

Review of Petition to Annex 46+/- acres from Norwich Township to the City of Hilliard by Thomas L. Hart, Esq. Case #ANX-EXP2-19-13 (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 the Washington Township Board of Trustees and the Hilliard City School District on August 16, 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 resolution no. 13-R-71, passed on August 26, 2013 by the City of Hilliard.

Review of Petition to Annex 46+/- acres from Norwich Township to the City of Hilliard by Thomas L. Hart, Esq. Case #ANX-EXP2-19-13 (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, 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: D. Anthony Hray

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0716-13

September 17, 2013

**REVIEW OF PETITION TO ANNEX 46+/- ACRES FROM NORWICH
TOWNSHIP TO THE CITY OF HILLIARD BY THOMAS L. HART, ESQ. CASE
#ANX-EXP2-19-13**

**(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
46 +/- ACRES FROM
NORWICH TOWNSHIP
TO THE CITY OF HILLIARD
BY THOMAS L. HART, ESQ.

Description:

Attached is a resolution to consider the annexation of 46-acres, more or less, from Norwich Township to the city of Hilliard. The petition case number is ANX-EXP2-19-13.

Applicant/Agent:

Thomas L. Hart, Esq.

Owner:

Washington Township Board of Trustees/Hilliard City School District

Site:

4676 and 4678 Cosgray Road (200-000010 and 200-000040)

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 709.021 of the Ohio Revised Code. The applicant has provided proof of notification, and timeline and has provided a service resolution 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 resolution no. 13-R-71 passed August 26, 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: D. Anthony Hray, Planner
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 **August 20, 2013** General Session Agenda for
a hearing on **September 17, 2013**.

Case #ANX-EXP2-19-13- An Expedited Type 2 annexation ANX-EXP2-19-13 was filed in our office on August 16, 2013. The petition is requesting to annex 46 +/- acres from Norwich Township to the city of Hilliard. The agent is Thomas L. Hart, Esq. **Site: 4676 and 4678 Cosgray Road (200-000010 and 200-000040)**



Commissioners
 Marilyn Brown, President
 Paula Brooks
 John O'Grady

Economic Development & Planning Department
 James Schlimmer, Director

Application for
**Annexation
 Petition**

Expedited Type 2
 Pursuant to ORC §709.023

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Franklin County Planning Department
 Franklin County, OH

2

Property Information	
Site Address 4676 and 4678 Cosgray Road, Hilliard, OH	
Parcel ID(s) 200-000010/200-000040	Total Acreage 46+/- acres
From Township Norwich Twp.	To Municipality City of Hilliard

Staff Use Only	
Case #	ANX-EXP2 19-13
Hearing date:	9.15.13
Date filed:	8.16.13
Fee paid	480.00
Receipt #	1249
Notifications deadline: 5 days	8.21.13
Svc statement deadline: 20 days	9.5.13

Property Owner Information	
Name Washington Twp. Board of Trustees/Hilliard City School District	
Address 6200 Eiterman Road Dublin OH 43016	Address 5323 Cemetery Rd. Hilliard, OH 43026
Phone #	Fax #
Email	

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/plot of property
<input checked="" type="checkbox"/>	List of adjacent properties

Attorney/Agent Information	
Name Thomas L. Hart, Esq.	
Address Isaac Wiles Two Miranova Pl., Ste. 700 Columbus, OH 43215	
Phone # (614) 221-2121	Fax # (614) 365-9516
Email thart@isaacwiles.com	

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	Washington Twp. Bd. Trustees	8/7/13 _____ Date	_____ Property Owner
 _____ Property Owner	Hilliard City School District	8/10/13 _____ Date	_____ Property Owner

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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 8/13/13

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Franklin County Planning Department
Franklin County, OH
ANX-EXP-19-13

Description of a 46 acre parcel of land

FROM: NORWICH TOWNSHIP

TO: THE CITY OF HILLIARD

Situated in the State of Ohio, County of Franklin, Township of Norwich, in Virginia Military Survey No. 6366, and being all of a 43.352 acre tract of land, conveyed to The Washington Township Board of Trustees [Auditors Tax Parcel 200-000010-00] of record in Official Record 16080, Page G02, and also being all of a 2.00 acre tract of land, conveyed to Hilliard City School District [Auditors Tax Parcel 200-000040-00] of record in Instrument Number 200309120291637, also a portion of Hilliard City School District Tracts, all references to records being on file in the Office of the Recorder, Franklin County, Ohio, Said 46 acres being more fully described herein;

Beginning at a point in the Norwich-Washington Township Line, at the northwest corner of a 0.5720 acre tract of land, conveyed to Corey Pangborn and Lindsay Diewald of record in Instrument Number 201111170150476, being on the east right-of-way line of Cosgray Road (60 feet wide) and being the southwest corner of a 2.504 acre tract of land, conveyed to Bryan D. and Tammie L. Gholson of record in Official Record 26522, Page D16.

