

Review of Petition to Annex 21.43 +/- acres from Brown Township to the city of Hilliard by Jackson B. Reynolds, III, Esq. Case #ANX-EXP2-14-10 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Jackson B. Reynolds, III, Esq. filed on behalf of the Northwest Bible Church on October 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 resolution #10-R-40, passed on October 25, 2010 by the city of Hilliard.

Review of Petition to Annex 21.43 +/- acres from Brown Township to the city of Hilliard by Jackson B. Reynolds, III, Esq. Case #ANX-EXP2-14-10 (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 Hilliard, 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 Hilliard, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0857-10

November 16, 2010

REVIEW OF PETITION TO ANNEX 21.43 +/- ACRES FROM BROWN TOWNSHIP TO THE CITY OF HILLIARD BY JACKSON B. REYNOLDS, III, ESQ. CASE #ANX-EXP2-14-10

(Economic Development and Planning)

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

Voting:

John O'Grady, President	Aye
Paula Brooks	Aye
Marilyn Brown	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 Typ 2
 Pursuant to ORC §709.023

RECEIVED

OCT 14 2010

ROB

Franklin County Planning Department
 Franklin County, Ohio

2

Property Information	
Site Address 6639 Scioto Darby Road, Hilliard, Ohio 43026	
Parcel ID(s) 120-000251	Total Acreage 21.43+/-
From Township Brown	To Municipality Hilliard

Property Owner Information	
Name Northwest Bible Church	
Address 6639 Scioto Darby Road Hilliard, OH 43026	
Phone # (614) 876-7882	Fax #
Email	

Attorney/Agent Information	
Name Jackson B. Reynolds, III, c/o Smith & Hale LLC	
Address 37 W. Broad St., Ste. 725, Columbus, OH 43215	
Phone # (614) 221-4255	Fax # (614) 221-4409
Email jreynolds@smithandhale.com	

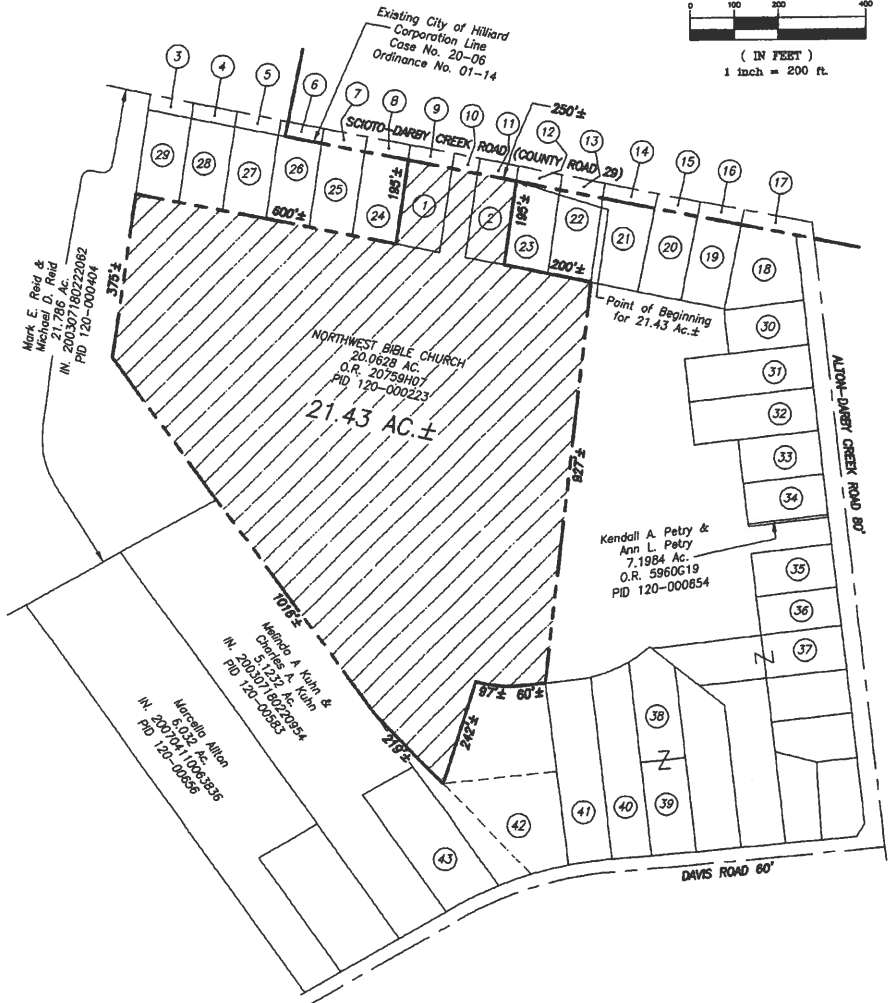
Staff Use Only	
Case # <i>ANYELP2</i> <i>14-10</i>	
Hearing date: <i>11/16/10</i>	
Date filed: <i>10/14/10</i>	
Fee paid <i>\$350.00</i>	
Receipt # <i>228115</i>	
Notifications deadline: 5 days <i>10/19/10</i>	
Svc statement deadline: 20 days <i>11/3/10</i>	

