

Sponsor: Ondera/Mitchen

ORDINANCE NO. 61-19

AN ORDINANCE REZONING FROM INDUSTRIAL (I) TO BUSINESS (B-3) 5.0 ACRES, MORE OR LESS, LOCATED ON PART OF THE PROPERTY COMMONLY REFERRED TO AS THE INDUSTRIAL PARK IN THE CITY OF JACKSON, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the legislative authority of the City of Jackson has received a recommendation from the Jackson City Planning Commission to rezone the area containing 5.0 acres, as described in the Exhibits attached hereto, from Industrial (I) to Business (B-3); and

WHEREAS, the legislative authority has determined that the recommended change in zoning meets the requirements for rezoning for the reasons that: (1) the requested change is in accordance with the City's development goals and objectives; and (2) a rezoning is supported by a substantial change in the area conditions, rendering the original zoning of industrial for that portion of the property as functionally obsolete.; and

WHEREAS, time is of the essence in and that the proposed change in zoning will be a benefit for the citizens and this matter constitutes an emergency as its commencement at the earliest possible date necessary to preserve and promote the public safety, health and welfare of the city.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, THAT THE 5.0 AREA DESCRIBED AS ATTACHED HERETO AND INCORPORATED HEREIN, SHALL BE REZONED FROM INDUSTRIAL (I) TO BUSINESS (B-3) ZONING AND THAT THE CHANGE IN THE ZONING SHALL BE REFLECTED ON THE PLANNING AND ZONING MAPS OF THE CITY. BE IT FURTHER ORDAINED THAT THIS MEASURE IS AN EMERGENCY NECESSARY TO PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY.

In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause, and shall take effect at the earliest time permitted by law.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 23rd day of December, 2019.



President of Council

ATTEST:

Cindi Kuhn

Clerk of the Legislative Authority

Approved this 23rd day of December, 2019.

Randy Heath
Mayor

JACKSON CITY PLANNING COMMISSION CITY OF JACKSON, OHIO

IN THE MATTER OF:

REQUEST OF THE JACKSON COUNTY
BOARD ON AGING, INC.
FOR REZONING OF A PART OF
THE PROPERTY KNOWN AS THE
INDUSTRIAL PARK OF 5 ACRES

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RECOMMENDATION


This matter came for consideration before the Jackson Planning Commission, on the 20th day of November, 2019 upon the request of the Jackson County Board on Aging, Inc. Present was Commission Chairman, Jon Ondera, Commission members Pete Bopp, Rodney Smith, and Mayor, Randy Heath. Also present was William Sheward, City Service / Safety Director and WILLIAM MARTIN JANE Rubinstein of the applicant corporation.

Before the Commission was a request from the Jackson County Board on Aging, Inc., the owner of the real property to be rezoned from industrial (I) to business (B-3). The area subject to the request for rezoning includes a 5.0 acre tract (as shown in the attached tax map photo and legal description). Also presented with the request, and attached here, is a certificate from a reputable, practicing attorney in this county, that the legal description is complete and proper, and a list of property owners within 200 feet of the property to be rezoned.

This Commission finds that the request meets the requirements for rezoning for the reasons that: (1) the requested change is in accordance with the City's development goals and objectives; and (2) a rezoning is supported by a substantial change in the area conditions, rendering the original zoning of industrial for that portion of the property as functionally obsolete.

The Commission members present, being of a number sufficient to recommend the requests be approved, unanimously recommend to Jackson City Council that this request for rezoning, be granted.

Dated: 11/20/19



JON ONDERA, Chairperson
Jackson City Planning Commission
City of Jackson, Ohio

DESCRIPTION OF A 5.00 ACRE TRACT

The following described tract is located in Scioto Salt Reserve Lot #92, City of Jackson, Salt Lick Township, Township #7 North, Range #18 west, Jackson County, Ohio. Being part of the Jackson-Grandview Builders, Inc. (Tract 1) as recorded in Official Record 101 at Page 811 and being more accurately described as follows;

Beginning at an iron pin previously set at the northwest corner of Scioto Salt Reserve Lot #92, thence South $40^{\circ}51'44''$ East, a distance of 923.92 feet to an iron pin set on the south line of David Higgins Properties No. 2, LLC. tract as recorded in Official Record 81 at Page 1272 and being the **TRUE POINT OF BEGINNING** for the herein described tract;

Thence through the tract of which this description is a part, the following three (3) courses;

South $45^{\circ}19'49''$ East, a distance of 512.06 feet to an iron pin set;

South $49^{\circ}47'53''$ West, a distance of 444.31 feet to an iron pin set;

North $45^{\circ}19'49''$ West, a distance of 472.25 feet to an iron pin set on the south line of Higgins' property;

Thence North $44^{\circ}39'29''$ East, along the south line of the Higgins' property, a distance of 442.53 feet to the true point beginning.

