

Review of Petition to Annex 91.2262 +/- acres from Madison Township to the village of Lithopolis by Jon M. Browning, Esq. Case #ANX-EXP2-13-10 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Jon M. Browning, Esq. filed on behalf of Donald Long, Deborah Long, Eric Long, Kelly Long, Tadd Long and Eric Sandine on September 30, 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 #05-10, passed on October 12, 2010 by the village of Lithopolis.

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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 village of Lithopolis, 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, village of Lithopolis, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0840-10

November 09, 2010

**REVIEW OF PETITION TO ANNEX 91.2262 +/- ACRES FROM MADISON
TOWNSHIP TO THE VILLAGE OF LITHOPOLIS BY JON M. BROWNING, ESQ.
CASE #ANX-EXP2-13-10**

**(Economic Development and
Planning)**

Upon the motion of Commissioner Paula Brooks, seconded by Commissioner John O'Grady:

Voting:

**John O'Grady, President
Paula Brooks**

**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
 John O'Grady, President
 Paula Brooks
 Marilyn Brown

Economic Development & Planning Department
 James Schimmer, Director

Application for
**Annexation
 Petition**

Expedited Type 2
 Pursuant to ORC §709.023

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SEP 30 2010

Franklin County Planning Department
 Franklin County, Ohio

Property Information	
Site Address	ATTACHED
Parcel ID(s)	Total Acreage 91.2262
From Township MADISON TWP	To Municipality LITHOPOLIS

Property Owner Information	
Name	ATTACHED
Address	
Phone #	Fax #
Email	

Attorney/Agent Information	
Name	JON M. BROWNING
Address	243 N. FIFTH ST SUITE 420 COLUMBUS OH 43215
Phone #	Fax #
614-221-8988	614-221-0003
Email	JBROWNING@BROWNINGLAW.US

Staff Use Only	
Case #	ANX-EXP2-13-10
Hearing date:	11/2/10
Date filed:	9/30/10
Fee paid	\$750.00
Receipt #	228097
Notifications deadline: 5 days	10/4/10
Svc statement deadline: 20 days	10/20/10

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>			
ATTACHED	_____	_____	_____
Property Owner	Date	Property Owner	Date
_____	_____	_____	_____
Property Owner	Date	Property Owner	Date

PETITION FOR ANNEXATION

PETITION TO ANNEX TO THE VILLAGE OF LITHOPOLIS

91.2262 ACRES, MORE OR LESS,

IN THE TOWNSHIP OF MADISON
COUNTY OF FRANKLIN

TO THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned, petitioners in the premises, and being ALL THE OWNERS OF REAL ESTATE in the territory described, consisting of 91.2262 acres, more or less, in the Township of Madison, which area is contiguous and adjacent to the Village of Lithopolis, do hereby pray that said territory be annexed to the Village of Lithopolis, according to Ohio Revised Code Chapter 709.023.

A full and accurate description and a plat of said territory so prayed to be annexed are attached hereto and made part hereof.

In support of said Petition, your petitioners state that there are within the territory so prayed to be annexed six (6) OWNERS OF REAL ESTATE.

Jon M. Browning, Esq., is hereby appointed Agent for the undersigned Petitioners, as required by Section 709.02 of the Revised Code of Ohio. Said Agent is hereby authorized to make any amendment and/or deletion which in his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noted by the Franklin County Engineer in his examination of an amended plat and description to the Board of Commissioners on, before, or after the date set for hearing on this Petition.

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Annexation of 91.2262 acres

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.

THE UNDERSIGNED OWNER SPECIFICALLY GRANTS AUTHORITY TO THE AGENT FOR THE PETITIONER TO CORRECT ANY INFORMATION SET FORTH HEREON BASED UPON THE COUNTY ENGINEER'S FINAL REVIEW AND APPROVAL OF THE ANNEXATION MAPS ACCOMPANYING THIS PETITION, SAID AMENDMENTS BEING REQUIRED TO BRING THIS PETITION INTO CONFORMITY WITH THE SPECIFIC INFORMATION SET FORTH ON THE APPROVED ANNEXATION MAP.