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

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>			
Property Owner	Date	Property Owner	Date

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF BROWN,
BEING IN VIRGINIA MILITARY SURVEY 6640,
CONTAINING 21.43± ACRES OF LAND SOUGHT TO
BE ANNEXED TO THE CITY OF HILLIARD, OHIO

GRAPHIC SCALE



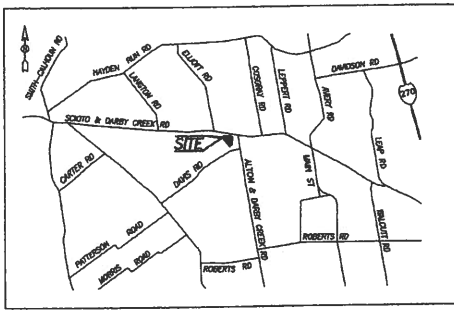
- | | | | | | |
|----|---|----|--|----|---|
| 1 | NORTHWEST BIBLE CHURCH
0.527 AC.
IN. 200810140152425
PID 120-000251 | 20 | DAVID CLAR &
EULINDA C. CLAR
0.527 AC.
IN. 200410080233285
PID 120-000256 | 33 | CALVIN CLUTTER
0.528 AC.
IN. 200610300217495
PID 120-000262 |
| 2 | NORTHWEST BIBLE CHURCH
0.475 AC.
IN. 201006070070173
PID 120-000587 | 21 | KRISTOPHER R. CONLEY &
JENNIFER M. CONLEY
0.527 AC.
IN. 200808080121488
PID 120-000255 | 34 | PETER A. SOROKA &
MARILYN S. SOROKA
0.528 AC.
IN. 19980106002155
PID 120-000263 |
| 3 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 55-WD
0.089 AC.
IN. 200412160284711 | 22 | JEAN L. SHAW
0.527 AC.
O.R. 23362008
PID 120-000254 | 35 | NORMAN C. MAYES
RUBY K. MAYES
0.528 AC.
O.R. 25623005
PID 120-000264 |
| 4 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 56-WD
0.080 AC.
IN. 200501040002053 | 23 | CHRISTOPHER L. PRITCHARD &
JESSICA S. PRITCHARD
0.527 AC.
IN. 200512280271975
PID-000253 | 36 | ANTHONY GANGLUFF &
MICHELL GANGLUFF
0.528 AC.
IN. 200810210155511
PID 120-000265 |
| 5 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 57-WD
0.080 AC.
IN. 200501040002050 | 24 | RENEE M. HORN
0.527 AC.
O.R. 26455809
PID 120-000250 | 37 | SCOTT B. ARNDT &
DENISE M. ARNDT
0.528 AC. & 0.500 AC.
IN. 199708190074131
PID 120-000266 &
PID 120-000717 |
| 6 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 58-WD
0.080 AC.
IN. 200501040002046 | 25 | ERIK T. MCCONNELL &
LARA K. MCCONNELL
0.527 AC.
IN. 200111280275519
PID 120-000249 | 38 | NICHOLAS T. GERRIS
0.553 AC.
O.R. 16939007
PID 120-006882 |
| 7 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 59-WD
0.080 AC.
IN. 200501190011679 | 26 | STEVEN J. WHITEHEAD &
TERRY L. WHITEHEAD
0.527 AC.
O.R. 6142114
PID 120-000248 | 39 | NICHOLAS T. GERRIS
0.528 AC.
D.B. 3482, P. 290
PID 120-00273 |
| 8 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 60-WD
0.080 AC.
IN. 200412160284712 | 27 | CATHERINE I. JONES
0.527 AC.
IN. 200105170109317
PID 120-000247 | 40 | DOUGLAS J. KNAUF &
ROBIN L. KNAUF
1.042 AC.
IN. 200108220194535
PID 120.000274 |
| 9 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 61-WD
0.080 AC.
IN. 200505110089483 | 28 | LESTER LINDSAY &
