

Review of Petition to Annex 1.593 +/- acres from Sharon Township to the city of Columbus by Donald T. Plank, Esq.

CASE #ANX-EXP2-01-09 **(ECONOMIC DEVELOPMENT & PLANNING)**

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Donald T. Plank, Esq. Filed on January 21, 2009 and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Expedited 2 petition, and having considered all the facts with reference thereto, being fully advised, and

WHEREAS, the Commissioners make the following findings based upon the exhibits and testimony presented at the review of this matter:

1. The petition does meet all the requirements set forth in, and was filed in the manner provided in, section 709.021 of the Revised Code.
2. The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all of the owners of real estate in that territory.
3. The territory proposed for annexation does not exceed five hundred acres.
4. The territory proposed for annexation shares a contiguous boundary with the municipal corporation to which annexation is proposed for a continuous length of at least five percent of the perimeter of the territory proposed for annexation.
5. The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.
6. The municipal corporation to which annexation is proposed has agreed to provide to the territory proposed for annexation the services specified in the relevant service ordinance #0131-2009, passed on February 2, 2009 by the city of Columbus.

Review of Petition to Annex 1.593 +/- acres from Sharon Township to the city of Columbus by Donald T. Plank, Esq.

(ECONOMIC DEVELOPMENT & PLANNING)

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

That, in accordance with the findings made in the preamble, which are incorporated herein, the prayer of the Petition be *approved*, and the territory sought to be annexed by the petition filed herein *shall* be annexed to the city of Columbus, Ohio, in accordance with the law; that the orders and proceedings of this board relating to the Petition, and map and description attached thereto, and all papers on file relating to this matter be delivered forthwith to the Clerk of Council, city of Columbus, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0146-09

March 03, 2009

REVIEW OF PETITION TO ANNEX 1.593 +/- ACRES FROM SHARON TOWNSHIP TO THE CITY OF COLUMBUS BY DONALD T. PLANK, ESQ.

(Economic Development and Planning)

Upon the motion of Commissioner John O'Grady, seconded by Commissioner Marilyn Brown:

Voting:

Paula Brooks, President	Aye
Marilyn Brown	Aye
John O'Grady	Aye

Board of County Commissioners
Franklin County, Ohio

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution adopted by the Board of County Commissioners, Franklin County, Ohio on the date noted above.



Debra A Willaman, Clerk
Board of County Commissioners
Franklin County, Ohio



Commissioners
 Marilyn Brown, President
 Mary Jo Kilroy
 Paula Brooks

Economic Development & Planning Department
 James Schimmer, Director

Application for Annexation Petition

Expedited Type 2
 Pursuant to ORC §709.023

RECEIVED

JAN 21 2009

Per 2

Property Information	
Site Address 7811 & 7844 Flint Road, Columbus, Ohio 43235	
Parcel ID(s) 250-003231 and 610-207690	Total Acreage 1.593 acres
From Township Sharon	To Municipality Columbus

Property Owner Information	
Name 1) Lee Ashley Marie, LLC	2) J&B Office, LLC
Address 1959 Thistlewood Court Columbus, OH 43235	8623 Scotsraig Court Dublin, OH 43017
Phone # (614) 430-0027 (1) (614) 781-1863 (2)	Fax # (614) 430-8071
Email jawright@rdshomedesign.com	

Attorney/Agent Information	
Name Donald T. Plank, Agent	
Address Plank & Brahm 145 E. Rich Street, 4 th Floor Columbus, OH 43215	
Phone # (614) 228-4546	Fax # (614) 228-1472
Email dplank@plankbrahm.com	

Staff Use Only
Case # <i>ANX - EXP II</i> <i>01-09</i>
Hearing date: <i>2-24-09</i>
Date filed: <i>1-21-09</i>
Fee paid <i>250.00</i>
Receipt # <i>7901</i>
Notifications deadline: 5 days <i>1-25-09</i>
Svc statement deadline: 20 days <i>2-9-09</i>

Document Submission
The following documents must accompany this application on letter-sized 8 1/2" x 11" paper:
<input checked="" type="checkbox"/> Legal description of property
<input checked="" type="checkbox"/> Map/plat of property
<input checked="" type="checkbox"/> List of adjacent properties

Waiver of Right to Appeal		
<p>WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.</p>		
<p>See Attached Petition for Annexation for Property Owners' Signatures</p>		
	<i>11-20-08</i>	
Property Owner	Date	Property Owner
		<i>11-20-08</i>
		Date

