

RESOLUTION NO. CR-4-99

A RESOLUTION TO AMEND THE LANDSCAPE PLAN FOR BULK XII,
LOCATED IN SOUTHPARK, AS APPROVED BY RESOLUTION CR-85-97

WHEREAS, on December 15, 1997, Council approved the Final Development Plan for Bulk XII & XIII Distribution/Storage facility located in the SouthPark Industrial Park; and

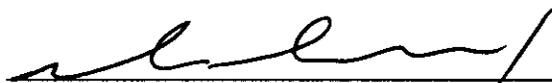
WHEREAS, contained within the Development Plan was a Landscape Plan, which the Developer wishes to amend; and

WHEREAS, the City's Urban Forester has reviewed The Pizzuti Companies proposal and an agreement has been reached.

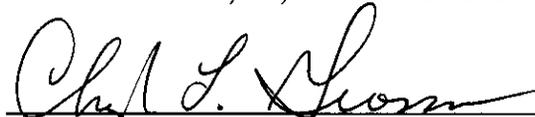
NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. This Council hereby amends the Landscape Plan of the final development plan for Bulk XII Distribution/Storage facility, located in the SouthPark Industrial Park, as outlined in the December 18, 1998 letter from Mr. Tom Stanton of The Pizzuti Companies, attached hereto and made a part hereof.

SECTION 2. This resolution shall take effect at the earliest opportunity allowed by law.



Michael Milovich, Jr., President of Council



Cheryl L. Grossman, Mayor

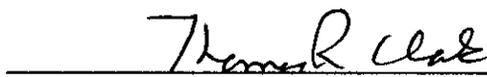
Passed: 01-04-99
Effective: 01-04-99

Attest:



Tami K. Kelly, CMC/AAE, Clerk of Council

I Certify that this resolution
is correct as to form.

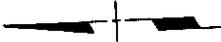
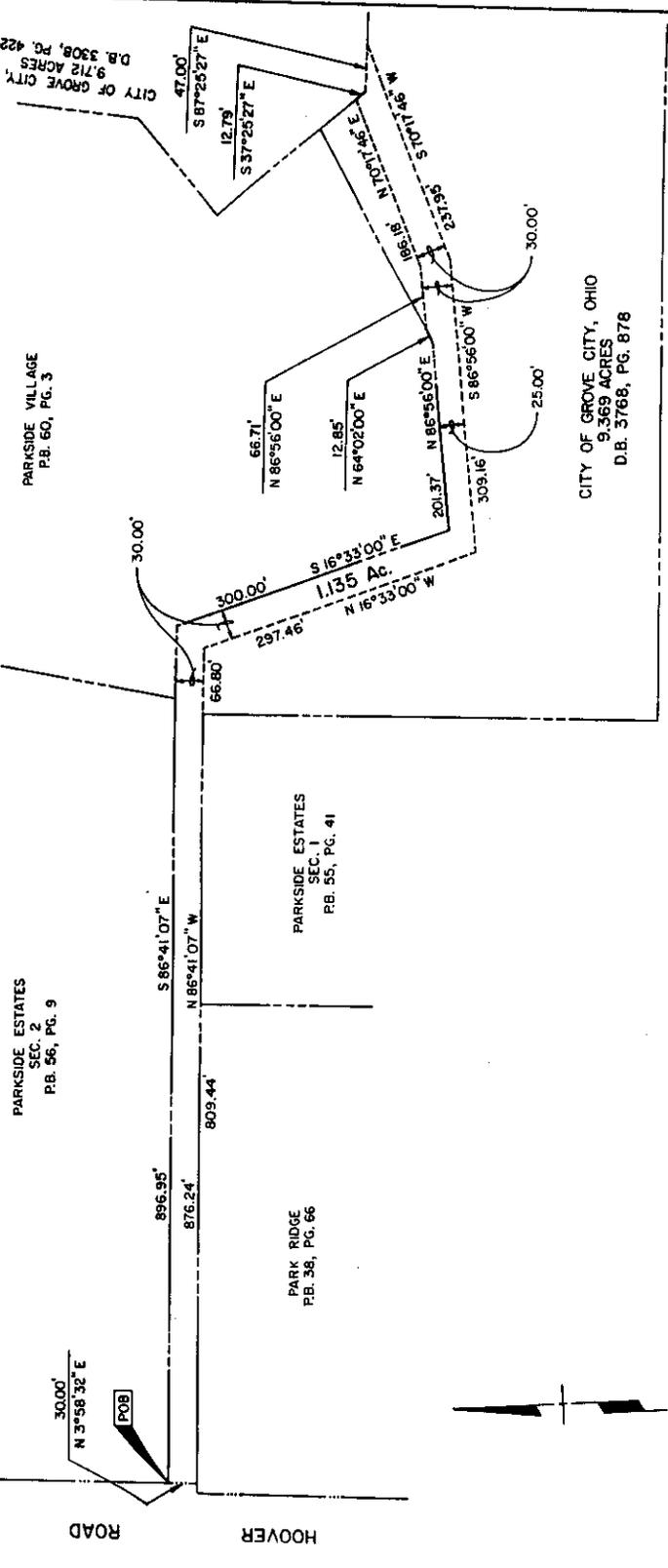