ERMA M. LINDSAY
0.527 AC.
O.R. 04896E01
PID 120-00246 | 41 | JOHN W. STAHL III &
TERRI L. STAHL
0.528 AC. & 0.446 AC.
O.R. 08125A14
120-00491 |
| 10 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 62-WD
0.048 AC.
IN. 200501190011675 | 29 | ALLEN T. EVANS &
JANICE K. EVANS
0.527 AC.
IN. 200103050043812
PID 120-000245 | 42 | TERRY G. THURSTON &
DENISE R. THURSTON
2.323 AC.
IN. 200406280149106
PID 120-000276 |
| 11 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 63-WD
0.072 AC.
IN. 200501070005135 | 30 | DANIEL L. HALL &
CHERYL A. HALL
0.528 AC.
IN. 199711210149937
PID 120-000259 | 43 | HELEN M. McCANN
1.002 AC.
D.B. 3330, P. 390
PID 120-000508 |
| 12 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 64-WD
0.080 AC.
IN. 200501070005142 | 31 | JAMES F. STARR &
DEBRA S. STARR
0.877 AC.
IN. 20814817
PID 120-000260 | | |
| 13 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 65-WD
0.080 AC.
IN. 200501070005139 | 32 | JERAMY R. SCHMALJOHN &
BROOKE A. SCHMALJOHN
0.677 AC.
IN. 200501030000647
PID 120-00261 | | |
| 14 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 66-WD
0.080 AC.
IN. 200503140046148 | | | | |
| 15 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 24-WD
0.103 AC.
IN. 200508170167413 | | | | |
| 16 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 26-WD
0.103 AC.
IN. 200504010157109 | | | | |
| 17 | FRANKLIN COUNTY COMMISSIONERS
PARCEL 27-WD
0.045 AC.
IN. 200803300058076 | | | | |
| 18 | CHARLES L. COON &
PATRICIA L. COON
0.911 AC.
IN. 199806230155857
PID 120-000258 | | | | |
| 19 | WOODROW DANIELS
0.507 AC.
IN. 200112130290826
PID 120-000257 | | | | |

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OCT 14 2010

Franklin County Planning Department
Franklin County, Ohio
265 Green Meadows Drive S.
Lewis Center, Ohio 43095
(614) 846-8393
DAVIDSON & MERCHANT, INC.
Consulting Engineers

ANNEX No. _____ ORD. No. _____
TO THE
CITY OF HILLIARD
FROM
BROWN TOWNSHIP 21.43Ac.
DATE: _____ SCALE 1" = 200'



LOCATION MAP
(Not to Scale)

The total perimeter boundary of annexation area is 4,377' more or less of which 250' more or less or 5.78 is contiguous to the City of Hilliard

LEGEND

EXISTING CITY OF HILLIARD CORP. LINE	_____
PROPOSED CITY OF HILLIARD CORP. LINE	_____
AREA TO BE ANNEXED	▨

SCALE: 1" = 200'
DATE: August 19, 2010
ORDER NO. 604-10

DESCRIPTION OF 21.43 ACRES OF LAND LOCATED ON THE SOUTHERLY SIDE OF SCIOTO-DARBY CREEK ROAD (COUNTY ROAD NO. 29) AND WEST OF ALTON-DARBY CREEK ROAD IN THE TOWNSHIP OF BROWN, COUNTY OF FRANKLIN, STATE OF OHIO TO BE ANNEXED TO THE CITY OF HILLIARD

