

Application for Administrative Appeal

DATE SUBMITTED

May 19, 2025

SUBMITTED TO

Harlem Township Board of Appeals
3883 S State Route 605
Galena, Ohio 43021

SUBJECT PROPERTY

12116 Center Village Road
Westerville, Ohio 43082
5.13 acres
Parcel #316-310-02-004-000

APPLICANT

Derrick & Lorraina Neff
7869 Peter Hoover Road
New Albany, Ohio 43054

AGENT FOR APPLICANT

Plan 4 Land, LLC
1 South Harrison Street
P.O. Box 306
Ashley, Ohio 43003
www.plan4land.net

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NOTICE

Derrick & Lorraina Neff are requesting an administrative appeal based on the herein stated reasonable grounds, in accordance with Section 28.05 of the Harlem Township Zoning Resolution and Section 519.14 of the Ohio Revised Code. This appeal is in regards a "Cease and Desist Order" regarding a 5.013-acre property owned by Derrick & Lorraina Neff at 12116 Center Village Road, Westerville, Ohio 43082 in Harlem Township.

THE DECISION

A Cease and Desist Order was issued by the Harlem Township Zoning Inspector dated April 25, 2025. The topic of this order was the subject of a meeting of the Harlem Township Zoning Inspector with the applicant's agents with Plan 4 Land, LLC on April 28, 2025. Notice of administrative appeal was preliminarily provided to Mike Cannon, Harlem Township Zoning Inspector by e-mail on May 9, 2025 with a request for a stay of enforcement. It was clarified that the next meeting of the Board of Zoning Appeals where this appeal may be presented is May 19, 2025.

AUTHORITY

The applicant is filing this appeal as a precursor to asking for permission to separately prepare and file an application for variance to allow for enlargement of a non-conforming use in accordance with Section 24.03 of the Harlem Township Zoning Resolution, if it is determined to be necessary and appropriate.

The applicant is seeking a fair and impartial hearing with the Harlem Township Board of Zoning Appeals to discuss decisions of the Harlem Township Zoning Inspector that lead to this "Cease and Desist Order" in accordance with Section 28.05 of the Harlem Township Zoning Resolution, which states:

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by ordinary mail to the parties in interest, give notice to such public hearing by one posting on the township website and by one publication in a newspaper of general circulation within the township at least ten (10) days prior to the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.

REASONABLE GROUNDS FOR APPEAL

The appeal is to the following specific decisions made by Mike Cannon, current Harlem Township Zoning Inspector:

1. Decision that prior use of the subject property did not constitute a legal non-conforming use;
2. Decision that the landowner rights to maintain the legal non-conforming use of the were not transferred with the transfer in ownership that occurred on May 13, 2021;
3. Decision that the owner's trucking business may not have standing or be permissible administratively by the Harlem Township Zoning Inspector or the Board of Zoning Appeals in accordance with Section 24.03 of the Harlem Township Zoning Resolution as a modification or enlargement of a legal non-conforming use; and
4. Decision to order a "Cease and Desist" upon Derrick Neff for "unauthorized commercial activity" on the same property.

CLAIM #1 – DOCUMENTATION OF NON-CONFORMING USE

The applicant will submit testimony of known facts and use witness testimony to further demonstrate the continued legal non-conforming nature of the use of this site, but presents the following written summary for consideration in advance of the public hearing(s).

Delaware County Auditor's Office records (see Exhibit A) indicate the principal building on this property was constructed in 1960 before zoning regulations were enacted. The building was later remodeled in 1974. The building was constructed for industrial use and contains three overhead doors that were elevated loading docks for semi-truck deliveries at the time the applicant purchased the property (see Exhibit B).

The prior owner, Alan Leroy Garrabrant, resides next door to this property at 12030 Center Village Road, Westerville, Ohio 43082. During an exploration interview by the applicant's agent, he offered the following testimony:

The property was owned by the Garrabrant family since before zoning was enacted in Harlem Township. The initial building was constructed in 1960. The building and property were used for light manufacturing ever since the 1960s until the day it was sold to the applicant on May 13, 2021. The building has been modified over time to facilitate deliveries and shipments with three (3) loading docks and various other improvements to facilitate industrial use. The current building is 6,200 square feet in area, with the main building being 40' x 115' with an additional 40' x 40' area.

