

**WOOD COUNTY PLANNING COMMISSION
AGENDA
October 2nd, 2018 at 5:30 PM**

The Wood County Planning Commission will meet in regular session on Tuesday, October 2nd, 2018 at the County Office Building in Bowling Green, Ohio. The time of this meeting is 5:30pm. A suggested agenda follows:

OLD BUSINESS

SPECIAL PRESENTATION

Ms. Linda Holmes, Prosecutor for the Civil Division of the Wood County Prosecutor's Office will present information on a variety of topics to Commission members. Said topics will be, but are not limited to: spot zoning, zoning powers, subdivision regulations and powers of the Planning Commission Board. It is also anticipated that this presentation will cumulate in a question and answer session.

NEW BUSINESS

Approval of the September 2018 Planning Commission Meeting Minutes.

SUBDIVISION – MIDDLETON TOWNSHIP

ESA and Mitchell Development have submitted a final plat entitled "Saddlebrook Plat Nineteen" for review and approval. Said plat is the nineteenth phase of the Saddlebrook subdivision. Plat Nineteen contains seventeen (17) single family lots and covers approximately 6.946 acres of land. The proposed lots will be accessed via the extension of Reddington Court.

PUBLIC FORUM

CHAIRMAN'S/COMMISSION MEMBER'S TIME

WOOD COUNTY PLANNING COMMISSION STAFF ACTIVITIES REPORT

Staff activities for September 2018 will be reviewed.

DIRECTOR'S TIME

ADJOURNMENT

Please make plans to attend!

Old Business

Ms. Linda Holmes, Prosecutor for the Civil Division of the Wood County Prosecutor's Office will present information on a variety of topics to Commission members. Said topics will be, but are not limited to: spot zoning, zoning powers, subdivision regulations and powers of the Planning Commission Board. It is also anticipated that this presentation will cumulate in a question and answer session.

Wood County Planning Commission Presentation 9-4-18

A. County Planning Commissions/Powers and Duties

§ 713.22 County planning commission.

(A) The board of county commissioners of any county may, and on petition of the planning commissions of a majority of the municipal corporations in the county having those planning commissions shall, provide for the organization and maintenance of a county planning commission. A county planning commission shall consist of the members of the board of county commissioners, or their alternates designated in accordance with this division, and eight other members appointed by the board in accordance with divisions (B)(1) to (4) of this section or their alternates designated and approved in accordance with this division. Any alternate designated under this division shall be a resident of the county.

* * * *Language re alternates omitted*

(B)(2) Except as provided for counties with two or less townships in division (B)(4) of this section, if a county does not contain the portion of any city with at least fifty per cent of the total population of the county but contains one or more limited home rule government townships, one of the appointees shall be a resident of a limited home rule government township in the county, selected at the discretion of the board of county commissioners from persons recommended by a limited home rule government township in the county. One appointee shall be a resident of the municipal corporation with the largest population contained within the portion of the municipal corporation located in the county, selected at the discretion of the board of county commissioners from persons recommended by that municipal corporation. The remaining six appointees shall be residents of the county, selected at the discretion of the board of county commissioners.

* * * *

(C) Subject to division (F) of this section, the appointive members of a county planning commission shall be appointed for terms of three years, except that, of the eight members first appointed, three shall be appointed for terms of two years, and two shall be appointed for a term of one year. The appointive members may be allowed their actual and necessary expenses and the compensation that the board of county commissioners determines to be appropriate. Any member of a county planning commission may hold any other public office and may serve as a member of a city, village, and regional planning commission, except as otherwise provided in the charter of any city or village.

(D) The compensation and expenses of the appointive members of a county planning commission and the compensation of planning commission employees shall be paid from appropriations made by the board.

The county planning commission may employ engineers, accountants, consultants, and employees as are necessary, and make purchases as may be needed to the furtherance of its operation.

The county planning commission may accept, receive, and expend funds, grants, and services from the federal government or its agencies, from departments, agencies, and instrumentalities of this state or any adjoining state, from one or more counties of this state or any adjoining state, from any municipal corporation or political subdivision of this or any adjoining state, including a county, regional, and municipal planning commission of this or any adjoining state, or from civic sources, may contract with respect thereto, either separately, jointly, or cooperatively, and may provide information and reports as may be necessary to secure such financial aid.

* * *

History

GC § 4366-14; 110 v 310, § 2; Bureau of Code Revision, 10-1-53; 126 v 941 (Eff 10-7-55); 130 v 232 (Eff 9-30-63); 131 v 253 (Eff 10-6-65); 148 v H 187 (Eff 9-20-99); 148 v H 544. Eff 6-14-2000; 150 v S 115, § 1, eff. 4-15-05.

§ 713.23 Powers and duties of county and regional commissions.

(A) The regional or county planning commission may make studies, maps, plans, recommendations and reports concerning the physical, environmental, social, economic, and governmental characteristics, functions, services, and other aspects of the region or county, respectively. The commission may make such studies, maps, plans, recommendations, and other reports as to areas outside the region or county concerning the physical, environmental, social, economic, and governmental characteristics, functions, services, and other aspects which affect the development and welfare of the region or county respectively, as a whole or as more than one political unit within the region or county.

(B) The duties of the planning commission include, but are not limited to:

- (1) Preparing the plans, including studies, maps, recommendations, and reports on:
 - (a) Regional goals, objectives, opportunities, and needs, and standards, priorities, and policies to realize such goals and objectives;
 - (b) Economic and social conditions;
 - (c) The general pattern and intensity of land use and open space;
 - (d) The general land, water, and air transportation systems, and utility and communication systems;
 - (e) General locations and extent of public and private works, facilities, and services;
 - (f) General locations and extent of areas for conservation and development of natural resources and the control of the environment;
 - (g) Long-range programming and financing of capital projects and facilities.
- (2) Promoting understanding of and recommending administrative and regulatory measures to implement the plans of the region;
- (3) Collecting, processing, and analyzing social and economic data, undertaking continuing studies of natural and human resources, coordinating such research with other government agencies, educational institutions, and private organizations;

- (4) Contracting with and providing planning assistance to other units of local government, councils of governments, planning commissions, and joint planning councils; coordinating the planning with neighboring planning areas; cooperating with the state and federal governments in coordinating planning activities and programs in the region;
- (5) Reviewing, evaluating, and making comments and recommendations on proposed and amended comprehensive land use, open space, transportation, and public facilities plans, projects, and implementing measures of local units of government; and making recommendations to achieve compatibility in the region;
- (6) Reviewing, evaluating, and making comments and recommendations on the planning, programming, location, financing, and scheduling of public facility projects within the region and affecting the development of the area;
- (7) Undertaking other studies, planning, programming, conducting experimental or demonstration projects found necessary in the development of plans for the region or county, and coordinating work and exercising all other powers necessary and proper for discharging its duties;
- (8) Carrying out all of the functions and duties of a director of economic development under division (B) of section 307.07 of the Revised Code pursuant to any agreement with a county under division (A)(1) of that section.

* * * *Language re regional planning commissions omitted.*

History

GC § 4366-15; 110 v 310, § 3; Bureau of Code Revision, 10-1-53; 130 v 233 (Eff 9-30-63); 133 v S 285 (Eff 11-18-69); 141 v H 100, § 1 (Eff 3-6-86); 141 v H 100, § 3 (Eff 7-1-90); 143 v H 173, § 1 (Eff 10-30-89); 143 v H 173, § 3 (Eff 7-1-90); 143 v S 254. Eff 4-13-90.

§ 713.25 Effect of adoption of plans.

The planning commission of any municipal corporation to which a regional or county plan is certified under section 713.24 of the Revised Code, may adopt such plan, and it shall thereupon have the same force within such municipal corporation as is provided by law or charter for plans prepared and adopted by the local planning commission. The board of county commissioners may adopt such plan so far as it relates to nonmunicipal territory. Thereafter no public building, roadway, bridge, viaduct, or other public improvement or utility, publicly or privately owned, whose construction or location would constitute a departure from the plan, shall be constructed or authorized by the board except by unanimous vote. Such plans shall not designate the specific lots or parcels of land upon which such system, facilities, buildings, and improvements are proposed to be placed, but only the general site or location thereof. The effect of the adoption of such plan by the board shall cease as regards the location of any sewage or garbage disposal plant, and no official action of the board shall be controlled thereby in such respect, unless the site shown on the plan as the location of such plant is purchased within six months after the adoption of the plan by the board, or unless proceedings for the appropriation of the necessary property are commenced within a period of six months and such property is then or thereafter appropriated in such proceedings.

History

GC § 4366-17; 110 v 310, § 5; Bureau of Code Revision. Eff 10-1-53.

§ 713.26 County engineer shall assist commission.

The county engineer of any county for which a regional or county planning commission has been organized, shall give such assistance to the commission, within the scope of his resources and without interference with his regular duties, as is requested by it.

History

GC § 4366-18; 110 v 310, § 6; Bureau of Code Revision. Eff 10-1-53.

B. Plat Approval

§ 711.09 Planning commission or legislative approval of plat; petition for recording; village subdivision regulation; limitation on this section.

