

RECORD OF LEGISLATION

No. 01.04.2026

Passed 1-20, 2026

AN ORDINANCE TO AMEND THE ZONING DISTRICT OF 460 NORTH PICKAWAY STREET (PARCEL #A05-1-028-00-017-00) FROM LDR (LOW DENSITY RESIDENTIAL) DISTRICT TO CS (COMMUNITY SERVICE) DISTRICT.

WHEREAS, the City of Circleville Planning & Zoning Commission recommended to Circleville City Council, rezoning of 460 North Pickaway Street (Parcel #A05-1-028-00-017-00) from LDR (Low Density Residential) District to CS (Community Service) District; and

WHEREAS, there was a public hearing held on November 5, 2025, by Circleville Planning & Zoning Commission and made a recommendation for approval of the rezoning; and

WHEREAS, there was a public hearing held on December 16, 2025, by Circleville City Council, to hear comments on the proposed rezoning.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CIRCLEVILLE, COUNTY OF PICKAWAY, STATE OF OHIO AS FOLLOWS:

SECTION I: That the approved Zoning Map, established by Ordinance No. 02-13-2023, passed February 21, 2023, and as subsequently amended, be and the same hereby is revised in the following manner:

The following described property is hereby rezoned from LDR (Low Density Residential) District to CS (Community Service) District

Situated in the City of Circleville, County of Pickaway, and State of Ohio:

Auditor's Parcel # A05-1-028-00-017-00.

Full Description is attached as Exhibit "A"

SECTION II: The Zoning Inspector of the City of Circleville be and hereby is authorized and directed to make said changes on the approved zoning map, as required by Section 1111.02(b)(1)(G) of the Official Zoning Code of the City of Circleville, established by Ordinance No. 02-13-2023, passed February 21, 2023.

SECTION III: That this ordinance shall take effect and be in force at the earliest period allowed by law.

PASSED: 1-20-2026
DATE

Bryan J. Kelle
PRESIDENT OF COUNCIL

ATTEST: Melvin J. Pinn
CLERK OF COUNCIL

APPROVED: 1-20-2026
DATE

William G. Benton
MAYOR

APPROVED AS FORM:

Kendra C. Kinney
KENDRA C. KINNEY - LAW DIRECTOR

RECORD OF LEGISLATION

	<i>No.</i> _____ <i>Passed</i> _____, 20 ____	



City of Circleville

Department of Public Service
City Administration Building
104 East Franklin Street
Circleville, OH 43113
740-477-8224
www.ci.circleville.oh.us

Application #: 3-25
Date: 9/9/25

Application for Zoning Amendment/Rezoning

A scaled site plan (drawing) showing all property lines, existing structures, and proposed construction with dimensions **must be submitted with application**. All distances between the proposed construction, property lines and other structures must be labeled.

Applicant Name: City of Circleville (Hannah Wynne) Phone #: 740-477-8224

Applicant Address: 104 E Franklin St. E-mail: hwynne@circlevilleoh.gov

Property to be Rezoned:

Address: 4600 N Pickaway St. Parcel #: A0510280001700

Owner: City of Circleville Phone #: 740-477-8224

Owner Address: 127 S Court St

Property being on the East side of Pickaway street
(North, South, East, West) (Street Name)

Between Water and Pleasant
(Street Name) (Street Name)

Current Zoning District: LDR Current Land Use: vacant / wooded

Proposed Zoning District: CS Proposed Land Use: park

Surrounding Land Uses:

North: residential South: residential

East: residential West: residential

Proposed Zoning Code Amendment: (additions use **bold**, deletions use ~~strike through~~. If not applicable, write N/A)

N/A

By signature, I attest to the truth and exactness of all information submitted.

Applicant Signature: [Signature] Date: 9/8/25

Property Owner Signature:

I, Hannah Wynne (Print Name) hereby authorize the applicant/agent listed above to file this application on my behalf and agree to amendment of the same as they deem appropriate.

