

Resolution to adjust the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus. Case #BC-26-12 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the council of the city of Columbus, Ohio, by Ordinance No. 1864-2012, passed September 24, 2012 by a majority of its members, has petitioned the Franklin County Board of Commissioners to change the boundaries of Montgomery Township, to make them identical with the boundaries of the city of Columbus, and for such other action as may be proper. The portion of the city of Columbus, Ohio, not now included within the limits of Montgomery Township include that portion of Plain Township, located in Franklin County, annexed by the city of Columbus;

WHEREAS, the city of Columbus filed the petition with the Franklin County Board of Commissioners on December 17, 2012 and has asked for the boundary change according to the provisions of Section 503.07 and related sections of the Ohio Revised Code and that the Board of County Commissioners can cause a proper adjustment of rights and liabilities to be made between the city of Columbus and Montgomery Township; and,

WHEREAS, pursuant to Section 503.04 of the Ohio Revised Code, at least 30 days notice of the time of the hearing was provided by advertisement at three places within the territory subject to the proposed township boundary changes; and,

WHEREAS, a certified copy of said Ordinance Number 1864-2012; with the proceedings of the council of the city of Columbus, Ohio was presented to and filed with the Franklin County Economic Development and Planning Department on December 17, 2012.

Resolution to adjust the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus. Case #BC-26-12 (ECONOMIC DEVELOPMENT & PLANNING)

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

Section 1 That it is the opinion and judgment of the Board that the extension of the partial conformity of boundaries of the city of Columbus and Montgomery Township as petitioned for in the said petition by City Council, is expedient, and will be for the convenience and welfare of the inhabitants of Plain Township.

Section 2 That the petition of the city of Columbus is proper and therefore the petition be granted and the boundary lines of Montgomery Township shall be extended to conform with the bounds of the territory set forth in that petition.

Section 3 That there are no adjustments of funds, unpaid taxes, claims, indebtedness or other fiscal matters needed to be settled by the Board, as none were requested in the respective resolutions.

Prepared by: R. Lee Brown

Cc: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0056-13

January 29, 2013

**RESOLUTION TO ADJUST THE BOUNDARIES OF MONTGOMERY TOWNSHIP,
THEREBY MAKING THEM IDENTICAL TO THE BOUNDARIES OF THE CITY OF
COLUMBUS. CASE #BC-26-12**

**(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.



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



Commissioner John O'Grady · Commissioner Paula Brooks · Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

RESOLUTION SUMMARY

Resolution to adjust the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus. Case #BC-26-12

Description:

Attached is a resolution to consider the boundary change from Plain Township to the city of Columbus. The resolution will allow for the adjustment of the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus.

Applicant:

City of Columbus

Site:

Warner Road - One annexation, totaling approximately 2.8+/- acres has taken place under the Type Two process.

Background:

Portions of Plain Twp were annexed to Columbus in 2012 using the Expedited Type Two annexation petition process. This process, outlined in the Ohio Revised Code (ORC 709.023), does not generally allow municipalities to conform the boundaries of the newly annexed territory. As a consequence, annexed lands remain in the township even though they have been annexed by the City – thereby having a “dual” status with respect to such things as tax obligations and elections. An exception to the boundary conformance prohibition is permitted (ORC 709.023(H)) if an annexation agreement between the municipality and township addresses the matter. Columbus, New Albany, and Plain Township entered into an annexation agreement in early 2008 (authorized by ordinance 2262-2006) which, stipulates that Columbus will conform the boundaries of any township areas annexed after October 26, 2001 in the area designated as “City Growth Zone West.” This area is described in the agreement and includes all territory south of Walnut Street in Plain Township that is currently in Columbus or becomes part of Columbus through annexation. Under the terms of the agreement the boundaries of these sites must be conformed. Boundaries for any future annexations in this area must also be conformed.

Boundary conformance to Columbus involves the extension of Montgomery Township's boundaries to incorporate the subject areas. This ordinance seeks authorization to submit a petition to the Board of Franklin County Commissioners to

undertake this process for those areas annexed in 2012 under the Expedited Type Two process. The petition will be filed in accordance with Section 503.07 of the Ohio Revised Code. The annexation agreement requires that the City take expeditious steps to conform these areas creating the necessity for emergency legislation in order to allow for submission of the petition as soon as possible.