Thence South along the east right-of-way line of Cosgray Road (60 feet wide) and along the west line of said 0.5720 acre tract, the west line of a 5.787 acre tract of land, conveyed to Verna Baldrige of record in Instrument Number 201107280094031, the west line of a 0.6890 acre tract of land, conveyed to William E. Herron of record in Instrument Number 200802270029224, the west line of a 6.00 acre tract of land, conveyed to Benjamin Hofecker of record in Instrument Number 200909170135128, the west line of a 5.010 acre tract of land, conveyed to Hilliard City School District of record in Instrument Number 200308040245631, and along an existing City of Hilliard Corporation line as established in Ordinance 03-16 (Instrument Number 200305300160722), a distance of 929 feet to a point at the northwest corner of a 2.00 acre tract of land, conveyed to Hilliard City School District of record in Instrument Number 200309120291637.

Thence East along the north line of said 2.00 acre tract, also being the south line of said 5.010 acre tract, and along an existing City of Hilliard Corporation line as established in Ordinance 03-16 (Instrument Number 200305300160722), a distance of 349 feet to a point at the northeast corner of said 2.00 acre tract and at the northwesterly corner of a 40.2772 acre tract of land, conveyed to Hilliard City School District of record in Instrument Number 200308040245628;

Thence South along the east line of said 2.00 acre tract, also being a westerly line of said 40.2772 acre tract, and along an existing City of Hilliard Corporation line as established in Ordinance 03-16 (Instrument Number 200305300160722), a distance of 230 feet to the southeast corner of said 2.00 acre tract;

Thence West along the south line of said 2.00 acre tract, also being a northerly line of said 40.2772 acre tract, and along an existing City of Hilliard Corporation line as established in

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Franklin County, OH

ANK-412-13-13

Ordinance 03-16 (Instrument Number 200305300160722), a distance of 349 feet to a point on the east right-of-way line of Cosgray Road;

Thence South along the east right-of-way line of said Cosgray Road and along an east line of said 40.2772 acre tract, and along an existing City of Hilliard Corporation line as established in Ordinance 03-16 (Instrument Number 200305300160722), a distance of 414 feet to a point at the northwest corner of a 76.3211 acre tract of land, conveyed to Hilliard City School District of record in Instrument Number 200308040245623;

Thence West along a jog in the east right-of-way line of said Cosgray Road and along a west line of said 76.3211 acre tract, and along an existing City of Hilliard Corporation line as established in Ordinance 03-16 (Instrument Number 200305300160722), a distance of 5 feet.

Thence South along the east right-of-way line of said Cosgray Road and along a west line of said 76.3211 acre tract, and along an existing City of Hilliard Corporation line as established in Ordinance 03-16 (Instrument Number 200305300160722), a distance of 82 feet to a point;

Thence south westerly, crossing said Cosgray Road and along the south line of said 43.352 acre tract and along the north line of said 1.645 acre tract a distance of 384' to a point at the east right-of-way line of an 6.2043 acre tract of land conveyed to City of Hilliard of record in Official Record 33218, Page D16 and on an existing City of Hilliard Corporation line as established in Ordinance 96-73 (Instrument Number 199707110045166);

Thence north westerly along the southwest line of said 43.352 acre tract and along the east right-of-way line of said 6.2043 acre tract, and along an existing City of Hilliard Corporation line as established in Ordinance 96-73 (Instrument Number 199707110045166), a distance of 2289 feet to a point at the northwest corner of said 43.352 acre tract, and at the southwest corner of a 33.947 acre tract of land conveyed to Dominion Homes of record in Instrument Number 200605240100886;

Thence east along a north line of said 43.352 acre tract, along the south line of said 33.947 acre tract, and partially along an existing City of Hilliard Corporation line as established in Ordinance 05-54 (Instrument Number 200511020231438), along the south line of a 5.5526 acre tract of land conveyed to Randall and R. Margaret Frazier Reeder of record in Deed Book 3706, Page 99, along the south line of Hayden Run Estates Section No. 2 of record in Plat Book 50, Page 7, along the south line of Hayden Run Estates of record in Plat Book 48, Page 83 and crossing said Cosgray Road, a distance of 1885 feet to the place of beginning containing 46 acres +/-.