Owner Signature: _____ Date: _____

Individual subscribed and sworn in my presence this _____ day of _____, 20____

Notary Public Signature: _____ Date: _____

Non-individual property owner's signature: Hannah Wynne

Non-individual subscribed and sworn in my presence this 8th day of September, 2025

Notary Public Signature: Valerie Kelley Date: 9-8-2025

Do not fill below line

Fee Collected: WAIVED By: TYLER COBB Date: 9/9/25

☐ Cash ☐ Credit Card #: _____

☐ Check #: _____ Exp: ____/____ Security Code: _____ ZIP: _____

Name on Card: _____

Address: _____

Signature: _____

Accepted By: TYLER COBB Date: 9/9/25

P&Z Portion

The Planning & Zoning Commission recommends: ☒ Acceptance ☐ Rejection

☐ Acceptance with the following modifications: _____

[Signature]
(P&Z Chairperson)

11/5/25
(Date)

Council Portion

City Council Decision: ☐ Acceptance ☐ Rejection

☐ Acceptance with the following modifications: _____

(Council President)

(Date)

Zoning Amendments/Rezoning

Section 1113.04 Zoning Amendments

a) Map and Text Amendments to this Ordinance may be initiated by any of the following methods:

1. By referral of a proposed amendment to the Planning and Zoning Commission from City Council.
2. By adoption of a motion of the Planning and Zoning Commission
3. By the filing of a completed application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed to be affected by the amendment.

Each year the City of Circleville Planning and Zoning Commission shall adopt a Zoning Amendment Schedule, which shall include monthly submittal deadlines for zoning amendment applications. The submittal deadline immediately following the submission of a completed application, as determined by the Zoning Inspector, shall be considered the "submittal date" of said application.

Please acknowledge that you have read and understand the above:

Applicant Signature: 

Date: 9/8/25

Zoning Amendment/Rezoning Application Checklist

Property Address: 460 N Pickaway St. Parcel #: A0510280001700

- ☒ ^{one} Three paper copies of the application submitted to the City of Circleville
- ☒ One electronic copy of the application submitted to the City of Circleville
- ☐ Proposed text changes to the zoning code included in application (if applicable)
- ☒ Proposed map changes, which include the following:
 - ☒ Legal description, prepared, signed and stamped by a surveyor registered in the State of Ohio, of the Tract to be rezoned including all parcels within said Tract (an existing legal description on file with the Pickaway County Recorder's office may be utilized to meet this requirement).
 - ☒ Map showing the Tract and surrounding properties within 200 feet of that shows property lines of the Tract and surrounding parcels.
 - ☒ List of property owners(s) within 200 feet, contiguous to, and directly across the street from the Tract to be rezoned and their addresses as they appear on the Pickaway County Auditor's current tax list (this requirement may be waived when the Tract proposed to be rezoned includes more than ten (10) parcels) (see attached example)

- ☐ Traffic study, signed and sealed by a professional Engineer (if applicable)

Traffic study is required if the uses permitted within a proposed zoning amendment can generate one hundred (100) or more a.m. or p.m. peak hour trips and/or more than five (500) hundred or more daily vehicle trips or when otherwise required by the Service Director.

- ☒ A narrative statement explaining how the proposed changes will impact the adjacent neighborhood and the City as a whole

- ☐ Paid application fee

Application Timeline

For general guidance only – timeline not to be used for regulatory purposes.