Compulsion to act: The Ohio Revised Code requires the Board to grant this petition.

ORC §503.07 states in part:

The board, on presentation of such petition, with the proceedings of the legislative authority authenticated, at a regular or adjourned session, **shall upon the petition of a city change the boundaries of the township.**

Recommendation:

Pending any questions, staff would request your *approval* of this request.



Commissioner Paula Brooks · Commissioner Marilyn Brown · Commissioner John O'Grady
President

Economic Development & Planning Department
James Schimmer, Director

**MEMO
JOURNALIZATION**

TO: Debbie Willaman, County Clerk
Franklin County Commissioners Office

FROM: R. Lee Brown, Planning Administrator
Franklin County Economic Development & Planning Department

CC: James Schimmer, Director
Franklin County Economic Development & Planning Department

RE: Description of Boundary Change case to be journalized on the
January 8, 2013 General Session Agenda for a hearing on
January 29, 2013.

Case #BC-26-12- A boundary change BC-26-12 was filed in our office on December 17, 2012. The petition is requesting to change the boundaries of Montgomery Township to place territory within Plain Township that was previously annexed by the city of Columbus, and to thereby make the boundaries of Montgomery Township identical with the limits of the city of Columbus.



Commissioner Paula Brooks · Commissioner Marilyn Brown · Commissioner John O'Grady
President

Economic Development & Planning Department
James Schimmer, Director

Case #BC-26-12

December 20, 2012

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to Ohio Revised Code §503.04, of a hearing on the petition of the city of Columbus, Ohio for an order changing the boundaries of Plain Township, Franklin County, Ohio to conform with territory annexed to the city of Columbus.

The petition requests territory currently within Plain Township, Franklin County, Ohio be placed within the limits of Montgomery Township.

The petition was filed on authority of city of Columbus Ordinance No. 1864-2012.

The hearing will take place:

Tuesday, January 29, 2013 at 9:00a.m.

Franklin County Commissioners Hearing Room
373 South High Street, 26th Floor
Columbus, Ohio

R. Lee Brown, Planning Administrator
Franklin County Economic Development & Planning Department

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**IN THE MATTER OF THE CHANGE
OF BOUNDARIES OF
MONTGOMERY TOWNSHIP**

DEC 17 2012


Franklin County Planning Department
Franklin County, Ohio

PETITION

The City of Columbus, Ohio, a municipal corporation, by Boyce Safford, III, its Director of Development, respectfully petitions the Board of County Commissioners of Franklin County, Ohio, pursuant to Section 503.07, Ohio Revised Code, for an order changing the boundaries of Montgomery Township to place certain territory within Montgomery Township that has recently been annexed to the City of Columbus, and to thereby make the boundaries of Montgomery Township identical with the limits of the City of Columbus for the territory within Plain Township listed below.

This petition is filed on the authority of City Ordinance 1864-2012 passed September 24, 2012, a certified copy of which is attached. Boundary conformance is permitted for this territory under the provisions of ORC 709.023(H) and is required under the terms of a 2008 annexation agreement between the City of Columbus, Village of New Albany and Plain Township. For additional reference, a map of the annexation site is attached (Attachment "A").

Plain Township Type 1 annexation for which boundary conformance is requested				
City Application #	County Application #	County Approval Date	City Acceptance Ordinance #	City Ordinance Approval Date
AN12-007	ANX_EXP1-11-12	6/5/12	1864-2012	9/24/12




 Boyce Safford, III, Director
 Department of Development
 City of Columbus

12-11-12

 Date

Contact: Lori Baudro, AICP
 Planning Division
 Department of Development
 City of Columbus
lsbaudro@columbus.gov
 (614) 645-6986



