

Review of Petition to Annex 5.284 +/- acres from Plain Township to the City of New Albany Case #ANX-EXP1-26-14 (Economic Development & Planning)

WHEREAS, an Expedited Type 1 annexation petition was filed by Aaron L. Underhill, Esq., with the Franklin County Economic Development and Planning Department on October 23, 2014, and

WHEREAS, the petitioner requests that the Commissioners of Franklin County, State of Ohio, proceed in accordance with Section 709.022 of the Revised Code in granting the petition, and having considered all the facts and references 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 has met all the requirements set forth in, and was filed in the manner provided in, section 709.022 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 has an accurate legal description and map of the area to be annexed.
4. The township and the municipal corporation to which annexation is proposed entered into an Annexation Agreement on October 15, 2014.

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 New Albany, 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 New Albany, Ohio.

Prepared by: D. Anthony Hray
C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0793-14

November 04, 2014

REVIEW OF PETITION TO ANNEX 5.284 +/- ACRES FROM PLAIN TOWNSHIP TO THE CITY OF NEW ALBANY CASE #ANX-EXP1-26-14

(Economic Development and Planning)

Upon the motion of Commissioner Paula Brooks, seconded by Commissioner John O'Grady:

Voting:

Marilyn Brown, President

Aye

Paula Brooks

Aye

John O'Grady

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**

CERTIFIED TRUE COPY

By:  Date: 11/7/14

**Franklin County Economic Development
& Planning Department**



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

Economic Development & Planning Department
James Schimmer, Director

RESOLUTION SUMMARY

REVIEW OF PETITION TO ANNEX
5.284 +/- ACRES FROM
PLAIN TOWNSHIP
TO THE CITY OF NEW ALBANY
BY AARON L. UNDERHILL, ESQ.

Description:

Attached is a resolution to consider the annexation of 5.284-acres, more or less, from Plain Township to the city of New Albany. The petition case number is ANX-EXP1-26-14.

Applicants:

Timothy and Leslie Timmons

Attorney:

Aaron L. Underhill, Esq.

Site:

5055 Johnstown Road (Parcel #220-001187)

Additional Information:

The site shares a contiguous boundary with the city of New Albany of 1458.28 feet, totaling 71.7 percent of its perimeter.

Analysis:

The applicant has met all statutory requirements outlined in Section 709.022 of the Ohio Revised Code. The applicant has provided a certified copy of the Annexation Agreement between Plain Township and the city of New Albany.

Recommendation:

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



Commissioners
 Marilyn Brown, President
 Paula Brooks
 John O'Grady

Economic Development & Planning Department
 James Schimmer, Director

Application for Annexation Petition

Expedited Type 1
 Consent of all parties

RECEIVED

~~OCT 22 2014~~

10.23.14

1

Franklin County Planning Department
 Franklin County, OH

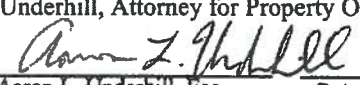
Property Information	
Site Address 5055 Johnstown Road, New Albany, Ohio 43054	
Parcel ID(s) 220-001187-00	Total Acreage 5.284
From Township Plain	To Municipality New Albany

Staff Use Only
Case # ANX - EXP 2 26 - 14
Journal date (next regular session): Hearing 11/4/14
Date filed: 10/22/14
Fee paid 250 00
Receipt # 1483
<ul style="list-style-type: none"> Notifications not required Service Ord. not required Public hearing not required

Property Owner Information	
Name Timothy and Leslie Timmons	
Address 5055 Johnstown Road, New Albany, Ohio 43054	
Phone # 614.456.8723	Fax #
Email ohtsquared@aol.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/plot of property
<input checked="" type="checkbox"/> List of adjacent properties
<input checked="" type="checkbox"/> Certified copy of CEDA or annexation agreement

Attorney/Agent Information	
Name Aaron L. Underhill, Esq.,	
Address Underhill Yaross, LLC 8000 Walton Parkway, Suite 260 New Albany, Ohio 43054	
Phone # 614.335.9320	Fax # 614.335.9329
Email aaron@underhillyaross.com	

Waiver of Right to Appeal			
The undersigned hereby request/s the Board of County Commissioners follow O.R.C. §709.022 in consideration of this petition.			
WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS.			
THERE IS ALSO NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.			
By: Aaron L. Underhill, Attorney for Property Owner			
Property Owner		Date	10/23/14
Property Owner	_____	Date	_____
Property Owner	_____	Date	_____
Property Owner	_____	Date	_____