For most of this time owning the property, Mr. Garrabrant was an instructor of technology and woodworking at Big Walnut High School. He used the building and property for commercial research and development projects.

This custom research and development included a wide range of issues, including developing a pattern for fuel technologies, work on car engines, hydrogen fuel, developing technologies for fueling vehicles with burning plastics, propane and other various exploratory fuels. Other business activity included manufacture and fabrication of materials for roofing, custom built wood heating stoves, metal jigs, clear weather coating for buildings, garage door panels, forging knives, engineer repair, custom door manufacturing, construction of sheds and other housing materials. The development also included that of custom water pumps, fat and lard heating systems, oil burners, varmint poison, jewelry making, construction of furniture, cabinet, window frame and glass tables. The list of activities continued to include manufacturing of concrete stoves, white marble pots.

The business use included use and on-site storage of larger trucks for logistics including dump trucks, trailers, trucks and various equipment to support the manufacturing and fabrication activities.

Beyond commercial activities, the property was also used for various seminars and classes where students and interested individuals were able to study and witness the research and development practices.

It was indicated that the building was still used in retirement prior to sale, as Mr. Garrabrant moved equipment out just before sale to facilitate the transfer of ownership. The gap in use, was less than two (2) years to ensure the legal non-conforming use would continue to be permissible.

Not like a traditional manufacturing or fabrication site where production may have been focused more on quantity, this was more of a quality control facility where the technologies were being developed and sold to businesses that would do mass production. The pre-hearing interview with Mr. Garrabrant was very informative and we hope he can be witness at the public hearing(s) to allow the Board of Zoning Appeals to appreciate the historic nature of the light industrial use on this property that the applicant is asking to be considered a legal non-conforming use that has been maintained since at least 1960.

To prove a nonconforming use, a landowner must show by a preponderance of the evidence that "the use [was] in existence prior to the enactment of [any applicable] land use regulation[s]," and that the use was "lawful at the time [it] was established." *Belich v. Olmsted Falls, 8th Dist. Cuyahoga Nos. 84537 and 84807, 2005-Ohio-190, ¶ 16; Wooster v. Entertainment One, Inc., 158 Ohio App.3d 161, 2004-Ohio-3846, 814 N.E.2d 521, ¶ 48 (9th Dist.).*

It is the applicant's argument that additional evidence would have been presented to Harlem Township Zoning Inspector and/or Harlem Township Board of Zoning

Appeals prior to purchase and eventual change of use, if it was requested by the prior Harlem Township Zoning Inspector Matt Kurz.

CLAIM #2 – TRANSFER OF NON-CONFORMING RIGHTS

After purchasing the property, the applicant discussed the planned use of property with prior Harlem Township Zoning Inspector Matt Kurz, who offered safeguards to the applicant to ensure they maintain a legal non-conforming use. After describing the change of use planned, Mr. Kurz directed Mr. Neff, “do not dump and resell anything off the property.” Additionally, Mr. Kurz directed, “keep it clean and keep storage out of sight”.

The applicant took special care after 2021 to follow his advice and counsel in administratively approving the continuation or substitution of the legal non-conforming use of this property. The applicant relied upon the indications of the prior Harlem Township Zoning Inspector. If Harlem Township Zoning Inspector had indicated proposed use would not be permitted or approved, would not have purchased property or subsequently expended funds to improve the property.

Subsequently, the current Zoning Inspector Mike Cannon has decided that the property owner rights to maintain legal non-conforming use of the property was not transferred with the ownership of property.