(A)

(1) Except as otherwise provided in division (A)(2) of this section, when a city planning commission adopts a plan for the major streets or thoroughfares and for the parks and other open public grounds of a city or any part of it, or for the unincorporated territory within three miles of the corporate limits of a city or any part of it, then no plat of a subdivision of land within that city or territory shall be recorded until it has been approved by the city planning commission and that approval endorsed in writing on the plat. If the land lies within three miles of more than one city, then division (A)(1) of this section applies to the approval of the planning commission of the city whose boundary is nearest to the land.

(2) Division (A)(1) of this section does not apply to any unincorporated territory when all of the following conditions are met:

(a) The township in which the territory is located has a zoning resolution covering all the unincorporated territory in the township.

(b) The county in which the territory is located has a county or regional planning commission.

(c) Subdivision regulations other than municipal subdivision regulations are in effect in the county in which the unincorporated territory is located.

When all of these conditions are met, no plat of a subdivision of land in that unincorporated territory shall be recorded until it has been approved by the county or regional planning commission as provided in section 711.10 of the Revised Code.

(B) and (C) *This section states that requirements in subsection A applies to villages but with a mile and half zone.*

(D) This section does not apply to unincorporated territory in any county having five or more cities and having a regional planning commission or county planning commission not included within the geographic boundaries of a regional planning commission, where the regional or county planning commission has determined, by resolution, to exercise the authority granted

under section 711.10 of the Revised Code for the unincorporated territory within three miles of cities within that county.

History

GC § 3586-1; 110 v 71; Bureau of Code Revision, 10-1-53; 125 v H 629 (Eff 10-19-53); 126 v 929 (Eff 10-6-55); 130 v 228 (Eff 9-24-63); 134 v H 678 (Eff 9-22-72); 143 v H 563 (Eff 7-24-90); 147 v H 22. Eff 10-21-97.

§ 711.10 Platting in unincorporated territory; county or regional planning commission to adopt rules.

(A) Whenever a county planning commission or a regional planning commission adopts a plan for the major streets or highways of the county or region, no plat of a subdivision of land within the county or region, other than land within a municipal corporation or land within three miles of a city or one and one-half miles of a village as provided in section 711.09 of the Revised Code, shall be recorded until it is approved by the county or regional planning commission under division (C) of this section and the approval is endorsed in writing on the plat.

(B) *(Preliminary Plat)* A county or regional planning commission may require the submission of a preliminary plan for each plat sought to be recorded. If the commission requires this submission, it shall provide for a review process for the preliminary plan. Under this review process, the planning commission shall give its approval, its approval with conditions, or its disapproval of each preliminary plan. The commission's decision shall be in writing, shall be under the signature of the secretary of the commission, and shall be issued within thirty-five business days after the submission of the preliminary plan to the commission. The disapproval of a preliminary plan shall state the reasons for the disapproval. A decision of the commission under this division is preliminary to and separate from the commission's decision to approve, conditionally approve, or refuse to approve a plat under division (C) of this section.

(C) *(Final Plat)* Within five calendar days after the submission of a plat for approval under this division, the county or regional planning commission shall schedule a meeting to consider the plat and send a notice by regular mail or by electronic mail to the fiscal officer of the board of township trustees of the township in which the plat is located and the board of health of the health district in which the plat is located. The notice shall inform the trustees and the board of health of the submission of the plat and of the date, time, and location of any meeting at which the county or regional planning commission will consider or act upon the plat. The meeting shall take place within thirty calendar days after submission of the plat, and no meeting shall be held until at least seven calendar days have passed from the date the planning commission sent the notice.

(Three types of action) The approval of the county or regional planning commission, the commission's conditional approval as described in this division, or the refusal of the commission to approve shall be endorsed on the plat within thirty calendar days after the submission of the plat for approval under this division or within such further time as the applying party may agree to in writing; otherwise that plat is deemed approved, and the certificate of the commission as to the date of the submission of the plat for approval under this division and the failure to take

action on it within that time shall be sufficient in lieu of the written endorsement or evidence of approval required by this division.

A county or regional planning commission may grant conditional approval under this division to a plat by requiring a person submitting the plat to alter the plat or any part of it, within a specified period after the end of the thirty calendar days, as a condition for final approval under this division. Once all the conditions have been met within the specified period, the commission shall cause its final approval under this division to be endorsed on the plat. No plat shall be recorded until it is endorsed with the commission's final or unconditional approval under this division.

(Appeal) The ground of refusal of approval of any plat submitted under this division, including citation of or reference to the rule violated by the plat, shall be stated upon the record of the county or regional planning commission. Within sixty calendar days after the refusal under this division, the person submitting any plat that the commission refuses to approve under this division may file a petition in the court of common pleas of the proper county, and the proceedings on the petition shall be governed by section 711.09 of the Revised Code as in the case of the refusal of a planning authority to approve a plat. A board of township trustees is not entitled to appeal a decision of the commission under this division.

(Subdivision Rules) A county or regional planning commission shall adopt general rules, of uniform application, governing plats and subdivisions of land falling within its jurisdiction, to secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the county or regional plan, for adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air, and for the avoidance of congestion of population. The rules may provide for their modification by the commission in specific cases where unusual topographical and other exceptional conditions require the modification. The rules may require the board of health to review and comment on a plat before the commission acts upon it and also may require proof of compliance with any applicable zoning resolutions, and with sewage treatment rules adopted under section 3718.02 of the Revised Code, as a basis for approval of a plat.

(Rule and Amendment Procedure) Before adoption of its rules or amendment of its rules, the commission shall hold a public hearing on the adoption or amendment. Notice of the public hearing shall be sent to all townships in the county or region by regular mail or electronic mail at least thirty business days before the hearing. No county or regional planning commission shall adopt any rules requiring actual construction of streets or other improvements or facilities or assurance of that construction as a condition precedent to the approval of a plat of a subdivision unless the requirements have first been adopted by the board of county commissioners after a public hearing. A copy of the rules shall be certified by the planning commission to the county recorders of the appropriate counties.

After a county or regional street or highway plan has been adopted as provided in this section, the approval of plats and subdivisions provided for in this section shall be in lieu of any approvals provided for in other sections of the Revised Code, insofar as the territory within the approving jurisdiction of the county or regional planning commission, as provided in this

section, is concerned. Approval of a plat shall not be an acceptance by the public of the dedication of any street, highway, or other way or open space shown upon the plat.

No county or regional planning commission shall require a person submitting a plat to alter the plat or any part of it as long as the plat is in accordance with the general rules governing plats and subdivisions of land, adopted by the commission as provided in this section, in effect at the time the plat is submitted.

A county or regional planning commission and a city or village planning commission, or platting commissioner or legislative authority of a village, with subdivision regulation jurisdiction over unincorporated territory within the county or region may cooperate and agree by written agreement that the approval of a plat by the city or village planning commission, or platting commissioner or legislative authority of a village, as provided in section 711.09 of the Revised Code, shall be conditioned upon receiving advice from or approval by the county or regional planning commission.

(D) As used in this section, "business day" means a day of the week excluding Saturday, Sunday, or a legal holiday as defined in section 1.14 of the Revised Code.

History

GC § 3586-2; 116 v 505; Bureau of Code Revision, 10-1-53; 125 v H 629 (Eff 10-19-53); 126 v 929 (Eff 10-6-55); 134 v H 678 (Eff 9-22-72); 138 v H 29 (Eff 9-6-79); 143 v H 563 (Eff 7-24-90); 147 v H 22 (Eff 10-21-97); 148 v H 187 (Eff 9-20-99); 148 v H 544. Eff 6-14-2000; 150 v S 115, § 1, eff. 4-15-05; 150 v H 231, § 1, eff. 5-6-05; 151 v S 107, § 1, eff. 12-20-05; 152 v H 119, § 101.01, eff. 9-29-07, § 120.03, eff. 7-1-09; 153 v H 1, § 101.01, eff. 7-17-09; 153 v H 1, § 640.22, eff. 7-1-10; 153 v S 110, § 1, eff. 9-17-10.

§ 711.101 Municipal corporation may adopt general rules.

As to land falling within its jurisdiction or the jurisdiction of its planning commission, the legislative authority of a municipal corporation, or the board of county commissioners, may adopt general rules setting standards and requiring and securing the construction of improvements shown on the plats and plans required by sections 711.05, 711.09, and 711.10 of the Revised Code.

Such rules may establish standards and specifications for the construction of streets, curbs, gutters, sidewalks, street lights, water mains, storm sewers, sanitary sewers, and other utility mains, piping, and other facilities, may require complete or partial installation of such improvements, and may make such installation a condition precedent to the sale or lease of lots in a subdivision or the issuance of a building permit for the improvement of a lot, and may require in lieu of actual construction a performance agreement and the furnishing of a performance bond or other guarantee or security for the purpose of assuring the installation of such improvements deemed necessary or appropriate in the public interest. The legislative authority of a municipal corporation or the board of county commissioners may accept such performance bond or other guarantee or security, under such conditions and time limitations as it may determine. However, any actual construction or performance bond required by the

legislative authority of a municipal corporation or board of county commissioners shall be limited to improvements and facilities directly affecting the lots to be improved or sold. Such rules may require the submission of plans and specifications for the improvements set forth in this section for approval as a condition precedent to the approval of a plat required by sections 711.05, 711.09, and 711.10 of the Revised Code, and may require the actual construction or agreement or assurance of such construction as a condition precedent to the approval required under those sections. The rules shall not require the alteration of plans and specifications for improvements, as long as the plans and specifications are in accordance with the rules provided for in this section in effect at the time the plat was submitted.

