

ORDINANCE 2005-27
Passed May 17, 2005

AN ORDINANCE APPROVING THE PLAT FOR THE WOODS OF POWELL NORTH,
PHASE 2 SUBDIVISION.

WHEREAS, M/I Homes has submitted a plat for the Woods of Powell North, Phase 2 subdivision for approval which is attached hereto and incorporated herein by reference, and

WHEREAS, on May 11, 2005, the Powell Planning and Zoning Commission approved said plat for Woods of Powell North, Phase 2, and

WHEREAS, Council has determined that the plat is in accordance with the Final Development Plan, Comprehensive Plan, Development Regulations, and the Zoning Ordinance for the Municipality of Powell.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the plat for Woods of Powell North, Phase 2, which is attached hereto and incorporated herein by reference is approved by the Council for the Municipality of Powell, subject to the following conditions:

1. That the applicant review with and receive approval by the City Engineer of all addresses, easements and other items necessary for the plat to be consistent with the approved engineering plans.
2. That the applicant remove that portion of land from this plat that will be transferred to GFS Chemical Company.
3. That the pathway alignment be determined in the field by Staff and not shown on the plat.
4. That if the GFS land-swap doesn't occur, the open space will be part of the final plat.
5. That note D entitled landscape buffer be amended to require replacement of trees that have died or been removed

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect at the earliest period allowed by law.

VOTE ON RULE SUSPENSION: Y 6 N 0

VOTE ON ORDINANCE NO. 2005-27 Y 6 N 0

Dan Wiencek
Dan Wiencek
Mayor

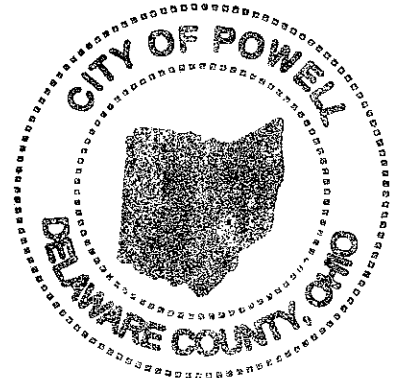
6/17/05
Date

Dawn Nauman
Dawn Nauman
Clerk of Council

6/17/05
Date

This legislation has been posted in accordance with
the City Charter on this date 6/17/05

[Signature]
Clerk of Council



WOODS OF POWELL NORTH PHASE 2

Situated in the State of Ohio, County of Delaware, City of Powell, and in Farm Lot 1 (2.873 acres), Section 2, Township 3, Range 19, and Farm Lot 19 (14.859 acres), and Farm Lot 20 (7.479 acres), Section 1, Township 3, Range 19, United States Military Lands, containing 25.211 acres of land, more or less, said 25.211 acres being part of that tract of land conveyed to M/I HOMES OF CENTRAL OHIO, LLC, by deed of record in Official Record 428, Page 1363, Recorder's Office, Delaware County, Ohio.

The undersigned, M/I HOMES OF CENTRAL OHIO, LLC, an Ohio limited liability company, by STEPHEN M. CAPLINGER, Vice President Land Operation, owner of the lands platted herein, duly authorized in the premises, does hereby certify that this plat correctly represents its "THE WOODS OF POWELL NORTH PHASE 2", a subdivision containing Lots numbered 0000 to 0000, both inclusive, does hereby accept this plat of same and dedicates to public use, as such, all of the Drives (5.081 acres of land, more or less) shown hereon and not heretofore dedicated.

Easements are hereby reserved, in over and under areas of land designated on this plat as "Easement", "Drainage Easement", or "Sanitary Sewer Easement". Each of the aforementioned designated easements permit the construction, operation and maintenance of all public and quasi-public utilities above, beneath and on the surface for the construction, operation and maintenance of all public and quasi public utilities above and beneath the surface of the ground and, where necessary, for the construction, operation and maintenance of service connections to all adjacent lots and lands and for storm water drainage, excepting that, within said areas designated "Easement", "Drainage Easement" and "Sanitary Sewer Easement" hereon, no gas line, underground telephone, electric or television cable line or conduit or any other utility line shall be installed or placed on a course of alignment that both 1) is parallel with or approximately parallel with any existing (existing at the time of said installment or placement) sanitary sewer line in an easement area and 2) has any point therein closer than ten feet to said sanitary sewer line unless said course or alignment is approved, in writing, by the Delaware County Sanitary Engineer. No right angle or near right angle crossing of said lines or conduits and said sewer is hereby restricted. Within those areas of land designated "Drainage Easement" on this plat, an additional easement is hereby reserved for the purpose of constructing, operating and maintaining major storm water drainage swales and or other storm water drainage facilities. No above grade structures, dams or other obstructions to the flow of storm water runoff are permitted within Drainage Easement areas as delineated on this plat.