**1.593 acres of land for annexation purposes;
To the City of Columbus from Sharon Township,
Franklin County, Ohio**

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER

By BB Date 12/12/00

Situated in Quarter Township 2, Township 2 North, Range 18 West, United States Military Lands, also being part of Sharon Township, Franklin County, State of Ohio, also being all of a 0.862 acre tract of land as conveyed to Lee Ashley Marie, LLC as described in Instrument Number 199907020168241, also being a part of a 1.595 acre tract of land as conveyed to J&B Office, LLC as described in Official Record 34845 A-19, and being more particularly described as follows:

Beginning at the intersection of the southerly right-of-way line of Forest Ridge Drive (60' right-of-way) and the easterly right-of-way line of Flint Road (right-of-way varies) said point being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence along the southerly right-of-way line of Forest Ridge Drive, also along the northerly line of said 0.862 acre tract the following three courses:

South 86° 49' 33" East for a distance of thirty-one and eighty-seven one-hundredths feet (31.87') to a point of curvature; thence,

Along a curve to right having a radius of 120.00, an arc distance of 77.49', a central angle of 37° 00' 00" and a chord that bears South 68° 19' 33" East for a distance of 76.15' to a point of tangency; thence,

South 49° 49' 33" East for a distance of twenty-three and eighty-four one-hundredths feet (23.84') to a point, said point being along the southerly right-of-way line of Forest Ridge Drive, said point also being the northwesterly corner of a tract of land as conveyed to Colleen T. Kent as described in Instrument Number 200406020126071, said point also being the northwesterly corner of Lot Number 4 of Forest Ridge Subdivision as recorded in Plat Book 40 Page 18, said point also being the northeasterly corner of said 0.862 acre tract; thence,

Along the easterly line of said 0.862 acre tract, also being along the westerly line of said Lot Number 4 South 03° 21' 56" West for a distance of one hundred seventy-seven and twenty-eight one-hundredths feet (177.28') to a point, said point being along the northerly line of a 1.127 acre tract of land as conveyed to John A. and Kathleen Moss as described in Official Record 27931 B-12, said point also being the southeasterly corner of said 0.862 acre tract, said point also being the southwest corner of said Lot Number 4; thence

Along the southerly line of said 0.862 acre tract, also being along a portion of the northerly line of said 1.127 acre tract and then along a portion of the northerly line of a 0.490 acre tract of land as conveyed to Linda L. Jarrett as described in Instrument Number 200710260186660, North 86° 38' 04" West for a distance of ninety-eight and fifty one-hundredths feet (98.50') to a point, said point being along the southerly line of said 0.862 acre tract, said point also being along the northerly line of said 0.490 acre tract; thence,

Along the southerly line of said 0.862 acre tract, also being along a portion of the northerly line of said 0.490 acre tract and then along the northerly line of a 0.555 acre tract as conveyed to Rita Dimarco as described in Official Record 6617 F-07, Parcel No. 1 North 86° 02' 31" West for a distance of one hundred eighty-two and fifty one-hundredths feet (182.50') to a point, said point being along the centerline of Flint Road, said point also being the northwesterly corner of said 0.555 acre tract; thence,

Along the centerline of Flint Road, also being along the westerly line of said 0.555 acre tract South 31° 08' 57" West for a distance of one hundred thirty-eight and eighty-seven one-hundredths feet (138.87') to a point, said point being southwest corner of said 0.555 acre tract; thence,

Along the southerly line of said 0.555 acre tract South 59° 15' 43" East for a distance of thirty and three one-hundredths feet (30.03') to a point, said point being at the

intersection of the easterly right-of-way line of Flint Road and the northerly right-of-way line of Pocono Road (50' right-of-way); thence,

Crossing through Pocono Road *South 24° 37' 49" West for a distance of eighty-seven and fifty-seven one-hundredths feet (87.57')* to a point, said point being at the intersection of the easterly right-of-way line of Flint Road and the southerly right-of-way line of Pocono Road, said point also being along the division line between Sharon Township and City of Columbus as established by City of Columbus Case Number 29-82; thence,

Crossing through Flint Road along said division line between City of Columbus and Sharon Township *North 58° 53' 33" West for a distance of sixty-nine and sixty-eight one-hundredths feet (69.68')* to a point, said point being along said division line between City of Columbus and Sharon Township; thence,

Along said division line between City of Columbus and Sharon Township, also crossing through Flint Road *North 31° 04' 06" East for a distance of one hundred eighty-five and twenty-four one-hundredths feet (185.24')* to a point, said point being along the westerly right-of-way line of Flint Road, said point also being along the division line between City of Columbus and Sharon Township as established by Ordinance Number 55-87; thence,

