

RESOLUTION NO. CR-59-92

A RESOLUTION TO AUTHORIZE THE ADMINISTRATIVE ASSISTANT TO ENTER INTO A SETTLEMENT AGREEMENT RELATIVE TO FRANKLIN COUNTY COMMON PLEAS COURT CASE NO. 91CVF12-9982 AND CASE NO. 91CVF04-2840

WHEREAS, the City of Grove City, the Board of Zoning Appeals of the City of Grove City and/or the Building/Zoning Inspector of the City of Grove City are parties to two (2) cases currently pending in Franklin County Common Pleas Court; and

WHEREAS, said cases relate to two (2) billboards which are currently on the property located at or about 2120 Stringtown Road in Grove City; and

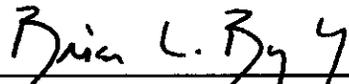
WHEREAS, in order to resolve the disputes which form the bases of Franklin County Common Pleas Case Nos. 91CVF12-9982 and 91CVF04-2840, a settlement agreement has been reached and is attached as "Appendix A".

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

SECTION 1. This Council hereby authorizes the Administrative Assistant to enter into the Settlement Agreement relative to Franklin County Common Pleas Court Case Nos. 91CVF12-9982 and 91CVF04-2840, whereby said cases will be dismissed with prejudice

SECTION 2. The currently-existing two (2) billboards on the property located at or about 2120 Stringtown Road in Grove City will be removed and a new billboard will be erected pursuant to said Settlement Agreement.

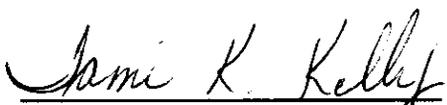
SECTION 3. This resolution shall take effect at the earliest opportunity allowed by law.

  
\_\_\_\_\_  
Brian L. Buzby, President of Council

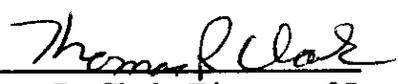
Passed: 10/19/92  
Effective: 10/19/92

  
\_\_\_\_\_  
Richard L. Stage, Mayor

Attest:

  
\_\_\_\_\_  
Tami K. Kelly, Clerk of Council

I Certify that this resolution is correct as to form.

  
\_\_\_\_\_  
Thomas R. Clark, Director of Law

APPENDIX A  
SETTLEMENT AGREEMENT

This Settlement Agreement is entered into by and between Donrey Outdoor Advertising Company (hereinafter "Donrey"), a Nevada Corporation, whose principal place of business in Ohio is 770 Harrison Avenue, Columbus, Ohio 43215, the City of Grove City, Ohio (hereinafter "Grove City"), an Ohio Municipal Corporation, to include the Board of Zoning Appeals of the City of Grove City (hereinafter "Board of Zoning Appeals") and William F. Lotz, Building/Zoning Inspector of Grove City (hereinafter "Building/Zoning Inspector") and Knights of Columbus Council 4603 Home Association, Inc. (hereinafter "4603 Home Association"), an Ohio non-profit corporation whose principal place of business is 2120 Stringtown Road, Grove City, Ohio.

WHEREAS, Donrey filed an application with the Board of Zoning Appeals for a zoning variance to move an existing sign located at or about 2120 Stringtown Road, Grove City, Ohio which request was denied on March 11, 1991; and

WHEREAS, Donrey, the Board of Zoning Appeals and 4603 Home Association, are parties to an action arising from said application for zoning variance in Franklin County Common Pleas Court Case No. 91CVF04-2840 which was filed in the Franklin County Common Pleas Court on April 9, 1991; and

WHEREAS, Donrey filed an application for a building/sign permit with the Building/Zoning Inspector to move another existing sign located at or about 2120 Stringtown Road, Grove City, Ohio, which permit was denied by both the Building/Zoning Inspector and the Board of Zoning Appeals; and

WHEREAS, Donrey, Grove City, the Board of Zoning Appeals and the Building/Zoning Inspector are parties to an action involving said building/sign permit in Franklin County Common Pleas Court Case No. 91CVF12-9982 which was filed on December 12, 1991; and

WHEREAS, all of the parties to this Settlement Agreement and to Franklin County Common Pleas Court Case No. 91CVF04-2840 and Franklin County Common Pleas Court Case No. 91CVF12-9982 do, by this Settlement Agreement, desire to compromise, settle and forever resolve and dispose of all of their outstanding conflicts and claims, relating to any and all claims involved in the litigation described herein; and

WHEREAS, The City Council of the City of Grove City, by Resolution CR \_\_\_\_\_, attached hereto as Appendix A and incorporated herein, has authorized Charles W. Boso, Jr., City Administrator of Grove City, to enter into this Settlement Agreement on behalf of Grove City, the Board of Zoning Appeals and the Building/Zoning Inspector.