Such rules may provide for the administration thereof by the regulating body or by a city, county, or regional planning commission having platting jurisdiction over the land affected and may provide for the modification thereof in specific cases, where unusual or exceptional factors or conditions require such modifications, by such body or commission.

The board of county commissioners may prepare such specifications and make such orders, inspections, examinations, and certificates as are necessary to carry out the provisions of this section. The county engineer and the county sanitary engineer shall act in an advisory capacity to the board in preparing such specifications, orders, inspections, examinations, and certificates. Before the adoption or amendment of rules pursuant to this section, a public hearing shall be held thereon by the legislative authority of the municipal corporation or the board of county commissioners, as the case may be.

History

125 v H 629 (Eff 10-19-53); 126 v 929 (Eff 10-6-55); 143 v H 563. Eff 7-24-90.

§ 711.102 Violations of rules and regulations.

Whoever willfully violates any rule or regulation adopted by the legislative authority of a municipal corporation or a board of county commissioners pursuant to section 711.101 of the Revised Code or fails to comply with any order issued pursuant thereto, shall forfeit and pay not less than ten nor more than one thousand dollars.

Such sum may be recovered with costs in a civil action brought in the court of common pleas of the county in which the land lies relative to which such violation occurred, by the legal representative of the village, city or county, in the name of such village, city, or county and for the use thereof.

History

125 v H 629 (Eff 10-19-53); 126 v 929. Eff 10-6-55.

§ 711.24 Changing of town lots.

Any person owning, either jointly or severally, and either in his own right or in trust, and having the legal title to any land laid out in town lots, not within the limits or subject to the control of a

municipal corporation, may change such lots and the streets and alleys bounding them by making, acknowledging, and having recorded, as provided in sections 711.01 to 711.38, inclusive, of the Revised Code, a new plat of such land, and having the proper transfers made in the office of the county auditor. No such change shall be made if it injuriously affects any lots on the streets or alleys, or within the plat so changed, unless all the owners of the lots so affected are parties joining in making the change, or such owners give their consent in writing on the new plat, which is recorded therewith. Any change of a town plat made under this section shall have the same effect as if made by the judgment of a court having jurisdiction thereof.

History

RS § 2614; Bates § 1536-79; 76 v 88, §§ 1, 2; GC § 3600; Bureau of Code Revision. Eff 10-1-53.

C. Township Zoning

§519.12 Township Zoning Amendment (Resolution Text or Reclassification of Property)

(E) Within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment.

D. Spot Zoning

HN18 'Spot zoning' is another confusing term. Many people think that a rezoning of a single parcel of land constitutes spot zoning and is unconstitutional. This is incorrect. Spot zoning is simply a phrase used to conclude that a rezoning is unconstitutional for specified reasons. Rezoning a single parcel or a small area is not unconstitutional per se; rezoning a small area in a discriminatory or unreasonable manner is. Meck and Pearlman, *Ohio Planning and Zoning Law*, [***33] Section 8:41 (2011 Ed.).

[*P43] *Willott v. Beachwood*, 175 Ohio St. 557, 559, 197 N.E.2d 201 (1964), the leading case on the issue of spot zoning, provides that HN19 "spot zoning refers to the singling out of a lot or small area for discriminatory or different treatment from that accorded surrounding land which is similar in character." *Willott* involved an attempt to put a commercial use in a restrictive residential district. *Id.* The specific facts in *Willott* centered on the amendment of a zoning ordinance to allow a shopping center in an area of "highly restricted, single family, private residence zoning." *Id.* The Supreme Court held that the rezoning did not constitute spot zoning

and further emphasized the difficult burden in overcoming the presumption of constitutionality afforded to zoning ordinances, stating:

HN20 The legislative, not the judicial authority is charged with the duty of determining the wisdom of zoning regulations, and the judicial judgment is not to be substituted for the legislative judgment in any case in which the issue or matter is fairly debatable. Even though the court, on the facts presented, might decide otherwise than did council, so long [**270] as the matter is reasonably debatable, [***34] the court has no authority to interfere.

Id. at 560.

[*P44] The Queensgate Businesses have cited a number of cases that discuss spot zoning, but only one Ohio court has actually found that a township's zoning decision constituted spot zoning. *Renner v. Markarius*, 2d Dist No. CA 5993, 1979 Ohio App. LEXIS 9363, *3 (August 3, 1979), involved the rezoning of a single property to support an office use. In *Renner*, a township took steps to adopt a zoning ordinance. The township's zoning advisor decided that the township needed more commercial uses and decided to designate a single property as an office use in an area that was surrounded by residential zoning and in a neighborhood of expensive single-family homes. *Id.* at *10. That single property had been used continuously as a residence for over 60 years, although it did also have a storage building for a well-drilling company. *Id.* at *6-7

[*P45] The decision to alter the property's zoning was apparently made based on traffic flow in the area. *Id.* at *10. The reasoning of the court in finding spot zoning is not very clear, but seems to rely on the increased traffic and increased potential negative impacts on housing values that a commercial use would bring [***35] to the residential district, and the seemingly arbitrary decision by the zoning advisor to change zoning on long-time residential property in a residential neighborhood. *Id.* at *12-14.

[*P46] *Willot* and *Renner* demonstrate the typical spot-zoning fact pattern, which involves conflict resulting from an attempt to put a more intense commercial use in a restrictive residential zone. The concept of spot zoning does not work well in this case, where the MG zoning district allows a broad mix of commercial, manufacturing, recreational, and residential uses. The lack of spot zoning cases involving mixed districts points to a key aspect of spot zoning that has never been defined—how differently the zoning of a property must be from a surrounding property before it constitutes spot zoning. If taken to its logical extreme, the concept of spot zoning would hold that all zoning variances are unconstitutional. Here, the notwithstanding ordinance did not rezone the Dalton property but allowed a special assistance shelter that can only be operated by City Gospel Mission under a number of restrictions; it is in effect a legislative variance.

State ex rel. Phillips Supply Co. v. City of Cincinnati, 2012-Ohio-6096, ¶¶ 42-46, 985 N.E.2d 257, 269-70 (Ct. App.)

Meeting Minutes
Wood County Planning Commission
September 4, 2018 @ 5:30pm

The Wood County Planning Commission met in regular session on Tuesday, September 4, 2018 at the County Office Building in Bowling Green, Ohio. Planning Commission staff in attendance was David Steiner and Katie Baltz. Planning Commission members in attendance were Tony Allion, Steve Arnold, Ted Bowlus, Doris Herringshaw, Craig LaHote, John Musteric, John Schuerman and Erik Wineland. 6 guests were in attendance.

Vice-Chairman, John Musteric, called the meeting to order.

Old Business

New Business

Mr. Allion made a motion to approve the June 2018 Planning Commission meeting minutes. Mr. Bowlus seconded the motion, Commission members responded in full support, Mr. Wineland abstained.

VARIANCE - JACKSON TOWNSHIP

A Steve and Deb Kuesel submitted an application seeking a variance from the frontage requirements set forth in the Wood County Subdivision Rules and Regulations.

Ms. Baltz stated that the applicant's property was located in an unzoned Township, Jackson Township. Since the parcel was unzoned, the Wood County Subdivision Rules and Regulations were enforced for minimum parcel frontages and lot sizes. Ms. Baltz stated that the applicants would like to split their 11.823 acre farm parcel.

Ms. Baltz stated that the subject property being split consisted of 11.823 acres of land in Section 6 of Jackson Township. Specifically, the property was located on the east side of Henry-Wood County Line Road, approximately 900 feet south of Jerry City Road, and approximately 0.8 miles north of Cygnet Road.

Ms. Baltz stated that there were no floodplains or wetlands on the property. Ms. Baltz stated that the property had been designated as a Rural Management Area in the Wood County Land Use Plan.

Ms. Baltz stated that the applicant was seeking a variance from the 175 foot frontage requirement set forth in the Wood County Subdivision Rules and regulations, in order to subdivide the property.

Ms. Baltz stated that the request was to allow an 80 foot wide by 428 foot deep parcel to be split off of the 11 acre farm parcel and be combined with the existing 2 acre house parcel that adjoins the parcel. Ms. Baltz stated that if the variance were to be approved, the southern house parcel would have 308 feet of road frontage and measure approximately 3 acres in size and the northern farm parcel would have 123.76 feet of frontage, and would measure approximately 11 acres in size.

