

**Review of Petition to Annex 2.56 +/- acres from Madison Township to the city of Columbus by Kristin E. Chek, Esq. Case #ANX-EXP2-14-13 (ECONOMIC DEVELOPMENT & PLANNING)**

**WHEREAS**, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Kristin E. Chek, Esq filed on behalf of Weber Holdings-South, LLC on May 11, 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 #1167-2013, passed on May 20, 2013 by the city of Columbus.

**Review of Petition to Annex 2.56 +/- acres from Madison Township to the city of Columbus by Kristin E. Chek, Esq. Case #ANX-EXP2-14-13 (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. 0450-13

June 18, 2013

**REVIEW OF PETITION TO ANNEX 2.56 +/- ACRES FROM MADISON TOWNSHIP TO THE CITY OF COLUMBUS BY KRISTIN E. CHEK, ESQ. CASE #ANX-EXP2-14-13**

**(Economic Development and Planning)**

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

**Voting:**

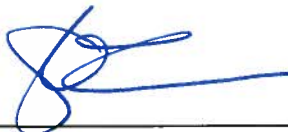
**John O'Grady, President**  
**Paula Brooks**  
**Marilyn Brown**

**Aye**  
**Aye**  
**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  
2.56 +/- ACRES FROM  
MADISON TOWNSHIP  
TO THE CITY OF COLUMBUS  
BY KRISTIN E. CHEK, ESQ.

**Description:**

Attached is a resolution to consider the annexation of 2.56-acres, more or less, from Madison Township to the city of Columbus. The petition case number is ANX-EXP2-14-13.

**Applicant/Agent:**

Kristin E. Chek, Esq.

**Owner:**

Weber Holdings-South, LLC

**Site:**

4480 Winchester Road (180-001492, 180-001440 and 180-001493)

**Additional Information:**

The site is contiguous to the city of Columbus 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 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 #1167-2013 passed May 20, 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 **May 14, 2013** General Session Agenda for a  
hearing on **June 11, 2013**.

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**Case #ANX-EXP2-14-13-** An Expedited Type 2 annexation ANX-EXP2-14-13 was filed in our office on May 6, 2013. The petition is requesting to annex 2.56+/- acres from Madison Township to the city of Columbus. The agent is Kristin E. Chek, Esq. **Site: 4480 Winchester Pike (180-001492, 180-001440 and 180-001493)**

**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



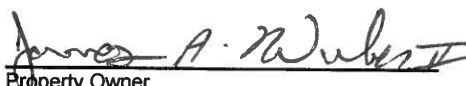
Property Information	
Site Address	4480 Winchester Pike
Parcel ID(s)	Total Acreage
180-001492, 180-001440, 180-001493	2.56 Acres
From Township	To Municipality
Madison Township	Columbus

Staff Use Only	
Case #	ALX-EXP2-14-13
Hearing date:	6/11/13
Date filed:	5/6/13
Fee paid	250.00
Receipt #	1111
Notifications deadline: 5 days	5/11/13
Svc statement deadline: 20 days	5/25/13

Property Owner Information	
Name	Weber Holdings-South, LLC
Address	1600 Universal Rd., Columbus, OH 43207
Phone #	Fax #
614-445-4455	614-445-4464
Email	

Attorney/Agent Information	
Name	Kristin E. Chek
Address	1600 Universal Rd., Columbus, OH 43207
Phone #	Fax #
614-445-4455	614-445-4464
Email	kchek@ohiomulch.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			
<p><b>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.</b></p>			
 Property Owner	5-6-13 Date	_____ Property Owner	_____ Date
_____ Property Owner	_____ Date	_____ Property Owner	_____ Date

**RECEIVED**

MAR 12 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 3/12/13

**PROPOSED ANNEXATION OF 2.557 ACRES FROM MADISON TWP.  
TO CITY OF COLUMBUS  
MARCH 8, 2013**

Situated in the State of Ohio, County of Franklin, Township of Madison, in Section 9, Township 11, Range 21, Mathew's Survey being all of Parcels 1, 2 and 3 containing 2.557 acres of land described in a deed to Weber Holdings – South, LLC of record in Instrument 201204060048327 (all references in this description are to the records in the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at the northeasterly corner of the 0.556 acre, Parcel 3 described in said Instrument 201204060048327, and the northwesterly corner of that 1.350 acre tract described in a deed to Winham Investments, LLC of record in Instrument 20102100168497;