NOW, THEREFORE, in consideration of the foregoing, and the mutual promises and agreements of the parties contained herein, the parties hereto hereby agree as follows:

1. The parties acknowledge that each of them deny any and all liability for the claims asserted in Franklin County Common Pleas Court Case No. 91CVF04-2840 and Franklin County Common Pleas Court Case No. 91CVF12-9982 and that this Settlement Agreement shall not be interpreted as an admission of liability by any party hereto or its agents or employees and that the parties have entered

into this Settlement Agreement to avoid the inconvenience and expense of litigation.

2. Donrey shall submit to the Building/Zoning Inspector a Sign Permit Application, which is attached to this Settlement Agreement as Appendix B and incorporated by reference herein, to erect a single pole sign structure at 2120 Stringtown Road in Grove City. Said structure shall have two (2) faces, back to back, each face being 12 feet by 40 feet and shall be no higher than 40 feet from the grade level of the property surrounding the pole (as distinguished from the grade level of the road surfaces).

3. The Building/Zoning Inspector, or his successor or assign, shall grant a building permit to Donrey for the erection of the sign at 2120 Stringtown Road, Grove City, Ohio, pursuant to the specifications and terms as set forth in the Sign Permit Application, attached hereto as Appendix B.

4. Donrey presently has two outdoor advertising signs on located at or about 2120 Stringtown Road, Grove City which are in close proximity to the single pole structure to be erected in accordance to the terms of this Settlement Agreement. There exists a dispute between Grove City and 4603 Home Association as to whether or not a portion of the easternmost sign is encroaching on property owned by Grove City. Donrey shall remove the faces of the existing two sign structures after the single pole for the new sign structure is set, inspected and approved by Grove City and before the faces (upper structure) of the new single pole sign is erected.

Upon the erection and installation of the face on the single pole sign, the two existing sign structures shall be removed.

5. After the single pole structure has been erected and the two existing structures removed pursuant to paragraph 4 above, attorneys for the parties shall execute the Stipulations of Dismissal with Prejudice, attached hereto as Appendix C and Appendix D and shall cause said stipulations to be filed in Franklin County Common Pleas Court.

6. All parties acknowledge that the two existing signs referred to herein are valid non-conforming uses of that property. All parties further agree that, upon removal of the two existing signs and the erection and approval of the new single pole sign on that property, Donrey and 4603 Home Association waive all claims they may have to the non-conforming uses related to the two existing signs on the property. All parties further agree that new sign structure shall be deemed for all purposes to be a valid non-conforming use and that the legality of the building permit issued for the new sign structure shall not be challenged by the parties hereto in any future action relating to said sign structure.

7. Each of the undersigned parties declares that the terms of this Settlement Agreement have been completely read, are fully understood, and are voluntarily accepted, under complete consideration of all facts and their respective legal rights, of which each has been fully advised by their respective attorneys, for the purpose of making a full and final compromise, adjustment,

and settlement of any and all claims, disputed or otherwise, except as to disputes between 4603 Home Association and Grove City as to the boundaries and ownership of the real estate upon which the currently existing signs are located, that each may currently have against the other and which are in any way related to Franklin County Common Pleas Court Case Nos. 91CVF04-2840 and 91CVF12-9982.

8. This Settlement Agreement is binding upon and shall inure to the benefit of each of the undersigned parties and their respective successors, assigns, and personal representatives.

9. This Settlement Agreement contains the entire agreement between the parties with regard to the matters set forth herein. There are no understandings or agreements, oral or otherwise in relation hereto, except as set forth herein.

In Witness whereof, each party, having been duly authorized, has executed this Settlement Agreement on the dates hereinafter written.