460 N Pickaway St - properties within 200 ft

Property	Owner	Tax Mailing Address 1	Tax Mailing Address 2
475 N Pickaway St	Brennan Thornton	475 N Pickaway St	Circleville, OH 43113
473 N Pickaway St	Philip J Bickey	473 N Pickaway St	Circleville, OH 43113
152 Lewis Ave	Monarch Communities LLC	PO Box 842	Circleville, OH 43113
151 Lewis Ave	Monarch Communities LLC	PO Box 842	Circleville, OH 43113
445 N Pickaway St	Davis R McClarren	445 N Pickaway St	Circleville, OH 43113
441 N Pickaway St	Corey Vanzandt	441 N Pickaway St	Circleville, OH 43113
414 N Pickaway St	Gary Betts	414 N Pickaway St	Circleville, OH 43113
	Richard Rhoades c/o VRR Properties LLC	101 Island Rd	Circleville, OH 43113
424 N Pickaway St		484 N Pickaway St	Circleville, OH 43113
484 N Pickaway St	Rita A Bolender	PO Box 160	Circleville, OH 43113
0 N Pickaway St	Robert E Neal II, Trustee	PO Box 160	Circleville, OH 43113
0 N Pickaway St	Robert E Neal II, Trustee	PO Box 160	Circleville, OH 43113
450 N Pickaway St	Robert E Neal II, Trustee	217 Linden Ln	Circleville, OH 43113
217 Linden Ln	Brain Corcoran	406 Havenwood Ct	Circleville, OH 43113
406 Havenwood Ct	Gene A Patterson	406 Havenwood Ct	Circleville, OH 43113
0 Havenwood Ct	Gene A Patterson	404 Havenwood Ct	Circleville, OH 43113
404 Havenwood Ct	Sally A Tod Wallace	402 Havenwood Ct	Circleville, OH 43113
402 Havenwood Ct	John A Moats	400 Havenwood Ct	Circleville, OH 43113
400 Havenwood Ct	Michael Melson	229 Clark Dr	Circleville, OH 43113
229 Clark Dr	Sue A Haley	621 Garden Parkway	Circleville, OH 43113
231 Clark Dr	Johnathon David Burns	233 Clark Dr	Circleville, OH 43113
233 Clark Dr	Charles E Estel		
	Corporation Service Company c/o Ohio		
321 Pontious Ln	II Investors LLC	1160 Dublin Rd, Suite 400	Columbus, OH 43215
172 Rustic Dr	Pickaway Metropolitan Housing	176 Rustic Dr	Circleville, OH 43113
106 Rustic Ct	Pickaway Metropolitan Housing	176 Rustic Dr	Circleville, OH 43113
110 Rustic Ct	Pickaway Metropolitan Housing	176 Rustic Dr	Circleville, OH 43113
114 Rustic Ct	Pickaway Metropolitan Housing	176 Rustic Dr	Circleville, OH 43113
118 Rustic Ct	Pickaway Metropolitan Housing	176 Rustic Dr	Circleville, OH 43113
122 Rustic Ct	Pickaway Metropolitan Housing	176 Rustic Dr	Circleville, OH 43113

126 Rustic Ct	Pickaway Metropolitan Housing	176 Rustic Dr	Circleville, OH 43113
164 Rustic Dr	Alexis Vazquez-Valadez	164 Rustic Dr	Circleville, OH 43113
165 Rustic Dr	Pickaway Metropolitan Housing	176 Rustic Dr	Circleville, OH 43113
161 Rustic Dr	David & Theresa Lowery	161 Rustic Dr	Circleville, OH 43113
239 Westwood Dr	Andrew Taylor	239 Westwood Dr	Circleville, OH 43113
156 Rustic Dr	Amy Lyn Kemp	156 Rustic Dr	Circleville, OH 43113
	Pickaway County Community Action		
152 Rustic Dr	Organization Inc	469 E Ohio St	Circleville, OH 43113
160 Rustic Dr	Kathryn A Yates	160 Rustic Dr	Circleville, OH 43113
157 Rustic Dr	Joy R Stowe	157 Rustic Dr	Circleville, OH 43113
153 Rustic Dr	Malcom D Wilkins	153 Rustic Dr	Circleville, OH 43113
149 Rustic Dr	Allison L Caudill	149 Rustic Dr	Circleville, OH 43113
145 Rustic Dr	Bertha M Ward	145 Rustic Dr	Circleville, OH 43113
141 Rustic Dr	Trent Stonerock	141 Rustic Dr	Circleville, OH 43113
137 Rustic Dr	Carolyn S Ison	137 Rustic Dr	Circleville, OH 43113
205 Pontious Ln	Marsha Y Sours & Nicholas Townsend	128 Gale Ct	Circleville, OH 43113
0 Stella Ave	City of Circleville	127 S Court St	Circleville, OH 43113
448 Stella Ave	Eric S Brown	448 Stella Ave Rear	Circleville, OH 43113
444 Stella Ave	Bret Taylor	444 Stella Ave	Circleville, OH 43113
440 Stella Ave	Michael L Valentine	440 Stella Ave	Circleville, OH 43113
436 Stella Ave	Terry Perkins, Trustee	436 Stella Ave	Circleville, OH 43113
	B&L Agent Services, Inc. c/o DK Wolfe	475 Metro Place South, Suite	
432 Stella Ave	Family Investments LLC	150	Dublin, OH 43017
428 Stella Ave	Jerad P Gilliland	PO Box 156	Ashville, OH 43103
424 Stella Ave	Machelle L List	424 Stella Ave	Circleville, OH 43113
420 Stella Ave	Patricia A Young	420 Stella Ave	Circleville, OH 43113
416 Stella Ave	Tiffany Nicole Unger	416 Stella Ave	Circleville, OH 43113
412 Stella Ave	Carolyn Lester	412 Stella Ave	Circleville, OH 43113
344 E High St	Michael J Kyre c/o Kyre Investments LLC	200 Miller Ave	Ashville, OH 43103
0 High St	East High Street Cemetery	N/A	