Signed: Donald R. Long

Printed Name: Donald R. Long

Date: 12-25-09

Signed: Deborah L. Long

Printed Name: Deborah (Debbie) L. Long

Date: 12-25-09

Signed: Eric A. Long

Printed Name: Eric A. Long

Date: 12/24/2009

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KLJ

Franklin County Planning Department
Franklin County, Ohio

Signed: Kelly A Long

Printed Name: Kelly G. Long

Date: 12-25-09

Signed: Tadd W. Long

Printed Name: Tadd W. Long

Date: 12/13/09

Signed: Eric Sandine

Printed Name: Hon. Eric Sandine, on behalf of the Village of Lithopolis

Date: 11/25/09

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Franklin County Planning Department
Franklin County, Ohio

RGB

BETTY L. KLAMFOTH TRUSTEE
 BETTY L. KLAMFOTH
 INSTRUMENT NUMBER 199812150323258
 PARCEL 181-000130

WILLIAM S. GRIFFITH et.al.
 LORI E. GRIFFITH
 INSTRUMENT NUMBER
 200705250091909
 PARCEL NUMBER 188-00012

MICHEAL A. GRIFFITH
 DEBRA J. GRIFFITH
 OFFICIAL RECORD
 30734-F-02
 PARCEL NUMBER 188-00016

PECE VE

EAST 926 FEET

EXISTING LITHOPOLIS CORPORATION LINE
 ORDINANCE 12-05 INST.#200511140239950

NE CORNER SECTION 12

WEST 1832 FEET

SCALE 1"=200'

BASIS OF BEARINGS:
 BEARINGS ARE ASSUMED AND ARE USED
 TO DENOTE ANGLES ONLY.

PROPOSED ANNEXATION OF
91.2262 ACRES
 IN SECTION -12, TOWNSHIP -10 NORTH,
 RANGE -21 WEST OF THE BUCKINGHAM
 SURVEY OF CONGRESS LANDS
 FROM
 MADISON TOWNSHIP, FRANKLIN COUNTY, OHIO
 TO
 VILLAGE OF LITHOPOLIS, OHIO

MELVIN H. BABBERT
 SHIRLEY A. BABBERT
 DEED BOOK 2197
 PAGE 263

NORTH 2305 FEET

DONALD R. LONG
 DEBORAH L. LONG
 INSTRUMENT NUMBER
 199907160180904
 PARCEL NUMBER-181-000140

EAST 1162 FEET

VILLAGE OF LITHOPOLIS
 DEED BOOK 3585
 PAGE 427
 PARCEL NUMBER
 181-000005

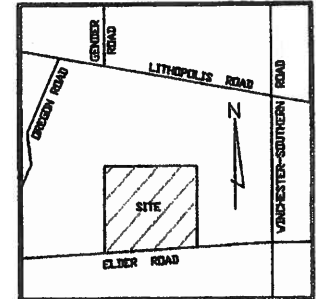
P.O.B.

EASTLAWN MEMORY GARDENS INC.
 OFFICIAL RECORD
 8000-E-01
 PARCEL NUMBER 181-000139

DONALD R. LONG
 DEBBIE LONG
 INSTRUMENT NUMBER
 200806040086055
 PARCEL NUMBER-181-000144

SOUTH 2025 FEET

KATHLEEN A. SCHNEIDER
 1.0275 ACRES
 DR-8000-E-10
 181-001296



DONALD R. LONG
 DEBORAH L. LONG
 PARCEL NUMBER 181-001360
 INSTRUMENT NUMBER
 199907160180904

TADD V. LONG
 PARCEL NUMBER 181-001359
 INSTRUMENT NUMBER
 200804080053506

ERIC A. LONG
 KELLY G. LONG
 PARCEL NUMBER 181-001354
 INSTRUMENT NUMBER
 200006260125696

2121 FEET

NEARBY
 1.591 ACRES
 LAKE TWIN ESTATES SECTION 11
 PB-58 PG-62
 VACATED DEP DAYS 1940V 18 749

SHAW-JACKSON SUBD'N.
 PB-35 PG-67

LOT 14 LOT 13 LOT 12

JOYCE J. DAVIS
 3.32 ACRES
 DR-7151-F-14
 181-000255

GALEN H. DAVIS
 JOYCE J. DAVIS
 46.088 ACRES
 DB-3392 PG-321
 181-000032

DENNIS G. SHERMAN
 DB-3219 PG-600
 MABEL E. SHERMAN
 DR-15046-E-03
 46.088 ACRES
 181-000033

ADOLPH G. SADESKI
 ELIZABETH M. SADESKI
 68.60978 ACRES
 DR-6910-G-08
 DR-24422-J-14



Louis J. Haines
 LOUIS HAINES SURVEYORS
 354 KESSLER STREET
 GROVEPORT, OHIO 43125
 614-837-2181
 NOVEMBER 29, 2008

LINETYPE LEGEND

EXISTING VILLAGE OF LITHOPOLIS CORPORATION LINE

PROPOSED VILLAGE OF LITHOPOLIS CORPORATION LINE



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AUG 19 2010

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 BB Date 8/19/10

November 29, 2008

Description of
Proposed Annexation
of six Parcels of Real Property
which compromise a total of
91.2262 acres of Land
to the Village of Lithopolis, Ohio
from Madison Township, Franklin County, Ohio

