

ORDINANCE NO. 23-197

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF SANDUSKY TO REZONE THE WESTERN PORTION OF PARCEL NO. 57-04139.000 LOCATED AT 123 DIVISION STREET FROM "PF" PUBLIC FACILITIES DISTRICT TO "R2F" TWO-FAMILY RESIDENTIAL DISTRICT AND THE EASTERN PORTION FROM "PF" PUBLIC FACILITIES DISTRICT TO "LB" LOCAL BUSINESS DISTRICT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT UNDER SUSPENSION OF THE RULES AS CONTAINED IN AND IN ACCORDANCE WITH SECTION 13 OF THE CITY CHARTER.

WHEREAS, a request is being made by Dr. John M. Davenport for an amendment to the Zone Map No. 96-01 as codified in Section 1121.03 of the Codified Ordinances of the City for Parcel No. 57-04139.000, located at 123 Division Street to rezone the western portion from "PF" Public Facilities District to "R2F" Two-Family Residential District and the eastern portion from "PF" Public Facilities District to "LB" Local Business District and as more fully described in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein; and

WHEREAS, the existing parcel at 123 Division Street currently has both a residential structure and an old church that is being used for a business and the applicant is proposing to split the parcel to create two (2) separate lots, one for the existing residential structure (Parcel 1) and one for the structure currently housing the *Halo Live* venue (Parcel 2); and

WHEREAS, this request was heard by the Planning Commission at their August 23, 2023, meeting resulting in the Planning Commission's recommendation to **approve** the requested Zone Map Amendment for Parcel No. 57-04139.000 located at 123 Division Street; and

WHEREAS, a public hearing on the applicant's request was held by this City Commission at their October 9, 2023, regularly scheduled meeting; and

WHEREAS, this Ordinance should be passed under suspension of the rules in accordance with Section 13 of the City Charter approving the Amendment to the Zone Map 96-01 as Codified in Section 1121.03 of the Codified Ordinances to rezone the western portion of Parcel No. 57-04139.000 located at 123 Division Street from "PF" Public Facilities District to "R2F" Two-Family Residential District and the eastern portion from "PF" Public Facilities District To "LB" Local Business District; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio and, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

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Section 1. This City Commission approves the requested rezoning and the Zone Map 96-01, as codified in Section 1121.03 of the Codified Ordinances of the City, is hereby amended to effect the rezoning of Parcel No. 57-04139.000, located at 123 Division Street to rezone the western portion from "PF" Public Facilities District to "R2F" Two-Family Residential District and the eastern portion from "PF" Public Facilities District to "LB" Local Business District as more fully described in Exhibits "A" and "B" which are attached to this Ordinance and specifically incorporated herein.

Section 2. The City's Chief Planner is directed to make the change on the original Zoning Map on file in the Office of Planning and Zoning.

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter after its adoption and due authentication by the President and the Clerk of The City Commission.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION




ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: October 9, 2023 (effective after 30 days)

**Exhibit
"A"**

NEW LEGAL

 Ohio Bar Title Insurance Company <small>A Subsidiary of First American Title Insurance Company</small>	Commitment for Title Insurance
Exhibit A	<small>ISSUED BY</small> Ohio Bar Title Insurance Company

File No.: 4811

The Land referred to herein below is situated in the County of Erie, State of Ohio and is described as follows:

Parcel A:

Being situated in the State of Ohio, County of Erie, City of Sandusky, Second Ward, Part Lots 60 & 62 Scranton's Survey of Southwark's Addition and Part Sublot 2 Joseph Darling Survey and being more definitely described as follows:

Commencing at a drill hole cut in curb, marking the intersection of the West right-of-way line of Wayne Street (82.5 ft) with the North right-of-way line of Division Street (39.6 FT); Thence South 65°59'24" West along the North right-of-way line of Division Street, a distance of 117.62 feet to a 1/2" iron pin & cap, set and the true point of beginning;

- (1) Thence South 65°59'24" West continuing along said North right-of-way line, a distance of 45.00 feet to a 1 1/2" iron pipe, found, marking the Southeast corner of a parcel owned by Eugene & Nancy Davlin (BV 156 PG 716);
- (2) Thence North 23°36'41" West along the east line of said Davlin parcel, a distance of 66.76 feet to a point;
- (3) Thence North 65°59'24" East continuing along said East line and the South line of a parcel owned by Kevon & Christine Aldridge (RN 200612991), a distance of 45.00 feet to a drill hole cut in curb;
- (4) Thence South 23°36'41" East a distance of 66.76 feet to the point of beginning, containing 0.0689 acre, more or less, of which 0.0048 acre is in Sublot 2 and 0.0295 acre is in Lot 60 and 0.0344 acre is in Lot 62, but being subject to all legal highways, easements and restrictions of record.

The above description was prepared from an actual survey by Daniel E. Hartung, Jr., Professional Surveyor No. 5667 in April 2017. The bearings were assumed only for the purpose of indicating angles.