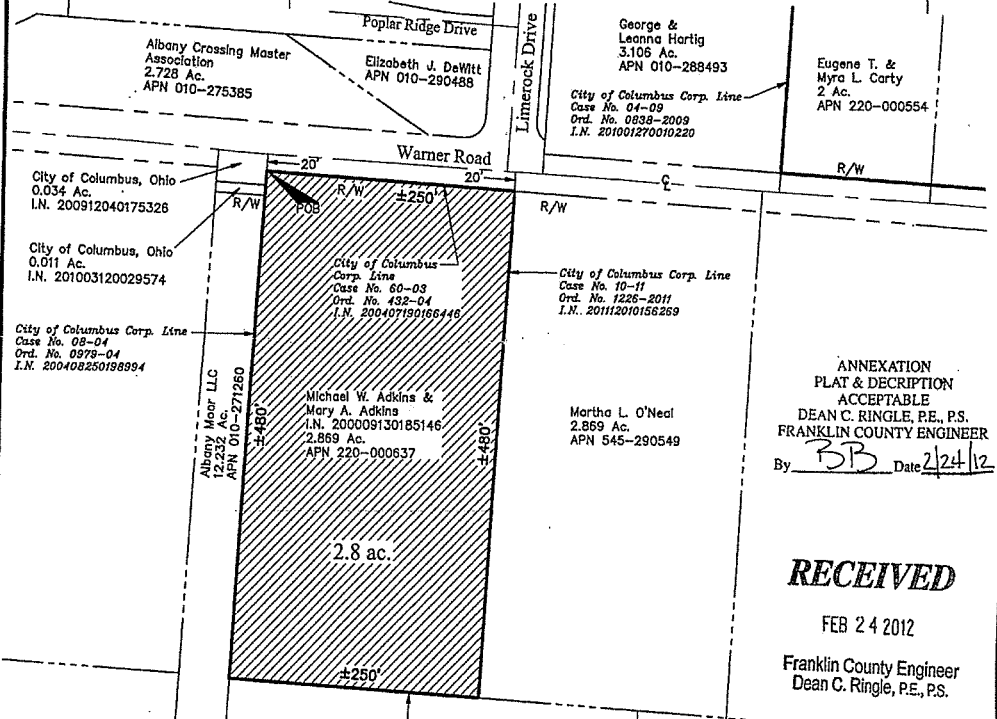
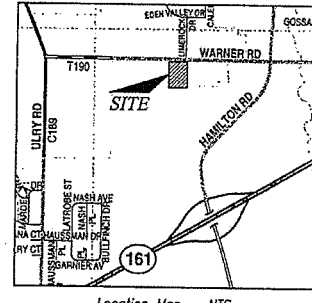
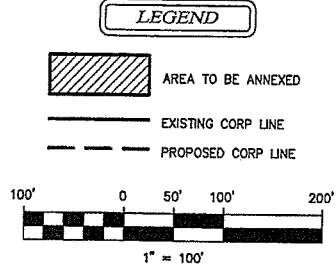
 Witness

ANNEXATION AN12-007
± 2.8 Acres in Plain Township
Michael W. & Mary A. Adkins

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Franklin County Planning Department
Franklin County, Ohio

2.8 ACRE ANNEXATION TO THE CITY OF COLUMBUS
EXPEDITED TYPE I ANNEXATION UNDER ORC §709.021 AND §709.023
SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF PLAIN
LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 16
UNITED STATES MILITARY DISTRICT



ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By DRB Date 2/24/12

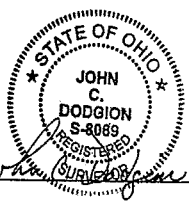
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FEB 24 2012

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

Length of Contiguity: ±1,460 feet
Total Length of Perimeter: ±1,460 feet
Percentage of Contiguity: ±100%

No islands of township property are created by this annexation.

