

Review of Petition to Annex 9.7 +/- acres from Perry Township to the city of Upper Arlington by Jill Tangeman, Esq. Case #ANX-EXP2-01-13 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Jill Tangeman, Esq. filed on behalf of Tower Ventures REIT, Inc, Erin Richards, Johnny & Barbara Hoylman, Jeffrey & Heather Kenyon, Mary Wise, Carl Fry, Nicole & Charles Evans and the Estate of Ronald Jones on January 14, 2013 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 #1-2013, passed on January 22, 2013 by the city of Upper Arlington.

Review of Petition to Annex 9.7 +/- acres from Perry Township to the city of Upper Arlington by Jill Tangeman, Esq. Case #ANX-EXP2-01-13 (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 Upper Arlington, 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 Upper Arlington, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0122-13

February 19, 2013

**REVIEW OF PETITION TO ANNEX 9.7 +/- ACRES FROM PERRY TOWNSHIP
TO THE CITY OF UPPER ARLINGTON BY JILL TANGEMAN, ESQ. CASE
#ANX-EXP2-01-13**

**(Economic Development and
Planning)**

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

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

Economic Development & Planning Department
James Schimmer, Director

RESOLUTION SUMMARY

REVIEW OF PETITION TO ANNEX
9.7 +/- ACRES FROM
PERRY TOWNSHIP
TO THE CITY OF UPPER ARLINGTON
BY JILL TANGEMAN, ESQ.

Description:

Attached is a resolution to consider the annexation of 9.7-acres, more or less, from Perry Township to the city of Upper Arlington. The petition case number is ANX-EXP2-01-13.

Applicant/Agent:

Jill Tangeman, Esq.

Owner:

Tower Ventures REIT, Inc, Erin Richards, Johnny & Barbara Hoylman, Jeffrey & Heather Kenyon, Mary Wise, Carl Fry, Nicole & Charles Evans and the Estate of Ronald Jones

Site:

5314 Riverside Drive (212-000396 & 212-000442), 5308 Riverside Drive (212-000148), 5304 Riverside Drive (212-000151), 5300 Riverside Drive (212-000394), 5296 Riverside Drive (212-000394), 5292 Riverside Drive (212-0009393), 5280 Riverside Drive (212-000186) and 5286 Riverside Drive (212-000189).

Additional Information:

The site is contiguous to the city of Upper Arlington on one (1) side.

Analysis:

The applicant has met all statutory requirements outlined in Section 709.21 of the Ohio Revised Code. The applicant has provided proof of notification, and timeline and has provided a service ordinance from the city of Upper Arlington stating the services that will be provided once the annexation has been approved. The city of Upper Arlington has agreed to provide the territory proposed for annexation the services specified in the relevant service ordinance #1-2013 passed January 22, 2013.

Recommendation:

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



Commissioner John O'Grady · Commissioner Paula Brooks · Commissioner Marilyn Brown
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 Expedited Type 2 annexation case to be
journalized on the **January 29** General Session Agenda for a
hearing on **February 19, 2013**.

Case #ANX-EXP2-01-13- An Expedited Type 2 annexation ANX-EXP2-01-13 was filed in our office on January 14, 2013. The petition is requesting to annex 9.7+/- acres from Perry Township to the city of Upper Arlington. The agent is Jill Tangeman, Esq. **Site: 5314 Riverside Drive (212-000396 & 212-000442), 5308 Riverside Drive (212-000148), 5304 Riverside Drive (212-000151), 5300 Riverside Drive (212-000394), 5296 Riverside Drive (212-000394), 5292 Riverside Drive (212-0009393), 5280 Riverside Drive (212-000186) and 5286 Riverside Drive (212-000189).**



Commissioners
 Marilyn Brown, President
 Paula Brooks
 John O'Grady

Economic Development & Planning Department
 James Schimmer, Director

Application for
**Annexation
 Petition**

Expedited Type 2
 Pursuant to ORC §709.023

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Franklin County Planning Department
 Franklin County, OH



Property Information	
Site Address	Riverside Drive
Parcel ID(s)	See attached Appendix 1
Total Acreage	9.7 +/-
From Township	Perry
To Municipality	Upper Arlington