Thence South along the easterly line of said 0.556 acre tract, westerly lines of said 1.350 acre tract and a portion of that 0.687 acre tract described in said Instrument 20102100168497 and the existing City of Columbus Corporation Line, Ordinance 2183-01, Instrument 200205030111360, a distance of 242.45 feet, to the northeasterly corner of that 0.009 acre tract described in a deed to Columbia Gas of Ohio of record in Deed Book 2779, Page 577;

Thence West along the northerly line of said 0.009 acres and that 0.532 acre tract described in a deed to Robert J. Dorsey of record in Instrument 201209210141601, a distance of 100.00 feet;

Thence South along the westerly line of said 0.532 acre tract and the easterly line of that 1.023 acre Parcel 2 in Instrument 201204060048327, a distance of 215.66 feet, to the old centerline of U.S. Route 33, and the northerly right of way line of Winchester Pike;

Thence westerly along a southerly line of said 1.023 acre tract, the old centerline of U.S. Route 33, and the northerly right-of-way line of Winchester Pike, being the arc of a curve to the left, having a radius of 622.46 feet, a distance of 46.18 feet;

Thence West continuing along said right-of-way line and southerly lines of said 1.023 acre Parcel 2 and 0.978 acre Parcel 1 in said Instrument 201204060048327, a distance of 157.64 feet;

Thence North along the westerly line of said 0.978 acre tract and an easterly line of that 2.364 acre tract described in a deed to Mark C. and Kathleen L. Walsh of record in Official Record 19557 F18, a distance of 415.94 feet, to the northwesterly corner of said 0.978 acre tract, the northeasterly corner of said 2.364 acre tract and the southeasterly corner of that 6.391 acre tract described in a deed to Mary M. and Lewis J. Slone of record in Official Record 15531 E11;

Thence East along the northerly lines of said 0.978, 1.023 and 0.556 acre tracts, and a southerly line of that 2.268 acre tract described in a deed to Christopher P. Weyand and April M. Walsh of record in Instrument 201104220053132, a distance of 300.00 feet, to the Point of Beginning, containing 2.557 acres of land, more or less.

The above description was prepared by Mark A. Hazel, on March 8<sup>th</sup>, 2013, by using the best available County Records. This information was not derived from an actual field survey. The above description is not valid for the transfer of real property, and is not to be utilized in place of a Boundary Survey as defined by the Ohio Administrative Code in Chapter 4733-37.

SITE ENGINEERING, INC.

By Mark A. Hazel, P.S. 3-8-13  
Mark A. Hazel, P.S. #7039



RECEIVED

MAR 12 2013

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

Christopher P. Weyand &  
April M. Walsh  
2.268 Ac.  
Inst. 201104220053132  
Par. 180-000941

P.O.B.

MADISON TWP.  
CITY OF COLUMBUS

Winham Investments, LLC  
1.350 Ac.  
Inst 201012100168497  
Par. 010-261382

EXISTING CORP. LINE  
ORD. 2183-01  
Inst. 200205030111360

Winham Investments, LLC  
0.687 Ac.  
Inst 201012100168497  
Par. 010-261381

Winham Investments, LLC  
1.910 Ac.  
Inst 201012100168497  
Par. 010-221380

EXISTING CORP. LINE  
ORD. 1931-91  
OR 17756 E16

CITY OF COLUMBUS  
MADISON TWP.  
Columbia Gas Of Ohio  
0.009 Ac. D.B. 2779, PG. 577  
Par 180-004778