“An established nonconforming use runs with the land, and hence a change in ownership will not destroy the right to continue the use.” *Marietta v. Bd. of Trustees for Washington Cty. Woman’s Home*, 2020-Ohio-5144, 161 N.E.3d 736, ¶ 71 (4th Dist.), quoting 8A Eugene McQuillin, *The Law of Mun. Corp.* § 25.188, at 59 (3d ed. 2018)

There are no specific regulations in the Harlem Township Zoning Resolution or Ohio Revised Code that contradicts this case law. The applicant asks the Board of Zoning Appeals to rule on this topic. This decision to not honor the transfer of property rights may be considered a taking of property value. The applicant specifically argues that this decision to not honor the transfer of rights to use this property for light industrial uses, such as the applicant’s trucking business is unconstitutional and the applicant’s right to due process has been taken by not being offered the opportunity to seek a continuation, substitution or enlargement of the legal non-conforming use of this property.

CLAIM #3 – REQUEST FOR SUBSTITUTION/ENLARGEMENT

Pursuant to ORC 519.19, a zoning resolution must provide a method of extension of a nonconforming use *Genoa Township Board of Trustees v Randy L. Martindale* Case No. 09 CAH 07 0071.

“The Fourteenth Amendment to the United States Constitution and Section 16, Article I of the Ohio Constitution recognize a right to continue a given use of real

property if such use is already in existence at the time of the enactment of a land use regulation forbidding or restricting the land use in question." *Wooster v. Entertainment One, Inc.*, 158 Ohio App.3d 161, 2004-Ohio-3846, ¶ 45 (9th Dist.).

Generally, zoning ordinances and land use regulations are not supposed to be retroactive; they ordinarily apply only to new or modified uses of land. The Supreme Court of Ohio has held that land-use restrictions may not apply retroactively to prohibit the lawful use of real property, unless such use creates a nuisance affecting the public health, safety, morals or general welfare. See *City of Akron v. Chapman*, 116 N.E.2d 697 (Ohio 1953). Accordingly, when a new zoning law restricts or outlaws existing uses that would otherwise be lawful, these nonconforming uses are "grandfathered" and "may be continued, although such use does not conform with the provisions of such ordinance or amendment..." See *Ohio Revised Code §713.15*.

The zoning code provides that the lawful use of a building exists at the effective date of the zoning resolution, which may be continued although such use does not conform to the provisions hereof. If a building has a lawful non-conforming use and no significant structural alterations are made to the building, "a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification." *Ohio Revised Code §713.15*.

The applicant previously submitted a rezoning to Planned Commercial Office District (PCD) that was directed as an option by the Harlem Township Zoning Inspector and Delaware County Prosecutor in direct correspondence and dialogue. This option may be explored by the applicant, however the applicant first wishes to pursue the Harlem Township Board of Zoning Appeals to consider if continuation or substitution of the non-conforming use is permitted by Article 24 of the Harlem Township Zoning Resolution.

If this is not administratively permitted, the applicant would like the opportunity to prepare and seek an enlargement of a non-conforming use in accordance with Section 24.03 of the Harlem Township Zoning Resolution, which states:

No non-conforming building or use may be completed, extended or substituted except upon the review and approval and if necessary a variance permit issued by the Board of Zoning Appeals pursuant to Article XXVIII and this section. The Board of Zoning Appeals shall have the power to permit changes and extensions of non-conforming uses as follows:

- A. A non-conforming use of less objectionable nature may be substituted for an existing non-conforming use.*
- B. An existing, legal non-conforming use which occupies only a portion of an existing structure or premises may be extended to additional portions or such structure or premises.*
- C. The alteration, relocation or reconstruction of a non-conforming use, structure, sign or building provided that such will make the non-*

conforming use substantially more in character with its surroundings and shall meet all setback requirements of said district.

- D. The extension of a non-conforming use when such extension will substantially make the non conforming use more in character with its surroundings.*
- E. Any extension shall not be more than 25% greater in size than the non-conforming use that existed at the time of passage of this Zoning Resolution.*

The Board of Zoning Appeals may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interest.

