

Review of Petition to Annex 10.4 +/- acres from Norwich Township to the city of Hilliard by Thomas L. Hart, Esq. Case #ANX-EXP2-06-13 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Thomas L. Hart, Esq. filed on behalf of Darby Oaks Family Farms, LLC on February 4, 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 #13-R-17, passed on February 25, 2013 by the city of Hilliard.

Review of Petition to Annex 10.4 +/- acres from Norwich Township to the city of Hilliard by Thomas L. Hart, Esq. Case #ANX-EXP2-06-13 (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 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. 0184-13

March 12, 2013

REVIEW OF PETITION TO ANNEX 10.4 +/- ACRES FROM NORWICH TOWNSHIP TO THE CITY OF HILLIARD BY THOMAS L. HART, ESQ. CASE #ANX-EXP2-06-13

(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.



Shannon Z Cross, 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

REVIEW OF PETITION TO ANNEX
10.4 +/- ACRES FROM
NORWICH TOWNSHIP
TO THE CITY OF HILLIARD
BY THOMAS L. HART, ESQ.

Description:

Attached is a resolution to consider the annexation of 6.1-acres, more or less, from Norwich Township to the city of Hilliard. The petition case number is ANX-EXP2-06-13.

Applicant/Agent:

Thomas L. Hart, Esq.

Owner:

Darby Oaks Family Farms, LLC

Site:

6031 - 6033 Hayden Run Road (200-003475, 200-003450, 200-003449 and 200-001347)

Additional Information:

The site is contiguous to the city of Hilliard on three (3) sides.

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 Hilliard stating the services that will be provided once the annexation has been approved. The city of Hilliard has agreed to provide the territory proposed for annexation the services specified in the relevant service ordinance #13-R-17 passed February 25, 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: Sandy Menedis, 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 **February 5, 2013** General Session Agenda
for a hearing on **March 12, 2013**.

Case #ANX-EXP2-06-13- An Expedited Type 2 annexation ANX-EXP2-06-13 was filed in our office on February 4, 2013. The petition is requesting to annex 10.4 +/- acres from Norwich Township to the city of Hilliard. The agent is Thomas Hart, Esq. **Site: 6031-6033 Hayden Run Road (200-003475, 200-003450, 200-003449 and 200-001347)**



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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FEB - 4 2013



Franklin County Planning Department
 Franklin County, OH

Property Information	
Site Address 6031-6033 Hayden Run Road	Total Acreage 10.4 Acres
Parcel ID(s) 200-003445; 200-003450; 200-003449; 200-001347	To Municipality City of Hilliard
From Township Norwich	

Property Owner Information	
Name Darby Oaks Family Farms LLC	
Address 3150 Plain City-Georgesville Rd., NE West Jefferson, OH 43162	
Phone # (614) 879-9194	Fax # (614) 879-9194
Email bradleywstorts@yahoo.com	

Attorney/Agent Information	
Name Thomas L. Hart, Esq.	
Address 300 Spruce Street, First Floor Columbus, OH 43215	
Phone # (614) 221-5216	Fax # (614) 221-5692
Email thart@wileslaw.com	

Staff Use Only	
Case # ANN-EXP2 Ro-13	
Hearing date: 3/12/13	Date filed: 2/4/13
Fee paid \$350.00	Receipt # 1003
Notifications deadline: 5 days 2/3/13	Svc statement deadline: 20 days 2/24/13

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>			
Darby Oaks Family Farms, LLC			
Bradley W. Storts	1/31/13	_____	_____
Property Owner	Date	Property Owner	Date
By: Bradley W. Storts, managing member			
_____	_____	_____	_____
Property Owner	Date	Property Owner	Date

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NOV 21 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 DR Date 11/21/12