460 N Pickaway St Rezoning Narrative

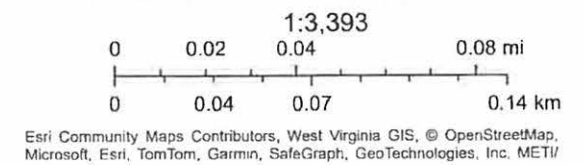
The purpose of this rezoning is to use the property for a community park. The City received funding from the Ohio Public Works Commission (OPWC) through the Clean Ohio program to purchase 2 properties for park land. This property must be utilized for 'passive recreation' per the grant agreement. The City's plan is to run trails throughout the property and connect them to the trail at Ted Lewis Park and the Roundtown Trail at the YMCA. Future improvements may include restrooms and a dog park.

We hope this will have a positive impact on the adjacent neighborhood and the City as a whole by providing more opportunities for recreation. There is a direct positive correlation between being outside/active and physical and mental health. We also feel that preserving this land as park land will be much more beneficial for the surrounding neighbors than leaving the property sit vacant and unmaintained.

460 N Pickaway St



6/13/2024



20250003331 Pages: 8 Receipt #: 221671
Filed for Record in PICKAWAY County, Ohio
Sarah E. Turner, Recorder
05/28/2025 12:57 PM Recording Fees: \$107.00
DEED OR 818 / p2953 - p2960

APPROVED FOR RECORDING
PICKAWAY COUNTY ENGINEER

BY JBQ DATE 5-28-2025

TRANSFERRED NO. E196
SEC. 319.202 R.C. COMPLIED A
WITHIN AMT

MAY 28 2025

BRAD WASHBURN
AUDITOR PICKAWAY COUNTY, OHIO
AC TRANS FEE 94

General Warranty Deed

(pursuant to O.R.C. 5302.01 through O.R.C. 5302.06) Recorder's Office Box

 **COMMUNITY**
TITLE NETWORK
File # 121839

Southern Spring, LLC, an Ohio limited liability company, for valuable consideration paid, grant(s), with general warranty covenants, to The City of Circleville, whose tax mailing address is 127 South Court Street, Circleville, Ohio 43113, the following described real property:

See Exhibit "A" attached hereto and fully incorporated herein.

Parcel Identification Number: A05-1-028-00-017-00

Property Address: 460 North Pickaway Street, Circleville, OH 43113

Prior Instrument Reference: Official Record Volume 774, Page 4784, Recorder's Office Pickaway County, Ohio.

Subject to all valid and existing building and other restrictions and conditions of record, to all valid and existing zoning restrictions, to all legal highways, to all valid and existing easements of record, and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record, if any, and taxes and assessments due and payable after the date of execution hereof.

This deed contains restrictions:

See exhibit "B" attached hereto and fully incorporated herein.

Executed this 19th day of May 2025.

GRANTOR: Southern Spring, LLC, an Ohio limited liability company

By: 
Jiechun Liu

Its: Sole Member / Manager

State of Ohio)

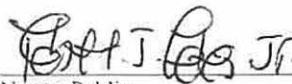
County of Franklin)

The foregoing instrument was acknowledged before me this 19th day of May 2025 by Jiechun Liu, Sole Member / Manager of Southern Spring, LLC, an Ohio limited liability company.

This is an acknowledgment clause. No oath or affirmation was administered to the signers with regard to this notarial act.