The above description was prepared by Watcon Engineering in August of 2013, from 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.



Robert W. Martin 8-13-13
Robert W. Martin Date

LAND OWNER TABLE

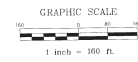
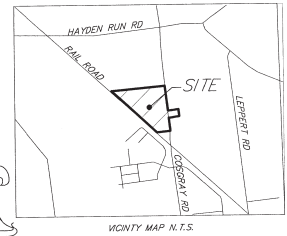
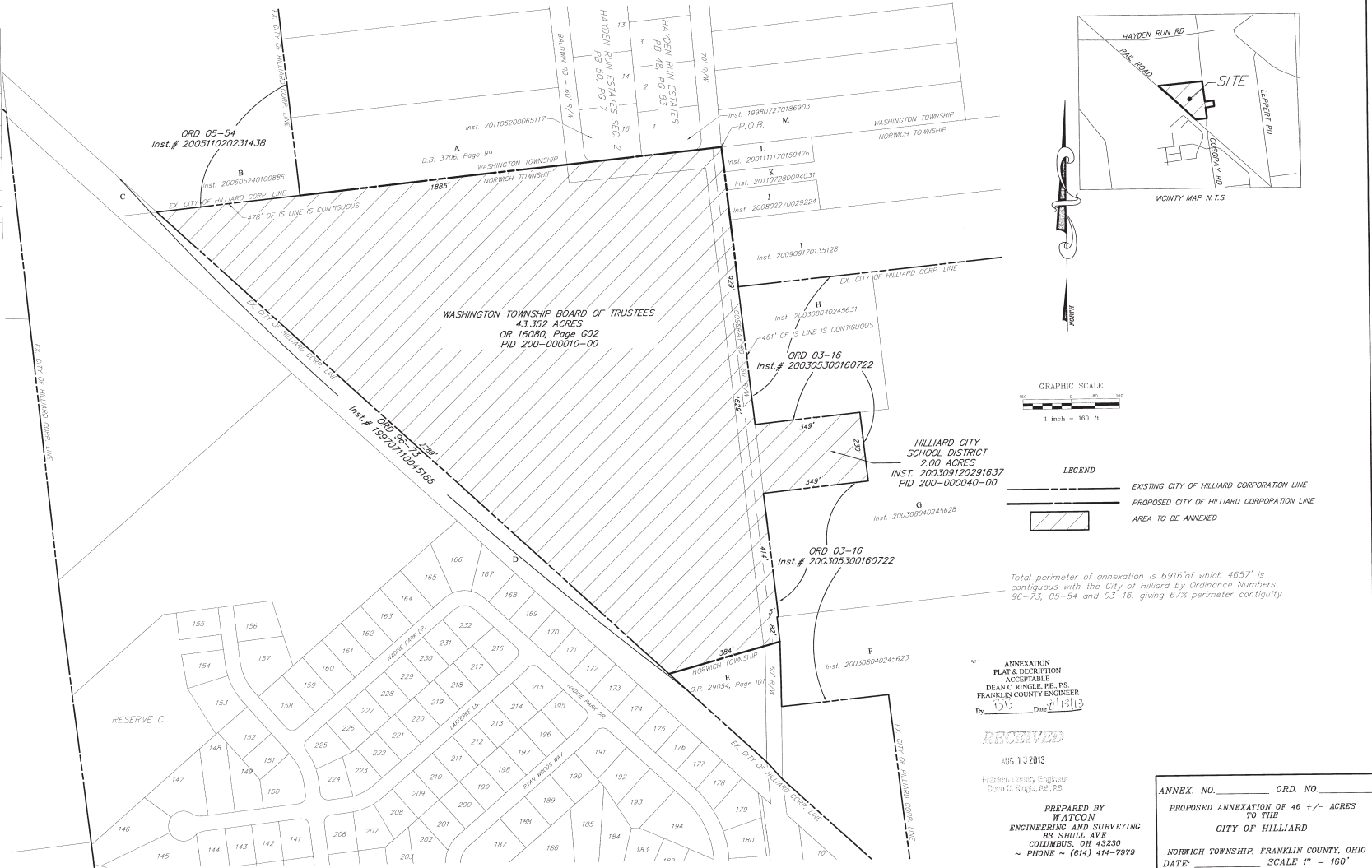
Hayden Run Estates	
LOT	
1	STEPHEN & JENNIFER G. DRAGOO