Situated in the Township of Madison, County of Franklin, State of Ohio and being part of Section 12, Township 10 North, Range 21. West of the Buckingham Survey of the Congress Lands and being a portion of Donald R. Long and Debbie Long parcel of record in Instrument Number 200806040086055; and a portion of Donald R. Long and Deborah L. Long parcel of record in Instrument Number 199907160180904; and a portion of Village of Lithopolis parcel of record in Deed Book- 3583 Pg-427; and a portion of Eric A. Long and Kelly G. Long parcel of record in Instrument Number 200006260125696; and a portion of Tadd W. Long parcel of record in Instrument Number 200804080053506, in the office of Robert Montgomery, the Recorder of Franklin County, Ohio;

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ROB

Franklin County Planning Department
Franklin County, Ohio

Commencing at a point in the existing corporation line of the Village of Lithopolis, Ordinance Number 12-05 as recorded in Instrument Number 200511140239950, which is West 1832 feet from the Northeast corner of Section 12, at the North Easterly corner of Donald R. Long and Debbie Long parcel of record in Instrument Number 200806040086055, the True Point of Beginning;

Thence South, along the West line of Eastlawn Memory Garden parcel of record in Deed Book-3569 Pg-219 and Kathleen A. Schneider parcel of record in Official Record 8000-E-10, for a distance of 2025 feet to a point in the Northerly 30 foot Right-of-Way line of Elder Road, Number C-226;

Thence Southwesterly along the Northerly 30 foot right of way line for a distance of 2121 feet to a point;

Thence North along the East line of Melvin H. Babbert and Shirley A. Babbert parcel of record in Deed Book-2197 Pg-263, for a distance of 2305 feet to a point;

Thence East along the South line of Betty L. Klamfoth parcel of record in Deed Book-3553 Pg-463 a ½ interest and Betty L. Klamfoth Trustee as recorded in Instrument Number 199812150323258 a ½ interest, for a distance of 926 feet to a point;

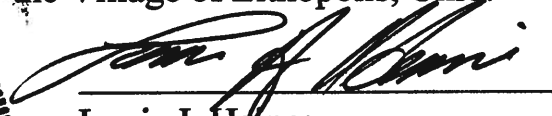
Thence East along the South line of Village of Lithopolis Annexation Ordinance Number 12-05 as recorded in Instrument Number 200511140239950 and William S. Griffith and Lora E. Griffith parcel of record in Instrument Number 200705250091909, and Michael A. Griffith and Debra J. Griffith parcel of record in Official Record 30734-F-10, a distance of 1162 feet to the Point of Beginning;

Together with and subject to covenants, easements, and restrictions of record.

Said property to contain 91.2262 acres in Franklin County, Ohio, more or less.

This description was prepared by Louis Haines Surveyors in November of 2008 based of available records for the sole purpose of annexing the described parcels to the Village of Lithopolis, Ohio.




Louis J. Haines
Professional Surveyor #7205

HAINES SURVEYORS, 334 Kessler Street, Groveport, Ohio 43125
Phone 614-837-2181 Fax- 614-834-7740.
25ANNEX

05-10

A RESOLUTION TO PROVIDE SEWER SERVICES, WATER, POLICE, AND FRANCHISED SOLID WASTE PICKUP SERVICES TO THE TERRITORY TO BE ANNEXED AND OWNED BY DONALD R. LONG, DEBORAH L. LONG, ERIC A. LONG, KELLY G. LONG, TADD W. LONG, AND THE VILLAGE OF LITHOPLIS, ANNEXATION PETITIONERS, AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the Village of Lithopolis, Fairfield County, State of Ohio:

SECTION 1. The Village of Lithopolis shall provide sewer services, water, police, and franchised solid waste pickup services to the territory proposed for annexation upon annexation. The property to be annexed is the property of DONALD R. LONG, DEBORAH L. LONG, ERIC A. LONG, KELLY G. LONG, TADD W. LONG, and the VILLAGE OF LITHOPLIS, and is more fully described in the Annexation Map, attached hereto as Exhibit A and incorporated by reference, and the Metes and Bounds Description, attached hereto as Exhibit B and incorporated by reference.

SECTION 2. The territory must comply with all Village Ordinances and Subdivision Regulations to receive utility services.

SECTION 3. This Resolution is hereby declared to be an emergency measure in that the public peace, safety, health and welfare of the inhabitants of the Village is involved and specifically because the Village requires development of adequate, well-planned housing within the Village. This Ordinance shall become effective and be in force immediately upon its passage by Council and signing by the Mayor.

DATE PASSED: October 12, 2010

ATTEST: [Signature] SIGNED: [Signature]
FISCAL OFFICER MAYOR
DATE: 10/12/10 DATE 10/12/10

APPROVED AS TO FORM:

VILLAGE SOLICITOR
[Signature]
BY JON M. BROWNING

RECEIVED
OCT 14 2010 [Signature]
Franklin County Planning Department
Franklin County, Ohio