Ms. Baltz stated that if the variance were to be denied, the applicants would have a couple of options. Ms. Baltz stated that the applicants could move the location of the building to an area on the property that would not be straddling lot lines. Ms. Baltz stated that a second option would be for the owners to split off the area where the building would be located, not including frontage, and combine that area to the house parcel.

Ms. Baltz stated that the reason for the variance request was because the property owners were building an accessory building that would straddle lot lines, and wanted to reconfigure the lot lines so that the building would be on the house parcel. Ms. Baltz stated that the applicant's had stated that the contractor working on the project wasn't aware of Subdivision Regulations' frontage requirements, and had already had the stone delivered to the property. Upon further investigation, the applicants realized that unzoned Townships must follow the frontage requirements prescribed in the Wood County Subdivision Regulations, and would need a variance in order to proceed as desired.

Mr. Wineland asked if the applicant owned both parcels and what each parcel was being used for. Ms. Kuesel stated that they owned both parcels, and that the southern parcel was their home and the northern parcel was farmland that would eventually be passed on to Mr. Kuesel's son. Mr. Wineland asked where the building would be located. Ms. Kuesel stated that the building would be 80 feet back from the road and would allow for semi-truck parking.

Mr. Musteric asked if the applicants were going to be running a business. Ms. Kuesel stated that her husband was an owner/operator and would be bringing two semi-trucks home and hauling grain. Mr. Steiner stated that Jackson Township was unzoned and the property could be used for a business. Mr. Musteric stated that a building permit may be required if it were a commercial business rather than an agricultural business. Mr. Allion suggested that the applicant confirm with the Office of Building Inspection whether a building permit was needed or not.

Following a brief discussion, Mr. Musteric stated that he didn't see a hardship in this situation. Mr. Wineland made a motion to deny the variance request, and stated that the reason was because he felt that allowing the variance would limit the usability of the northern parcel and may create a problem in the future. Mr. Schuerman seconded the motion. Mr. Musteric called for a vote.

Steve Arnold-Yes, Rob Black-Absent, Theodore (Ted) Bowlus-Yes, John Brossia-Absent, Doris Herringshaw-No, Craig LaHote-Yes, John Musteric-Yes, Barbara Ruland-Absent, John Schuerman-Yes, Eric Wineland-Yes. Tony Allion-Yes, Motion carried.

SUBDIVISION - MIDDLETON TOWNSHIP

Feller Finch & Associates and McCarthy Builders submitted a final plat entitled The Village at Riverbend Plat Four.

Mr. Steiner stated that the plat was the fourth phase of the Village at Riverbend subdivision and contained twenty four (24) single family lots and covered approximately 8.124 acres of land.

Mr. Steiner stated that the plat was located in the eastern portion of the existing Village at Riverbend plat. Mr. Steiner noted that the plats of Saddlebrook plats thirteen (13) and fourteen (14) were located to the east of the plat, the Village of Riverbend Plat Three bordered the plat to the north, and unplatted lands were located to the south.

Mr. Steiner stated that the plat was zoned R-3 Residential and all surrounding lands were also zoned R-3 Residential. Mr. Steiner stated that there were no floodplains or wetlands on the parcels and all utilities were available to the subject plat.

Mr. Steiner stated that connectivity was still an issue. Mr. Steiner stated that in December 2017 the Planning Commission granted final approval to the Village of Riverbend Plat Three with the condition that a connection from East Sunset Maple Drive to Waterville Drive be completed at some point in the calendar year 2018.

Mr. Greg Feller stated that the connection would be made with Plat Five, as previously discussed. Mr. Feller stated that they were trying hard to get construction plans approved to start working on Plat Five in the fall in order to make the connection.

Mr. Wineland stated that there seemed to be no problems with Plat Four, but the concern was making the connection with Plat Five. Mr. Wineland asked how long it would take to construct the road once the construction plans were approved. Mr. Feller stated that it would take 2 ½-3 months to construct a road, and that utilities would have to be put in place first and it was getting late in the season.

Mr. Allion asked if the Plat Five included lots along with the road that made the connection. Mr. Feller stated that Plat Five included the road that runs down to make the connection as well as another cul de sac with lots.

Mr. Musteric read an excerpt from the December 2017 meeting minutes that stated that a connection must be made in 2018. Mr. Allion asked if the Plat five construction plans had been submitted to Northwestern Water & Sewer District (NWSD). Mr. Feller stated the plans had been submitted to NWSD a month or two ago.

Mr. Feller stated that they would put the stone base for the connection road in by the end of 2018 even if the road couldn't be built in 2018 and worse case the road would be paved in the Spring of 2019.

Mr. Wineland made a motion to approve the final plat entitled The Village at Riverbend Plat Four. Mr. Bowlus seconded. Mr. Musteric called for a vote.

Rob Black-Absent, Theodore (Ted) Bowlus-Yes, John Brossia-Absent, Doris Herringshaw-Yes, Craig LaHote-Yes, John Musteric-No, Barbara Ruland-Absent, John Schuerman-Yes, Eric Wineland-Absent, Tony Allion-Yes, Steve Arnold-Yes, Motion carried.

SUBDIVISION - LAKE TOWNSHIP

The Applicant pulled their item from the agenda.

PUBLIC FORUM

Mr. Steiner stated that there two Lake Township residents present that lived in Freedom Estates Subdivision that had concerns regarding their subdivision.

Mr. Steiner stated that a letter was provided to Planning Commission members from the County Engineer as well as a letter from the Planning Commission Director requesting an opinion from the Wood County Prosecutors office.

Mr. Mike Kidd stated that he lived on Freedom Drive in Freedom Estates. Mr. Kidd stated that DMWW purchased the vacant lots in 2011 that were left from the Dold Development bankruptcy. Mr. Kidd stated that when a permit was given to DMWW, it was stated that a number of items would be corrected, and they were not done. Mr. Kidd was concerned about the flooding and drainage in the subdivision.

Mr. Wineland asked if there was a way that the County Prosecutor could go after the developer for any criminal charges. Ms. Holmes stated that she could talk to County Prosecutor Paul Dobson about it. Ms. Holmes stated that this was more than likely a civil problem between homeowners and the developer, and not a public problem. Mr. Wineland stated that in his experience, things can always become a criminal matter. Ms. Holmes stated that it would have to be Mr. Dobson's decision, and there would have to be a lot more facts brought forward. Mr. Kidd stated that DMWW was not a developer, and stated that DMWW bought the vacant lots and sold them to builders who then built the homes. Mr. Kidd asked what right DMWW had to create a homeowners association since they were a property owner, not a developer.

Ms. Holmes and Mr. Musteric stated that only one resident would be needed to petition to have Ayers Creek put under County maintenance to help with some drainage issues.

Mr. Randy Saint John, Freedom Estates resident, stated that he was one of the first residents to live in the subdivision and stated that there had been water issues ever since he lived there, and they just wanted the flooding problem to be fixed.

There was lengthy discussion between Commission Members, the County Engineer, Ms. Holmes, Mr. Kidd, Mr. Randy Saint John regarding the flooding issues, drainage issues, putting the pond under county maintenance and who was responsible for paying for the repairs before it can be put under maintenance, Homeowners Associations and other concerns of the residents in the subdivision.

CHAIRMAN'S TIME/COMMISSION MEMBERS' TIME

DIRECTOR'S TIME

Mr. Steiner stated that Ms. Holmes would speak to the Planning Commission members at the next scheduled meeting about subdivision and zoning law. Ms. Holmes asked for members to email her any specific questions, if they had any.

Staff Activity Report

Mr. Steiner reviewed the staff activities performed in August 2018.

Mr. Steiner stated that the next Planning Commission meeting would be on Tuesday, October 2, 2018.

There being no further items of business, Mr. Allion made a motion to adjourn the September 4, 2018 Planning Commission Meeting, Mr. Wineland seconded the motion, Commission members responded in full support, meeting adjourned.

DRAFT

ITEM # 1 – SUBDIVISION– MIDDLETON TOWNSHIP

APPLICANTS:

ESA
5353 Secor Road
Toledo, OH 43623

PROPOSAL

Applicants have submitted a final plat entitled "Saddlebrook Plat Nineteen". Said plat is the nineteenth phase of the Saddlebrook subdivision. Plat Nineteen contains seventeen (17) single family lots and covers approximately 6.946 acres of land. The proposed lots will be accessed via the extension of Reddington Court.

LOCATION

The plat is located in the southwestern portion of the existing Saddlebrook development. The plat of Saddlebrook plat Eighteen (18) borders to the east, Saddlebrook Plat Seventeen (17) borders the plat to the north, the Village at Hull Prairie Meadows and Hull Prairie Meadows Plat Two borders the plat to the south, and unplatted lands are located to the west.

LAND USE AND ZONING

Subject plat is zoned R-3 Residential. Lands to the north, west, and east are also zoned R-3 Residential. Lands to the south in the Hull Prairie Meadows developments are zoned R-3 PUD. There are no floodplains or wetlands on the parcels. All utilities are available to the subject plat.

