

Resolution No. 0713-08

September 30, 2008

~~TABLED August 19, 2008~~
Hearing on a Petition to Annex 0.95 +/- acres from Franklin Township to the city of Columbus by David L. McClure, Esq.

CASE #ANX-REG-22-08

(ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that David L. McClure, Esq. filed on June 10, 2008 and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Regular Annexation 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 meets all the requirements set forth in, and was filed in the manner provided in, ORC 709.02.
2. The persons who signed the petition are owners of the real estate located in the territory proposed for annexation.
3. The number of valid signatures constituted a majority of the owners of real estate in the territory as of the date the petition was filed.
4. The municipality has complied with ORC 709.03(D), the requirement to adopt by ordinance or resolution a statement indicating what services it will provide and an approximate date it will provide services to the territory proposed to be annexed, upon annexation.
5. The territory is not unreasonably large.
6. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the petition is granted.
7. No street or highway will be divided or segmented by the boundary line between a township and the municipality as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the municipality has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway.

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city of Columbus by David L. McClure, 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 PAGE FOLLOWS

SIGNATURE SHEET

Resolution No. 0713-08

September 30, 2008

REVIEW OF PETITION TO ANNEX 0.95 +/- ACRES FROM FRANKLIN TOWNSHIP TO THE CITY OF COLUMBUS BY DAVID L. MCCLURE, ESQ. ANNEXATION CASE #ANX-REG-22-08

(Economic Development and Planning)

Upon the motion of Commissioner Paula Brooks, seconded by Commissioner Mary Jo Kilroy:

Voting:

Mary Jo Kilroy

Aye

Paula Brooks

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.



Sandra K Menedis, Clerk
Board of County Commissioners
Franklin County, Ohio



Commissioners
 Mary Jo Kilroy, President
 Paula Brooks
 Marilyn Brown

Economic Development & Planning Department
 James Schimmer, Director

Application for Annexation Petition

Regular
 By majority of property owners

RECEIVED

JUN - 2 2008

Per DAK

Property Information	
Site Address 1270 Harmon Ave., Columbus, OH 43223	
Parcel ID(s) 140-003966	Total Acreage 0.95
From Township Franklin Township	To Municipality Columbus

Property Owner Information	
Name Certified Oil Corporation	
Address 949 King Ave. Columbus, OH 43212	
Phone # 614-421-7500 Ext. 289	Fax # 614-421-6525
Email jwoods@certifiedoil.com	

Attorney/Agent Information	
Name David L. McClure	
Address One East Livingston Avenue Columbus, OH 43215	
Phone # 614-221-1306 614-403-6556	Fax # 614-221-3551
Email dmccclure@aldenlaw.net	

Signatures	
At least 51% of property owners must sign this petition. Attach additional sheet if necessary Certified Oil Corporation	
By: <u>David J. Hogan</u> Property Owner	<u>5-30-08</u> Date
David J. Hogan, COO	
_____ Property Owner	_____ Date
_____ Property Owner	_____ Date

Staff Use Only
Case # <i>ANX-REG 18-08</i>
Hearing date (60-90 days): <i>8/19/08</i>
Date filed: <i>6-2-08</i>
Fee paid <i>250.00</i>
Receipt # <i>7652</i>

Applicant Deadlines	
Notify twp/ municipality:	5 days after filing <i>6-9-08</i>
Notify adjacent owners:	10 days after filing <i>6-12-08</i>
File twp/muni notifications with County	10 days after filing <i>6-12-08</i>
File adj. owners notifications with County	20 days after filing <i>6-23-08</i>
File municipal service ord. with County	20 days after filing <i>6-23-08</i>
Publish notice in newspaper	7 days before hearing

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 with name, address, parcel ID
<input type="checkbox"/> Additional signature page if necessary



RECEIVED

MAR 20 2008

Franklin County Engineer
Dean C. Ringle, P.E., P.S.

WILKE ENTERPRISES LLC
PAR. NO. 140-000139
INST. NO. 200506140115730
2.807 ACRES

SITUATE
SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, AND
BEING PART OF VIRGINIA MILITARY SURVEY NUMBER 422.