Situated in the State of Ohio, County of Franklin, Township of Brown, being in Virginia Military Survey Number 6640 and containing 21.43 acres of land, more or less, 21.43 acres being all of the residue of those tracts of land conveyed to the Northwest Bible Church by deeds of record in (20.628 acres) Official Record 20759H07, (0.527 acre) Instrument No. 201006070070173 and (0.527 acre) Instrument No. 200810140152425, all being of record in the Recorder's Office, Franklin County, Ohio, said 21.43 acres being more particularly described as follows:

Beginning at a point in the southerly right-of-way line of Scioto-Darby Creek Road (County Road No. 29) at the southeasterly corner of that 0.072 acre tract of land designated as PARCEL 63-WD and described in the deed to the Franklin County Commissioners, of record in Instrument Number 200501070005135, said beginning point being in the existing City of Hilliard Corporation line as the same was established by City of Hilliard Case No. 20-06, Ordinance No. 01-14 and recorded in Instrument No. 200705150084832, all being of record in the Recorder's Office, Franklin County, Ohio, said beginning point being located 35 feet southerly from, as measured at right angles, the centerline of said Scioto-Darby Creek Road; from said beginning point;

Thence, southwardly, a distance of 195 feet more or less to a point;

Thence eastwardly, parallel with and 230 feet southerly from, as measured at right angles, the centerline of said Scioto-Darby Creek Road, a distance of 200 feet, more or less, to a point;

Thence southwardly, a distance of 928 feet, more or less, to a point;

Thence westwardly, a distance of 60 feet, more or less, to a point of curvature;

Thence westwardly, with the arc of a curve to the right having a radius of 230 feet, a chord distance of 97 feet, more or less, to a point;

Thence southwardly, a distance of 242 feet, more or less, to a point;

Thence northwestwardly, a distance of 219 feet, more or less, to a point;

Thence northwestwardly, a distance of 1016 feet, more or less, to a point;

Thence northwardly, a distance of 275 feet, more or less, to a point;

Thence eastwardly, parallel with and 230 feet southerly from as measured at right angles, the centerline of said Scioto-Darby Creek Road, a distance of 600 feet, more or less, to a point;


Thence northwardly, a distance of 195 feet more or less, to a point in the southerly right-of-way line of said Scioto-Darby Creek Road at the southwesterly corner of that 0.080 acre tract of land designated as PARCEL NO. 61-WD and described in Exhibit "A" in the deed to the Franklin County Commissioners, of record in Instrument No. 200505110089483, Recorder's Office, Franklin County, Ohio, said point also being in said existing southerly Corporation Line;


Thence eastwardly, with the southerly right-of-way line of said Scioto-Darby Creek Road, with the southerly line of said PARCEL 61-WD, with the southerly line of that 0.048 acre tract of land designated as PARCEL 62-WD and described in Exhibit "A" in the deed to the Franklin County Commissioners, of record in instrument No. 200501190011675, Recorder's Office, Franklin County, Ohio, with the southerly line of said PARCEL 63-WD and with said existing Corporation Line, the same being parallel with and 35 feet southerly from, as measured at right angles, the centerline of said Scioto-Darby Creek Road, a distance of 250 feet, more or less, to the point of beginning and containing 21.43 acres of land, more or less.

The total length of the proposed annexation is 4,377 feet, more or less, of which 250 feet, more or less are contiguous with said City of Hilliard Corporation Line. This proposed annexation does not create any islands of township land.

This description was written for annexation purposes only and is not intended to be used in the transfer of any lands.