Along the westerly right-of-way line of Flint Road, also being along the easterly line of said 1.595 acre tract, and then along the easterly line of a 0.377 acre tract of land as conveyed to Robert L. Roshon as described in Instrument Number 200106080129217, and then along the easterly line of a 0.354 acre tract of land as conveyed to Robert L. & Megan A. Roshon as described in Official Record 14915 C-19, also being along a portion of the division line between City of Columbus and Sharon Township as established by Ordinance Number 55-87 *North 31° 08' 57" East for a distance of three-hundred sixty-two and ninety one-hundredths feet (362.90')* to a point, said point being along the westerly right-of-way line of Flint Road, said point also being the northwesterly corner of said 0.354 acre tract; thence,

Crossing through Flint Road *South 58° 57' 09" East for a distance of thirty and zero one-hundredths feet (30.00')* to a point, said point being along the centerline of Flint Road; thence,

Along the centerline of Flint Road *South 31° 08' 57" West for a distance of thirteen and thirty-one one-hundredths feet (13.31')* to a point, said point being along the centerline of Flint Road; thence,

Crossing through Flint Road *South 86° 44' 25" East for a distance of forty-five and twenty-six one-hundredths feet (45.26')* to a point, said point being at the intersection of the northerly right-of-way line of Forest Ridge Drive and the easterly right-of-way line of Flint Road, said point also being the westerly corner of Reserve "C" of said Forest Ridge Subdivision; thence,

Along a line crossing through Forest Ridge Drive along the extension of the easterly right-of-way line of Flint Road *South 31° 08' 57" West for a distance of sixty-seven and ninety-four one-hundredths feet (67.94')* to the place of beginning containing 1.593 acres.

Basis of bearings for the above-described courses is the centerline of North High Street being North 03° 10' 07" East as shown on plans entitled U.S. 23, North High Street, dated 11/9/94.

This description was prepared for annexation purposes from documents of record. No field survey was performed.



Michael L. Keller

Michael L. Keller
Professional Surveyor, Ohio License No. 7978

12/10/09
Date



RECEIVED

FEB - 6 2009

Per CSR

City of Columbus Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 0131-2009

Emergency

File Number: 0131-2009

File Type: Ordinance

Status: Passed

Version: 1

Controlling Body: Development Committee

File Name: Annexation Service AN08-019: 1.593 acres, Sharon Township,
Lee Ashley Marie LLC

Introduced: 1/22/2009

Requester: Dev Drafter

Cost:

Final Action: 2/5/2009

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Kevin Wheeler 645-6057

Floor Action (Clerk's Office Only)

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 0131-09 passed by The Council of The City of Columbus, Ohio 2-2, 2009 as shown by the record now on file in this office.

Seal

Andrea Cleveland
City Clerk

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title:

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN08-019) of 1.593± acres in Sharon Township to the city of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Sponsors:

Indexes:

Attachments: ORD0131-2009 AN08-019 Legal Description.doc, ORD0131-2009 AN08-019 Map.doc

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:	
1	Dev Drafter	1/22/09	Sent for Approval	DEVELOPMENT DIRECTOR				
	Action Note:	Planning Division						
1	DEVELOPMENT DIRECTOR	1/22/09	Reviewed and Approved	Dev Drafter				
	Action Note:	nmb						
1	Dev Drafter	1/22/09	Sent to Clerk's Office for Council	City Clerk Inbox				
1	Columbus City Council	2/2/09	Approved					
1	COUNCIL PRESIDENT	2/2/09	Signed					
1	MAYOR	2/4/09	Signed					
1	CITY CLERK	2/5/09	Attest					

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

AN08-019

BACKGROUND: This ordinance is being submitted to set forth the municipal services and zoning conditions the city of Columbus will provide upon annexation of a territory located in Sharon Township. This ordinance is required by the Ohio Revised Code as enacted by the General Assembly of the State of Ohio. Notice of the annexation request was received from Franklin County. The ordinance must be passed before the annexation meeting takes place before the Board of County Commissioners of Franklin County. Information to determine the municipal services that would be available was compiled following the receipt of the notice. This process takes a minimum of two weeks to complete. Preparation of the ordinance and submission to the City Clerk in order to have a timely hearing before City Council requires a minimum additional time of two weeks. All of the above creates the necessity for emergency legislation in order to meet the hearing deadline.

FISCAL IMPACT: The statement of municipal services and zoning conditions for a proposed annexation area has no fiscal impact. However, provision of the stated services does represent cost to the city. The annexation of land also has the potential to create revenue to the city.