Hayden Run Estates Sec. 2	
LOT	
15	YI-HSIUAN CHOU & KEITH T. QUISENBERRY

A	RANDALL & R. MARGARET FRAZIER REEDER	5.5526 ACRES
B	DOMINION HOMES INC.	33.947 ACRES
C	CITY OF HILLIARD	1.344 ACRES
D	CITY OF HILLIARD	6.2043 ACRES
E	DAVID G. BURNS	1.645 ACRES
F	HILLIARD CITY SCHOOL DISTRICT	76.3211 ACRES
G	HILLIARD CITY SCHOOL DISTRICT	40.2772 ACRES
H	HILLIARD CITY SCHOOL DISTRICT	5.010 ACRES
I	BENJAMIN HOFECKER	6.00 ACRES
J	WILLIAM E. HERRON	0.6890 ACRES
K	VERNA BALDRIDGE	5.787 ACRES
L	COREY PANGBORN & LINDSAY DIEWALD	0.5720 ACRES
M	BRYAN D. & TAMMIE L. GHOLSON	2.504 ACRES

Situated in the State of Ohio, County of Franklin,
Virginia Military Survey No. 6366,
Norwich Township
Being a Proposed 46 acre +/- annexation from Norwich Township to the City of Hilliard

ANX-EXP2-19-13



LEGEND
 --- EXISTING CITY OF HILLIARD CORPORATION LINE
 - - - - - PROPOSED CITY OF HILLIARD CORPORATION LINE
 [Hatched Area] AREA TO BE ANNEXED

Total perimeter of annexation is 6916' of which 4657' is contiguous with the City of Hilliard by Ordinance Numbers 96-73, 05-54 and 03-16, giving 67% perimeter contiguity.

ANNEXATION
 PLAT & DESCRIPTION
 ACCEPTABLE
 DEAN C. RINGLE, P.E., P.S.
 FRANKLIN COUNTY ENGINEER
 By: [Signature] Date: 8/13/13

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

PREPARED BY
 WATCON
 ENGINEERING AND SURVEYING
 83 SHULL AVE
 COLUMBUS, OH 43230
 ~ PHONE ~ (614) 414-7879

ANNEX. NO. _____ ORD. NO. _____
 PROPOSED ANNEXATION OF 46 +/- ACRES
 TO THE
 CITY OF HILLIARD
 NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO
 DATE: _____ SCALE 1" = 160'



R.W.M.T. 8-13-2013 Date
 Robert W. Martin PS 80114

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Franklin County Planning Department
Franklin County, OH

Resolution 13-R-71
Page: 1 of 2

Adopted: August 26, 2013 *ANY-EX02*
19-13

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF HILLIARD WILL PROVIDE TO THE 46.0± ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, UPON ANNEXATION TO THE CITY, AND TO PROVIDE FOR BUFFER REQUIREMENTS.

WHEREAS, on August 16, 2013, pursuant to Ohio Revised Code Section 709.023, two property owners, the Washington Township Board of Trustee and the Hilliard City School District, seeking the annexation of 46.0± 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 46.0 ± 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:



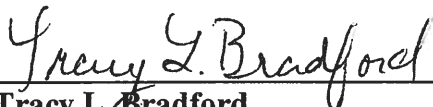
Lynne M. Fasone
Clerk of Council

SIGNED:



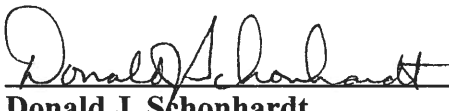
Brett A. Sciotto
President of Council

APPROVED AS TO FORM:



Tracy L. Bradford
Director of Law


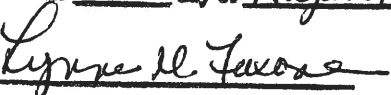
APPROVED:



Donald J. Schonhardt
Mayor

Resolution 13-R-71

VOTE:	Yea	Nay	Abstain
Ashenhurst	✓		
Baker	✓		
Erb	✓		
Iosue	✓		
McGivern	✓		
Painter	✓		
Sciotto	✓		
Results:	7	0	0

I,  Clerk of Council
hereby certify that the foregoing is a true copy
of Resolution 13-R-71 duly adopted
by the Council of the City of Hilliard
the 26th day of August, 2013.


Clerk of Council
City of Hilliard