BAUER, DAVIDSON & MERCHANT, INC.
Consulting Engineers


Jimmie L. Davis,
Professional Surveyor No. 6941



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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 B/E/FAR Date 8/19/2010

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OCT 14 2010

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OCT 26 2010

*Resolution
of the
City of Hilliard, Ohio*

Franklin County Planning Department
Franklin County, OH

Resolution No. 10-R-40
Page 1 of 2
Adopted: October 25, 2010

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF HILLIARD WILL PROVIDE TO THE 21.43 ACRES ± LOCATED IN BROWN TOWNSHIP, FRANKLIN COUNTY, OHIO, UPON ANNEXATION TO THE CITY, AND TO PROVIDE FOR BUFFER REQUIREMENTS.

WHEREAS, on October 15, 2010, pursuant to Ohio Revised Code Section 709.023, the property owner seeking the annexation of 21.43 acres ± of real property in Brown Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of its property to the City of Hilliard with the Board of County Commissioners of Franklin County, Ohio, a copy of which is attached hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

WHEREAS, Ohio Revised Code Section 709.023(C) provides that within twenty days after the date that the petition is filed, the municipal corporation to which annexation is sought shall adopt a Resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services; and

WHEREAS, Ohio Revised Code Section 709.023(C) also provides that within that same twenty day period, a municipal corporation shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that if the municipality corporation's zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township from which the territory was annexed, the municipal corporation shall 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 the township.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. In the event that the proposed 21.43 acres ± (the "Property") is annexed to the City of Hilliard, Ohio, the City will provide to the Property the full range of municipal services available to the residents of, and to the property within, the City of Hilliard, including but not limited to police protection, mayor's court, public works and street maintenance, residential refuse collection, planning, building, zoning and engineering services, and parks and recreation, all of which can be provided immediately upon the effective date of the annexation as provided by law. Should it be determined that as a result of the annexation, the boundary line between the township and the City divides or segments a street or highway so as to create a road maintenance problem the City, as a condition of the annexation, shall assume the maintenance of that street or highway or otherwise correct the problem.

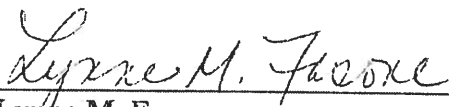
SECTION 2. The County Commissioners have previously requested information on the status of water and sewer services to and within suburbs of the City of Columbus. The proposed annexation area is included within the boundaries of the area of the City of Hilliard's Water Service Contract and Sewerage Contract with the City of Columbus and those services are provided in accordance with the terms and conditions of those contracts. The City of Hilliard shall be under no obligation to extend water or sewer lines to any of the Property at the cost of the City or in contravention of the contracts.

SECTION 3. If the Property is annexed and becomes subject to the City of Hilliard zoning and the City zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under applicable county or township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexed territory remaining in the unincorporated area of Norwich Township, then the City of Hilliard will require the owner or owners of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Norwich Township.

SECTION 4. The Clerk of Council is hereby directed to forward and file certified copies of this Resolution with the Franklin County Board of County Commissioners and to send a copy to the Agent for the Petitioners for annexation within twenty days following the date that the petition was filed.

SECTION 5. This Resolution shall become effective upon its adoption.


ATTEST:


 Lynne M. Fasone
 Clerk of Council

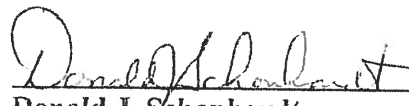
SIGNED:


 Brett A. Scotto
 President of Council

APPROVED AS TO FORM:


 Pamela A. Fox
 Director of Law

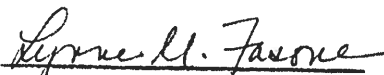
APPROVED:


 Donald J. Schonhardt
 Mayor

10-R-40

VOTE:	Yea	Nay	Abstain
President Sciotto	✓		
Vice President McGivern	✓		
Ashenhurst	✓		
Iosue	✓		
Kunze	✓		
Roberts	✓		
Urtley	✓		
Results:	7	0	0

I, Lynne M. Fasone Clerk of Council
 hereby certify that the foregoing is a true copy
 of Resolution 10-R-40 duly adopted
 by the Council of the City of Hilliard
 the 25th day of October, 2010.


 Lynne M. Fasone
 Clerk of Council
 City of Hilliard