Since being made aware of this potential process for seeking a remedy to the "Cease and Desist Order," the applicant has engaged Plan 4 Land, LLC to begin compiling the necessary documentation to file this request, if it is determined to be an option by the Board of Zoning Appeals. It is the applicant's understanding that this would only be an option if the Board of Zoning Appeals agrees there was prior non-conforming use of the property and that this right was extended to the applicant through the transfer of ownership.

CLAIM #4 – PROHIBITION OF COMMERCIAL ACTIVITY

"[A]n increase in the volume of business alone does not constitute an unlawful extension of a nonconforming use where the nature of the land is virtually unchanged," (citing *Hunziker v. Grande*, 8 Ohio App.3d 87, 89 (8th Dist.1982) and that "Nonconforming use restrictions are meant to apply to the area of the use and not to inventory," (citing *State ex rel. Zoning Inspector of Montgomery Cty. v. Honious*, 20 Ohio App.2d 210, 212 (2d Dist.1969).

As indicated herein, the prior owner of the property had multiple trucks on this property and it is the applicant's understanding that their past and current use of the property since purchase in 2021 has continued the lawful non-conforming use of this property. If it is subsequently decided or affirmed as a result of this appeal that the use of this property is not legally permitted, the applicant would welcome the opportunity to further discuss any protections or limitations on the use that may need to be enacted or placed on the current use of the property to ensure compliance as a continuation, substitution or enlargement of the legal non-conforming use. This conversation would be best had after decisions are made on arguments #1 - #3.

This is the final argument posed with this appeal, as it is determined that a reversal on these four decisions in whole or in part would provide for due process and the opportunity for the current use of this property to be considered legal non-conforming in all or in part.

REQUEST FOR SUBPOENA OF WITNESSES

In accordance with Section 519.15 of the Ohio Revised Code, the Harlem Township Board of Zoning Appeals may compel the attendance of witnesses. The applicant hereby asks for notice of hearing to be sent to the applicant and their agent, with the information provided on the cover of this request. Additionally, the applicant seeks subpoena of the following individuals:

1. Mike Cannon, 3883 S. State Route 61, Galena, Ohio 43021, being the current Harlem Township Zoning Inspector.
2. Matt Kurz, address unknown, being former Harlem Township Zoning Inspector.
3. Alan Leroy Garrabrant, 12030 Center Village Road, Westerville, Ohio 43082, being prior owner of subject property.

PARTIES OF INTEREST

The applicant will invite additional witnesses to the public hearing(s) on this application, to adequately address counter arguments to the decision and statements made by the Harlem Township Zoning Inspector and any other future defendants to this claim for appeal. The Harlem Township Zoning Inspector has contact information for parties who have complained about the use of this property and shall be responsible for providing the Harlem Township Board of Zoning Appeals with a list of those individuals to be listed as parties of interest in accordance with Section 28.05 of the Harlem Township Zoning Resolution.

REQUEST FOR STAY OF ENFORCEMENT

The applicant hereby seeks the Board of Zoning Appeals to stay all enforcement of the "Cease and Desist Order" dated April 24, 2025 until after the Harlem Township Board of Zoning Appeals has made a determination on this administrative appeal.

This request is justified as the Board of Zoning Appeals, shall hold the powers of the Harlem Township Zoning Inspector on this matter until the appeal is decided. In exercising its authority pursuant to Ohio Revised Code § 519.14(A)-(D), the Board of Zoning Appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

It is the applicant's argument that the requirement to not use this property for business purposes is directly contrary to due process rights referenced herein this application. Enforcing this order during the application review process is unconstitutional and constitutes a taking of the applicant's property rights and value. Strict enforcement of this order that is the subject of this appeal could be

subject to claim for damages in accordance with Section 519.26 of the Ohio Revised Code if this appeal results in reversing the decision of the Harlem Township Zoning Inspector to issue the "Cease and Desist Order."

PUBLIC RECORDS REQUEST

In accordance with Section 28.05 of the Harlem Township Zoning Resolution, the Zoning Inspector is asked to provide documentation of all public records applicable to this property, other decisions on these matters relative to their term as Harlem Township Zoning Inspector. This shall apply to the current and past Zoning Inspector, as the tenure of this office is not considered in the statute.