A non-exclusive easement is hereby specifically granted unto Del-Co Water Company, Inc., its successors and assigns, for the location of water lines, valves and appurtenances within the rights-of-way hereby dedicated and within areas designated hereon as "Easement" or "Drainage Easement" that are located alongside the rights-of-way hereby dedicated. Also granted is the right of Del-Co Water Company, Inc. to install, service and maintain water meter crocks and appurtenances in said easement areas alongside said rights-of-way.

In Witness Whereof, STEPHEN M. CAPLINGER, Vice President Land Operations of M/I HOMES OF CENTRAL OHIO, LLC., an Ohio limited liability company has hereunto set his hand this _____ day of _____, 2005.

Signed and acknowledged
In the presence of:

M/I HOMES
OF CENTRAL OHIO, LLC.
an Ohio limited liability company

By
STEPHEN M. CAPLINGER,
Vice President Land Operations

STATE OF OHIO
COUNTY OF FRANKLIN ss:

Before me, a Notary Public in and for said State, personally appeared STEPHEN M. CAPLINGER, Vice President Land Operations of M/I HOMES OF CENTRAL OHIO, LLC., an Ohio limited liability company, who acknowledged the signing of the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said M/I HOMES OF CENTRAL OHIO, LLC., for the uses and purposes expressed herein.

In Witness Thereof, I have hereunto set my hand and affixed my official seal this _____ day of _____, 2005.

My commission expires _____
Notary Public, State of Ohio

Approved this _____ day of _____, 2005
Mayor, City of Powell, Ohio

Approved this _____ day of _____, 2005
City Engineer, City of Powell, Ohio

Approved this _____ day of _____, 2005
Director of Development,
City of Powell, Ohio

Approved and accepted this _____ day of _____, 2005, by Ordinance No. _____ wherein all of the Drives and Road (5.081 acres of land more or less) hereby dedicated are accepted as such, by the Council for the City of Powell, Ohio.

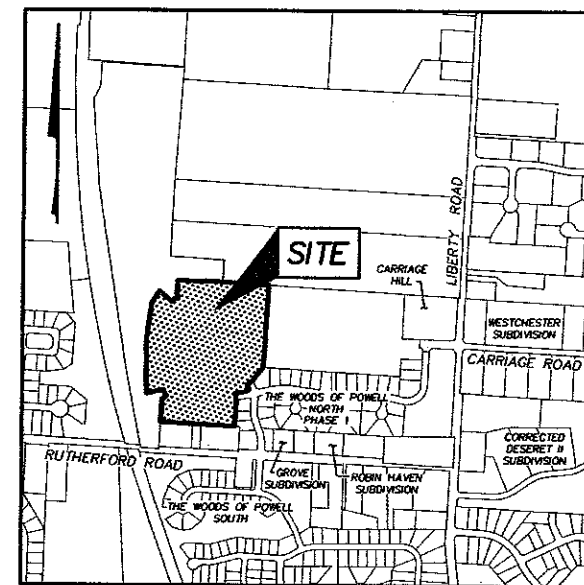
In Witness Thereof, I have hereunto set my hand and affixed my seal this _____ day of _____, 2005.
Clerk, City of Powell, Ohio

Transferred this _____ day of _____, 2005
Auditor, Delaware County, Ohio

Filed for record this _____ day of _____, 2005 at _____ M. Fee \$ _____
Recorder, Delaware County, Ohio

File No. _____

Cabinet _____ Slides _____



LOCATION MAP AND BACKGROUND DRAWING

SCALE: 1" = 1000'

SURVEY DATA:

BASIS OF BEARINGS: The bearings shown hereon are based on the same meridian as the bearings shown on the subdivision plat entitled "The Woods Of Powell South" of record in Cabinet 3, Slides 454, 454A and 454B, Recorder's Office, Delaware County, Ohio, in which a portion of Rutherford Road has a bearing of South 86°44'24" East.

SOURCE OF DATA: The sources of recorded survey data are the records of the Delaware County, Ohio, Recorder referenced in the plan and text of this plat.

IRON PINS, where indicated hereon, unless otherwise noted, are to be set and are iron pipes, thirteen sixteenths inch inside diameter, thirty inches long with a plastic plug placed in the top end bearing the initials EMHT INC.

PERMANENT MARKERS: Permanent markers, where indicated hereon, are to be one-inch diameter, thirty-inch long, solid iron pins, are to be set to monument the points indicated and are to be set with the top end flush with the surface of the ground and then capped with an aluminum cap stamped EMHT INC. Once installed, the top of the cap shall be marked (punched) to record the actual location of the point.

SURVEYED & PLATTED
BY



We do hereby certify that we have surveyed the above premises, prepared the attached plat, and that said plat is correct. All dimensions are in feet and decimal parts thereof.

- o = Iron Pin (See Survey Data)
- = MAG Nail to be set
- ⊙ = Permanent Marker (See Survey Data)

By _____
Professional Surveyor No. 7211 Date _____

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