

15030025

File Number: SWP-
Date Received: 3-26-15
Scheduled Public Hearing Date: _____

Fee: 25.00
Initials: RS
Check or Receipt Number: _____

RECEIVED
MAR 26 2015



PLANNING COMMISSION
APPLICATION FOR SUBDIVISION WITHOUT PLAT

Property Location: 1170 Kames Way Dr. New Albany 43054 Parcel ID: B9 H.P.
Current Zoning: Residential Total Acreage of Proposed Parcel: 0.056 acres
Reason for Request: Lot split

Applicant Name: Bernard + Pamela Bury Email: bbury@wideopenwest.com
Status: Property Owner Option Holder Contractual Purchaser Agent

Business Owner: NA Phone: _____
Business Address: NA Fax: _____

City/State/Zip Code: _____
Property Owner: Bernard + Pamela Bury Phone: 614-507-5243

Address: 1170 Kames Way Dr.
City/State/Zip Code: New Albany, OH 43054

Signature of Applicant: [Signature] Date: 3-19-2015

Submission Requirements

1. Submit ^{Two (2)} ~~ten (10)~~ copies of a survey and legal description of the property certified by a registered surveyor (if being submitted to Planning Commission). Only two (2) copies are necessary if application will be approved administratively.
2. Submit two (2) original deeds to be stamped (instruments of conveyance). Deeds must be submitted after Planning Commission or administrative approval to be stamped by Clerk of Council.
3. Application Fee: \$75 for residential and \$150 for all other districts.
4. Any drawings submitted must include one copy that is no larger than 8½ x 11 inches.

APPROVAL

To be approved by: Planning Commission (buildable lot) Administration

In accordance with Section 1106 of the Codified Ordinances of the City of Gahanna, Ohio, I hereby certify that this Lot Split as stated above has been approved.

Planning & Zoning Administrator: [Signature] Date: 11/18/16

Chief Building Official: _____ Date: 11/18/16

Director of Public Service: _____ Date: 11/18/16

City Engineer: _____ Date: _____

Note: All correspondence will be to applicant above unless otherwise stated.

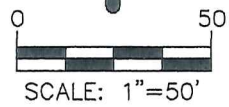
BOUNDARY SURVEY OF A 0.061 ACRE TRACT

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF GAHANNA BEING PART OF LOT A-18
OF THE VILLAGE AT ROCKY FORK SECTION 1, AS THE SAME IS NUMBERED AND DELINEATED IN
RECORD PLAT BOOK 71, PAGE 22-24, RECORDER'S OFFICE OF FRANKLIN COUNTY, OHIO.
PARCEL No. 025-009021-00