Robert J. Dorsey  
0.532 Ac.  
Inst. 201209210141601  
Par. 180-004726

ANNEXING  
2.557 ACRES ±

Weber Holdings-South, LLC  
0.978 Ac. Parcel 1  
Inst 201204060048327

Par. 180-001492

1.023 Ac. Parcel 2  
Par. 180-001440

Mary M. & Lewis  
J. Stone  
6.391 Ac.  
O.R. 15531 E11  
Par. 180-004987

Mark C. & Kathleen L. Walsh  
2.364 Ac.  
O.R. 19557 F18  
Par. 180-000277

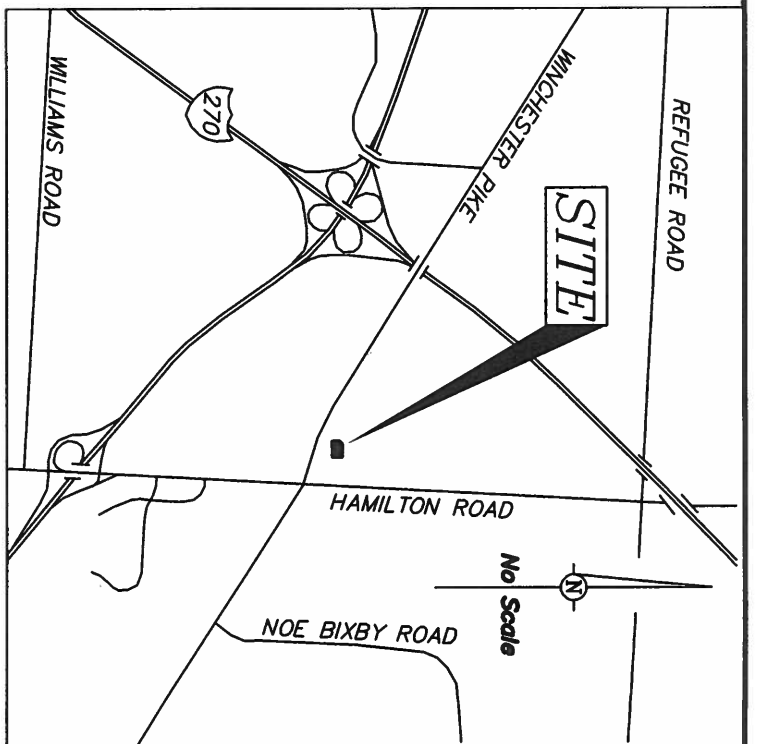
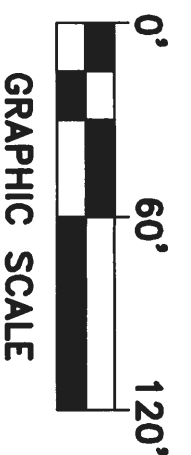
Abandoned  
US 33 R/W  
R/W

157.64'

City of Columbus  
14.469 Ac.  
Inst 200503290057673

ch=46.18'  
R=622.46'

WINCHESTER PIKE ~  
S.H.-49 SEC. D(1) Pt.



LOCATION MAP

PROPOSED ANNEXATION OF 2.557 AC. FROM  
MADISON TWP. TO THE CITY OF COLUMBUS  
SITUATED IN THE STATE OF OHIO, COUNTY OF  
FRANKLIN, TOWNSHIP OF MADISON, SECTION 9,  
TOWNSHIP 11, RANGE 21, MATHEW'S SURVEY AND  
BEING 2.557 ACRES MORE OR LESS.

LEGEND

- PROPOSED CORP. LINE
- EXISTING CORP. LINE
- Right-Of-Way Line
- AREA TO BE ANNEXED

ANNEXING:  
WEBER HOLDINGS-SOUTH, LLC  
0.978 ACRES- PARCEL 180-001492  
1.023 ACRES- PARCEL 180-001440  
0.556 ACRES- PARCEL 180-001493