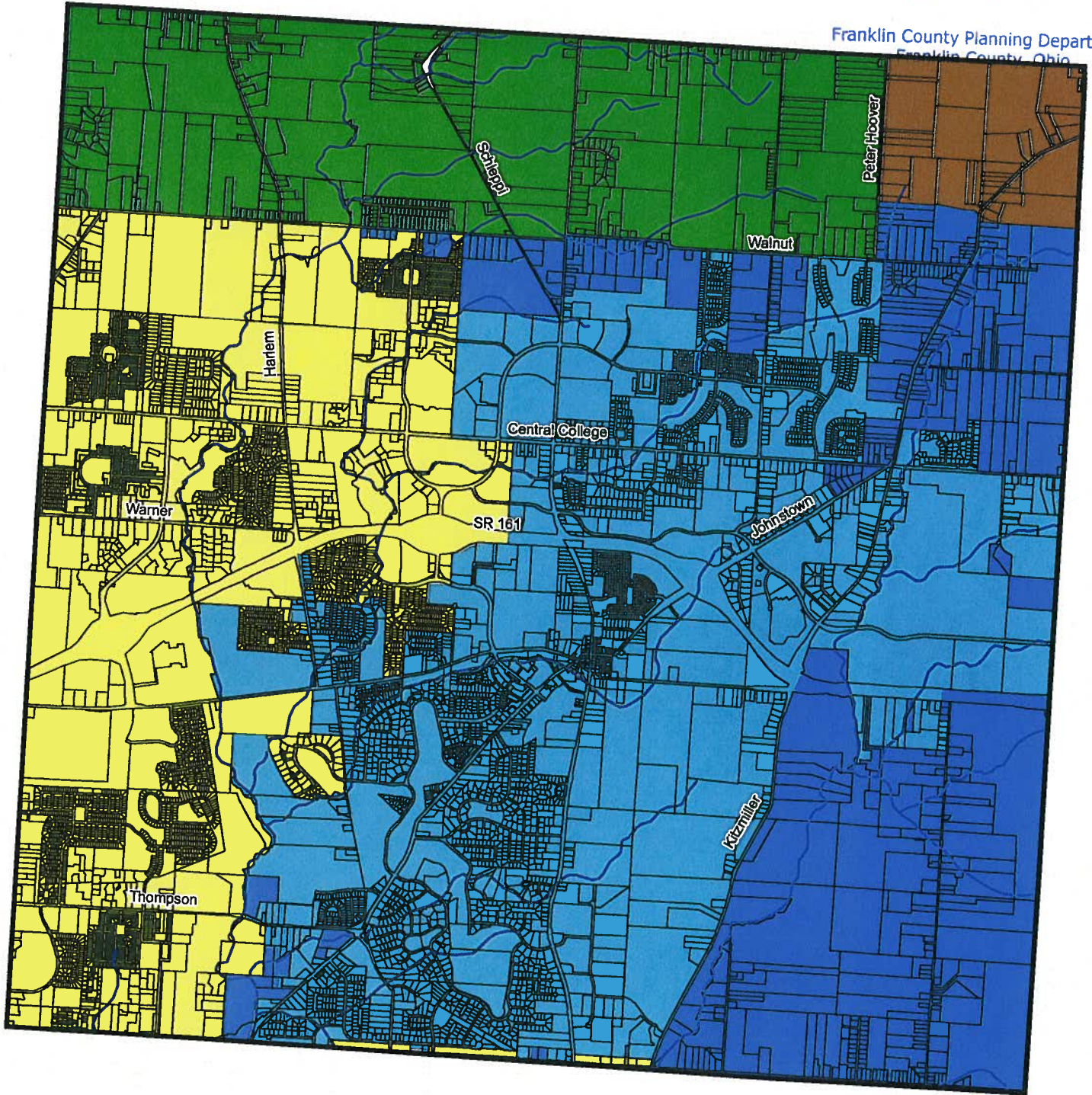


02/23/2012
John C. Dodgion, P.S. 8069
Advanced Civil Design, Inc
422 Beecher Road
Gahanna, OH 43230
Phone 614-428-7750

Job No.: 10-0028-65
Date: 02/23/2012

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Franklin County Planning Department
Franklin County, Ohio



Annexation Agreement Territory

Legend

- City Growth Zone West
- City Growth Zone East
- Village of New Albany
- Village Growth Zone
- Park Zone



City of Columbus
Department of Development
Planning Division

May 2009



City of Columbus Legislation Report

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

File Number: 1864-2012

ORIGINAL

30-Day

File ID: 1864-2012

Type: Ordinance

Status: First Reading

Version: 1

*Committee: Development Committee

File Name: Annexation Acceptance AN12-007: 2.8 Acres, Plain Township, Mary & Michael Adkins

File Created: 08/20/2012

Cost: \$0.00

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

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Floor Action (Clerk's Office Only)

SEP 24 2012 PZO

DEC 17 2012

Franklin County Planning Department
Franklin County, Ohio

Mayor's Action

SEP 25 2012

Mayor

Date

Council Action

SEP 24 2012

Date Passed/ Adopted

President of Council

City Clerk

Veto

Date

Title: To accept the application (AN12-007) of Mary A. Adkins and Michael W. Adkins for the annexation of certain territory containing 2.8 ± acres in Plain Township and to authorize the submission of a petition to the Board of Commissioners of Franklin County, Ohio, requesting a change in the boundary lines of Montgomery Township so as to make the boundary lines of this annexation identical with the corporate boundaries of the City of Columbus.