ATTACHMENTS

- 1-A. Location Map
- 1-B. Plat Map
- 1-C. Letter from County Engineer

STAFF ANALYSIS

The plat of Saddlebrook Plat Nineteen is located in the southwestern corner of the existing Saddlebrook development. It is the nineteenth phase of the development and it appears to be the final plat of the overall development. It contains seventeen (17) single family lots and covers approximately 6.946 acres of land. All plat improvements are available, and similar development types are located in the immediate area. In addition, as the Director noted, this appears to be the final plat of the overall Saddlebrook development.

A review of the plat as submitted revealed no errors as to what the Planning Commission Office reviews for. The Wood County Engineer also reviewed the above noted plat and found minor errors. These do not appear to be major concerns, and are outlined in the attached letter from the Engineer.

STAFF RECOMMENDATION

The Director recommends approval of Saddlebrook Plat Nineteen.

ATTACHMENT 1-A - LOCATION MAP

SADDLEBROOK PLAT NINETEEN

PART OF THE NORTHWEST QUARTER OF SECTION 23
TOWN 1 IN THE UNITED STATES RESERVE
MIDDLETON TOWNSHIP, WOOD COUNTY, OHIO



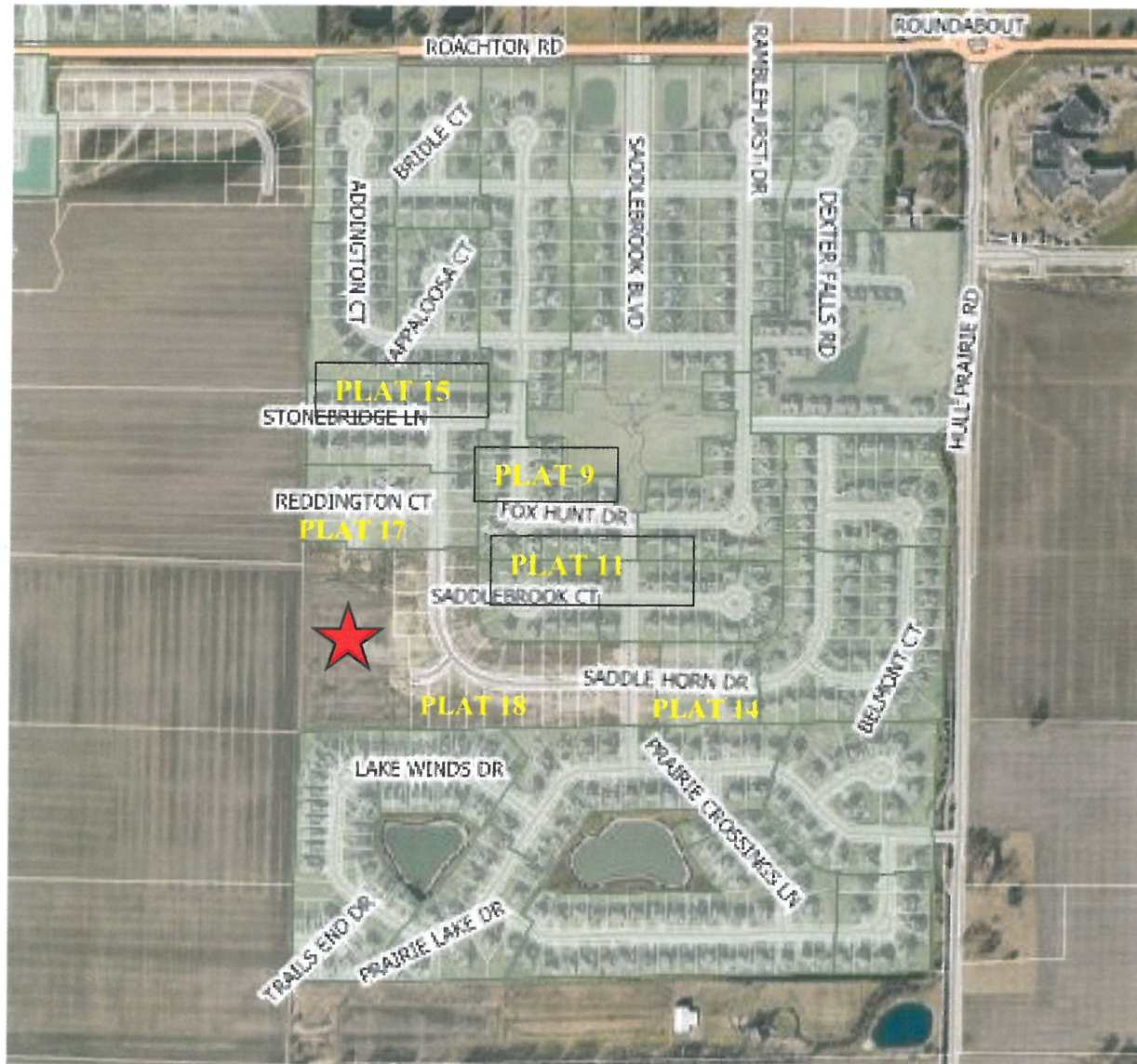
MIDDLETON TOWNSHIP
WOOD COUNTY, OHIO

PARCEL INFORMATION

MIDLAND AGENCY OF NORTHWEST OHIO INC., TRUSTEE
PARCEL #J37-100-230000005000
APPROXIMATELY 6.946 ACRES

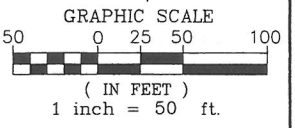
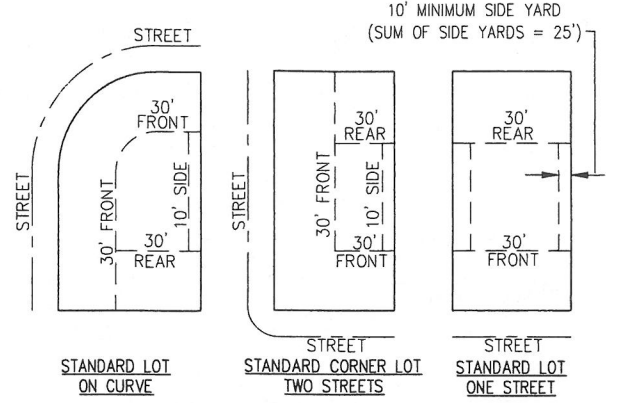
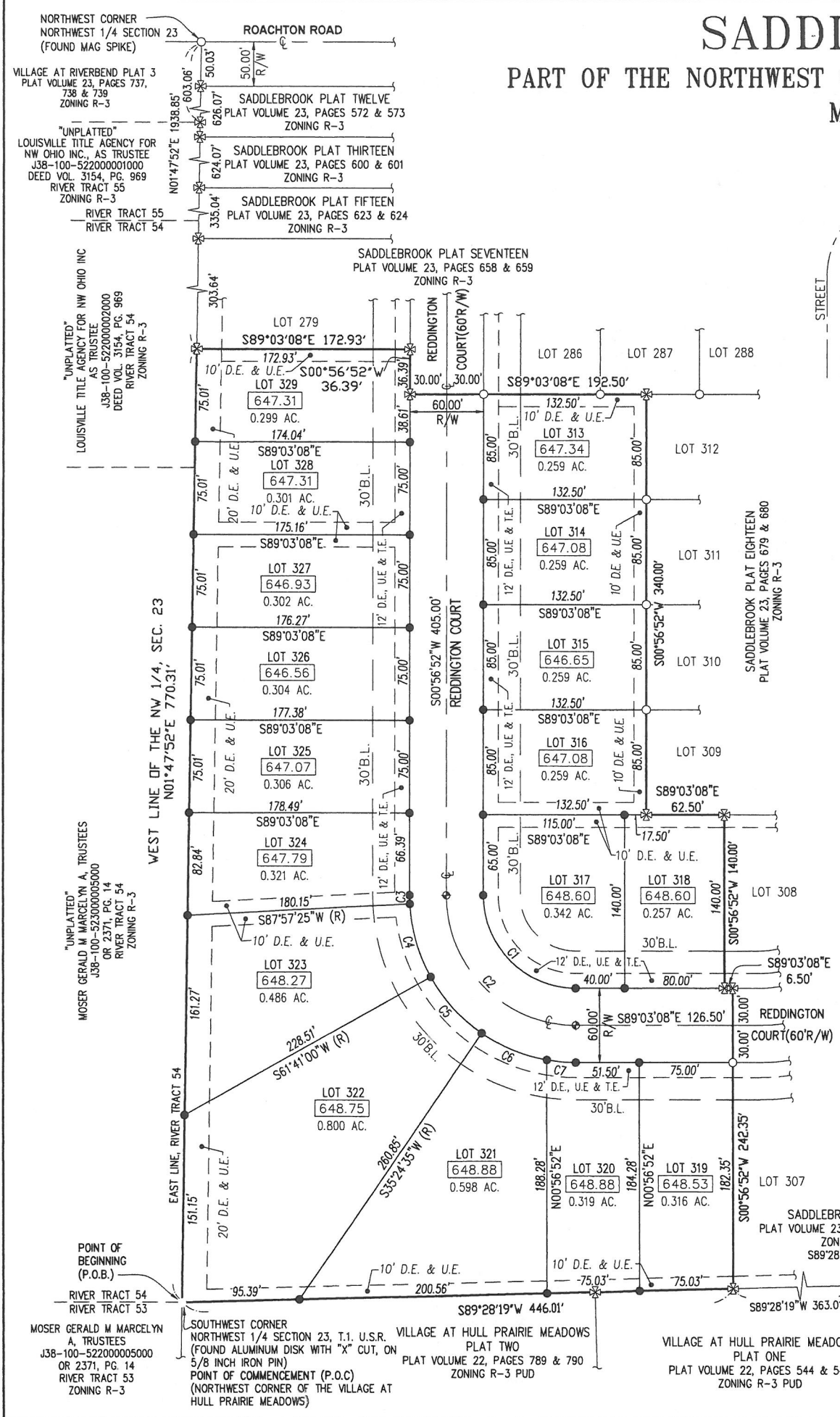
ENGINEER

ESA ENGINEERS



SADDLEBROOK PLAT NINETEEN

PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWN 1 IN THE UNITED STATES RESERVE,
MIDDLETON TOWNSHIP, WOOD COUNTY, OHIO



BEARINGS SHOWN HEREON ARE TO AN ASSUMED MERIDIAN AND ARE USED TO DENOTE ANGLES ONLY.

