

Review of Petition to Annex 0.570 +/- acres from Truro Township to the city of Columbus by Amy Kuhn, Esq. Case #ANX-EXP2-10-10 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Amy Kuhn, Esq. filed on behalf of Columbus Board of Education on June 14, 2010 and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Expedited Type 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 #0927-2010, passed on June 28, 2010 by the city of Columbus.

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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. 0593-10

July 27, 2010

**REVIEW OF PETITION TO ANNEX 0.570 +/- ACRES FROM TRURO
TOWNSHIP TO THE CITY OF COLUMBUS BY AMY KUHN, ESQ. CASE #ANX-
EXP2-10-10**

**(Economic Development and
Planning)**

Upon the motion of Commissioner Paula Brooks, seconded by Commissioner Marilyn Brown:

Voting:

**Paula Brooks
Marilyn Brown**

**Aye
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 acted upon 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
 Paula Brooks, President
 Marilyn Brown
 John O'Grady

Economic Development & Planning Department
 James Schimmer, Director

Application for
**Annexation
 Petition**

Expedited Type 2
 Pursuant to ORC §709.023

RECEIVED
 JUN 14 2010

BY: LOB

Property Information	
Site Address 800 McNaughten Rd., Columbus, Ohio 43213	
Parcel ID(s) 261-148529	Total Acreage 0.570 acres
From Township Truro	To Municipality Columbus

Property Owner Information	
Name District of Columbus, Ohio The Board of Education of The City School	
Address 270 East State Street Columbus, Ohio 43215-4312	
ATTN: STEVE VOLPE	
Phone # 614-365-8790 ext 267 cell - 614-679-1886	Fax # 614-365-6946
Email SVOLPE9843@COLUMBUS.K12.OH.US	

Attorney/Agent Information	
Name Donald T. Plank, Attorney/Agent	
Address Plank & Brahm 145 East Rich Street, 4th Floor Columbus, Ohio 43215-5240	
Phone # (614) 228-4546	Fax # (614) 229-5287
NEW TELEPHONE: 614-947-8600	
Email dplank@plankbrahm.com	

Staff Use Only	
Case # ANX-2412 10-10	
Hearing date: 7/20/10	
Date filed: 6/14/10	
Fee paid 250.00	
Receipt # # 7185	
Notifications deadline: 5 days 6/19/10	
Svc statement deadline: 20 days 7/2/10	

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/plot 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>			
<u>Penelope R. Rudolph</u>	<u>3-17-10</u>	_____	_____
Property Owner	Date	Property Owner	Date

RECEIVED

JUN 14 2010

BY: KEB

Description of a 0.570 acre parcel of land for Annexation purposes

Situated in Half Section 16, Section 11, Township 12, Range 21, Refugee Lands, Truro Township, Franklin County, Ohio and being all of 0.570 parcel of land all owned by the Board of Education of the City District of Columbus, Ohio, of record in Deed Book 2660, Page 154, all references to records being on file in the Office of the Recorder, Franklin County, Ohio, Said 0.570 acres being more fully described herein;

Beginning at the southwest corner of a 0.570 acre parcel of record in Deed Book 2660, Page 154, and at the southeast corner of a 0.570 acre parcel (annexed to the City of Columbus by ORD #1964-91 and recorded in Official Record 17924C07) of record in Official Record 1376F12 and in the northerly line of a 1.038 acre parcel of record in Official Record 27853G19 and also being 230 feet east of the centerline of McNaughten Road;

Thence north with the west line of said 0.570 acre parcel of record in Deed Book 2660, Page 154, and the east line of said 0.570 acre parcel (annexed to the City of Columbus by ORD #1964-91 and recorded in Official Record 17924C07) of record in Official Record 1376F12, a distance of 125 feet to a point on the southerly line of a 4.351 acre parcel (annexed to the City of Columbus by ORD #322-62 and recorded in Misc. Rec. 132, Page 310) of record in Deed Book 2660, Page 156;

Thence in an easterly direction along the northerly line of said 0.570 acre parcel of record in Deed Book 2660, Page 154 and the southerly line of said 4.351 acre parcel (annexed to the City of Columbus by ORD #322-62 and recorded in Misc. Rec. 132, Page 310), a distance of 200 feet to a point on the west line of said 4.351 acre parcel (annexed to the City of Columbus by ORD #322-62 and recorded in Misc. Rec. 132, Page 310) and the west line of Lot 303 of Olde Orchard No. 4 of record in Plat Book 38, Page 40;

Thence in a southerly direction along the west line of said 4.351 acre parcel (annexed to the City of Columbus by ORD #322-62 and recorded in Misc. Rec. 132, Page 310) and the west line of Lots 303 and 304 of said Olde Orchard No. 4, a distance of 125 feet to a point, said point also being the northwest corner of said 1.038 acre parcel;

Thence west with the southerly line of said 0.570 acre parcel of record in Deed Book 2660, Page 154 and the northerly line of said 1.038 acre parcel, a distance of 200 feet to the point of beginning, containing 0.570 acres;

This Description was prepared from documents of record. No field survey was performed.