Containing 5.000 acres and being part of Auditor's Parcel #H14-001-01-037-01.

Included with the above described 5.000 acre tract is the following described fifty foot (50') wide ingress/egress easement.

Beginning at an iron pin set at the southeast corner of the above described 5.000 acre tract;

Thence North $49^{\circ}47'53''$ East through the tract of which this description is a part, a distance of 242.40 feet to a point on the westerly right of way of Acy Avenue (50' wide);

Thence South $45^{\circ}19'49''$ East, along the westerly right of way of Acy Avenue, a distance of 50.20 feet to a point;

Thence South $49^{\circ}47'53''$ West, through the tract of which this description is a part, a distance of 677.71 feet to a point;

Thence South $44^{\circ}17'30''$ East, continuing through the tract of which this description is a part, a distance of 1,129.73 feet to a point on the right of way of McCarty Lane (80' Wide);

Thence South $50^{\circ}40'11''$ West, along the north right of way of McCarty Lane a distance of 50.18 feet to a point;

Thence North $44^{\circ}17'30''$ West, through the tract of which this description is a part, a distance of 1,179.09 feet to a point;

Thence North 49°47'53" East, continuing through the tract of which this description is a part, a distance of 484.53 feet to the point of beginning.

Included with the above described 5.000 acre tract is the following seventy nine (79') wide utilities easement.

Beginning at an iron pin set at the northwest corner of the above described 5.000 acre tract;

Thence through the tract of which this description is a part the following three (3) courses;

South 45°19'49" East, a distance of 79.00 feet to a point;

South 44°39'29" West, a distance of 550.24 feet to a point;

North 44°53'46" West, a distance of 79.00 feet to the southerly line of David Higgins Properties NO. 2 LLC. tract as recorded in Official Record 81 at Page 1271;

Thence North 44°39'29" East, along the southerly line of the Higgins property, a distance of 549.64 feet to the point of beginning for the here in described utility easement.

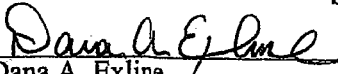
Being more particularly described and delineated on a 8½" x 14" plat (drawing #19071A02) attached hereto and made a part hereof. This description is valid only if the plat is attached and recorded with the description as a complete document in its original form and not retyped or altered in anyway.

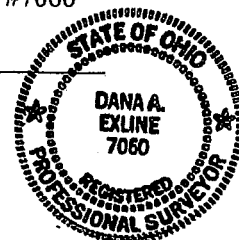
Bearings are oriented to the Ohio State Plane Coordinate System, South Zone, NAD 1983.