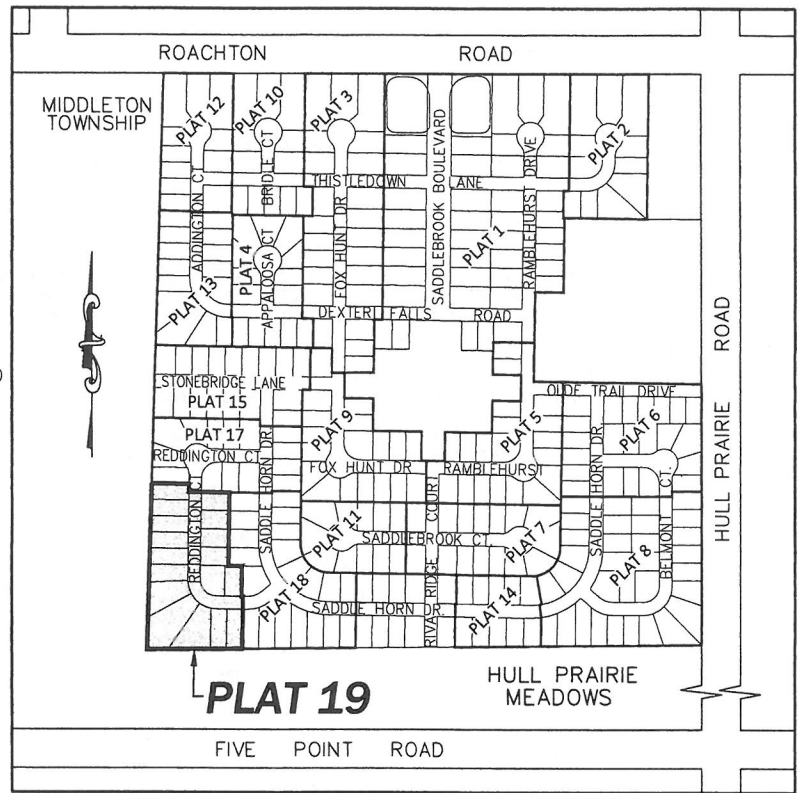
CURVE	LENGTH (FT)	RADIUS (FT)	DELTA	CHORD BEARING	CHORD (FT)	TANGENT (FT)
C1	117.81'	75.00'	90°00'00"	S44°03'08"E	106.07'	75.00'
C2	164.93'	105.00'	90°00'00"	S44°03'08"E	148.49'	105.00'
C3	7.05'	135.00'	02°59'29"	S00°32'51"E	7.05'	3.52'
C4	61.91'	135.00'	26°16'25"	S15°10'48"E	61.37'	31.51'
C5	61.91'	135.00'	26°16'26"	S41°27'13"E	61.37'	31.51'
C6	57.58'	135.00'	24°26'13"	S66°48'33"E	57.14'	29.23'
C7	23.62'	135.00'	10°01'29"	S84°02'24"E	23.59'	11.84'

NOTE:
THE EXISTING ZONING OF THE PROPOSED SADDLEBROOK PLAT 19 SUBDIVISION IS R-3.

NOTE:
THE SUBDIVISION IS NOT LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREA INUNDATED BY THE 100-YEAR FLOOD AS DETERMINED BY FLOOD INSURANCE RATE MAP 391-73C0020-D, EFFECTIVE DATE: SEPTEMBER 2, 2011.

AREA BREAKDOWN	ACRES
LOTS (17 LOTS)	5.987
REDDINGTON COURT R/W	0.959
TOTAL	6.946

NOTE:
THE CURRENT OWNER OF THE SUBJECT SADDLEBROOK PLAT 19 RECORD PLAT PARCEL IS MIDLAND AGENCY OF NORTHWEST OHIO INC TRUSTEE, OR 3049, PAGE 939, WOOD COUNTY RECORDS.



VICINITY MAP
1" = 400'

LEGEND

- ◆ SET TYPE "B" MONUMENT ~ 6" DIA. X 30" CONCRETE CYLINDER WITH 1"X12" MACHINE BOLT WITH "+" PUNCH.
- ◆ SET TYPE "A" MONUMENT ~ 6" DIA. X 30" CONCRETE WITH 2" DIA. ALUMINUM DISK STAMPED "ESA LLC" WITH "+" PUNCH AND IRON PIN.
- ◆ FOUND 6" CONCRETE MONUMENT
- FOUND 5/8" IRON PIN
- SET 5/8" X 30" REBAR ~ WITH CAP STAMPED "ESA LLC"
- ✕ SET PK NAIL
- ✕ FOUND PK NAIL
- XXX.XX PROPOSED "GRADE ELEVATIONS" AT HOUSE
- D.E. - DRAINAGE EASEMENT
- U.E. - UTILITY EASEMENT
- S.E. - SANITARY EASEMENT
- T.E. - TOLEDO Edison COMPANY EASEMENT
- (R) - RADIAL
- (NR) - NON-RADIAL
- P.O.B. - POINT OF BEGINNING
- B.L. - BUILDING LINE
- P.I. - POINT OF INTERSECTION

TOLEDO EDISON CO. UNDERGROUND UTILITY EASEMENT

WE, MIDLAND AGENCY OF NORTHWEST OHIO INC., TRUSTEE, OWNERS OF THE HEREON PLATTED LAND, DO HEREBY GRANT UNTO THE TOLEDO EDISON COMPANY, THEIR SUCCESSORS AND ASSIGNS (HEREINAFTER REFERRED TO AS THE GRANTEE) A PERMANENT RIGHT-OF-WAY AND EASEMENT TWELVE (12) FEET IN WIDTH UNDER, OVER AND THROUGH ALL LOTS AND ALL LAND SHOWN HEREON AND PARALLEL WITH AND CONTIGUOUS TO ALL STREET LINES, TO CONSTRUCT, PLACE, OPERATE, MAINTAIN, REPAIR, RECONSTRUCT AND RELOCATE SUCH UNDERGROUND ELECTRIC CABLES, DUCTS, CONDUITS, SURFACE OR BELOW GROUND MOUNTED TRANSFORMERS AND PEDESTALS, CONCRETE PADS AND OTHER FACILITIES AS ARE DEEMED NECESSARY OR CONVENIENT BY THE GRANTEE FOR DISTRIBUTING AND TRANSMITTING ELECTRICITY, FOR PUBLIC AND PRIVATE USE OF SUCH LOCATIONS AS GRANTEE MAY DETERMINE, UPON, WITHIN AND ACROSS THE EASEMENT PREMISES. SAID EASEMENT RIGHTS SHALL INCLUDE THE RIGHT, WITHOUT LIABILITY THEREFORE, TO REMOVE TREES AND LANDSCAPING INCLUDING LAWNS WITHIN AND WITHOUT SAID EASEMENT PREMISE WHICH MAY INTERFERE WITH THE INSTALLATION, MAINTENANCE, REPAIR, OR OPERATION OF ELECTRIC CURRENT AND WITH THE RIGHT OF ACCESS, INGRESS AND EGRESS TO AND FROM ANY OF THE WITHIN DESCRIBED PREMISES FOR EXERCISING ANY OF THE PURPOSES OF THIS RIGHT-OF-WAY AND EASEMENT GRANT. ALL LOTS AND ALL LANDS SHALL BE RESTRICTED TO UNDERGROUND UTILITY SERVICE.

esa
Engineers, Surveyors & Associates, LLC
5353 Secor Rd., Toledo, Ohio, 43623 Phone (419) 475-9445

SADDLEBROOK PLAT NINETEEN

PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWN 1 IN THE UNITED STATES RESERVE, MIDDLETON TOWNSHIP, WOOD COUNTY, OHIO