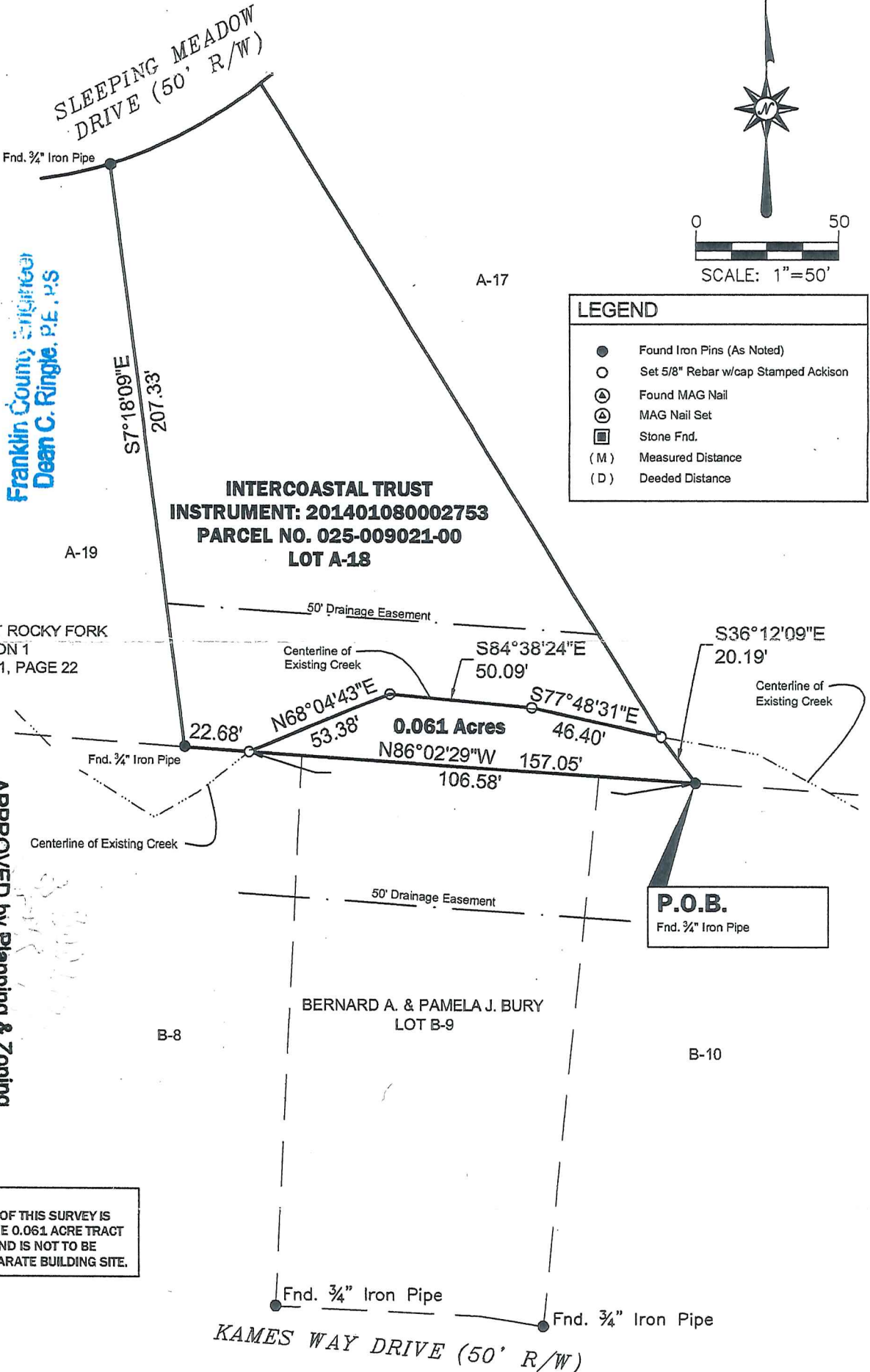
RECEIVED

DEC 28 2015

Franklin County Engineer
Dean C. Ringle, P.E., P.S.



LEGEND	
●	Found Iron Pins (As Noted)
○	Set 5/8" Rebar w/cap Stamped Ackison
⊙	Found MAG Nail
⊕	MAG Nail Set
■	Stone Fnd.
(M)	Measured Distance
(D)	Deeded Distance



THE VILLAGES AT ROCKY FORK
SECTION 1
PLAT BOOK 71, PAGE 22

INTERCOASTAL TRUST
INSTRUMENT: 201401080002753
PARCEL NO. 025-009021-00
LOT A-18

0.061 Acres

P.O.B.
Fnd. 3/4" Iron Pipe

APPROVED by Planning & Zoning
Administrator, City of Gahanna, Ohio:
No Plat Required.
Kim Banning
Kim Banning, CMC
Clerk of Council

NOTE:
THE INTENTION OF THIS SURVEY IS
TO COMBINE THE 0.061 ACRE TRACT
WITH LOT B-9 AND IS NOT TO BE
USED AS A SEPARATE BUILDING SITE.

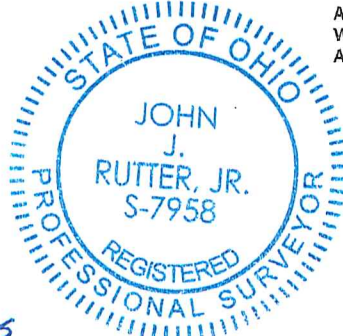
BASIS OF BEARINGS:

THE SOUTH LINE OF LOT A-18 AS
N86°02'31"W AND IS DETERMINED
THROUGH G.P.S. OBSERVATION UTILIZING
THE O.D.O.T. V.R.S NETWORK (NAD83) AND
SHOULD BE USED TO DENOTE ANGLES ONLY.

I HEREBY CERTIFY THAT THE ATTACHED PLAT WAS PREPARED
FROM INFORMATION OBTAINED FROM AN ACTUAL FIELD SURVEY
OF THE PREMISES AND THAT SAID PLAT IS CORRECT TO THE
BEST OF MY KNOWLEDGE

REGISTERED SURVEYOR NO.7958
JOHN J. RUTTER JR.