**PROPOSED ANNEXATION
10.4 ACRES**

FROM: NORWICH TOWNSHIP

TO: CITY OF HILLIARD

Situated in the State of Ohio, County of Franklin, Township of Norwich, lying Virginia Military Survey Number 3453, being all of Parcel 1 (1.021 acre tract), Parcel 2 (1.007 acre tract), Parcel 3 (0.481 acre tract), Parcel 5 (6.009 acre tract), and Parcel 6 (2.00 acre tract) as conveyed to Darby Oaks Family Farms by deed of record in Instrument Number 201208020111906 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the common corner of said Parcel 6 and Parcel 1, Lot 224 of "Hayden Run Village Phase 6", as recorded in Plat Book 67, Page 79, and being in the existing City of Hilliard Corporation Line as established by Ordinance Number 74-50, and recorded in Official Record 163, Page 447;

thence southerly, with the easterly line of said Parcel 1, and the westerly line of said "Hayden Run Village Phase 6", and with said existing City of Hilliard Corporation Line (74-50), a distance of approximately 111 feet to a point;

thence westerly, with the southerly lines of said Parcels 1, 2, 3, and 5, and the northerly line of Parcel 4 (0.199 and 2.719 acre tracts) as conveyed to Darby Oaks Family Farms by deed of record in Instrument Number 201208020111906, with the existing City of Hilliard Corporation as established by Ordinance Number 95-68, and recorded in Official Record 34865, Page H-07, a distance of approximately 417 feet to a point in a common corner of said Parcel 5 and Parcel 4 (0.199 acre tract);

thence southerly, with the easterly line of said Parcel 5, the westerly lines of said Parcel 4, and with said existing City of Hilliard Corporation Line (95-68), a distance of approximately 307 feet to a point at the common corner of said Parcel 5, Parcel 4 (2.719 acre tract), Lot 214 of said "Hayden Run Village Phase 6", and Lot 47 of "Brixston Subdivision", as recorded in Plat Book 69, Pages 66 & 67;

thence westerly, with the southerly line of said Parcel 5, the northerly lines of said "Brixston Subdivision", and said existing City of Hilliard Corporation Line (95-68), a distance of approximately 426 feet to a point in the easterly line of that 79.484 acre tract as conveyed to Homewood Corporation by deed of record in Instrument Number 200512300274697;

thence northerly, with a westerly line of said Parcel 5, the easterly line of said 79.484 acre tract, and with said existing City of Hilliard Corporation Line (95-68), a distance of approximately 500 feet to a point in the southerly line of that 8.042 acre tract as conveyed to the City of Columbus, Ohio by deed of record in Instrument Number 200601240014421, being in the northerly line of said existing City of Hilliard Corporation Line (95-68), and an existing southerly Corporation Line of City of Columbus Corporation Line as established by Ordinance Number 628-2003, and recorded in Instrument Number 200306120176147;

thence easterly, with a northerly line of said Parcel 5, the southerly lines of said 8.042 acre tract, with said existing City of Columbus Corporation Line (628-2003), a distance of approximately 89 feet to a point;

thence northerly, with a westerly line of said Parcel 5, the easterly line of said 8.042 acre tract, with said existing City of Columbus Corporation Line (628-2003), a distance of approximately 100 feet to a corner common of said Parcel 5, and the 4.752 acre tract as conveyed to FFC Holding LLC by deed of record in Instrument Number 201003290036800;

thence easterly, with the northerly lines of said Parcels 1, 2, 3, 5, 6, and the southerly line of said 4.752 acre tract, a distance of approximately 912 feet to a point;

thence northeasterly, with the northerly line of said Parcel 6, the southerly line of said 4.752 acre tract, across Hayden Run Road, a distance of approximately 262 feet to a common corner of said Parcel 6, and the 0.789 acre tract as conveyed to Craig Matthews by deed of record in Instrument Number 200207110170223, being in an existing City of Hilliard Corporation Line;

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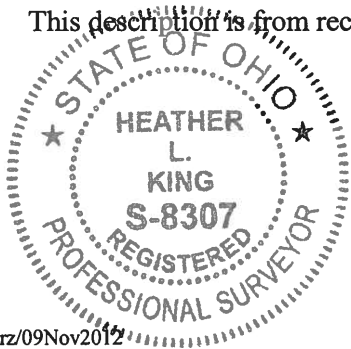
FEB - 4 2013

**PROPOSED ANNEXATION
10.4 ACRES
-Page 2-**

thence in a southerly direction, with the easterly line of said Parcel 6, the westerly line of said 0.789 acre tract, and the said existing City of Hilliard Corporation Line (74-50), a distance of approximately 262 feet, to an angle point in the northerly line of said "Hayden Run Village Phase 6";

thence westerly, , with the southerly line of Parcel 6, the northerly line of said " Hayden Run Village Phase 6", with said existing City of Hilliard Corporation Line (74-50), a distance of approximately 414 feet, to the POINT OF BEGINNING, containing approximately 10.4 acres of land, more or less.