DESCRIPTION

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWN 1, UNITED STATES RESERVE OF THE 12 MILES SQUARE AT THE FOOT OF THE RAPIDS OF THE MIAMI OF LAKE ERIE, MIDDLETON TOWNSHIP, WOOD COUNTY, OHIO, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ALUMINUM DISK WITH "X" CUT, ON A 5/8 INCH IRON PIN AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23, ALSO BEING THE NORTHWEST CORNER OF PLAT TWO OF THE VILLAGE AT HULL PRAIRIE MEADOWS, A SUBDIVISION RECORDED IN PLAT VOLUME 22, PAGES 789 AND 790, WOOD COUNTY RECORDS;

THENCE N01°47'52"E, A DISTANCE OF 770.31 FEET, ALONG THE WEST LINE OF NORTHWEST QUARTER OF SECTION 23, THE EAST LINE OF RIVER TRACT 54, AND BEING ALONG THE EASTERLY LINE OF THE A PARCEL OF LAND OWNED BY GERALD M. & MARCELYN A. MOSER, TRUSTEES RECORDED IN OR 2371, PAGE 14 OF WOOD COUNTY DEED RECORDS AND THE EASTERLY LINE OF THE A PARCEL OF LAND OWNED BY LOUISVILLE TITLE AGENCY FOR NORTHWEST OHIO RECORDED IN DEED VOLUME 3154, PAGE 969 OF WOOD COUNTY DEED RECORDS, TO A FOUND 6-INCH CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF LOT 279 IN SADDLEBROOK PLAT SEVENTEEN, A SUBDIVISION RECORDED IN PLAT VOLUME 23, PAGES 658 AND 659, WOOD COUNTY RECORDS;

THENCE S89°03'08"E, A DISTANCE OF 172.93 FEET, ALONG THE SOUTH LINE OF SAID SADDLEBROOK PLAT SEVENTEEN, TO A FOUND 6-INCH CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF LOT 279 IN SAID SADDLEBROOK PLAT SEVENTEEN;

THENCE S00°56'52"W, A DISTANCE OF 36.39 FEET, ALONG THE WEST RIGHT-OF-WAY LINE OF REDDINGTON COURT, 60 FEET WIDE, TO A FOUND 6-INCH CONCRETE MONUMENT ON THE WEST RIGHT-OF-WAY LINE OF REDDINGTON COURT;

THENCE S89°03'08"E, PASSING TWO FOUND IRON PINS, AT THE SOUTHWEST CORNER OF LOT 286 AND AT THE SOUTHEAST CORNER OF LOT 286 IN SAID SADDLEBROOK PLAT SEVENTEEN, A DISTANCE OF 192.50 FEET ALONG THE SOUTH LINE OF SAID SADDLEBROOK PLAT SEVENTEEN, TO A FOUND 6-INCH CONCRETE MONUMENT, AT THE NORTHWEST CORNER OF LOT 312 IN SADDLEBROOK PLAT EIGHTEEN, A SUBDIVISION RECORDED IN PLAT VOLUME 23, PAGES 679 AND 680, WOOD COUNTY RECORDS;

THENCE S00°56'52"W, PASSING THREE FOUND IRON PINS, AT 85.00 FEET AT THE SOUTHWEST CORNER OF LOT 312, AT 170.00 FEET AT THE SOUTHWEST CORNER OF LOT 311 AND AT 255.00 FEET AT THE SOUTHWEST CORNER OF LOT 310 IN SAID SADDLEBROOK PLAT EIGHTEEN, A TOTAL DISTANCE OF 340.00 FEET TO A FOUND 6" CONCRETE MONUMENT AT SOUTHWEST CORNER OF LOT 309 ON SAID SADDLEBROOK PLAT EIGHTEEN;

THENCE S89°03'08"E, A DISTANCE OF 62.50 FEET TO A FOUND 6" CONCRETE MONUMENT, AT NORTHWEST CORNER OF LOT 308 IN SAID SADDLEBROOK PLAT EIGHTEEN;

THENCE S00°56'52"W, A DISTANCE OF 140.00 FEET, TO A FOUND 6" CONCRETE MONUMENT, AT SOUTHWEST CORNER OF LOT 308 IN SAID SADDLEBROOK PLAT EIGHTEEN;

THENCE S89°03'08"E, A DISTANCE OF 6.50 FEET, ALONG THE NORTH RIGHT-OF-WAY LINE OF REDDINGTON COURT, 60 FEET WIDE, TO A FOUND 6-INCH CONCRETE MONUMENT ON THE NORTH RIGHT-OF-WAY LINE OF REDDINGTON COURT;

THENCE S00°56'52"W, PASSING A FOUND IRON PIN AT 60.00 FEET AT THE SOUTH RIGHT-OF-WAY LINE OF REDDINGTON COURT AND ALSO BEING THE NORTHWEST CORNER OF LOT 307 IN SAID SADDLEBROOK PLAT EIGHTEEN, A TOTAL DISTANCE OF 242.35 FEET, TO A FOUND 6" CONCRETE MONUMENT, AT THE SOUTHWEST CORNER OF LOT 307 IN SAID SADDLEBROOK PLAT EIGHTEEN;

THENCE S89°28'19"W, PASSING A FOUND 6-INCH CONCRETE MONUMENT AT THE NORTHWEST CORNER OF THE VILLAGE AT HULL PRAIRIE MEADOWS PLAT ONE, A SUBDIVISION RECORDED IN PLAT VOLUME 22, PAGES 544 AND 545, A DISTANCE OF 446.01 FEET, TO THE POINT OF BEGINNING.

CONTAINING 6.946 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS.

SET CONCRETE MONUMENTS BEING 6-INCHES IN DIAMETER AND 30 INCHES IN LENGTH WITH A 2 INCH ALUMINUM CAP, THE ALUMINUM CAP BEING STAMPED "ESA LLC" WITH "+" PUNCH AND IRON PIN.





THE ABOVE DESCRIPTION IS BASED UPON A FIELD SURVEY PERFORMED IN AUGUST 2018.

THE BEARINGS REFERRED TO HEREON ARE BASED UPON AN ASSUMED MERIDIAN AND ARE USED ONLY FOR THE PURPOSE OF DESCRIBING ANGULAR MEASUREMENTS.

PRIOR DEED REFERENCE: MIDLAND AGENCY OF NORTHWEST OHIO INC TRUSTEE, OR 3049, PAGE 939, WOOD COUNTY RECORDS.

BEING PART OF TAX PARCEL J37-100-2300-00-005-000.

SURVEYOR'S CERTIFICATION

WE HEREBY CERTIFY THAT DURING AUGUST 2018 WE SURVEYED THE PROPERTY, HEREON DESCRIBED, SUBDIVIDING THE SAME INTO LOTS NUMBERED 313 TO 329, INCLUSIVE. DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. CONCRETE MONUMENTS MARKED THIS , HAVE BEEN FOUND, CONCRETE MONUMENTS MARKED THIS , HAVE BEEN SET EITHER AT EACH CHANGE IN DIRECTION OF THE BOUNDARY OF THE PLAT OR ON OFFSETS AND REFERENCED THERETO. 5/8-INCH IRON REBARS WITH CAP (INSCRIPTION IS "ESA LLC") HAVE BEEN SET AT ALL POINTS MARKED THIS  AND AT ALL OTHER LOT CORNERS AND CHANGES IN DIRECTION OF THE RIGHT-OF-WAY. ADDITIONAL MONUMENTS MARKED THIS  ARE TO BE SET AFTER THE STREET IMPROVEMENTS HAVE BEEN MADE.

ESA, ENGINEERS, SURVEYORS & ASSOCIATES, LLC
5353 SECOR ROAD
TOLEDO, OHIO 43623

GREGORY L. BOUDOURIS, P.S. DATE
PROFESSIONAL SURVEYOR NO. 8083

OWNER'S CERTIFICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LANDS HEREON DESCRIBED AND WE HAVE CAUSED THE ABOVE DESCRIBED PROPERTY TO BE SURVEYED AND SUBDIVIDED INTO LOTS AS SHOWN. WE ALSO DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT, ESTABLISH SETBACKS AS SHOWN AND DO DEDICATE TO THE WOOD COUNTY COMMISSIONERS, THE RIGHTS-OF-WAY, AS SHOWN, FOR THE PUBLIC'S USE. THE ROADS AND STREETS OF THIS SUBDIVISION ARE HEREBY DESIGNATED AS TOWNSHIP ROADS.

THE SADDLEBROOK HOMEOWNERS ASSOCIATION, INC. SHALL BE RESPONSIBLE FOR ALL THE MAINTENANCE OF THE STORM WATER DRAINAGE FACILITIES FOR ALL THE EXISTING PLATS AND FUTURE PLATS OF THE SADDLEBROOK DEVELOPMENT LOCATED OUTSIDE THE PUBLIC ROAD RIGHTS-OF-WAY. THE STORM WATER DRAINAGE FACILITIES SHALL INCLUDE, BUT ARE NOT LIMITED TO DETENTION/RETENTION PONDS, STORM SEWERS, CATCH BASINS, MANHOLES, SWALES, OPEN CHANNELS, AND DITCHES THAT ARE IN THE SADDLEBROOK DEVELOPMENT AREA.