ROBERT J FEBES JR
Notary Public
State of Ohio
My Comm. Expires
March 8, 2027


Notary Public

This instrument was prepared by: John C. Ridge, Esq., Ridge Law LLC., 3136 Kingsdale Center #119, Upper Arlington, Ohio (614) 561-7541

File # CTN-CV-121839

Exhibit A

Situated in the City of Circleville, Yamarick Township, County of Pickaway, the State of Ohio more particularly bounded and described as follows:

Being all of a 22.871 acre tract and all of a 0.141 acre tract as described in Official Record 573, Page 857 also being all the remainder of a 0.848 acre tract as described in Official Record 577, Page 2771 in the Pickaway County Recorder's Office.

Beginning at a stone found at the Southwest corner of Sylvan Subdivision Section 5 (reference Plat Book 7, Page 251) being the Northwest corner of said 22.871 acre tract and in an Eastern line of a 6.022 acre tract (reference Deed Book 342, Page 759):

Thence with the South line of said subdivision and partially with the South line of Sylvan Subdivision Section 6 (reference Plat Book 7, Page 273) S. 86° 41' 26" E. 668.21 feet to a ¾" pipe found at the Northwest corner of Lot 59 of Rustic Ridge Subdivision Section 6 (reference Plat Book 7, Page 291):

Thence with the West line of said Rustic Ridge Subdivision Section 6 S. 08° 43' 04" E. 408.23 feet to a point in the creek being at the Southwest corner of Lot 57 of said Rustic Ridge Subdivision Section 6;

Thence leaving said creek and going with the South line of Lot 57 N. 63° 19' 32" E. 64.82 feet to an iron pin set by previous survey at the Northwest corner of a 0.302 acre tract (reference Official Record 586, Page 2536);

Thence with the West line of said 0.302 acre tract and with the West line of a 0.260 acre tract (reference Official Record 594, Page 1592) S. 04° 34' 32" W. 162.38 feet to an iron pin set by previous survey at the Southwest corner of said 0.260 acre tract;

Thence with the South line of said 0.260 acre tract S. 85° 25' 28" E. 95.63 feet to an iron pin set by previous survey;

Thence again with said South line a curve to the left 29.89 feet, having a radius of 20.00 feet and a chord of which bears N. 51° 45' 29" E. 27.19 feet distant, to an iron pin set by previous survey in the West line of Rustic Drive:

Thence with said West line the following four calls:

With a curve to the right 4.64 feet, having a radius of 247.52 feet and a chord of which bears S. 08° 24' 14" W. 4.64 feet distant, to a point:

Thence with a curve to the right 30.27 feet, having a radius of 20.00 feet and a chord of which bears S. 51° 13' 17" W. 27.46 feet distant, to a point:

Thence N. 85° 25' 28" W. 0.44 feet to a ½" rebar found:

Thence S. 04° 34' 32" W. 50.00 feet to a ½" rebar found in the North line of a 0.174 acre tract (reference Parcel 2 in Official Record 506, Page 7);

Thence with said North line N. 85° 25' 28" W. 106.86 feet to a ½" rebar found at the Northwest corner of said tract:

Thence with the West line of said 0.174 acre tract S. 08° 43' 04" E. 28.90 feet to a ½" rebar found:

Thence again with said West line, the West line of a 0.215 acre tract (reference Parcel 1 in Official Record 506, Page 7) and the West line of Rustic Ridge Subdivision Section 1 Amended (reference Plat Book 7, Page 157) S. 04° 24' 14" W. 408.12 feet to a ¾" pipe found in the bank of Hargus Creek at the Northeast corner of a 4.05 acre tract (reference Deed Book 352, Page 466);

Thence with said Creek N. 77° 32' 20" W. 788.79 feet to a ½" rebar found in the East line of 16.50 foot wide Logan Alley (reference Zeiger's Out-Lots Plat Book 2, Page 135);

Thence with said East line N. 03° 10' 30" E. 297.00 feet to a ½" rebar found at the Northeast corner of said alley:

Thence with the North line of said alley N. 86° 49' 30" W. 16.50 feet to ½" rebar found at the Northwest corner of said alley;

Thence with the West line of said alley S. 03° 10' 30" W. 365.75 feet to a point in Hargus Creek;

Thence with said creek the following five calls:

N. 62° 21' 38" W. 209.99 feet to a point from which an iron pin was found by previous survey S. 37° 13' 02" W. 88.64 feet distant;

Thence N. 74° 27' 39" W. 91.97 feet to a point from which an iron pin was found by previous survey N. 84° 09' 08" E. 65.76 feet distant;

Thence N. 15° 17' 13" W. 156.32 feet to a point from which an iron pin was found by previous survey S. 36° 30' 10" E. 50.00 feet distant;

Thence N. 36° 30' 10" W. 269.50 feet to a point from which an iron pin was found by previous survey S. 19° 57' 50" W. 17.16 feet distant;

Thence N. 62° 11' 50" W. 307.21 feet to a point from which an iron pin was found by previous survey S. 22° 19' 30" W. 16.38 feet distant;

Thence crossing said creek N. 22° 19' 30" E. 68.89 feet to a ½" rebar found;

Thence N. 66° 25' 25" W. 9.78 feet to a ½" rebar found in the East line of Pickaway Street;

Thence with said East line N. 21° 14' 13" E. 158.92 feet to a ¾" pipe found at the Southwest corner of the above referenced 6.022 acre tract;

Thence with the South line of said 6.022 acre tract the following Three calls;

S. 66° 33' 39" E. 145.64 feet to a ½" rebar found;

Thence S. 60° 48' 15" E. 270.29 feet to a ½" rebar found;

Thence S. 55° 04' 14" E. 87.34 feet to a ½" rebar found at the Southwest corner of a 0.269 acre tract (reference Official Record 553, Page 1938);

Thence with the South line of said 0.269 acre tract S. 50° 58' 27" E. 97.69 feet to a ¾" pipe found at the Southwest corner of a 1.240 acre tract (reference Official Record 147, Page 377);

Thence with the South line of said 1.240 acre tract S. 68° 37' 57" E. 83.82 feet to a ¾" pipe found;

Thence again with said South line N. 80° 10' 24" E. 120.52 feet to a ½" rebar found at the Southeast corner of said 1.240 acre tract;

Thence with the East line of said tract N. 02° 16' 05" E. 237.33 feet to a 1" pipe found at the Southeast corner of a 0.149 acre tract (reference Official Record 553, Page 1938);

Thence with the East line of said 0.149 acre tract N. 01° 52' 30" E. 58.42 feet to a ¾" pipe found at a Southeastern corner of said 6.022 acre tract;

Thence with an Eastern line of said 6.022 acre tract N. 03° 27' 51" E. 129.17 feet to the True Point of Beginning;

Containing 23.122 Acres more or less.

I hereby certify that the foregoing legal description and the attached plat are a true representation of the conditions as they existed on the date of the survey and that the accuracy of same is consistent with accepted surveying standards.

The bearings reference for this survey is the West line of a 0.260 acre tract as described in Official Record 594, Page 1592 being S. 04° 34' 32" W.

Michael E. Clark

Professional Surveyor #6808

8-31-2009

EXHIBIT "B"

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions (this "Declaration") is made on this 28th day of May 2025 by the City of Circleville, a municipality, the "Declarant".

RECITALS

Declarant owns certain property located in Pickaway County, Ohio as more particularly described on Exhibit A attached hereto and made a part hereof (the "Property").

Declarant applied for and has received a grant from the State of Ohio, acting by and through the Director of the Ohio Public Works Commission ("OPWC"), pursuant to Ohio Revised Code §164.20 et seq. (the "Grant"). In connection with Declarant's application for the Grant, Declarant proposed to use the Grant funds either for open space acquisition and related development or to protect and enhance riparian corridors, as set forth more specifically in its application.

As a condition to Declarant's receipt of the Grant, Declarant has agreed to restrict the use of the Property as set forth in this Declaration, with the intent that such restrictions run with the land.

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant, for itself and its successors and assigns as owners of the Property, hereby agrees as follows:

§1. Use and Improvement Restrictions. Declarant hereby agrees, for itself and its successors and assigns as owners of the Property, which the Property shall be subject to the following but used and improved only for conservation purposes including any approved appurtenances specified below. In addition, all uses and improvements must be in accordance with the applicable sections of the Ohio Revised Code and the Ohio Administrative Code. Any additional uses and improvements not specified below must be approved by the OPWC in writing and approval must be received prior to commencement of any improvements.