Property Owner Information	
Name	See attached Appendix 1
Address	
Phone #	Fax #
Email	

Attorney/Agent Information	
Name	Jill Tangeman, Esq.
Address	
52 East Gay Street, Columbus, OH 43216	
Phone #	614-464-5608
Fax #	614-719-4638
Email	
jstangeman@vorys.com	

Staff Use Only	
Case #	ANN EX 2 01-13
Hearing date:	2/19/13
Date filed:	1/14/13
Fee paid	250.00
Receipt #	146 005
Notifications deadline: 5 days	1/19/13
Svc statement deadline: 20 days	2/4/13

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	11-30-12
Property Owner		Date	
Property Owner		Date	

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Application for Annexation Petition

Franklin County Planning Department
Franklin County, OH

Appendix 1

Petition for Annexation to the City of Upper Arlington, Ohio of 9.7 +/- Acres, More or Less, in Perry Township, Franklin County, Ohio.

Address: Riverside Drive

List of Owners and Parcel Nos.:

✓ Tower Ventures REIT, Inc.
5314 Riverside Drive
Parcel Nos. 212-000396 and 212-000442

✓ Erin M. Richards
5308 Riverside Drive
Parcel No. 212-000148

✓ Johnny R. Holyman & Barbara K. Hoylman
5304 Riverside Drive
Parcel No. 212-000151

✓ Jeffrey L. Kenyon & Heather J. Kenyon
5300 Riverside Drive
Parcel No. 212-000394

✓ Mary L. Wise
5296 Riverside Drive
Parcel No. 212-000394

✓ Carl B. Fry, Trustee
5292 Riverside Drive
Parcel No. 212-000393

✓ Nicole & Charles Evans
5280 Riverside Drive
Parcel No. 212-000186

The Estate of Ronald L. Jones
5286 Riverside Drive
Parcel No. 212-000189

RECEIVED

NOV 28 2012

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

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

A

By BB Date: 11/28/12

DESCRIPTION OF 9.7 ACRES LOCATED IN PERRY TOWNSHIP
TO BE ANNEXED TO THE CITY OF UPPER ARLINGTON
EXPEDITED TYPE II ANNEXATION UNDER ORC §709.021 AND §709.023

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Franklin County Planning Department
Franklin County, OH

Situated in the State of Ohio, County of Franklin, Township of Perry, Quarter Township 2, Township 1, Range 19, United States Military District, and being: part of the 9.316 acre tract conveyed to Jack D. Strader, Trustee and Ruth E. Strader, Trustee of record in Instrument Number 200402240039544 (APN 590-197814), part of the 4.694 acre tract conveyed to Bethel Road Family Partnership of record in Official Record 33323D17 (APN 590-236554), part of the 1.657 acre and 1.138 acre tracts conveyed to Tower Ventures Reit, Inc of record in Instrument Number 201008260110411 (APN 212-000396 and APN 212-000442), part of that 1.129 acre tract conveyed to Erin M. Richards of record in Instrument Number 200302260055751 (APN 212-000148), part of the 0.016 acre and 1.119 acre tracts conveyed to Johnny R. Hoylman and Barbara K. Hoylman of record in Instrument Number 200410010229419 and Official Record 22795I18 (APN 212-000151), part of the Original 1.110 acre tract conveyed to Jeffrey L. Kenyon and Heather J. Kenyon of record in Instrument Number 20110050230421 (APN 212-000437), part of the 1.223 acre tract conveyed to Mary L. Wise of record in Deed Book 2871, Page 186 (APN 212-000394), part of the 1.571 acre tract conveyed to Carl B. Fry, Trustee of record in Instrument Number 199901210016538 (APN 212-000393), part of the 0.500 acre tract conveyed to Ronald L. Jones of record in Instrument Number 200309150293506 (APN 212-000189) and part of the 0.500 acre tract conveyed to Charles Evans and Nicole Evans of record in Instrument Number 200311140365689 (APN 212-000186) and described as follows:

Beginning at the southeast corner of said 1.571 acre tract, the same being the southwest corner of the 11.24 acres annexed to City of Columbus in Case No. 3-77, Ordinance No. 994-77, Miscellaneous Record 168, Page 222, in a north City of Upper Arlington Corporation Line (Case No. 57-92, Ord. No. 72-93, O.R. 22593A07);