WE DO FURTHER GRANT CERTAIN EASEMENTS, AS SHOWN HEREON AND DESIGNATED AS "SANITARY EASEMENT" AND "UTILITY EASEMENT" TO THE NORTHWESTERN WATER AND SEWER DISTRICT, AND "TOLEDO EDISON COMPANY EASEMENT" TO THE TOLEDO EDISON COMPANY, FOR PERMITTING THE CONSTRUCTION, INSTALLATION, RELOCATION OR MAINTENANCE OF PUBLIC OR QUASI-PUBLIC UTILITY FACILITIES THEREON. SAID DEDICATION OF RIGHTS-OF-WAY AND GRANTING OF EASEMENTS SHALL INCLUDE THE CONVEYANCE OF ALL WATER, SANITARY SEWER, ELECTRIC AND OTHER RELATED FACILITIES LOCATED THEREIN. MAINTENANCE SHALL INCLUDE THE RIGHT TO REMOVE ANY STRUCTURES, BRANCHES OR OTHER GROWTH OR OBSTRUCTION OF ANY KIND THAT MIGHT INTERFERE WITH CONSTRUCTION, MAINTENANCE OR SAFE OPERATION OF UTILITY LINES OR DRAINAGE FACILITIES. "DRAINAGE EASEMENTS" FOR STORMWATER DRAINAGE, OTHER THAN ROAD DRAINAGE, ARE FOR THE BENEFIT OF THE PROPERTIES SERVED AND MUST BE MAINTAINED BY SAID PROPERTY OWNERS AT THEIR EXPENSE.

WE FURTHER CERTIFY THAT WE WILL IMPROVE THIS SUBDIVISION WITH THE FOLLOWING INSTALLATIONS: SANITARY SEWERS, STORM SEWERS, PAVEMENT AND CURBS, WATER MAINS, STREET LIGHTS, STREET SIGNS, TRAFFIC SIGNS AND SIDEWALKS AS SHOWN ON THE APPROVED PLANS ON FILE WITH THE WOOD COUNTY ENGINEER AND NORTHWESTERN WATER AND SEWER DISTRICT FOR THIS SUBDIVISION.

WITNESS:

MIDLAND AGENCY OF NORTHWEST OHIO INC., TRUSTEE
401 ADAMS ST., TOLEDO, OHIO 43604

DONALD M. MEWHORT, III, PRESIDENT

SANDRA M. HYLANT, VICE PRESIDENT

STATE OF OHIO

S.S.

COUNTY OF _____

ON THIS DAY, THE _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED MIDLAND AGENCY OF NORTHWEST OHIO INC., TRUSTEE, BY ITS PRESIDENT, DONALD M. MEWHORT, III AND VICE PRESIDENT, SANDRA M. HYLANT, WHO ACKNOWLEDGED THE SIGNING OF THIS PLAT TO BE THEIR FREE ACT AND DEED AND THE VOLUNTARY ACT OF SAID CORPORATION FOR THE PURPOSES HEREON DESCRIBED.

WITNESS MY HAND AND SEAL THE DAY AND YEAR ABOVE WRITTEN

NOTARY PUBLIC, IN AND FOR THE STATE OF OHIO

MY COMMISSION EXPIRES _____, 20____

OFFICE OF THE WOOD COUNTY ENGINEER

THE SIGNATURE OF THE WOOD COUNTY ENGINEER AFFIRMS THAT THE PERIMETER BOUNDARY AND THE METES AND BOUNDS DESCRIPTION SHOWN HEREON HAVE BEEN REVIEWED AND ARE ACCURATE. ALL OTHER TECHNICAL DETAILS REMAIN THE RESPONSIBILITY OF THE SURVEYOR PREPARING THE PLAT.

SIGNED, ON THIS THE _____ DAY OF _____, 20____

JOHN M. MUSTERIC, P.E., P.S.
WOOD COUNTY ENGINEER

OFFICE OF THE NORTHWESTERN WATER AND SEWER DISTRICT

THIS PLAT IS APPROVED BY THE NORTHWESTERN WATER AND SEWER DISTRICT, ON THIS THE _____ DAY OF _____, 20____

JERRY R. GREINER, EXECUTIVE DIRECTOR

OFFICE OF THE MIDDLETON TOWNSHIP TRUSTEES

I HAVE EXAMINED THIS PLAT AND FIND IT IN COMPLIANCE WITH THE PROVISIONS OF THE MIDDLETON TOWNSHIP

ZONING RESOLUTIONS ON THIS, THE _____ DAY OF _____, 20____

JIM BOSTDORFF, TRUSTEE PENNY GETZ, TRUSTEE

FRED VETTER, TRUSTEE

OFFICE OF THE WOOD COUNTY DISTRICT BOARD OF HEALTH

THIS PLAT IS APPROVED BY THE WOOD COUNTY DISTRICT BOARD OF HEALTH, ON THIS

THE _____ DAY OF _____, 20____

LANA GLORE, DIRECTOR OF ENVIRONMENTAL HEALTH

OFFICE OF THE WOOD COUNTY PLANNING COMMISSION

THIS PLAT IS APPROVED BY THE WOOD COUNTY PLANNING COMMISSION, ON THIS THE _____ DAY OF _____, 20____

W. DAVID STEINER, DIRECTOR

OFFICE OF THE WOOD COUNTY COMMISSIONERS

THIS PLAT IS APPROVED AND ACCEPTED THIS THE _____ DAY OF _____, 20____. WE, THE UNDERSIGNED COMMISSIONERS IN AND FOR THE COUNTY OF WOOD, STATE OF OHIO, DO HEREBY APPROVE AND ACCEPT THE ATTACHED PLAT, TOGETHER WITH THE DEDICATION OF ALL RIGHTS-OF-WAY SHOWN THEREON.

DORIS I. HERRINGSHAW, COMMISSIONER CRAIG LAHOTE, COMMISSIONER

DR. THEODORE H. BOWLUS, COMMISSIONER

OFFICE OF THE WOOD COUNTY AUDITOR

THIS PLAT WAS SUBMITTED FOR APPRAISEMENT AND IS HEREBY TRANSFERRED, ON THIS

THE _____ DAY OF _____, 20____

MATTHEW OESTRICH
WOOD COUNTY AUDITOR

OFFICE OF THE WOOD COUNTY RECORDER

THIS PLAT IS FILED FOR RECORD ON THIS THE _____ DAY OF _____, 20____ AT _____ M. O'CLOCK.

RECORDED IN VOLUME _____, PAGE(S) _____, BOOK OF PLATS, ON THIS THE

_____ DAY OF _____, 20____

FEES PAID _____

INSTRUMENT NO. _____

JULIE L. BAUMGARDNER
WOOD COUNTY RECORDER



Engineers, Surveyors & Associates, LLC
5353 Secor Rd., Toledo, Ohio, 43623 Phone (419) 475-9445



Wood County Engineer

John M. Musteric, P.E., P.S. jmusteric@co.wood.oh.us

ONE COURTHOUSE SQUARE
BOWLING GREEN OH 43402
PHONE: 419-354-9060
FAX: 419-354-1409
Engineer.co.wood.oh.us

September 21, 2018

Mr. David Steiner, Director
Wood County Planning Commission
One Courthouse Square, Fifth Floor
Bowling Green, OH 43402

RE: Final Plat of **Saddlebrook Plat Nineteen**
Part of the NW ¼ of Section 23, T1, USR,
Middleton Township, Wood County, Ohio

Dear Mr. Steiner:

We have reviewed the Final Plat submitted for the above referenced subdivision against our Final Plat Checklist and have the following **major** comments:

General

- 1.) Item 1(e)- All lettering to be 0.14 inches high
- 2.) Item 1(g)-Submit CD as a .dwg file.

Plat Detail

- 1.) Item 2(b)-The plat does not meet the Land Transfer Policy's checklists (see below).
- 2.) The plat does not have a date.

Certifications

- 1.) Item 3(e)-The certification of the District Health Department has changed to just Health Department.
- 2.) Item 3(n)-The certification of all improvements installed or proof of an established escrow account for all non-constructed improvements.

Land Transfer Policy-Plat of Survey

- 1.) The plat is not signed or sealed.
- 2.) Check circled areas on plat against closure sheets.

Land Transfer Policy-Legal Description

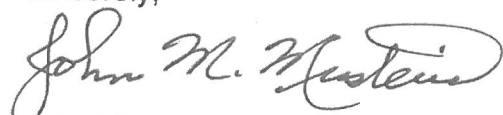
- 1.) There are minor errors in the legal description.

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We have enclosed a marked up copy of the plat to return to the consulting engineer/surveyor.
Please have them return this with their revised submittal.

If you have any questions, please do not hesitate to call our office.

Sincerely,



John M. Musteric, P.E., P.S.
Wood County Engineer

JMM/mw

Enclosures: as noted

c: Saddlebrook Plat Nineteen File w/enclosures
Middleton Township File w/o enclosures