Sponsors:

Indexes:

Attachments: ORD1864-2012 AN12-007 Service Statement,
ORD1864-2012 AN12-007 Map

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 1864-2012 passed by The Council of The City of Columbus, Ohio 9/24, 2012, as shown by the records now on file in this office.

Seal

City Clerk

Approval History

Version	Date	Approver	Action
1	08/21/2012	Nichole Brandon	Approved
1	08/21/2012	ATTORNEY APPROVER	Approved
Notes	jsg		

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Franklin County Planning Department
Franklin County, Ohio

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
	<p>EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.</p> <p>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.</p>						

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Explanation

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AN12-007

Franklin County Planning Department
Franklin County, Ohio

BACKGROUND: This ordinance approves the acceptance of certain territory (AN12-007) by the City and authorizes its transfer from Plain Township to Montgomery Township per an annexation agreement between the City of Columbus and Plain Township. The Ohio Revised Code stipulates that for an annexation to be effective, City acceptance must take place a minimum of 60 days (but not more than 180) from the receipt by the City Clerk of the approval notice from the county. Should City Council not take such action within this timeframe, the annexation will not take place. This petition was filed with Franklin County on May 21, 2012. Franklin County approved the annexation on June 5, 2012 and the City Clerk received notice on June 13, 2012. No service ordinance was required because this annexation was filed as a Type 1 application as defined by the Ohio Revised Code. Although not required, a service statement reflecting the City's ability to provide services for this site upon annexation is attached.

The use of Type 1 annexations applications is stipulated in the annexation agreement between the City and Plain Township. The annexation agreement also requires that territory annexed to the City of Columbus from Plain Township be transferred to Montgomery Township. Therefore, this ordinance authorizes the submission of a petition to the Board of County Commissioners of Franklin County, Ohio, requesting that the boundary lines of Montgomery County be changed to make them identical with the corporate limits of the City of Columbus for this annexation. The petition will be filed in accordance with Section 503.07 of the Ohio Revised Code. The subject site is also located within the City's Northeast Pay-As-We-Grow (PAWG) area and if developed will be subject to PWAG funding mechanisms applicable to the area including per-unit contributions, participation in a Community Development Authority and inclusion in a Tax Increment Financing district.

FISCAL IMPACT: Provision of municipal services does represent cost to the City; however, the annexation of land also has the potential to create revenue to the City.

Title

To accept the application (AN12-007) of Mary A. Adkins and Michael W. Adkins for the annexation of certain territory containing 2.8± acres in Plain Township and to authorize the submission of a petition to the Board of Commissioners of Franklin County, Ohio, requesting a change in the boundary lines of Montgomery Township so as to make the boundary lines of this annexation identical with the corporate boundaries of the City of Columbus.

Body

Franklin County Planning Department
Franklin County, Ohio

WHEREAS, a petition for the annexation of certain territory in Plain Township was duly filed by Jill Tangeman, Esq., on behalf of Mary A. Adkins and Michael W. Adkins, May 21, 2012; and

WHEREAS, while a service ordinance is not required for this type of annexation, the City did conduct a review of the proposed annexation to determine what services would be available to the site upon annexation, the results of which are reflected in the attached service statement; and

WHEREAS, the proposed annexation site is located within the City's Northeast Pay-As-We-Grow (PAWG) area and, if developed, will be subject to PAWG funding mechanisms applicable to the area including per-unit contributions, participation in a Community Development Authority and inclusion in a Tax Increment Financing district; and

WHEREAS, the applicants attorney has been notified that an application to rezone the site for residential development will require the applicant, at the time of filing, to enter into a Memorandum of Understanding with the City outlining the specific aspects of the obligation of the property owner, or its successors, to participate in the PAWG funding arrangement; and

WHEREAS, the petition was considered and approved by the Franklin County Board of Commissioners at a hearing on June 5, 2012; and

WHEREAS, on June 13, 2012, the City Clerk received from Franklin County a certified copy of the resolution addressing the petition; and

WHEREAS, sixty days from the date of said filing have now elapsed in accordance with the provisions of the Ohio Revised Code; and

WHEREAS, it is in the best interest of the City of Columbus to accept the annexation of the territory sought to be annexed by the aforesaid petition; and