DECEMBER 8, 2015
Dec 8 2015



ALL REBARS SET ARE 5/8" X 30"
W/YELLOW CAP STAMPED
ACKISON SURVEYING

REFERENCES:
DEEDS AS NOTED
COUNTY MAPS
PREVIOUS SURVEYS

ACKISON

SURVEYING

Office: 614-766-4000
Cell: 614-207-8214
www.ackisonsurveying.com

Legal Description of a 0.061 Acre Tract

Situated in the State of Ohio, County of Franklin, City of Gahanna being part of Lot A-18 of The Village at Rocky Fork Section 1 as numbered and delineated in Plat Book 71, Page 22-24 as conveyed to Intercoastal Trust in Instrument #201401080002753; hereon referred to as Grantor, (all records herein are from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows;

Beginning at a Found $\frac{3}{4}$ " Iron Pipe at the Southeast corner of Lot A-18, the Southwest corner of Lot A-17 and being in the Northerly line of Lot B-10 being the TRUE POINT OF BEGINNING.

Thence partially with the line of Lot B-10, the Northerly line of Lot B-9 and partially with the Northerly line of Lot B-8 N86°02'29"W a distance of 157.04 feet to a Set 5/8" Rebar with cap in the centerline of an existing creek;

Thence leaving said Northerly line and going with three new lines through Lot A-18 and following the centerline of an existing creek the following;

- 1 Easterly N68°04'43"E a distance of 53.38 feet to a Set 5/8" Rebar with cap;
- 2 Easterly S84°38'24"E a distance of 50.09 feet to a Set 5/8" Rebar with cap;
- 3 Easterly S77°48'31"E a distance of 46.40 feet to a Set 5/8" Rebar with cap in the Westerly line of Lot A-18 and the Easterly line of Lot A-17;

Thence Southerly with the line between said Lots S36°12'09"E a distance of 20.19 feet to the TRUE POINT OF BEGINNING and containing 0.061 acres.

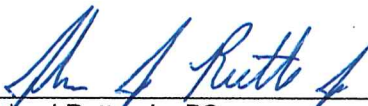
Subject to all easements, rights-of-way or restrictions of record.

This description was prepared by Ackison Surveying, LLC. (614-766-4000) under the direct supervision of John J Rutter Jr. Registered Surveyor No. 7958 from an actual field survey of the premises in August of 2015. And a Plat of survey is attached hereto and made a part hereof.

Basis of Bearings is the Southerly line of Lot A-18 as N86°02'29"W and is determined through G.P.S. observation utilizing the O.D.O.T. V.R.S. NETWORK (NAD83) and should be used to denote angles only.


Deed References and Documents as Recorded in the Franklin County, Ohio Recorder's Office.

All Iron Pins set are 5/8" X 30" rebar with a 1-1/2" yellow plastic cap reading Ackison Surveying.


November 12, 2015
John J Rutter Jr. PS
Registered Surveyor No. 7958

November 12, 2015

APPROVED by Planning & Zoning
Administrator, City of Gahanna, Ohio;
No Plat Required.


Kim Banning, CMC
Clerk of Council



M-094-MA
SPLIT
IRREGULAR TRACT
(0.061 AC)
OFF SE
CORNER
OUT OF
(02S)
009021



FIDUCIARY DEED

Carl B. Fry, Trustee of the Intercoastal Trust dated 2/25/2013, for valuable consideration paid, grants with fiduciary covenants to Bernard A. Bury and Pamela J. Bury, husband and wife, for their joint lives, the remainder to the survivor of them, whose tax mailing address is 1170 Kames Way Drive, New Albany, Ohio 43054, the following real property (the "premises"):

Situated in the County of Franklin, State of Ohio, and City of Gahanna, and bounded and described as follows:

See Attached Exhibit "A"

Prior Instrument Record: 201401080002753

Property Address: currently 1133 Sleeping Meadow Drive, New Albany, Ohio 43054; 0.061 acres split and added to premises located at 1170 Kames Way Drive, New Albany, Ohio 43054;

Parcel No.: 0.061 acres of Parcel Number 025-009021-00 being split and added to Parcel Number 025-9046

This conveyance is subject to all covenants, restrictions, easements and taxes accrued through the date of closing, if any, of record.