Title

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN08-019) of 1.593± acres in Sharon Township to the city of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Body

WHEREAS, a petition for the annexation of certain territory in Sharon Township was duly filed on behalf of Lee Ashley Marie LLC on January 21, 2009 and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on February, 24 2009; and

WHEREAS, the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

WHEREAS, the Ohio Revised Code requires that before said meeting the Municipal Legislative Authority to adopt an ordinance stating zoning buffering conditions; and

WHEREAS, properties proposed for annexation are included within the Columbus Comprehensive Plan study area and within the Far North planning area; and

WHEREAS, upon annexation, properties will have uniform access to City services as they become available; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this ordinance to the Franklin County Board of Commissioners in accordance with the Ohio Revised Code all for the preservation of the public peace, property, health safety and welfare; **now, therefore**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the city of Columbus will provide the following municipal services for 1.593 ± acres in Sharon Township upon the annexation of said area to the city of Columbus:

Public Safety: The City of Columbus, Department of Public Safety will be able to provide the appropriate level of safety related services to the proposed annexation area. Such services will include police and fire protection as well as emergency medical service to the subject property.

While the petitioner for annexation may have proposed future development plans for the property in question, the Department of Public Safety requests that the City exercise its discretion in the coming development planning and review process to ensure any future development will be properly served by the Department of Public Safety. Discussions between the City and the present property owner or any future developers regarding post annexation changes in zoning or other changes to the property should include the Department of Public Safety and the Department of Development to ensure any proposed development of the annexation property may be adequately accommodated. Specific details for safety services are dependent upon the parameters of future development that is ultimately approved by the City.

Sanitation: Residential refuse collection services will be available upon annexation of the property.

Transportation: Maintenance will be available for any additional right-of-way that may be included in this annexation request. If this annexation contains existing signalized intersections, those intersections and signals are subject to Transportation Division Policy, which appeared in the December 6, 2003 Columbus City Bulletin, and any subsequent updates thereto.

Water: The proposed annexation site is within the Delco Water Company service territory and is receiving water from Delco. There is no intent to change service at this time. While Columbus service is available in the area, it would only be provided in the event that Delco chooses not to do so.

Sewer:

Sanitary Sewer:

The proposed annexation site is currently served by a 10" Franklin County sanitary sewer.

Storm Sewer:

All storm sewers necessary for development/redevelopment of the area shall be designed in accordance with design policy and zoning codes in effect at the time of development.

All sanitary and storm sewers required shall be constructed privately by the owners/developers at their own cost and expense with no cost to the city.

Section 2. If this 1.593 acre site is annexed and if the City of Columbus permits uses in the annexed territory that the City of Columbus determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Sharon Township, the Columbus City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Sharon Township. For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

LEGAL DESCRIPTION
ANNEXATION AN08-019
1.593 acres in Sharon Township
Lee Ashley Marie LLC

Situated in Quarter Township 2, Township 2 North, Range 18 West, United States Military Lands, also being part of Sharon Township, Franklin County, State of Ohio, also being all of a 0.862 acre tract of land as conveyed to Lee Ashley Marie, LLC as described in Instrument Number 199907020168241, also being a part of a 1.595 acre tract of land as conveyed to J&B Office, LLC as described in Official Record 34845 A-19, and being more particularly described as follows:

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Along the southerly line of said 0.862 acre tract, also being along a portion of the northerly line of said 0.490 acre tract and then along the northerly line of a 0.555 acre tract as conveyed to Rita Dimarco as described in Official Record 6617 F-07, Parcel No. 1 North 86° 02' 31" West for a distance of one hundred eighty-two and fifty one-hundredths feet (182.50') to a point, said point being along the centerline of Flint Road, said point also being the northwesterly corner of said 0.555 acre tract; thence,

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Along said division line between City of Columbus and Sharon Township, also crossing through Flint Road *North 31° 04' 06" East for a distance of one hundred eighty-five and twenty-four one-hundredths feet (185.24')* to a point, said point being along the westerly right-of-way line of Flint Road, said point also being along the division line between City of Columbus and Sharon Township as established by Ordinance Number 55-87; thence,

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Along a line crossing through Forest Ridge Drive along the extension of the easterly right-of-way line of Flint Road *South 31° 08' 57" West for a distance of sixty-seven and ninety-four one-hundredths feet (67.94')* to the place of beginning containing 1.593 acres.

Basis of bearings for the above-described courses is the centerline of North High Street being North 03° 10' 07" East as shown on plans entitled U.S. 23, North High Street, dated 11/9/94.