and offer for dedication streets as shown, to the public use forever.

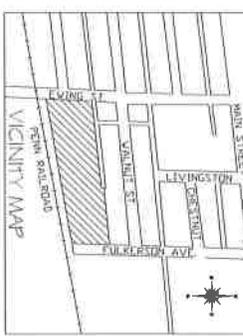
All Easements shown hereon are for the construction, operation, maintenance, repair, replacement or removal of water lines, storm and sanitary sewers, gas lines, aerial and underground electric lines, aerial and underground telephone lines, surface drainage, or other utility lines or services. Also, for the express privilege of removing any and all trees, shrubs, bushes, buildings or other obstructions to the free use of said utilities and for providing ingress and egress to the property for said purposes and are to be maintained as such forever.

In Witness thereof, Paul Martin, City of Lancaster, has hereunto set his hand this _____ day of _____ 2017.

Witness Paul Martin, Services-Safety Director

STATE OF OHIO Before me, a Notary Public in and for the State, personally appeared Paul Martin, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for use and purpose herein expressed.

In witness whereof, I have hereunto set my hand and affixed my official seal this _____ day of _____ 2017.



APPROVALS: PLANNING COMMISSION This plat approved by the City of Lancaster, Ohio Planning Commission this _____ day of _____ 2017.

CLERK OF COUNCIL This plat approved and accepted by the Council of the City of Lancaster this _____ day of _____ 2017, by Ordinance No. _____

AUDITOR The land hereon platted has been transferred this _____ day of _____ 2017.

Recorder Received and recorded this _____ day of _____ 2017, at _____ and recorded this _____ day of _____ 2018, in Plat Cabinet _____ Slot _____.

NOTARIZED OWNERS DEDICATION AND ACKNOWLEDGMENT We the undersigned, being all the owners and lien holders of platted herein, do voluntarily consent to the execution of said plat. We dedicate easements hereon to public use forever.

STATE OF OHIO Before me, a Notary Public in and for the State, personally appeared Michael Peitt, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for use and purpose herein expressed.

In witness whereof, I have hereunto set my hand and affixed my official seal this _____ day of _____ 2017.

My Commission Expires: _____ Notary Public State of Ohio

DISCLAIMER:

The following is a portion of the environmental covenant with the Ohio Environmental Protection Agency recorded in Official Record 1579 Page 3584. This portion, shown below, is for informational purposes only and SHALL NOT be considered a thorough review and understanding of the environmental covenant. The environmental document recorded in Official Record 1579 Page 3584 shall supersede any/all language shown below.

Following is a portion of the environmental covenant: Activity and Use Limitations. As part of the voluntary action remedy described in the NFA Letter, Owner hereby imposes and agrees to comply with the following activity and use limitations:

A. Commercial and Industrial Land Use Limitation. The portion of the Property shall be used for one or more purposes consistent with the Commercial Land Use Category and/or Industrial Land Use Category and for no other purpose or use. For the purpose of this Environmental Covenant, the terms "Commercial Land Use Category" and "Industrial Land Use Category" shall be defined as: described in, and permitted under, Ohio Administrative Code (OAC) Sections 3745-500D6(C)(2)(c)(i) and (ii) (Effective March 1,2009).

OAC 3745-500D6(C)(2)(c)(i) defines commercial land use as: land use with potential exposure of adult workers during a business day and potential exposure of adults and children who are customers, patrons, or visitors to commercial facilities, during the business day. Commercial land use has potential exposure of adults to dermal contact with soil. Inhalation of vapors and particles from soil and ingestion of soil. Examples of commercial land uses include but are not limited to: warehouses; building supply facilities; retail gasoline stations; automobile service stations; automobile dealerships; retail warehouses; repair and service establishments for appliances and other goods; professional offices; bank and credit unions; office buildings; retail businesses selling foods or merchandise; golf courses; hospitals and clinics; religious institutions; hotels; motels; and parking facilities.

OAC 3745-500D6(C)(2)(c)(ii) defines industrial land use as: land use with potential exposure of adult workers during a business day and potential exposures of adults and children who are visitors to industrial facilities during the business day. Industrial land use has potential exposure of adults to dermal contact with soil, inhalation of vapors and particles from soil and ingestion of soil. Examples of industrial land uses include, but are not limited to: lumberyards; power plants; manufacturing facilities such as metalworking shops, plating shops, blast furnaces, coke plants, oil refineries, brick factories, chemical plants and plastic plants; assembly plants; non-public airport areas; limited access highways; railroad switching yards; and remote port facilities.

B. Ground Water Use Limitation. Groundwater underlying the Property shall not be extracted or used for any purpose, potable or otherwise, except for investigation, monitoring or remediation of the groundwater.

C. Limitation on Building Occupancy—Remedy or Demonstration Obligation. (This area is shown on the Sheet 2 of 2 of the Plat)

Prior to human occupancy of any building constructed on the portion of Property that is defined in Attachment B after the recording date of this Environmental Covenant, either: (i) a remedy that eliminates indoor air vapor intrusion exposure to hazardous substances in groundwater in excess of applicable standards shall be installed, operated and maintained as an engineering control under an Operation and Maintenance Agreement in accordance with a Covenant Not to Sue issued by the Director of Environmental Protection pursuant to ORC § 3746.12; or (ii) a demonstration attested by a Certified Professional shall be made to Ohio EPA, that the Property complies with applicable standards for the vapor intrusion to indoor air exposure pathway without further implementation of remedial activity and documented in accordance with ORC Chapter 3746 and the rules adopted thereunder.

Notice Upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion thereof shall contain a notice of the activity and the use limitations set forth in the Covenant with the Ohio Environmental Protection Agency recorded in Official Record 1579, Page 3584.

ENVIRONMENTAL INFORMATION:

No Further Action#: 14NFA577 Project#: 123002677006

Covered/ not to sue with the Ohio Environmental Protection Agency recorded in Official Record 1579, Page 3588. SURVEYOR CERTIFICATION

I do hereby certify that I have surveyed these premises, prepared the attached plat and that said plat is correct. All dimensions are shown in feet and decimal parts thereof and dimensions shown along curves are chord measurements.

1/2 inch by 30 inch rebars with a "Robin-McFarland" identification cap shall be set on all corners. DATE: _____ 2017 Rodney McFarland P.S. 6416 Date of Plat: Dec 23, 2016