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

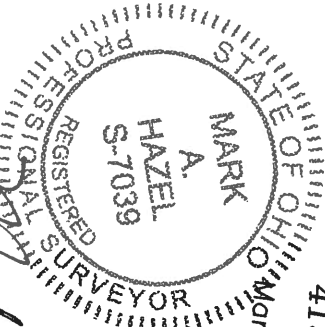
By Date 3/12/13

SITE ENGINEERING

Incorporated

Civil Engineers & Surveyors

7453 East Main Street  
Reynoldsburg, OH 43068  
Phone : (614) 759-9900  
Fax : (614)759-9902



By Mark A. Hazel  
Professional Surveyor #7039





City of Columbus
Legislation Report

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

ORIGINAL

File Number: 1167-2013

Emergency

File ID: 1167-2013

Type: Ordinance

Status: Consent

Version: 1

\*Committee: Development Committee

File Name: Annexation Service AN13-002: 2.557 Acres,
Madison Township, Weber Holdings-South, LLC

File Created: 05/07/2013

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

Floor Action (Clerk's Office Only)

MAY 20 2013 Passed 7-0

Mayor's Action

[Signature]

MAY 21 2013

Mayor

Date

Council Action

MAY 20 2013

Date Passed/ Adopted

[Signature]

President of Council

[Signature]

City Clerk

Veto

Date

Title: To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN13-002) of 2.557 + acres in Madison Township to the City of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Sponsors:

Indexes:

Attachments: ORD1167-2013 AN13-002 Legal Description,
ORD1167-2013 AN13-002 Map (4480 Winchester Pike)

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 1167-2013 passed by The Council of The City of Columbus, Ohio 5/20, 2013, as shown by the records now on file in this office.

Seal [Signature] City Clerk

**Approval History**

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Version	Date	Approver	Action
1	05/07/2013	Nichole Brandon	Approved
1	05/07/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

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**History of Legislative File**


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Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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**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.

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**Explanation**
**AN13-002**

**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 Madison 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 (AN13-002) of 2.557 ± acres in Madison 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 Madison Township was duly filed on behalf of Weber Holdings-South, LLC, on May 6, 2013; and

**WHEREAS,** a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on June 11, 2012 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 not located within the boundaries of an adopted area plan or a Pay as We Grow area;

**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 2.557 ± acres in Madison 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 be served by the existing 16" water main located in Winchester Pike.

**Sanitary Sewer:** Records indicate that the properties can be served by an existing 15" sanitary sewer situated in an easement along the south side of Winchester Pike. Currently, there is a development which is extending an 8" mainline from this existing 15" sewer. Although the tributary boundary of the proposed extension (CC-16271) does not include the proposed annexation properties we are not opposed to revising the plan to encompass a few other properties, including those proposed to annex under this request. The proposed extension CC-16271 runs along the eastern property line of the various properties being annexed. The CC plan would need to be revised accordingly as well as the proposed annexation properties required to extend the

sewer to their western most property line.

**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 2.557 ± 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 Madison 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 Madison 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.

MAY 24 2013

**LEGAL DESCRIPTION  
ANNEXATION AN13-002  
2.557 ± Acres in Madison Township  
Weber Holdings - South, LLC**

Franklin County Planning Department  
Franklin County, OH

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Thence westerly along a southerly line of said 1.023 acre tract, the old centerline of U.S. Route 33, and the northerly right-of-way line of Winchester Pike, being the arc of a curve to the left, having a radius of 622.46 feet, a distance of 46.18 feet;

Thence West continuing along said right-of-way line and southerly lines of said 1.023 acre Parcel 2 and 0.978 acre Parcel 1 in said Instrument 201204060048327, a distance of 157.64 feet;

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Thence East along the northerly lines of said 0.978, 1.023 and 0.556 acre tracts, and a southerly line of that 2.268 acre tract described in a deed to Christopher P. Weyand and April M. Walsh of record in Instrument 201104220053132, a distance of 300.00 feet, to the Point of Beginning, containing 2.557 acres of land, more or less.

The above description was prepared by Mark A. Hazel, on March 8<sup>th</sup>, 2013, by using the best available County Records. This information was not derived from an actual field survey. The above description is not valid for the transfer of real property, and is not to be utilized in place of a Boundary Survey as defined by the Ohio Administrative Code in Chapter 4733-37.

SITE ENGINEERING, INC.

MAY 24 2013

# ANNEXATION AN13-002 ± 2.557 Acres in Madison Township Webber Holdings-South, LLC

Franklin County Planning Department  
Franklin County, OH