Furthermore, Section 28.09 of the Harlem Township Zoning Resolution indicates:

All communications to members of the Board of Zoning Appeals, written or oral, which shall be reduced to writing pertaining to any matter before the Board shall be made a part of the record. The record of the Board's proceedings in any matter shall be kept on file in the township office at Township Hall at Center Village, subject to the order of the Delaware County Common Pleas Court, and available for inspection by the public.

Finally, Section 28.10 of the Harlem Township Zoning Resolution indicates:

For any hearing at which the applicant desires a record to be made, the applicant shall give notice to the Zoning Secretary at least 10 days prior to the hearing requesting that a Court Reporter be retained, to make such record and the applicant shall deposit with the request, cash in the amount established by the Trustees to be used to defray the expense of making such a record. In all hearings where no request for a record has been made, the notes of the Zoning Secretary of the Board of Zoning Appeals shall serve as the sole record and trans

The applicant requests a copy of all public records presented to the Harlem Township Board of Zoning Appeals in conjunction to this request including documentation, in accordance with Section 28.09, of any "written or oral" correspondence between the Harlem Township Zoning Inspector and the members of the Harlem Township Board of Zoning Appeals prior to and throughout the duration of this or future appeals, in relation to this property, the past or current use and the decisions being appealed.

RIGHT OF APPEAL AND SUBSEQUENT CLAIMS

The applicant reserves the right to provide additional justification and cross-examination of witnesses in order to seek that these decisions be overturned in part or in whole by the Board of Zoning Appeals.

If the applicant does not find a reasonable response, they understand they have the right to subsequent appeal with the Delaware County Court of Common Pleas. It is the applicant's interest to leave land use decisions to the local community, so it is herein requested that reasonable time and resources be allocated to addressing this appeal with the Harlem Township Board of Zoning Appeals.

The nature of this "Cease and Desist Order" will cause direct expense to the applicant. If caused to relocate, client will suffer damages. Ohio Revised Code §519.26 allows for claims for damages and the applicant simply references this right to stress the importance of due process in considering this request. Section 519.26 states:

A final judgment on the merits issued by a court of competent jurisdiction pursuant to its power of review under Chapter 2506. of the Revised Code, on claims brought under this chapter, does not preclude later claims for damages, including claims brought under 42 U.S.C. 1983, even if the common law doctrine of res judicata would otherwise bar the claim.

The general assembly intends that this section be construed to override the federal sixth circuit court of appeals's decision in the case Lavon Moore v. Hiram Twp., 988 F.3d 353 (6th Cir. 2021).

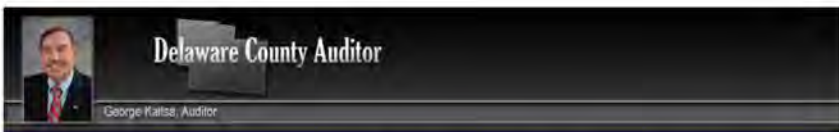
"Due process rights guaranteed by the United States and Ohio Constitutions apply in administrative proceedings." MacConnell v. Ohio Dept. of Commerce, 10th Dist. No. 04AP-433, 2005-Ohio-1960

APPLICANT RIGHT TO DISMISS APPEAL

Lastly, the applicant understands there is further evidence of the legal non-conforming use being presented here which was not afforded to the Harlem Township Zoning Inspector prior to issuance of the "Cease and Desist Order." If it is subsequently decided by the Harlem Township Zoning Inspector prior to public hearing(s) of the Harlem Township Board of Zoning Appeals that the order was issued in error or without proper understanding, the applicant may elect to voluntarily dismiss this request for administrative appeal.

