

Review of Petition to Annex 8.467 +/- acres from Jefferson Township to the city of Columbus by Donald T. Plank, Esq. Case #ANX-EXP2-10-13 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Donald T. Plank, Esq filed on behalf of Eastglen Exchange LLC on March 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 #0673-2013, passed on March 18, 2013 by the city of Columbus.

Review of Petition to Annex 8.467 +/- acres from Jefferson Township to the city of Columbus by Donald T. Plank, Esq. Case #ANX-EXP2-10-13 (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 Columbus, 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 Columbus, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0271-13

April 09, 2013

REVIEW OF PETITION TO ANNEX 8.467 +/- ACRES FROM JEFFERSON TOWNSHIP TO THE CITY OF COLUMBUS BY DONALD T. PLANK, ESQ. CASE #ANX-EXP2-10-13

(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
8.467 +/- ACRES FROM
JEFFERSON TOWNSHIP
TO THE CITY OF COLUMBUS
BY DONALD T. PLANK, ESQ.

Description:

Attached is a resolution to consider the annexation of 8.467-acres, more or less, from Jefferson Township to the city of Columbus. The petition case number is ANX-EXP2-10-13.

Applicant/Agent:

Donald T. Plank, Esq.

Owner:

Eastglen Exchange, LLC.

Site:

6517 East Broad Street (170-000181 and 170-000829)

Additional Information:

The site is contiguous to the city of Columbus 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 Columbus stating the services that will be provided once the annexation has been approved. The city of Columbus has agreed to provide the territory proposed for annexation the services specified in the relevant service ordinance #0673-2013 passed March 18, 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: Shannon Zee Cross, 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 **March 12, 2013** General Session Agenda for
a hearing on **April 9, 2013**.

Case #ANX-EXP2-10-13- An Expedited Type 2 annexation ANX-EXP2-10-13 was filed in our office on March 5, 2013. The petition is requesting to annex 8.467 +/- acres from Jefferson Township to the city of Columbus. The agent is Donald T. Plank, Esq. **Site: 6517 East Broad Street (170-000181 and 170-000829)**

RECEIVED

13 MAR 5 PM 1:51



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



Property Information	
Site Address	4517 E. Broad St, Columbus OH
Parcel ID(s)	170-000181 170-000829
Total Acreage	8.467 ac.
From Township	Jefferson
To Municipality	Columbus

Staff Use Only	
Case #	ANNEX-2-10-13
Hearing date:	4/9/13
Date filed:	3/5/13
Fee paid	250.00
Receipt #	1033
Notifications deadline:	5 days
Svc statement deadline:	20 days
	3/10/13
	3/25/13

Property Owner Information	
Name	Eastlan Exchange LLC
Address	445 Hutchinson Ave #800 Columbus OH 43235
Phone #	614 802-2900
Fax #	
Email	

Attorney/Agent Information	
Name	Donald T. Plank, Attorney
Address	Plank Law Firm CPA 145 E. Rich St - 3rd floor Columbus OH 43215
Phone #	614 947-8600
Fax #	614 228-1790
Email	akuhn@planklaw.com

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			
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.			
	2/25/13	Property Owner	Date
Property Owner	Date	Property Owner	Date
Property Owner	Date	Property Owner	Date

RECEIVED

JAN 03 2013

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 1/3/13

FROM: JEFFERSON TOWNSHIP

TO: THE CITY OF COLUMBUS

Situated in the State of Ohio, County of Franklin, Township of Jefferson and being a part of Lot 18 of the Subdivision of Quarter Township 3, Township 1, Range 16, United States Military Lands and being that land conveyed to The Eastglen Exchange, LLC by Instrument Number 201210300164477, Franklin County Recorder's records, being part of Franklin County Auditor's Parcels 170-000181-00 and 170-000829-00, consisting of 8.467 acres more or less, more particularly described as follows:

Commencing for reference at a 1" X 1" square bolt found marking the southeasterly corner of the "Villas at Broadmere Condominium" as recorded in Condo Plat Book 109, Page 31, Franklin County Records on the northerly line of Lot 66 of "Brook Farm", as recorded in Plat Book 59, Page 69;

Thence westerly, North 86 degrees 01 minutes 30 seconds West a distance of 523.23 feet, along the southerly line of said "Villas at Broadmere Condominium", being the northerly line of said "Brook Farm" and the northerly line of "Brook Farm Section 2" as recorded in Plat Book 60, Page 28 to the southwesterly corner of said "Villas at Broadmere Condominium", ¾" I pipe found 0.59' North, said point being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence westerly, North 86 degrees 01 minutes 30 seconds West a distance of 419.20 feet, along the northerly line of Lots 128 thru 122 of said "Brook Farm Section 2" also being the northerly corporation line of the City of Reynoldsburg Ordinance #47-73 Rec. in M.R. 159, Pg. 393, to a ¾" Capped Iron Pipe found at the southeasterly corner of a 1.380 acre parcel conveyed to Eastglen Land, LLC by Instrument Number 201207160101175;

Thence northerly, North 03 degrees 55 minutes 37 seconds East a distance of 839.08 feet, along the easterly line of said Eastglen Land, LLC parcel and along the easterly line of a 1.020 acre parcel conveyed to Reynoldsburg Properties, LLC by Instrument Number 201207160101169, also being an existing easterly corporation line of the City of Columbus as established by ordinance 781-57, Rec. in M.R. 108, Pg. 613, and along RW drop Recorded in O.R. 32343 J08, to the Southerly RW line of East Broad Street;

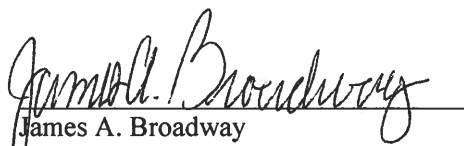
Thence easterly North 81 degrees 46 minutes 48 seconds East a distance of 424.59 feet, along said Southerly RW line of East Broad Street being the Southerly line of said City of Columbus Corporation, to the Easterly line of said Eastglen Exchange, LLC also being the Westerly line of RW drop recorded in 200102090027118;

Thence southerly, South 03 degrees 40 minutes 22 seconds West a distance of 928.78 feet, along the easterly line of said Eastglen Exchange, LLC parcel, also along the RW drop recorded in 200102090027118 and also being the westerly line of a 0.501 acre parcel conveyed to Eastglen Exchange, LLC by Instrument Number 201212170193615 and the westerly line of said "Villas at Broadmere Condominium", said line also being an existing westerly line of said City of Columbus Corporation, to the POINT OF BEGINNING and containing 8.467 acres more or less.

Subject, however to all highways, easements and restrictions of record, if any.

This description was written on December 31, 2012 by Jon D. Bruner P.S. #7098 of the Mannik & Smith Group, Inc. from a survey of the premises.

Bearing used herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS96) Said bearings originated from a field traverse which was tied to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station network. The portion of the centerline of East Broad Street, having a bearing of North 81 degrees 46 minutes 48 seconds East and monumented as described herein, is designated the "basis of bearing" for this plat.


James A. Broadway
Registered Surveyor #6909
The Mannik and Smith Group, Inc.
1800 Indian Wood Circle
Maumee, Ohio 43537

01/02/2013
Date



PROPOSED 8.467 ACRE ANNEXATION FROM JEFFERSON TWP. TO CITY OF COLUMBUS

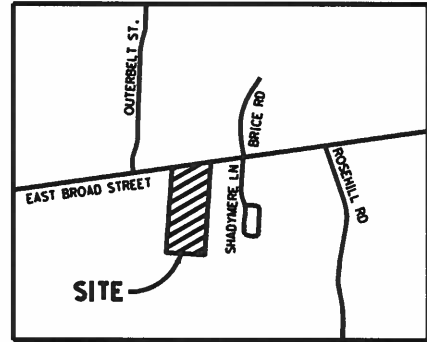
SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN,
TOWNSHIP OF JEFFERSON BEING LOCATED IN QUARTER
TOWNSHIP 3, TOWNSHIP 1, RANGE 16, UNITED STATES
MILITARY DISTRICT.