Signed and acknowledged  
in the presence of:

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Lester T. Lantzy  
On behalf of Donrey Outdoor  
Advertising Company

\_\_\_\_\_  
Witness

Date: \_\_\_\_\_

Signed and acknowledged  
in the presence of:

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Charles W. Boso, Jr.  
On behalf of City of  
Grove City, Board of  
Zoning Appeals of Grove  
City and Building/Zoning  
Inspector of Grove City

\_\_\_\_\_  
Witness

Date: \_\_\_\_\_

Signed and acknowledged  
in the presence of:

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Steven M. Bennett  
On behalf of Knights of  
Columbus Council 4603  
Home Association, Inc.

\_\_\_\_\_  
Witness

Date: \_\_\_\_\_

STATE OF OHIO                    )  
  )  
COUNTY OF FRANKLIN            )     ss:

Before me, a Notary Public, personally appeared Lester T. Lantzy, of Donrey Outdoor Advertising Company, a Nevada corporation, to me personally known, who acknowledged that he did sign the foregoing instrument on behalf of the corporation and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Columbus, Ohio, this \_\_\_\_\_ day of October, 1992.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF OHIO )  
 )  
COUNTY OF FRANKLIN ) ss:

Before me, a Notary Public, personally appeared Charles W. Boso, Jr., City Administrator of the City of Grove City, Ohio, to me personally known, who acknowledged that he did sign the foregoing instrument on behalf of the City of Grove City, The Board of Zoning Appeals of the City of Grove City, and William Lotz, Building and Zoning Inspector of the City of Grove City and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Columbus, Ohio, this \_\_\_\_\_ day of October, 1992.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF OHIO )  
 )  
COUNTY OF FRANKLIN ) ss:

Before me, a Notary Public, personally appeared Steven M. Bennett of the Knights of Columbus Council 4603 Home Association, Inc., an Ohio non-profit corporation, to me personally known, who acknowledged that he did sign the foregoing instrument on behalf of the corporation and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Columbus, Ohio, this \_\_\_\_\_ day of October, 1992.

\_\_\_\_\_  
NOTARY PUBLIC

SIGN PERMIT APPLICATION  
DIVISION OF BUILDING REGULATIONS  
DEPARTMENT OF SAFETY  
4035 BROADWAY  
GROVE CITY, OHIO 43123  
(614) 871-6315

ADDRESS WHERE SIGN IS TO BE ERECTED 2120 Stringtown Rd., Grove City, OH 43123

NAME OF OWNER / TENANT 4603 Home Association

ZONING Commercial

HISTORICAL PRESERVATION AREA ( ) Yes (X) No

SIGN DESCRIPTION: 2-12'x40' See Attached Drawings

Total Square footage of ALL faces of on-premise signs  
(One face of double-faced signs) \_\_\_\_\_

Number of Sign Faces 2 Size of Sign Faces: 1. 12' x 40'

Illuminated Y Total Watts 2400 2. \_\_\_\_\_

Non-Illuminated \_\_\_\_\_ 3. \_\_\_\_\_

Landscaping-SEE ATTACHED DRAWING 4. \_\_\_\_\_

TYPE OF SIGN:

Wall-Mounted \_\_\_\_\_ Location \_\_\_\_\_

Ground Sign X Location SEE ATTACHED SITE PLAN

Other \_\_\_\_\_ Location \_\_\_\_\_

Size of Pole GROUND PIPE 30" DIA. See attached engineering drawings for a 14'x48' structure. Sign will be built to these specifications. See additional provision on back of application.  
Size of Foundation SEE ATTACHED FOOTING TABLE

THE INSTALLER AND OWNER OF THIS SIGN DO HEREBY CONVEANT WITH THE LAWS OF CHAPTER 1322 OR 1323, WHICHEVER APPLIES TO THIS APPLICATION, OF THE CODIFIED ORDINANCES OF THE CITY OF GROVE CITY, STATE OF OHIO AND THE NATIONAL ELECTRICAL CODE PERTAINING TO SIGNS AND INSTALLATION OF SIGNS AND TO CONSTRUCT THE PROPOSED SIGN IN ACCORDANCE WITH PLANS AND SPECIFICATIONS SUBMITTED HERewith AND CERTIFY THAT THE INFORMATION AND STATEMENTS GIVEN ON THIS APPLICATION, DRAWING AND SPECIFICATIONS ARE TO THE BEST OF THEIR KNOWLEDGE TRUE AND CORRECT.

Estimated Cost of Sign \$ \_\_\_\_\_ SIGN COMPANY OR OWNER

DONREY OUTDOOR ADVERTISING

Grove City License No. \_\_\_\_\_

By: Lester I. Lentzy, Jr.