DEED RESTRICTIONS/RESTRICTIVE COVENANTS

Grantee, by the Grantee's acceptance of the conveyance of the premises by this Fiduciary Deed, hereby agrees that the premises shall be subject to the following covenants and restrictions:

a. The premises will remain in its natural state and will not be used for storage. As a condition of closing, Buyer represents that Buyer has removed the bricks that were stored on the premises; removed the compost pile that was located on the premises; and removed the woodpile that was stacked on the premises.

b. The premises will be maintained either as a yard or part of Buyer's backyard. As part of Buyer's backyard, the premises will be mowed on a regular basis and not permitted to become overgrown. Alternatively, as part of Buyer's backyard, mulch may be spread over the premises and plants may be planted on the premises; however, any vegetation planted on the premises must be maintained and not be permitted to become overgrown. If shrubbery is placed

on the premises, then it must be trimmed and maintained on a regular basis. The premises must be kept and maintained in a manner that is presentable and does not adversely affect the value of the Seller's adjacent property.

c. Other than fencing, there shall be no construction or placing of any physical structure on the premises, whether permanent or temporary, including but not limited to a storage shed, signage, pavement, antenna, utility pole(s) (other than by a public authority) or light fixture(s) (other than decorative landscape lighting).

d. There shall be no ditching, draining, diking, filling, excavating, removal of topsoil or any change in the topography of the premises in any manner.

e. There shall be no manipulation or alteration of the creek/stream or the banks thereof nor any use or action by Buyer that may be detrimental to water purity or quality of the stream.

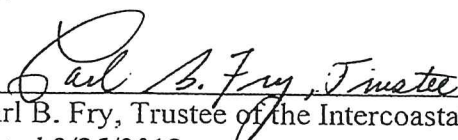
f. There shall be no dumping of trash, garbage, hazardous or toxic substances or other unsightly or offensive material on the premises.

g. Other than lawn mowers, rototillers or posthole diggers, there shall be no operation of motorized equipment or vehicles on the premises.

h. All dead and/or diseased trees or other vegetation shall be removed from the premises at such time as it dies or becomes diseased.

Grantor and Grantor's successors and assigns shall have the right to enforce by proceedings at law or in equity the above-referenced restrictive covenants, including, but not limited to, the right to require the restoration of the premises to its permitted condition. Grantor, its successors and assigns, shall not waive or forfeit the right to take action as may be necessary to ensure compliance with the above-referenced restrictive covenants by any prior failure to act. Nothing contained in this deed shall be construed to entitle the Grantor, its successors and assigns, or any other person to institute any enforcement proceedings against Grantee, Grantee's personal representatives and assigns for any change to the premises due to causes beyond the Grantee's control, such as changes caused by fire, flood, storm, infestations, natural deterioration, the acts of third parties authorized to act by recorded document or the unauthorized wrongful acts of third persons. Grantor, its successors and assigns, shall be entitled to seek expedited injunctive relief to enforce Grantor's rights with respect to the premises, and Grantee waives any bond requirement otherwise applicable to any petition for such relief.

IN WITNESS WHEREOF, Carl B. Fry, Trustee has caused this Deed to be executed this 11th day of November, 2016.



Carl B. Fry, Trustee of the Intercoastal Trust
Dated 2/25/2013

STATE OF OHIO,
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, that on this 11th day of November, 2016, before me, the subscriber, a Notary Public in and for said county, personally came the above-named Carl B. Fry, Trustee of the Intercoastal Trust dated 2/25/2013, who acknowledged that he signed the foregoing instrument and that the same is his free act and deed individually and as Trustee of the Intercoastal Trust.

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



KELLY L. SNYDER
Notary Public, State of Ohio
My Commission Expires
08-23-2020

Kelly L. Snyder
Notary Public

This instrument Prepared By:
Carl B. Fry, Esq.
FRY & MCCANN CO., LPA
35 East Livingston Avenue
Columbus, Ohio 43215
614/228-2300

Return to: Preparer

APPROVED by Planning & Zoning
Administrator, City of Gahanna, Ohio;
No Plat Required.

Kim Banning
Kim Banning, CMC
Clerk of Council

EXHIBIT "A"

Legal Description of a 0.061 Acre Tract

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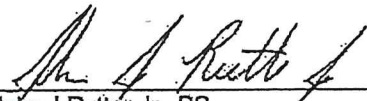
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November 12, 2015
John J Rutter Jr. PS
Registered Surveyor No. 7958

November 12, 2015

M-094-MA
SPLIT
IRREGULAR TRACT
(0.061 AC)
OFF SE
CORNER
OUT OF
(OLS)
009021

APPROVED by Planning & Zoning
Administrator, City of Gahanna, Ohio;
No Plat Required.


Kim Banning, CMC
Clerk of Council