Approved uses and improvements for the property include; passive recreation, walking/biking trails, pedestrian bridges, boardwalks, parking areas, restrooms, pavilions/shelter houses, dog parks and disc golf.

§2. Perpetual Restrictions. The restrictions set forth in this Declaration shall be perpetual and shall run with the land for the benefit of, and shall be enforceable by, the OPWC. This Declaration and the covenants and restrictions shall not be amended, released, extinguished or otherwise modified without the prior written consent of the OPWC, which consent may be withheld in its sole and absolute discretion.

§3. Enforcement. If Declarant or its successors or assigns as owner of the Property, as described in Exhibit A, should fail to observe the covenants and restrictions, the Declarant or its successors or assigns, as the case may be, shall pay to the OPWC upon demand from the Director the following: (i) all Grant funds disbursed to the Declarant; and (ii) liquidated damages equal to 100% of the funds disbursed by the OPWC for the Project. Declarant acknowledges and agrees that (a) it is extremely difficult and impractical to ascertain the extent of the damages caused by a breach of the covenants and restrictions set forth in this Declaration; (b) the provisions of this Declaration are unique and money damages would not provide an adequate remedy for any breach thereof; and (c) the remedies set forth in this Section 3 are reasonable and appropriate and are a specifically-bargained-for material inducement for and condition to, without limitation, the OPWC making the Grant to Declarant. Notwithstanding anything in this Declaration or any other document, agreement or application executed or delivered in connection with the Grant to the contrary, the covenants and restrictions set forth in this Declaration shall continue in full force and effect notwithstanding Declarant's payment of the liquidated damages contemplated in this Section 3, and the OPWC's receipt of any such liquidated damages payment shall not be construed as a release or waiver of the covenants and restrictions set forth in this Declaration. The OPWC shall have the right to enforce, by any proceedings at law or in equity, all restrictions, conditions and covenants set forth herein. Failure by the OPWC to proceed with such enforcement shall in no event be deemed a waiver of the right to enforce later the original violation or a subsequent violation.

OPWC Rev. 10/23

§4. **Restriction on Transfer of the Property.** Declarant acknowledges that the Grant is specific to Declarant and that the OPWC's approval of Declarant's application for the Grant was made in reliance on Declarant's continued ownership and control of the Property. Accordingly, Declarant shall not voluntarily or involuntarily sell, assign, transfer, lease, exchange, convey or otherwise encumber the Property including, without limitation, surface rights or interests or rights or interests in soil, sand, gravel, oil, natural gas, minerals or other materials, or interests in or control of Declarant, without the prior written consent of the OPWC, which consent may be withheld in its sole and absolute discretion.

§5. **Separability.** Each provision of this Declaration and the application thereof to the Property are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration.

§6. **Notices.** Notices or other communication hereunder shall be in writing and shall be sent certified or registered mail, return receipt requested, or by other national overnight courier company, or personal delivery. Notice shall be deemed given upon receipt or refusal to accept delivery. Each party may change from time to time their respective address for notice hereunder by like notice to the other party. The notice addresses of the parties are as follows:

Declarant: City of Circleville
James A. Stanley, Director of Public Service
104 E Franklin St.
Circleville, OH 43113

OPWC: Ohio Public Works Commission
P.O. Box 224
Pataskala, OH 43062
Attn: Director

§7. **Governing Law.** This Declaration shall be governed by and construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, the Declarant has caused this Declaration of Restrictions to be executed this 28th day of May, 2025

DECLARANT:
City of Circleville

By: [Signature]
Name: James A. Stanley
Title: Director of Public Service

STATE OF OHIO)
COUNTY OF Pickaway) SS

The foregoing instrument was acknowledged before me this 28th day of May, 2025, by James A. Stanley, the Director of Public Service, a Declarant, on behalf of the CITY OF CIRCLEVILLE

[Signature]
Notary Public

This instrument was prepared by: City of Circleville
Attachment: Legal Description of Property
202500003331
COMMUNITY TITLE NETWORK
BOX



BRENDA K. SHORT
Notary Public
State of Ohio
My Comm. Expires
January 23, 2028

OPWC Rev. 10/23