This description is from recorded information only, and is not to be used for deed transfer.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

A handwritten signature in black ink that reads "Heather L. King".

Heather L. King
Professional Surveyor No. 8307

11/21/12
Date

HLK:mrz/09Nov2012
10_40 ac annex 20121389ANNX.doc

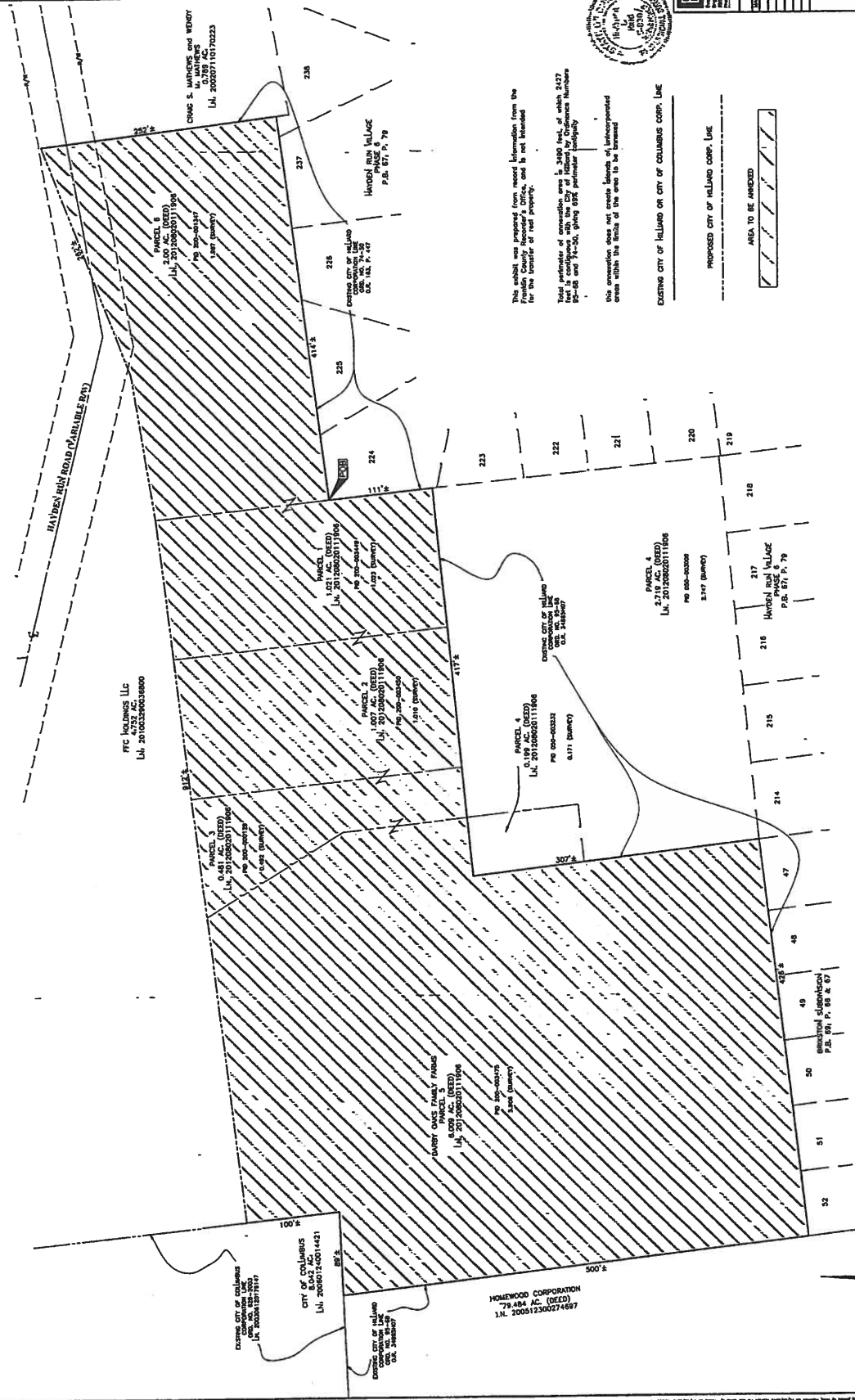
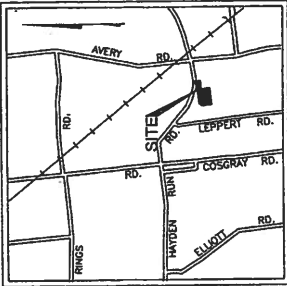
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Franklin County Planning Department
Franklin County, OH