Thence Westerly, along the south line of said 1.571 acre tract, being said City of Upper Arlington Corporation Line, about 342 feet to the northeast corner of said Jones tract;

Thence Southeasterly, along the east line of said Jones tract and east line of said Evans tract, being a west line of said City of Upper Arlington Corporation Line, about 225 feet to a southeast corner of said Evans tract;

Thence Westerly, along the south line of said Evans tract, being a north line of said City of Upper Arlington Corporation Line, about 175 feet to the east right-of-way line for Riverside Drive;

Thence Northwesterly, along said east right-of-way line, being 30 feet easterly of the centerline of said Riverside Drive, about 899 feet to the south right-of-way line Bethel Road;

Thence Northwesterly, about 61 feet to the southwest corner of the 19.4 acres annexed to City of Columbus in Case No. 24-83, Ordinance No. 854-84, Official Record 3438A01;

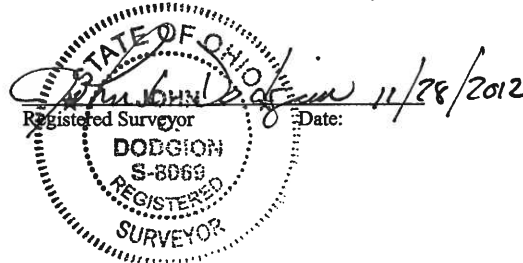
Thence Easterly, along the south line a City of Columbus Corporation Line (Case No. 24-83, Ord. No. 854-84, O.R. 3438A01), being 30 feet northerly of the centerline of said Bethel Road, about 560 feet to a corner of said 19.4 acres annexed to City of Columbus;

Thence Southeasterly, partly across said 4.694 acre tract and along the east lines of said 1.657 acre, 1.138 acre, 1.129 acre 1.119 acre, 1.110 acre, 1.223 acre and 1.571 acre tracts, the same being said existing City of Columbus Corporation Lines (Case No. 24-83, Ord. No. 854-84, O.R. 3438A01 and Case No. 3-77, Ord. No. 994-77, M.R. 168, Page 222.), about 727 feet to the Point of Beginning. Containing approximately 9.7 acres of land, more or less. The above description was written by Advanced Civil Design on August 31, 2012. A drawing of the above description has been prepared and is a part hereof.

The total length of the annexation perimeter is about 2989 feet, of which about 742 feet are contiguous with an existing City of Upper Arlington Corporation Line, being 25% contiguous. This annexation does not create any islands of township property.

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

ADVANCED CIVIL DESIGN, INC.

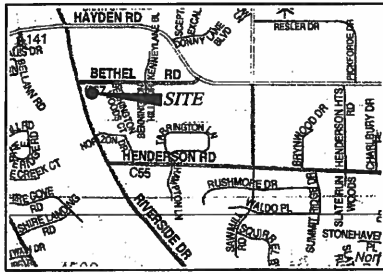


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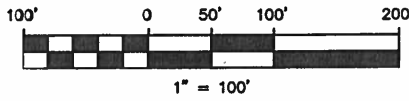
**9.7 ACRE ANNEXATION FROM PERRY TOWNSHIP TO THE CITY OF UPPER ARLINGTON
EXPEDITED TYPE II ANNEXATION UNDER ORC §709.021 AND §709.023
SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF PERRY
LOCATED IN PART OF QUARTER TOWNSHIP 2, TOWNSHIP 1, RANGE 19,
UNITED STATES MILITARY DISTRICT**