EXHIBITS

EXHIBIT A - DELAWARE COUNTY AUDITOR'S CARD



Property Report for 316-310-02-004-000

Property Information														
Parcel Number:	31631002004000													
Owner(s)	NEFF DERRICK & LORRAINA													
Address	12116 CENTER VILLAGE RD													
Tax Dist	19													
School	2101 BIG WALNUT													
Use Code:	599													
Acres:	5.13000													
Description														
LANDS 16 3 3 1														
Property Address														
12116 CENTER VILLAGE RD WESTERVILLE														
<table border="1"> <thead> <tr> <th>Current Value</th> <th>Land</th> <th>Impr</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>197200</td> <td></td> <td>11700</td> <td>208900</td> </tr> </tbody> </table>							Current Value	Land	Impr	Total	197200		11700	208900
Current Value	Land	Impr	Total											
197200		11700	208900											
<table border="1"> <thead> <tr> <th>Current Tax</th> <th>Due</th> <th>Paid</th> <th>Balance</th> </tr> </thead> <tbody> <tr> <td>3223,92</td> <td>.00</td> <td>3223,92</td> <td></td> </tr> </tbody> </table>							Current Tax	Due	Paid	Balance	3223,92	.00	3223,92	
Current Tax	Due	Paid	Balance											
3223,92	.00	3223,92												
Assessment Information														
Board of Revision:	N	Homestead/Disability:	N											
Owner Occ Credit:	N	Divided Property:	N											
New Construction:	N	Foreclosure:	N											
Other Assessments:	N	Front Ft.:	Y											
Land														
Land Type	Acres	Square Ft.	Actual Frontage	Eff. Frontage	No. Units	Value								
A0-Row	0.20	0.00	0.00	0.00	0.00	0.00								
A1-Primary Site	1.00	0.00	0.00	0.00	0.00	74760.00								
A3-Residual	3.93	0.00	0.00	0.00	0.00	122430.00								
CAUV Land														
Land Type	Acres	Soil Type	Acres	Adj. Rate	Value									
Transfer History														
Date	Amount	To	Type	Conveyance										
5/13/2021	150000	NEFF DERRICK & LORRAINA	Change Owner	1899										
9/30/1988	9000	GARRABRANT ALAN LEROY & CECILIA	Change Owner	0										
Value History														
Year	Land	Improvement	Total	Reason										
2023	197200	11700	208900	Reappraisal, Update or Annual Equalization										
2020	131900	13100	145000	Reappraisal, Update or Annual Equalization										
2017	99900	29100	129000	Reappraisal, Update or Annual Equalization										
2011	69100	30400	99500	Changes by Board of Revision, Tax Appeals, Courts										
2005	74300	57000	131300	Reappraisal, Update or Annual Equalization										
2002	40700	59700	100400	Reappraisal, Update or Annual Equalization										
1999	33900	54300	88200	Reappraisal, Update or Annual Equalization										
1996	40800	51700	92500	Miscellaneous										

Tax Detail Information						
Full Rate:	62.070000	Effective Rate	47.578488			
Annual Tax: \$3223.92						
	Prior		1st Half		2nd Half	
	Chg	Adj	Chg	Adj	Chg	Adj
Orig Tax	\$0.00	\$0.00	\$2269.28	\$0.00	\$2269.28	\$0.00
Reduction			\$529.81	\$0.00	\$529.81	\$0.00
Subtotal	\$0.00		\$1739.47		\$1739.47	
10% Rollback			\$127.51	\$0.00	\$127.51	\$0.00
Own Occ Cred			\$0.00	\$0.00	\$0.00	\$0.00
Homestead			\$0.00	\$0.00	\$0.00	\$0.00
CR			\$0.00	\$0.00	\$0.00	\$0.00
NET	\$0.00		\$1611.96		\$1611.96	
Penalty/Int	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
RE Chg	\$0.00		\$1611.96		\$1611.96	
RE Paid	\$0.00		\$0.00		\$0.00	
SPA Chg	\$0.00		\$0.00		\$0.00	
SPA Paid	\$0.00		\$0.00		\$0.00	
Total Owed	\$0.00		\$1611.96		\$1611.96	
Total Paid	\$0.00		\$0.00		\$0.00	
Balance Due	\$0.00		\$1611.96		\$3223.92	
Eff. Rate	Amount	Type				
	29.402679	\$1,964.36 BIG WALNUT LSD				
	2.168806	\$142.72 DELAWARE AREA CAREER CENTER				
	0.358926	\$23.62 DELAWARE COUNTY HEALTH DEPT.				
	0.83426	\$58.49 PRESERVATION PARK DISTRICT				
	0.997807	\$72.96 BIG WALNUT LIBRARY DISTRICT				
	8.7774	\$623.52 HARLEM TWP				
	3.69569	\$246.14 DELAWARE COUNTY				
	0.940946	\$64.61 DELAWARE-MORROW MENTAL HEALTH				
	0.401974	\$27.51 DELAWARE COUNTY 9-1-1 DISTRICT				