Thomas R. Clark, Director of Law

SANITARY SEWER EASEMENT
VIRGINIA MILITARY SURVEY No. 6839
CITY OF GROVE CITY, FRANKLIN COUNTY, OHIO

NOVEMBER 11, 1998

SCALE 1" = 100'



PIZZUTI

THE PIZZUTI COMPANIES

December 18, 1998

COLUMBUS

300 East Broad Street
Columbus, Ohio 43215
Phone: 614-530-0000
Fax: 614-530-0000

ORLANDO

100 South Orange Avenue
Orlando, Florida 32801
Phone: 407-314-0000
Fax: 407-314-0000

CHICAGO

One Mid-America Plaza
100 Grand Avenue, Bloomington
Phone: 309-435-0000
Fax: 309-435-0000

Mr. Bob Lathrop, Urban Forester
The City of Grove City
P.O. Box 427
4035 Broadway
Grove City, OH 43123

REVISED

RE: Landscaping and Screening at SouthPark Bulk XII

Dear Bob:

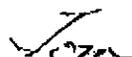
In an effort to bring the ever-evolving subject of screening requirements for SouthPark Bulk XII to an acceptable conclusion we propose the following.

1. The north mound as constructed is acceptable to the City.
2. Pizzuti will plant an additional forty-one (41) White Pine trees (6' to 8' height) along the top of the mound directly behind the homes east of the vacant lot.
3. Pizzuti will plant ten (10) additional White Pine trees (6' to 8' height) along the top of the mound immediately east of the drainage swale.
4. Per your discussion with Nelson Kohman, the City Engineer, the mound cannot be filled in at the drainage swale.
5. Pizzuti will not plant trees in the drainage swale.
6. Gates will be installed in the security fence on the north side of Bulk XII at the post indicator valves.
7. Pizzuti will add a new staggered row of twenty-three (23) pines (6' to 8' height) to screen the west end of the truck dock area from Ziner residents.
8. The location of all plantings will be done at the direction of the City's Urban Forester.

As you are aware, items 3 and 4 were not included in the final development plan approval but are being proposed at a cost of over \$10,000 to Pizzuti to show continuing good faith efforts and to resolve this debate once and for all. The above comprehensive proposal must be accepted, in writing, by the City or it will be withdrawn and we will revert to the lesser approved development plan.

We appreciate your efforts to bring a 'win-win' ending to this saga. May we receive your written response by December 23, 1998? Thank you.

Sincerely,



Thomas R. Stanton
Vice President Construction
The Pizzuti Companies

**SANITARY SEWER EASEMENT
1.135 ACRE**

Situated in the State of Ohio, County of Franklin, City of Grove City, Virginia Military Survey No. 6839 and being a strip of land all out of that 9.639 acre tract as conveyed to the City of Grove City, Ohio of record in Deed Book 3768, Page 878 (all deed references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning for reference at the Grantor's northwesterly corner in the easterly right-of-way line of Hoover Road;

thence South 86° 41' 07" East, with the Grantor's northerly line, a distance of 896.95 feet to a corner;

thence South 16° 33' 00" East, with the Grantor's northerly line, a distance of 300.00 feet to a corner;

thence North 86° 56' 00" East, with the Grantor's northerly line, a distance of 201.37 feet to a corner;

thence North 64° 02' 00" East, with the Grantor's northerly line, a distance of 12.85 feet to a point;

thence North 86° 56' 00" East, across said Grantor's tract, a distance of 66.71 feet to a point;

thence North 70° 17' 46" East, across said Grantor's tract, a distance of 186.18 feet to a point in the Grantor's northerly line;

thence South 37° 25' 27" East, with said northerly line, a distance of 12.79 feet to a corner;

thence South 87° 25' 27" East, with the Grantor's northerly line, a distance of 47.00 feet to a point;

thence crossing the said 9.639 acre tract the following courses and distances:

South 70° 17' 46" West, a distance of 237.95 feet to a point;

South 86° 56' 00" West, a distance of 309.16 feet to a point;

North 16° 33' 00" West, a distance of 297.46 feet to a point; and

Continued. . .