WHEREAS, the annexation agreement between Plain Township and the City of Columbus requires the City to transfer territory annexed from Plain Township to the City and to conform the boundaries of Montgomery Township to make them identical with the corporate limits of the City; **now, therefore,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the annexation proposed by Mary A. and Michael W. Adkins, in a petition filed with the Franklin County Board of Commissioners on May 21, 2012 and subsequently approved by the Board on June 5, 2012 is hereby accepted and said territory is hereby annexed to the city of Columbus. Said territory is described as follows:

Situated in the State of Ohio, County of Franklin, Township of Plain, Quarter Township 3, Township 2, Range 16, United States Military District, and being part of that 2.869 acre tract conveyed to Michael W. Adkins and Mary A. Adkins of record in Instrument Number 200009130185146 (A.P.N. 220-000637), and described as follows:

Beginning in the west line of said Adkins tract and in the south right-of-way line for Warner Road, said south

DEC 17 2012

right-of-way line being an existing City of Columbus Corporation Line (Case No. 60-03, Ord. No. 432-04, I.N. 200407190166446);

Franklin County Planning Department
Franklin County, Ohio

Thence **Easterly**, across said Adkins tract and along said south right-of-way line (20 feet southerly from the centerline of Warner Road), the same being said corporation line, about **250 feet** to the east line of said Adkins tract, in an existing City of Columbus Corporation Line (Case No. 10-11, Ord. No. 1226-2011, I.N. 201112010156269);

Thence **Southerly**, along said Adkins east line, the same being said existing City of Columbus Corporation Line (Case No. 10-11, Ord. No. 1226-2011, I.N. 201112010156269), about **480 feet** to the southeast corner of said Adkins tract, in an existing City of Columbus Corporation Line (Case No. 01-97, Ord. No. 1388-97, I.N. 199710070113511);

Thence **Westerly**, along the south line of said Adkins tract, the same being said existing City of Columbus Corporation Line (Case No. 01-97, Ord. No. 1388-97, I.N. 199710070113511), about **250 feet** to the southwest corner of said Adkins tract, in an existing City of Columbus Corporation Line (Case No. 08-04, Ord. No. 0979-04, I.N. 200408250198994);

Thence **Northerly**, along the west line of said Adkins tract, the same being said existing City of Columbus Corporation Line (Case No. 08-04, Ord. No. 979-04, I.N. 200408250198994), about **480 feet** to the **Point of Beginning**. Containing approximately **2.8 acres** of land, more or less. The above description was written by John C. Dodgion, P.S. 8069 on January 16, 2012. A drawing of the above description has been prepared and is a part hereof.

The total length of the annexation perimeter is about 1460 feet, of which about 1460 feet are contiguous with existing City of Columbus Corporation Lines, being 100% contiguous. This annexation does not create any islands of township property.

Section 2. That the City Clerk is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof, the City Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the Board of Elections thereof and do such other things as may be required by law.

Section 3. That pursuant to the provisions of Section 503.07 of the Ohio Revised Code the Director of the Department of Development be and is hereby authorized and directed on behalf of the City of Columbus to present to the Board of Commissioners of Franklin County, Ohio, a petition requesting such changes in and extensions of the boundary lines of Montgomery Township as may be necessary so that said township may include therein that portion of Plain Township, which by the order of the Board of County Commissioners of Franklin County, Ohio, on June 5, 2012 was approved for annexation to the City of Columbus, so as to make the boundaries of Montgomery Township co-extensive with the corporate limits of the said City of Columbus in accordance with the maps attached to said petition.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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SERVICE STATEMENT

AN12-007

2.8 ± acres in Plain Township

Mary A. Adkins and Michael W. Adkins

Franklin County Planning Department
Franklin County, Ohio

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 site can be served by an existing 12" water main in Warner Road

Sewers:

Sanitary Sewers: this parcel is tributary to an existing 8-inch sanitary sewer (RP-11849) situated within an easement and located approximately 400 feet to the south of the proposed annexation's southeast property corner.

Mainline extension is required and to be constructed at the owner/developer's cost.

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.