Delaware County Auditor
George Kaltsa

Address: 12116 CENTER VILLAGE RD, WESTER

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County.
Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel.
Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201).
Please report any errors or omissions to the Delaware County Auditor's office at delcogis@co.delaware.oh.us.
Prepared by: Delaware County Auditor's GIS Office
Printed on 3/26/2025



EXHIBIT B - PHOTOGRAPHS OF SITE & BUILDING



EXHIBIT C – DEED & LEGAL DESCRIPTION

Delaware County
The Grantor Has Complied With
Section 319.202 Of The R.C. # 450.00
DATE 5/13/21 Transfer Tax Paid
TRANSFERRED OR TRANSFER NOT NECESSARY
Delaware County Auditor By TCJ

Doc ID: 013971870004 Type: OFF
Kind: DEED
Recorded: 05/13/2021 at 01:35:36 PM
Fee Amt: \$50.00 Page 1 of 4
Workflow# 0000256726-0001
Delaware County, OH
Melissa Jordan County Recorder
File# 2021-00022556

BK 1859 PG 2045-2048

DESCRIPTION APPROVED
FOR TRANSFER
Chris Bauserman
Delaware County Engineer

CROWN SEARCH BOX

10563W03-O

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That

Alan Leroy Garrabrant and Cecilia A. F. Garrabrant, Husband and Wife, of the city of Westerville, County of Delaware, State of Ohio for valuable consideration paid, grants with general warranty covenants, to

Derrick Neff and Lorraina Neff, Husband and Wife, for their joint lives, remainder to the survivor of them

Whose tax-mailing address is: 7869 Peter Hoover Road
New Albany, OH 43054

The following REAL PROPERTY:

TRACT 1:

Situated in the Township of Harlem, County of Delaware, State of Ohio, bounded and described as follows:

Being a part of Farm Lot 1, East tier of Section 3, Township 3, Range 16, U.S. Military Lands:

Commencing at a railroad spike found at the southwest corner of Farm Lot 6 in the centerline of County Road 25 (Center Village Road);

Thence South 86 deg. 52' East along the centerline of County Road 25 a distance of 151.20 feet to a railroad spike found at an angle point in said road;

Thence South 86 deg. 54' East continuing along the centerline at said County road a distance of 724.57 feet to a railroad spike found at the northeast corner of a 3.315 acre tract, now or formerly owned by Alan L. and Lois Garrabrant, as described in Dead Book 388, page 110, said railroad spike also being THE TRUE PLACE OF BEGINNING of the herein described tract;

Thence South 86 deg. 54' East continuing along the centerline of said County Road 25 a distance of 342.32 feet to a mine spike set;

Said point being a distance of 412.49 feet from a railroad spike found at the intersection of the centerline of County Road 18 (Miller-Paul Road) and the centerline of County Road 25 (Center Village Road);

Thence South 00 deg. 54' 00" West leaving the Centerline of County Road 25, (passing a 5/8" solid iron pin set at 25.01) a total distance of 638.52 feet to a 5/8" solid iron pin set;

Thence North 86 deg. 22' 49" West a distance of 342.45 feet to a 3/4" iron pipe found, being South 00 deg. 54' 00" West a distance of 24.43 feet from the southeasterly corner of a 3.315 acre tract, now or formerly owned by Alan L. and Lois Garrabrant, as described in Deed Book 368, Page 110;

Thence North 00 deg. 54' 00" East passing the southeast corner of the aforementioned 3.315 acre tract at 24.43 feet and East (passing over a 3/4" iron pipe found at 610.39 feet) a total

distance of 635.40 feet to THE TRUE PLACE OF BEGINNING.