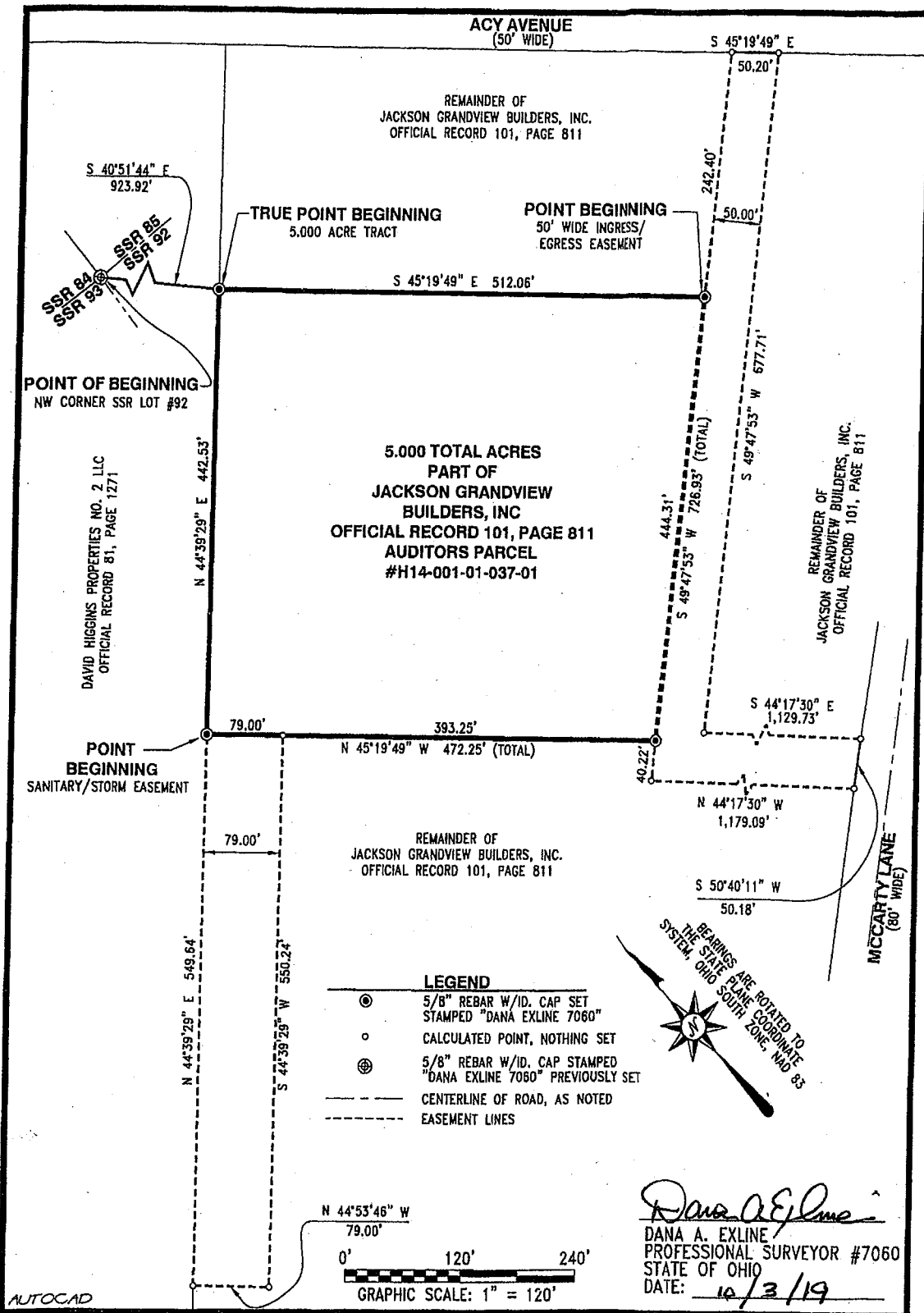
The above description was prepared from an actual field survey completed in September 2019 by Dana A. Exline, Ohio Professional Surveyor #7060.

All iron pins set or previously set are a 5/8" rebar (30" long) with id. cap stamped "Dana Exline 7060".

Subject to all easements and/or encumbrances.


Dana A. Exline
Professional Surveyor #7060
State of Ohio
Date: 10/3/19



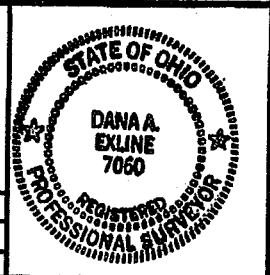


NOTES:

- 1) THIS BOUNDARY SURVEY DOES NOT PURPORT TO REFLECT ALL EASEMENTS AND/OR ENCUMBRANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY.
- 2) NO TITLE REPORT FURNISHED.
- 3) DEED REFERENCE: OFFICIAL RECORD 101, PAGE 811

BOUNDARY DIVISION SURVEY
 A DIVISION OF THE PROPERTY OF
JACKSON GRANDVIEW BUILDERS, INC
 SCIDTO SALT RESERVE LOT #92, T-#7-N, R-#18-W
 CITY OF JACKSON, SALT LICK TOWNSHIP, JACKSON COUNTY OHIO

CALC. BY: D. EXLINE	SCALE: 1" = 120'	SURVEY DATE: 9-30-19
DRAWN BY: C. LORE	DRAWING NO.: 19071A02	
CHECKED BY: D. EXLINE	RECORD RESEARCH DATE: 9-23-19	



10356 State Route 139
 Jackson, Ohio 45640

Phone: (740) 266-7024

EXLINE SURVEYING, INC.

Form 190 - 2nd Ed. 01/12