Parcel B:

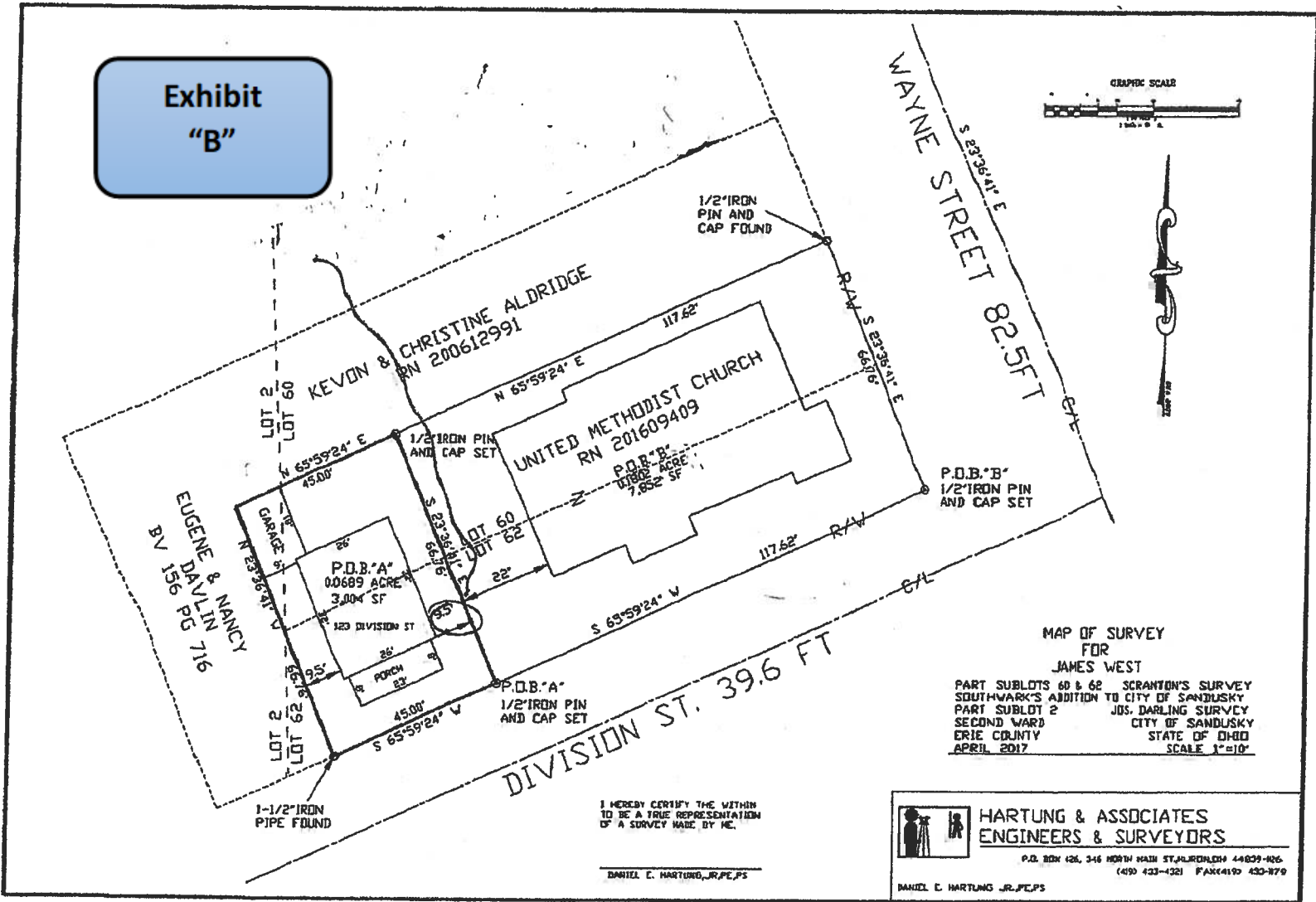
Being situated in the State of Ohio, County of Erie, City of Sandusky, Second Ward, Part Lots 60 & 62 Scranton's Survey of Southwark's Addition and being more definitely described as follows:

Beginning at a drill hole cut in curb, marking the intersection of the West right-of-way line of Wayne Street (82.5 FT) with the North right-of-way line of Division Street (39.6 FT);

- (1) Thence South 65°59'24" West along the North right-of-way line of Division Street, a distance of 117.62 feet to a 1/2" iron pin & cap set;
- (2) Thence North 23°36'41" West a distance of 66.76 feet to a drill hole cut in curb, on the South line of a parcel owned by Kevon & Christine Aldridge (RN 200612991);
- (3) Thence North 65°59'24" East along the South line of said Aldridge parcel, a distance of 117.62 feet to a 1/2" iron pin & cap, found on the West right-of-way line of Wayne Street;
- (4) Thence South 23° 36' 41" East along the West right-of-way line of Wayne Street, a distance of 66.76 feet to the point of beginning, containing 0.1802 acre, more or less, of which 0.0910 acre is in Lot 60 and 0.0892 acre is in Lot 62, but being subject to all legal highways, easements and restrictions of record.

The above description was prepared from an actual survey by Daniel E. Hartung, Jr., Professional Surveyor No. 5667 in April, 2017. The bearings were assumed only for the purpose of indicating angles.

Exhibit
"B"



MAP OF SURVEY
FOR
JAMES WEST
PART SUBLOTS 60 & 62 SCRANTON'S SURVEY
SOUTHWARK'S ADDITION TO CITY OF SANDUSKY
PART SUBLT 2 JOS. DARLING SURVEY
SECOND WARD CITY OF SANDUSKY
ERIE COUNTY STATE OF OHIO
APRIL 2017 SCALE 1"=10'

I HEREBY CERTIFY THE WITHIN
TO BE A TRUE REPRESENTATION
OF A SURVEY MADE BY ME.

DANIEL E. HARTUNG, JR., P.E., P.S.

HARTUNG & ASSOCIATES
ENGINEERS & SURVEYORS
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