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LEGEND



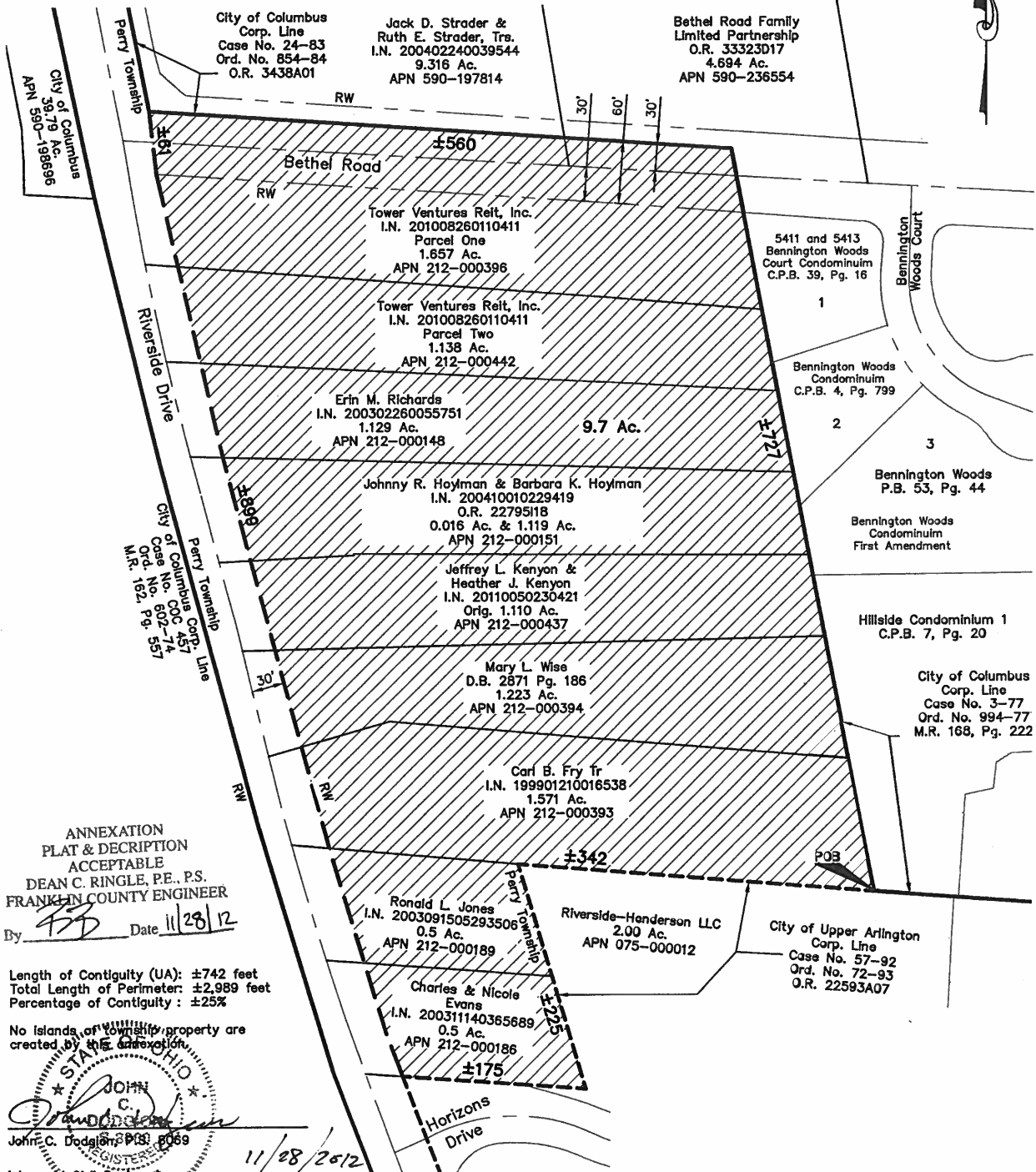
-  AREA TO BE ANNEXED
-  EXISTING COLUMBUS CORP LINE
-  EXISTING UPPER ARLINGTON CORP LINE
-  PROPOSED CORP LINE

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Franklin County Planning Department
Franklin County, OH

NOV 28 2012

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 *DRD* Date 11/28/12

Length of Contiguity (UA): ±742 feet
Total Length of Perimeter: ±2,989 feet
Percentage of Contiguity: ±25%

No islands of ownership property are created by this annexation.