Containing 5.00 acres, more or less, but subject to all easements and rights-of-way, if any, of record.

For last conveyance refer to Deed Book 297, page 65, Delaware County Recorder's Office, Delaware, Ohio.

All iron pins are 5/8" solid iron pins with plastic yellow caps stamped Stults & Associates.

Bearing system based on centerline bearing of County Road 25 (Center Village Road) (South 86° 54' 00" East) from a plat of survey by Stults & Associates, for C. & W. Garrabrant 7-26—72.

TRACT 2:

Situated in the Township of Harlem, County of Delaware, State of Ohio, bounded and described as follows;

Being part of Farm Lot 1 in the East tier of Section 3, Township 3, Range 16. U.S.M. Lands;

Commencing at a railroad spike found at the southwest corner of Farm Lot 6 in Section 2 of said Township and Range, said point also being in the centerline of County Road 25 (Center Village Road);

Thence South 86 deg. 52' East along the centerline of County Road 25 a distance of 151.20 feet to a railroad spike found at an angle point in said road;

Thence South 86 deg. 54' East continuing along the centerline of said County Road a distance of 724.57 feet to a railroad spike found at the northeasterly corner of a 3.315 acre tract of land now or formerly owned by Alan Leroy Garrabrant and Lois Evelyn Garrabrant by Deed Book 368, page 110;

Thence South 00 deg. 54' 00" West along the easterly line of said 3.315 acre tract, passing an iron pipe at 25.01 feet a total distance of 610.39 feet to the southeasterly corner of said 3.315 acre tract at THE TRUE PLACE OF BEGINNING;

Thence South 00 deg. 54' 00" West along the extension of said line a distance of 24.43 feet to a 3/4" iron pipe found in an East-West fence;

Thence North 86 deg. 20' 49" West along or near an existing fence line 237.10 feet to a 3/4 inch iron pipe;

Thence North 00 deg. 45' 00" East a distance of 24.43 feet to the southwesterly corner of the 3.315 acre tract of land now or formerly owned by Alan Leroy Garrabrant & Lois Evelyn Garrabrant as described in Deed Book 368, Page 110;

Thence South 86 deg. 20' 49" East along the Southerly line of said 3.315 acre tract a distance of 237.10 feet to the TRUE PLACE OF BEGINNING.

Containing 0.132 of an acre more or less.

Subject to all easements and rights-of-way, if any, of record.

The last conveyance of record see Deed Book 297, page 65.

This 0.132 acre tract of land does not constitute a new building site.

Bearing system based on the centerline of County Road 25 (Center Village Road) South 86° 54' East taken from Deed Book 368, page 110.

Parcel No: 316-310-20-004-000

Property Address: Center Village Road, Westerville, OH 43082


Subject to: a) Unpaid taxes and special assessments, if any, all of which the Grantee herein assumes and agrees to pay as a further consideration for this conveyance; b) Any liens or encumbrances created by or assumed by the Buyer; c) Liens and encumbrances specifically set forth in the purchase contract; d) Zoning ordinances; e) Legal highways; f) Covenants, restrictions, conditions and easements of record that do not unreasonably interfere with present lawful use; and g) All coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Prior Instrument Reference: Deed Book 588, Page 785

Executed this 7th day of May, 2021



Alan Leroy Garrabrant



Cecilia A. F. Garrabrant

STATE OF OHIO, COUNTY OF DELAWARE, ss:

The foregoing instrument was acknowledged before me this 7th day of May, 2021, by Alan Leroy Garrabrant and Cecilia A. F. Garrabrant.



MARY CATHERINE ECKLE
Notary Public, State of Ohio
My Comm. Expires Mar. 13, 2023


Notary Public

This instrument was prepared by:
Griffith Law Offices
522 North State Street, Westerville, Ohio 43082