PROPOSED ANNEXATION OF 10.4± AC. TO THE CITY OF HILLIARD FROM NORWICH TOWNSHIP, FRANKLIN COUNTY OHIO

VIRGINIA MILITARY SURVEY No. 3453
TOWNSHIP OF NORWICH, COUNTY OF FRANKLIN, STATE OF OHIO



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Feb 21 2012
Franklin County Planning
Department, Franklin, OH, OH

This exhibit was prepared from recent information from the Franklin County Recorder's Office, and is not intended for the transfer of real property.

Total perimeter of annexation area is 2,400 feet, of which 2,427 feet are on the line of the 1820 Virginia Military Survey. The 27 feet difference is due to the 1820 survey's perimeter irregularity.

This annexation does not create interests of unincorporated areas within the limits of the City of Hilliard or Columbus.

EXISTING CITY OF HILLIARD OR CITY OF COLUMBUS CORP. LINE

PROPOSED CITY OF HILLIARD CORP. LINE

AREA TO BE ANNEXED



EMHIT
Date: November 09, 2012
Scale: 1" = 50'
Job No: 2012-1389
Sheet: 1 of 1
PROJECT: 2012-1389-01-01

RECEIVED

FEB 21 2012

RECEIVED

FEB 26 2013

JRB

Franklin County Planning Department
Franklin County, Ohio



hereby certify that the foregoing is a true copy
of Resolution 13-R-17 duly adopted

by the Council of the City of Hilliard

the 25th day of February, 2013.

Debra M. Fasso

Clerk of Council
City of Hilliard

Resolution: 13-R-17

Page: 1 of 2

Adopted: February 25, 2013

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF HILLIARD WILL PROVIDE TO THE 10.4 ±ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, UPON ANNEXATION TO THE CITY, AND TO PROVIDE FOR BUFFER REQUIREMENTS.

WHEREAS, on February 4, 2013, pursuant to Ohio Revised Code Section 709.023, the property owner seeking the annexation of 10.4 ±acres of real property in Norwich 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 10.4 ± 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 Petitioner for annexation, within twenty days following the date that the petition was filed.

SECTION 5. This Resolution is effective upon its adoption.

ATTEST:



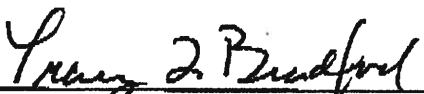
Lynne M. Fasone
Clerk of Council

SIGNED:



Brett A. Sciotto
President of Council

APPROVED AS TO FORM:



Tracy L. Bradford
Director of Law

APPROVED:



Donald J. Schonhardt
Mayor

Resolution 13-R-17

VOTE:	Yea	Nay	Abstain
Ashenhurst	<input checked="" type="checkbox"/>		
Baker	<input checked="" type="checkbox"/>		
Erb	<input checked="" type="checkbox"/>		
Iosue	<input checked="" type="checkbox"/>		
McGivern	<input checked="" type="checkbox"/>		
Painter	<input checked="" type="checkbox"/>		
Sciotto	<input checked="" type="checkbox"/>		
Results:	7	0	0