JOHN C. DODDSON
John C. Doddson, P.E., P.S.
REGISTERED PROFESSIONAL ENGINEER

Advanced Civil Design, Inc.
422 Beecher Road
Gahanna, OH 43230
Phone 614-428-7750

Job No.: 12-0038-65
Date: 08/31/2012

11/28/2012

RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

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JAN 24 2013 *RAB*

Franklin County Planning Department
Franklin County, OH

ORDINANCE NO. 1-2013

TO ADOPT A STATEMENT OF MUNICIPAL SERVICES AND ZONING CONDITIONS TO BE PROVIDED TO THE APPROXIMATELY 9.8 ACRES OF LAND LOCATED AT THE INTERSECTION OF BETHEL ROAD AND RIVERSIDE DRIVE PROPOSED TO BE ANNEXED TO THE CITY OF UPPER ARLINGTON AND TO DECLARE AN EMERGENCY

WHEREAS, a petition was filed on January 14, 2013 with the Franklin County Board of Commissioners for the annexation to the City of Upper Arlington of approximately 9.8 acres located along the Southside of Bethel Road and the Eastside of Riverside Drive in Perry Township; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires that the City Council adopt a statement of the municipal services that the City will provide to the property upon annexation, which must be adopted and filed with the Board of Commissioners within twenty days after the petition is filed; and

WHEREAS, Ohio Revised Code Section 709.023(C) further provides that within the same time period, the City Council shall adopt an ordinance or resolution that requires buffers separating any new uses permitted in the annexed property under the City's zoning regulations that are clearly incompatible with the uses permitted under current township or county zoning regulations in the adjacent land remaining in the unincorporated township; and

WHEREAS, the City Manager recommends passage of this Ordinance in accordance with Ohio Revised Code Section 709.023(C) and with the terms of the pre-annexation agreement entered into with Preferred Living pursuant to Ordinance No. 80-2012;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. That in the event that the approximately 9.8 acres located along the Southside of Bethel Road and the Eastside of Riverside Drive in Perry Township ("Property") is annexed to the City of Upper Arlington, the City will provide to the property the City's planning, zoning, police, fire, and EMS services.

SECTION 2.

That the Property is included within the boundaries of the area described in the City's water and sewer agreements with the City of Columbus and those services will be provided in accordance with the terms and conditions of those agreements. The City of Upper Arlington 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 those agreements.

SECTION 3.

That in the event that the Property is annexed and becomes subject to the City of Upper Arlington zoning and if the City determines that the uses permitted on the Property are clearly incompatible with the uses permitted under the current township or county zoning regulations in the adjacent land remaining within Perry Township, then the City will require the owner of the Property to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Perry Township.

SECTION 4.

That the City Clerk is hereby authorized and directed to deliver a certified copy of this Ordinance with the Franklin County Board of Commissioners within twenty (20) days of the date the petition of annexation was filed.

SECTION 5.

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety in this City, such emergency arising from the statutory time requirements of Ohio Revised Code Section 709.023(C), therefore this Ordinance shall take effect immediately upon passage.

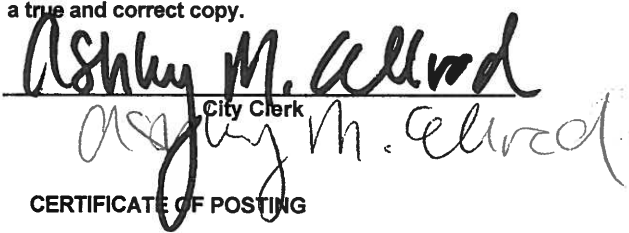
PASSED: January 22, 2013



President of Council

ATTEST: 

Acting City Clerk

I, Ashley Ellrod, Acting City Clerk of Upper Arlington, Ohio, do hereby certify that the above is a true and correct copy.


City Clerk
CERTIFICATE OF POSTING

I, Ashley Ellrod, Acting City Clerk of the City of Upper Arlington, Ohio, do hereby certify that publication of the foregoing was made by posting a true copy of Ordinance No. 1-2013 at the most public place in said corporation as determined by the Council, the Municipal Building, 3600 Tremont Road, for a period of ten (10) days commencing January 23, 2013.

Ashley M. Ellrod

Acting City Clerk of the City of Upper Arlington

Ashley M. Ellrod

Vote Slip

Sponsor: Mr. Adams
Date Introduced: January 22, 2013

Legal Ad:
Newspaper:

Reading Date(s): January 22, 2013

Voting Aye: Unanimous
Voting Nay:
Abstain:
Absent:

Date of Passage: January 22, 2013

City Council Conference Session/Other Review:

Other: Emergency; Amend; Suspension of Rules