Robert W. Martin 11-16-09
Robert W. Martin Date

Professional Surveyor No. 8114

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By B.E./PAA Date 11/16/09



RECEIVED

JUN 30 2010
ANY EXP 2 10-10

City of Columbus
Legislation Report

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

File Number: 0927-2010

ORIGINAL

Emergency

RECEIVED

File Number: 0927-2010

File Type: Ordinance

Status: Second Reading

Version: 1

Controlling Body: Development Committee

JUN 30 2010

Handwritten initials

File Name: Annexation Service AN10-001: .570 acres, Truro Township,
Columbus Board of Education

Introduced: 6/15/2010
Franklin County Planning Department
Franklin County, Ohio

Requester: Dev Drafter

Cost:

Final Action:

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.: Lori Baudro 645-6986

I hereby certify that the above or attached a true and correct copy of Ordinance No. 0927-2010 passed by The Council of The City of Columbus Ohio 6/28, 2010, as shown by the record now on file in this office.

Floor Action (Clerk's Office Only)

JUN 28 2010

P 6-0

PALEY ABSENT

Seal Andrea Blewin
City Clerk

Mayor's Action

Council Action

Mayor

Date

JUN 28 2010

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 (AN10-001) of .570± acres in Truro Township to the City of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Sponsors:

Indexes:

Attachments: ORD0927-2010 AN10-001 Legal Description.doc, ORD0927-2010 AN10-001 Old Orchard School Map.doc

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Dev Drafter	6/15/10	Sent for Approval	DEVELOPMENT DIRECTOR			
	Action Note:	Planning Division					
1	DEVELOPMENT DIRECTOR	6/15/10	Reviewed and Approved	Dev Drafter			
	Action Note:	nmb					
1	Dev Drafter	6/15/10	Sent to Clerk's Office for Council	City Clerk Inbox			

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 Attorneys Office as to its form and legality only.

Explanation

AN010-001

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 Truro Township. This ordinance is required by the Ohio Revised Code (ORC) as enacted by the General Assembly of the State of Ohio. An annexation petition has been filed with Franklin County for this property. A service ordinance must be passed before the annexation meeting takes place before the Board of County Commissioners of Franklin County. Information regarding municipal services that would be available, should the subject site be annexed, has been compiled and is reflected in this ordinance. Should the petition be approved by the County Commissioners, a second City ordinance accepting the annexation will be required to complete the annexation process. The time frames specified in the ORC require that this legislation be filed as emergency.

FISCAL IMPACT: The statement of municipal services and zoning conditions for a proposed annexation area has no fiscal impact. While provision of the stated services does represent cost to the city, 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 (AN10-001) of .570± acres in Truro 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 Truro Township was duly filed on behalf of The Board of Education of the City District of Columbus, OH on June 14, 2010; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on July 20, 2010; 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 adopt an ordinance stating zoning buffering conditions; and

WHEREAS, properties proposed for annexation are not located within the boundaries of an adopted neighborhood or area plan 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 .570 ± acres in Truro 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 for residential uses upon annexation of the property However, commercial uses are required to provide their own refuse collection

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 site will be served water service from the existing eight-inch water main located in Old Orchard Drive.

Sewer:

Sanitary Sewer: The site can obtain sewer service from an existing 8-inch sanitary sewer per Record Plan RP-2562 situated along the easterly right of way of Harvest Lane Ct (approximately 280 feet to the east of the eastern property line of subject parcel). In its current configuration, a mainline extension would be required from the existing sanitary sewer line. Cost of said extension to be incurred by the developer. However, if this property were to be combined with the eastern parcels on which the former school is situated then mainline requirements are not applicable Permission to tap the sewer is required.

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 .570 ± 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 Truro 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 Truro 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 AN10-001
.570 ± Acres in Truro Township
Columbus Board of Education

Situated in Half Section 16, Section 11, Township 12, Range 21, Refugee Lands, Truro Township, Franklin County, Ohio and being all of 0.570 parcel of land all owned by the Board of Education of the City District of Columbus, Ohio, of record in Deed Book 2660, Page 154, all references to records being on file in the Office of the Recorder, Franklin County, Ohio, Said 0.570 acres being more fully described herein;

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