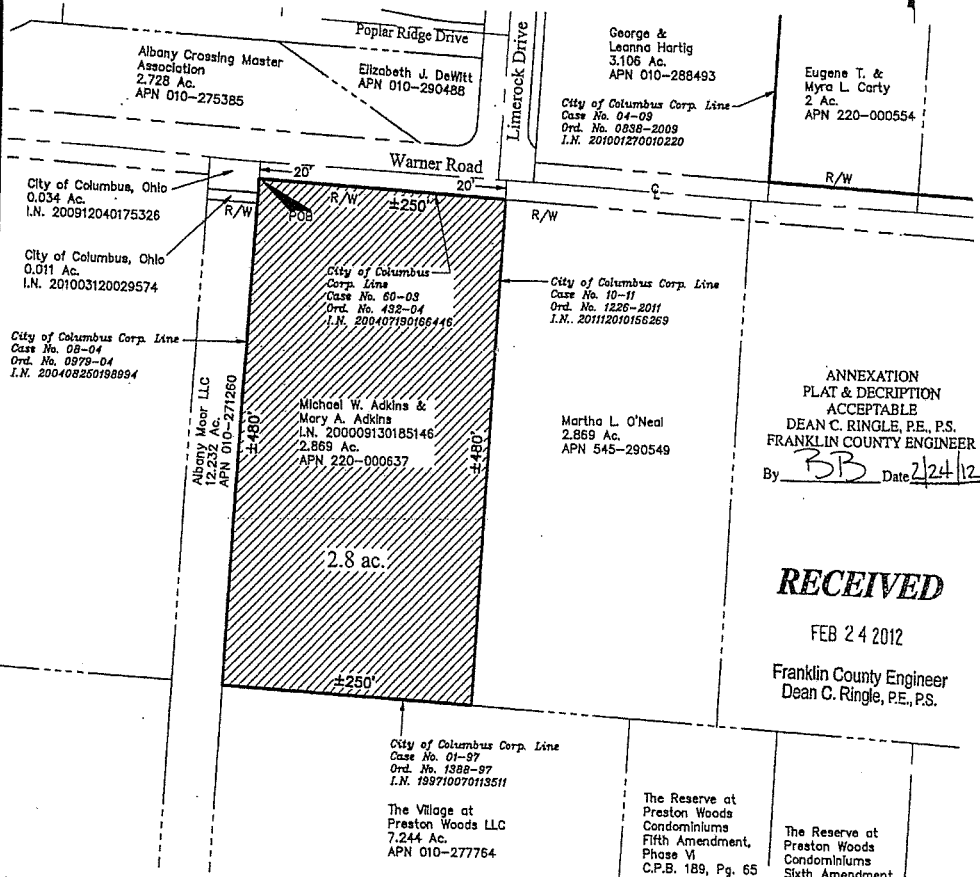
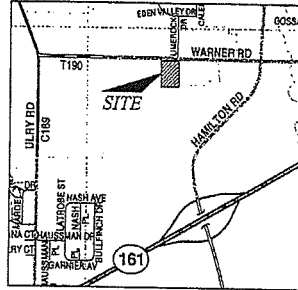
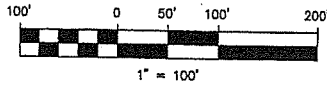
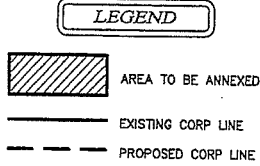
All sanitary and storm sewers required shall be constructed privately by the owners/developers at their own cost and expense with no cost to the city.

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ANNEXATION AN12-007
± 2.8 Acres in Plain Township
Michael W. & Mary A. Adkins

Franklin County Planning Department
Franklin County, Ohio

2.8 ACRE ANNEXATION TO THE CITY OF COLUMBUS
EXPEDITED TYPE I ANNEXATION UNDER ORC §709.021 AND §709.023
SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF PLAIN
LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 16
UNITED STATES MILITARY DISTRICT



ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By DR Date 2/24/12

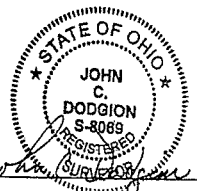
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Franklin County Engineer
Dean C. Ringle, P.E., P.S.

Length of Contiguity: ±1,460 feet
Total Length of Perimeter: ±1,460 feet
Percentage of Contiguity: ±100%

No Islands of township property are created by this annexation.



02/23/2012
John C. Dodgion, P.S. 8069
Advanced Civil Design, Inc
422 Beecher Road
Gahanna, OH 43230
Phone 614-428-7750

Job No.: 10-0028-65
Date: 02/23/2012