Address: 770 Harrison Drive

APPROVAL:

City/State/zip Columbus, Ohio 43204

Telephone No. (614) 276-9781

Building Inspector \_\_\_\_\_

Date: \_\_\_\_\_

Amount Collected; \$ \_\_\_\_\_

Permit No. \_\_\_\_\_



HEIGHT (H)		30'	35'	40'	45'	50'	55'	60'
PIPE DIAMETER		24"	30"	30"	36"	36"	36"	36"
WALL THICKNESS		1/2"	3/8"	1/2"	3/8"	3/8"	1/2"	1/2"
FOOTING DEPTH (D) (5'-0" DIA.)		14'-0"	15'-3"	16'-6"	17'-6"	18'-6"	19'-6"	20'-6"
FOOTING DEPTH (D) (4'-0" DIA.)		16'-3"	17'-9"	19'-0"	20'-3"	21'-3"	22'-6"	23'-6"
RECTANGULAR FOOTING S/D		8' / 8.6	8.25' / 9.4	8.5' / 10	9' / 10.1	10' / 9.3	10' / 10.2	10.5' / 10.1
		7' / 10.1	7.25' / 10.9	7.5' / 11.5	8' / 11.6	9' / 11	9' / 11.7	9.5' / 11.7
		6.5' / 11.7	6.25' / 12.4	6.5' / 13	7' / 13.1	8' / 12.4	8' / 13.2	8.5' / 13.1
		5' / 13.5	5.25' / 14.2	5.5' / 14.8	6' / 14.8	7' / 14	7' / 14.8	7.5' / 14.7

## PIPE & FOOTING TABLE

FOR

SINGLE POLE 12x48' SINGLE OR DOUBLE FACE SYMMET

ALL STEEL X60 GRADE.

USE MIN. 18"  $\phi$  .25 WALL TORQUE TUBE.

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

DONREY OUTDOOR ADVERTISING,  
COMPANY

Appellant,

Case No. 91CVF04-2840

vs.

Judge Cain

BOARD OF ZONING APPEALS OF  
THE CITY OF GROVE CITY, OHIO,

Appellee.

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(A)(1)(B) of the Ohio Rules of Civil Procedure, the parties hereby stipulate that the above-captioned case is hereby dismissed with prejudice.

Respectfully submitted,

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Elizabeth M. Stanton (STA30)  
(0018760)

MOOTS, COPE & STANTON  
A Legal Professional Association  
3600 Olentangy River Road  
Columbus, OH 43214-3913  
Telephone: 614/459-4140

Attorneys for Appellant  
Donrey Outdoor Advertising Company

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Richard F. Meyer (MEY09)  
(004582)

GEORGE & MEYER  
4303 Cleveland Avenue  
Columbus, OH 43224

Attorneys for Appellant  
The Knights of Columbus  
Council 4630 Home Association

---

R. Kevin Kerns (KER17)  
(0002178)

EMENS, KEGLER, BROWN, HILL & RITTER  
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65 East State Street  
Suite 1800  
Columbus, OH 43215  
Telephone: 614/462-5400

Attorneys for Appellees  
City of Grove City  
Board of Zoning Appeals for the City  
of Grove City and Building/Zoning  
Inspector of the City of Grove City

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Richard F. Meyer (MEY09)  
(004582)

GEORGE & MEYER  
4303 Cleveland Avenue  
Columbus, OH 43224

Attorneys for Appellant  
The Knights of Columbus  
Council 4630 Home Association

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R. Kevin Kerns (KER17)  
(0002178)

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Telephone: 614/462-5400

Attorneys for Appellees  
City of Grove City  
Board of Zoning Appeals for the City  
of Grove City and Building/Zoning  
Inspector of the City of Grove City

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

DONREY OUTDOOR ADVERTISING  
COMPANY,

Appellant,

vs.

Case No. 91CVF12-9982  
Judge Deshler

BOARD OF ZONING APPEALS  
OF THE CITY OF GROVE CITY,  
OHIO, et al.,

Appellees.

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(A)(1)(B) of the Ohio Rules of Civil Procedure, the parties hereby stipulate that the above-captioned case is hereby dismissed with prejudice.

Respectfully submitted,

---

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(0018760)

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3600 Olentangy River Road  
Columbus, OH 43214-3913  
Telephone: 614/459-4140

Attorneys for Appellant  
Donrey Outdoor Advertising Company