SANITARY SEWER EASEMENT

1.135 ACRES

Page 2

North $86^{\circ} 41' 07''$ West, a distance of 66.80 feet to a corner in the Grantor's southerly line;

thence continuing North $86^{\circ} 41' 07''$ West, with the Grantor's southerly line, a distance of 809.44 feet to a point in the easterly line of Hoover Road;

thence North $3^{\circ} 58' 32''$ East, with said easterly right-of-way line, a distance of 30.00 feet to the true point of beginning and containing 1.135 acres of land, more or less.

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That CITY OF GROVE CITY, OHIO (hereinafter "Grantor"), for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to it paid by the CITY OF GROVE CITY ("Grantee" herein), the receipt of which is hereby acknowledged, does hereby grant and release, to the CITY OF GROVE CITY, its successors and assigns, the perpetual nonexclusive right and easement in, through, over and under the following described real estate for the purpose of constructing, installing, operating, maintaining, inspecting, repairing, removing, renewing and replacing a sanitary sewer and appurtenances thereto, together with the right of access to said easement area for said purpose:

Said Easement described in the attached exhibit and made a part hereof

The granting of this easement does not preclude the use of said easement area by storm sewer, water line, gas, telephone, electric or television cable facilities.

This deed of easement is executed, granted and delivered by Grantor, for itself and its successors and assigns, and accepted by Grantee, for itself and its successors and assigns, upon the following condition, to wit:

That rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property improvements in, along and over the premises herein described so long as the same are constructed so as not to impair the strength of or interfere with the use and maintenance of the facilities herein provided for.

TO HAVE AND TO HOLD said premises unto said Grantee, the CITY OF GROVE CITY, its successors and assigns, for the uses and purposes herein mentioned.

Continued.....

DEED OF EASEMENT - PAGE TWO
CITY OF GROVE CITY, OHIO

In Witness Whereof, Cheryl L. Grossman, Mayor of CITY OF GROVE CITY, OHIO, has hereunto set his/her hand this _____ day of _____, 1998.

Signed and acknowledged
in the presence of:

By: CITY OF GROVE CITY, OHIO

Cheryl L. Grossman, Mayor

STATE OF OHIO) ss:
COUNTY OF FRANKLIN

BE IT REMEMBERED, that on this _____ day of _____, 1998, before me, the subscriber, a Notary Public in and for said State, personally came the above named Cheryl L. Grossman, Mayor of CITY OF GROVE CITY, OHIO, Grantor in the foregoing instrument, who acknowledged the signing of the same to be his/her voluntary act and deed and the voluntary act and deed of said CITY OF GROVE CITY, OHIO for the uses and purposes hereinbefore mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

My Commission Expires _____

This Instrument Prepared By:
Thomas R. Clark, Attorney
3083 Columbus Street
Grove City, Ohio 43123

**SANITARY SEWER EASEMENT
0.644 ACRE**

Situated in the State of Ohio, County of Franklin, City of Grove City, Virginia Military Survey No. 6839 and being a strip of land all out of that 9.712 acre tract as conveyed to the City of Grove City, Ohio of record in Deed Book 3308, Page 422 (all deed references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning for reference at the southwesterly corner of said 9.712 acre tract, said point also being an angle point in the north line of a 9.369 acre tract of record in Deed Book 3768, Page 878;

thence North 37° 25' 27" West, with the Grantor's westerly line, a distance of 12.79 feet to a point;

thence crossing said 9.712 acre tract the following courses and distances:

North 70° 17' 46" East, a distance of 146.03 feet to a point;

South 77° 28' 42" East, a distance of 198.73 feet to a point;

North 32° 00' 00" East, a distance of 164.39 feet to a point;

North 68° 50' 00" East, a distance of 297.46 feet to a point; and

South 78° 00' 00" East, a distance of 152.47 feet to a point in the Grantor's easterly line;

thence South 12° 45' 30" West, with the Grantor's easterly line, a distance of 30.00 feet to a point;

thence crossing said 9.712 acre tract the following courses and distances:

North 78° 00' 00" West, a distance of 143.14 feet to a point;

South 68° 50' 00" West, a distance of 278.54 feet to a point;

South 32° 00' 00" West, a distance of 172.88 feet to a point in the Grantor's southerly line;

thence North 87° 25' 27" West, with the Grantor's southerly line, a distance of 14.89 feet to a point;

Continued. . .

SANITARY SEWER EASEMNT

0.644 ACRE

Page 2

thence crossing said 9.712 acre tract the following courses and distances:

North 77° 28' 42" West, a distance of 197.52 feet to a point; and

South 70° 17' 46" West, a distance of 89.98 feet to a point in the Grantor's southerly line;

thence North 87° 25' 27" West, with the Grantor's southerly line, a distance of 47.00 feet to the true point of beginning and containing 0.644 acre of land, more or less.