LEGEND

EXISTING CITY OF COLUMBUS CORP. LINE

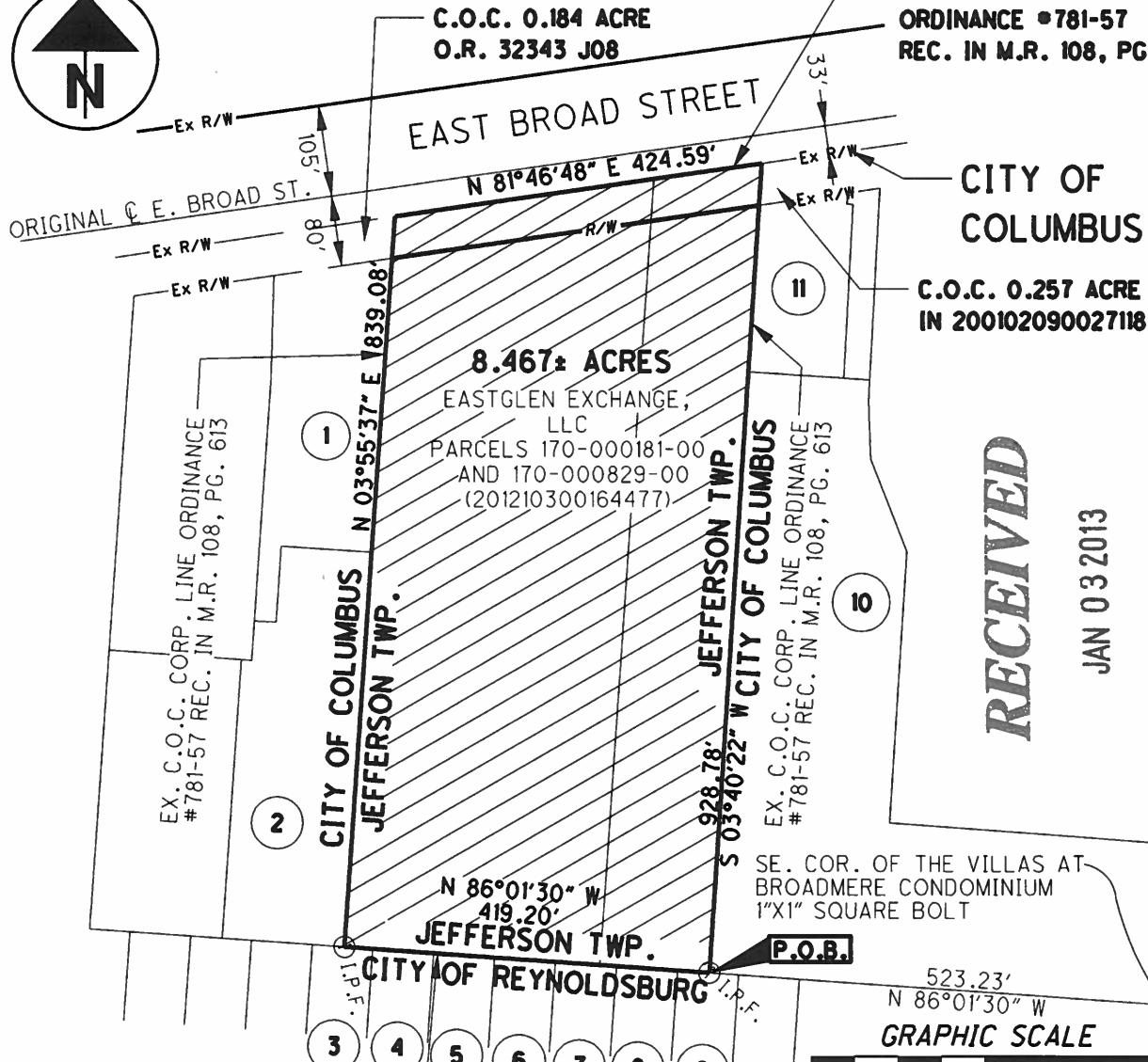
PROPOSED CORP LINE

AREA TO BE ANNEXED



LOCATION MAP
NOT TO SCALE

EX. C.O.C. CORP. LINE
ORDINANCE #781-57
REC. IN M.R. 108, PG. 613



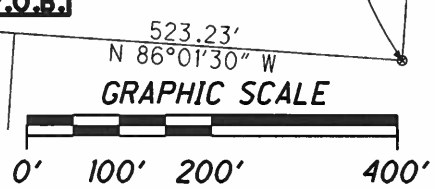
CITY OF COLUMBUS

C.O.C. 0.257 ACRE
IN 200102090027118

RECEIVED

JAN 03 2013

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



EX. CITY OF REYNOLDSBURG
CORP. LINE, ORDINANCE #47-73
REC. IN M.R. 159, PG. 393

BROOK FARM SECTION 2
P.B. 60, PG. 28

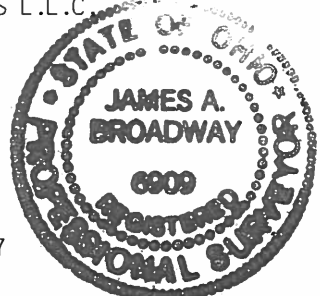
ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER

By *[Signature]* Date 1/3/13

[Signature]
JAMES A. BROADWAY, P.S.
LICENSED PROFESSIONAL SURVEYOR
OHIO LICENSE NO. 6909
DATE: 01/02/2013
JOB NUMBER: E1200008

No. PROPERTY OWNERS
ADJOINING ANNEXATION

- 1 REYNOLDSBURG PROPERTIES L.L.C. 1.020 ACRES
- 2 EAST GLEN LAND L.L.C. 1.380 ACRES
- 3 KATTERHENRY LOT 122
- 4 PECK LOT 123)
- 5 GORDON LOT 124
- 6 WOLEDE LOT 125
- 7 NOBLES LOT 126
- 8 GIFFIN LOT 127
- 9 ORDING LOT 128
- 10 VILLAS AT BROADMERE CONDO. CONDO. P.B. 109, PG. 31
- 11 EASTGLEN EXCHANGE, LLC 0.501 ACRES



The
Mannik & Smith
815 Grandview Avenue, Suite 650 Columbus, Ohio 43265
Tel (614) 441-4222 EXT. 101 Fax (614) 486-1340
Group, Inc.

PLAT BASED ON BOUNDARY SURVEY AND COURTHOUSE RECORDS.



City of Columbus Legislation Report

RECEIVED

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

MAR 20 2013

AMK

Franklin County Planning Department
Franklin County, Ohio

File Number: 0673-2013

Emergency

File ID: 0673-2013

Type: Ordinance

Status: Passed

Version: 1

*Committee: Development Committee

File Name: Annexation Service AN13-001: 8.467 Acres,
Jefferson Township, Eastglen Exchange, LLC

File Created: 03/07/2013

Final Action: 03/20/2013

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

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title:

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN13-001) of 8.467 ± acres in Jefferson Township to the City of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Sponsors:

Attachments: ORD0673-2013 AN13-001 Legal Description,
ORD0673-2013 AN13-001 Map (6517 E Broad Street)

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 0673-2013 passed by The Council of The City of Columbus, Ohio 3/18, 2013, as shown by the records now on file in this office.