CHARLES A. & MARY S. O'HARRA
PAR. NO. 570-150344
O.R. 23-006-10
4.867 ACRES

CITY OF COLUMBUS
INST. NO. 2002-00202-0083
PARCEL NO. 570-150344
C/L

CH. BEARING N 17° 18' 13" E CH. DIST. 300.86
CITY OF COLUMBUS CORPORATION LINE
ORDINANCE NO. 301-89 MISC. RECORD 147 PG. 66
R=1148.00'

HARMON AVE. 60'

CERTIFIED OIL CORPORATION
DEED BOOK 3701 PAGE 784
PARCEL NO. 140-000966

0.95 ACRES ±

EMIG ROAD 60'
S 05° 04' 21" E 315.83'

PROPOSED CITY CORPORATION LINE N 77° 02' 57" W 204.26'
POINT OF BEGINNING

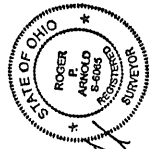
PROPOSED CITY CORPORATION LINE

RIGHT-OF-WAY

RIGHT-OF-WAY

NOTE: THE ATTACHED PLAT WAS PREPARED FROM FRANKLIN COUNTY
COURT HOUSE DOCUMENTS, AND NOT FROM AN ACTUAL
SURVEY OF THE PREMISES.

ARNOLD SURVEY COMPANY
3911 BROADWAY STREET, GROVE CITY, OHIO 43123
TELEPHONE (614) 875-7684 FAX (614) 875-9017



ANNEXATION TO THE CITY OF COLUMBUS	
SCALE: 1" = 30'	APPROVED BY: <i>R.P. Arnold</i>
DATE: 2-24-2008	FRANKLIN COUNTY, OHIO
	TOWNSHIP OF FRANKLIN
	1022

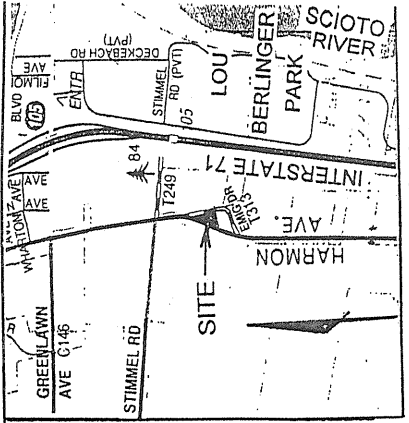
LEGEND

EXISTING CITY OF COLUMBUS CORP. LINE

PROPOSED CITY CORP. LINE

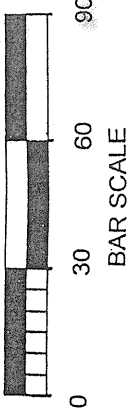
AREA TO BE ANNEXED

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By: *DRB* Date: 2/20/08



VICINITY MAP
NO SCALE

A-Z PACKAGING CO.
PAR. NO. 570-192252
3.742 ACRES



Basis of bearing is the Northern property line being S 77° 14' 47" E of a 0.304
acre tract as shown in Exhibit A, Instrument No. 200210020246083, Franklin
County Records Office, Franklin County, Ohio.

ORDINANCE NO. 301-89 MISC. RECORD 147 PG. 66
CITY OF COLUMBUS CORPORATION LINE
S 77° 14' 47" E 85.61'

RECEIVED

MAR 20 2008

Franklin County Engineer
Dean C. Ringle, P.E., P.S.

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

By BR Date 3/20/08

March 11, 2008

Legal Description of 0.95 Acres of Land more or less for Purposes of Annexation.

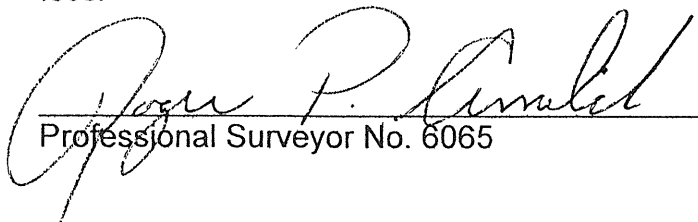
Situated in the State of Ohio, County of Franklin, Township of Franklin, Virginia Military Survey No. 422, and being part of a 0.831 acre tract of land belonging to the Certified Oil Corporation of record in Deed Book 3701 page 784, at the Franklin County Recorders Office, Franklin County, Ohio, and also being part of a 0.364 acre tract of land belonging to the City of Columbus of record in Instrument No. 200210020246083 at said Recorders Office, and said tract of land being 1.00 acres more or less, and said 0.95 acres of land more or less being more particularly described as follows:

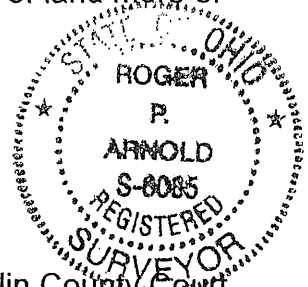
Beginning at a point, said point being located at the most southeasterly property corner of said 0.831 acre tract, said point also being located at the centerline of Emig Road (60 feet wide), Thence along the southerly property line of said 0.831 acre tract, and also partly along the southerly property line of said 0.364 acre tract, N 77° 02' 57" W, a distance of 204.26 feet to a point, said point being located on the existing City of Columbus Corporation line as established by Ordinance No. 301-69, and recorded in Misc. Record 147 page 66;

Thence across said 0.364 acre tract, and also along the said City of Columbus Corporation Line, and also along an arc of a curve that bears to the left (having a radius of 1146.00 feet, a delta angle of 15° 05' 26", an arc length of 301.83 feet). along a chord bearing of, N 17° 19' 13" E, and a chord distance of 300.96 feet to a point;

Thence partly along the northerly property line of said 0.364 acre tract, and also continuing along the said City of Columbus Corporation Line, S 77° 14' 47" E, a distance of 83.61 feet to a point, said point being located at the centerline of said Emig Road;

Thence along the said centerline of Emig Road, S 05° 04' 21" E, a distance of 315.83 feet to the Point of Beginning and containing 0.95 acres of land more or less.


Professional Surveyor No. 6065



Note: The attached Legal Description was prepared from Franklin County Court House Documents, and not from an actual Survey of the premises.

Basis of bearing is the Northerly property line being, S 77° 14' 47" E, of a 0.364 acre tract as shown in Exhibit A, Instrument No. 200210020246083, Franklin County Recorders Office, Franklin County, Ohio.



City of Columbus Legislation Report

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

File Number: 1481-2008

Emergency

File Number: 1481-2008

File Type: Ordinance

Status: Passed

Version: 1

Controlling Body: Development Committee

File Name: Annexation Service AN08-017: 0.95 acres, Franklin Township,
Certified Oil Corporation

Introduced: 9/11/2008

Requester: Dev Drafter

Cost:

Final Action: 9/22/2008

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)

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 (AN08-017) of 0.95± acres in Franklin Township to the city of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Sponsors:

Indexes:

Attachments: ORD1481-2008 AN08-017 Legal Description.doc, ORD1481-2008 AN08-017 Map.doc

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Dev Drafter	9/11/08	Sent for Approval	DEVELOPMENT DIRECTOR			
	Action Note:	Planning Division					
1	DEVELOPMENT DIRECTOR	9/12/08	Reviewed and Approved	Mayor Reviewer			
1	DEVELOPMENT DIRECTOR	9/12/08	Reviewed and Approved	Dev Drafter			
1	Dev Drafter	9/12/08	Sent to Clerk's Office for Council	City Clerk Inbox			
1	Columbus City Council	9/22/08	Approved				Pass
1	COUNCIL PRESIDENT	9/22/08	Signed				

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

AN08-017

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 Franklin 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 (AN08-017) of 0.95± acres in Franklin 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 Franklin Township was duly filed by Certified Oil Corp.

on June 2, 2008; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on September 30, 2008; 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 included within the Columbus Comprehensive Plan study area and within the Southwest 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 0.95 ± acres in Franklin 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 can be served by an existing 20" water main located in Harmon Ave

Sewer:

Sanitary Sewer:

Property can be served by an existing 42-inch sanitary sewer situated along the eastern property line.

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 0.95 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 Franklin 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 Franklin 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.