Seal *Andrea Blevins*
City Clerk

Approval History

Version	Date	Approver	Action
1	03/07/2013	Nichole Brandon	Approved
1	03/07/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	03/18/2013	Approved				Pass
1	COUNCIL PRESIDENT	03/18/2013	Signed				
1	MAYOR	03/19/2013	Signed				
1	CITY CLERK	03/20/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

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.

Explanation
AN13-001

BACKGROUND: This ordinance is being submitted to set forth the municipal services and zoning conditions the City of Columbus will provide upon annexation of a territory located in Jefferson Township. This ordinance is required by the Ohio Revised Code (ORC) as enacted by the General Assembly of the State of Ohio. An annexation petition has been filed with Franklin County for this property. A service ordinance must be passed before the annexation meeting takes place before the Board of County Commissioners of Franklin County. Information regarding municipal services that would be available, should the subject site be annexed, has been compiled and is reflected in this ordinance. If the petition is approved by the County Commissioners, a second City ordinance accepting the annexation will be necessary to complete the process. The time frames specified in the ORC require that this legislation be filed as emergency.

FISCAL IMPACT: The statement of municipal services and zoning conditions for a proposed annexation area has no fiscal impact. While provision of the stated services does represent cost to the City, annexation of land also has the potential to create revenue to the City.

Title

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN13-001) of 8.467 ± acres in Jefferson Township to the City of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Body

WHEREAS, a petition for the annexation of certain territory in Jefferson Township was duly filed on behalf of Eastglen Exchange, LLC on March 5, 2013; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on April 9, 2013; and

WHEREAS, the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

WHEREAS, the Ohio Revised Code requires that before said meeting the Municipal Legislative Authority adopt an ordinance stating zoning buffering conditions; and

WHEREAS, the parcel is located within the boundaries of the adopted Broad-Blacklick Area Plan, Big Walnut Subarea, which recommends Employment Center uses. The property is not located in a Pay as We Grow Area; and

WHEREAS, upon annexation, properties will have uniform access to City services as they become available; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this ordinance to the Franklin County Board of Commissioners in accordance with the Ohio Revised Code all for the preservation of the public peace, property, health safety and welfare; now, therefore,

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

Section 1. That the City of Columbus will provide the following municipal services for 8.467 ± acres in Jefferson Township upon the annexation of said area to the city of Columbus:

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: Single family homes would qualify for city provided 90-gallon front curb refuse collection service. Any other development would require compliance with Title 13 requirements; Commercial/business uses are required to provide their own refuse collection.

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: Records indicate that the site will require an extension of the existing 8" water main located at the site's western property line.

Sanitary Sewer: Records indicate the subject property has access to an existing 8" mainline, stubbed at the site's eastern property line at two separate locations. Records show the two 8" lines to be stubbed at the west property line, approximately 370 feet and 745 feet south of the Broad Street right of way. Mainline extension is required to be submitted through our One Stop Shop review section. Costs associated with plan approval, construction, and inspections are to be incurred by the property owner or developer.

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 and developers at their own cost and expense with no cost to the City.

Section 2. If this 8.467 ± acre site is annexed, and if the City of Columbus permits uses in the annexed territory that the City of Columbus determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Jefferson Township, the Columbus City Council will 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 Jefferson Township. For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

LEGAL DESCRIPTION
ANNEXATION AN13-001
8.467 ± Acres in Jefferson Township
Eastglen Exchange, LLC

Situated in the State of Ohio, County of Franklin, Township of Jefferson and being a part of Lot 18 of the Subdivision of Quarter Township 3, Township 1, Range 16, United States Military Lands and being that land conveyed to The Eastglen Exchange, LLC by Instrument Number 201210300164477, Franklin County Recorder's records, being part of Franklin County Auditor's Parcels 170-000181-00 and 170-000829-00, consisting of 8.467 acres more or less, more particularly described as follows:

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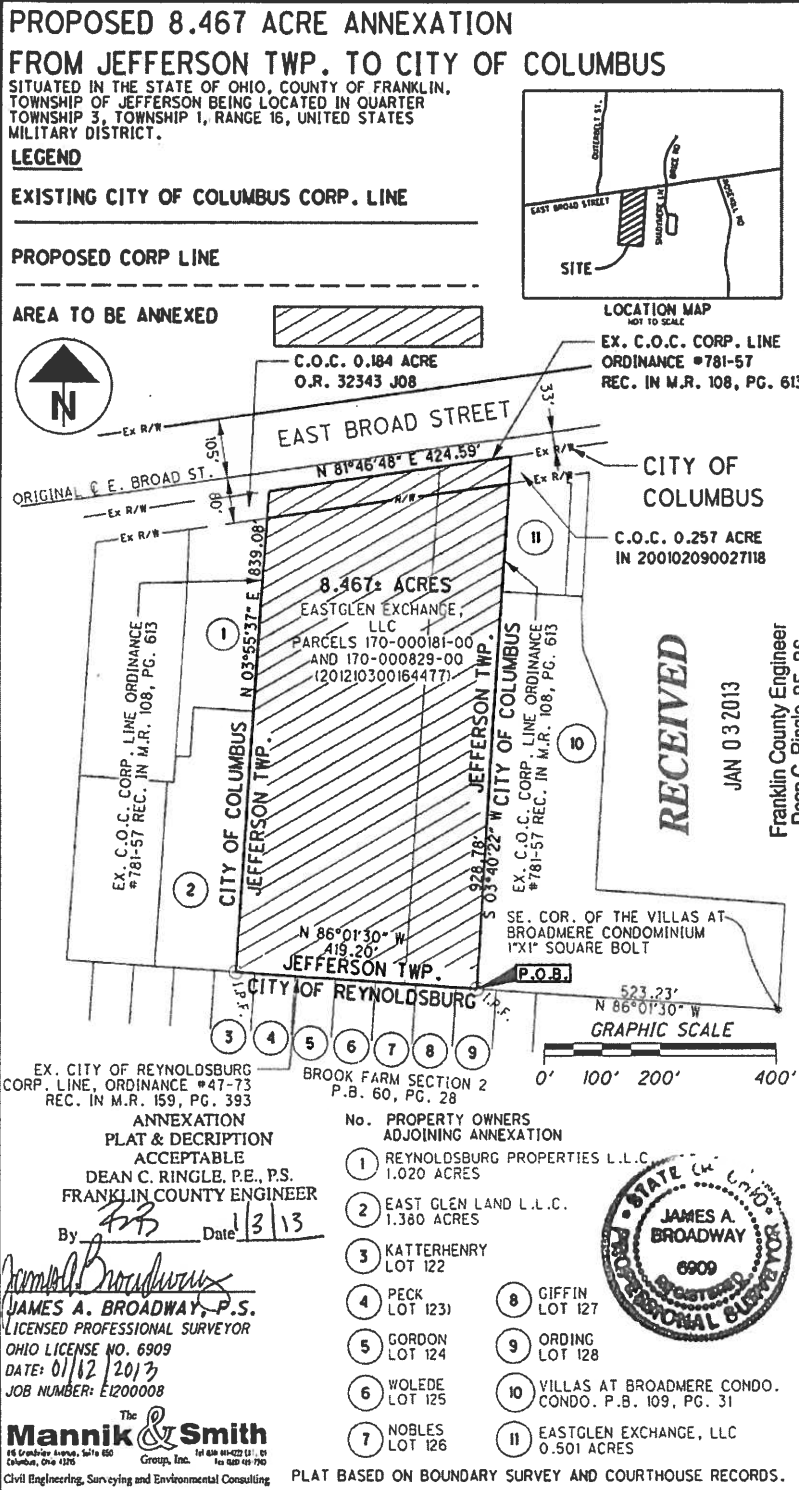
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ANNEXATION AN13-001

± 8.467 Acres in Jefferson Township

Eastglen Exchange, LLC



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