October 8, 2014

To: The Board of County Commissioners of Franklin County, Ohio
c/o Franklin County Planning and Zoning
142 South Front Street – 1st Floor
Columbus, Ohio 43215

**PETITION FOR EXPEDITED TYPE 1 ANNEXATION OF 5.284± ACRES IN PLAIN
TOWNSHIP TO THE CITY OF NEW ALBANY**

The undersigned, being 100% of the owners of real estate within the area hereinafter described in Exhibit "A" and consisting of 5.284± acres in Plain Township, Franklin County, Ohio, adjacent and contiguous to the City of New Albany, do hereby respectfully petition the Board of Franklin County Commissioners to cause such territory to be annexed to the City of New Albany using the procedure set forth in Section 709.022 of the Revised Code of Ohio (Expedited Type 1 annexation procedure) and under authority of Sections 709.02 to 709.11 of the Revised Code of Ohio.

The number of owners within the area is one (1) in total.

1. Attached to this petition and made part hereof is a full legal description of the area to be annexed, marked as Exhibit "A".
2. Attached to this petition and made part hereof is an accurate map of the area to be annexed, marked as Exhibit "B".
3. Attached to this petition and made part hereof is a list of parcels in the area to be annexed and adjacent territory that includes the name of the owner, mailing address of owner and permanent parcel number, marked as Exhibit "C".
4. Attached to this petition and made part hereof is a certified copy of an annexation agreement between Plain Township and the City of New Albany pertaining to the area to be annexed, marked as Exhibit "D".

The undersigned petitioner does hereby designate Aaron L. Underhill, attorney, as its agent ("Agent") as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said Agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this petition. Agent's contact information is as follows: Aaron L. Underhill, Esq., Underhill Yaross LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054; Phone: (614) 335-9320, Fax: (614) 335-9329; and e-mail: aaron@underhillyaross.com.

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OCT 22 2014

Franklin County Planning Department
Franklin County, OH

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.

PETITIONER:

Timothy and Leslie Timmons

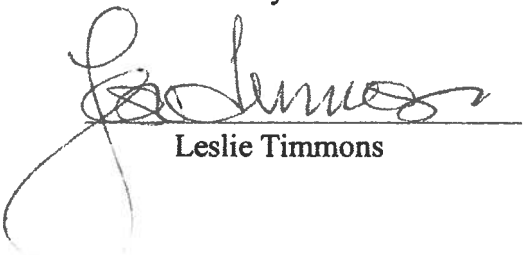
5055 Johnstown Road

New Albany, Ohio 43054



Timothy Timmons

Date: October 8, 2014



Leslie Timmons

Date: October 8, 2014

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

Exhibit A

RECEIVED

JUL 02 2014

By FRA/BB Date 7/2/14

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

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PROPOSED ANNEXATION OF 5.284± ACRES IN PLAIN TOWNSHIP
TO BE ANNEXED TO THE CITY OF NEW ALBANY

Situated in the State of Ohio, County of Franklin, Plain Township, and being part of Quarter Township 3, Township 2, Range 16, United States Military Lands, and containing 5.284 acres of land, more or less, and being all of that 5.284 acre tract of land (Parcel # 220-001187) conveyed to Timothy F. & Leslie B. Timmons, of record in Instrument Number 200003290060828, (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 5.284 acre tract being more particularly described as follows:

~~JUL 02 2014~~

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Franklin County Planning Department
Franklin County, OH

ANX-EXP1-26-14

Beginning at the southwesterly corner of that 15.1 acre land annexed to the Village of New Albany (now City of New Albany), by Ordinance Number 068-92, of record in Official Record 25261 E16, also being in a northerly line of that 2,796.4 acre land annexed to the Village of New Albany, by Ordinance Number 19-89, of record in Official Record 13965 D03, also being the southeasterly corner of said 5.284 acre Timmons tract, also being the southwesterly corner of that 6.803 acre tract of land (Parcel # 222-001516) conveyed to Beth Shalom, Inc., of record in Official Record 23471 E20, also being in the northerly line of that 2.849 acre Tract I (Parcel # 222-000646) conveyed to The New Albany Company LLC, of record in Instrument Number 201302190028630;

Thence with the southerly line of said 5.284 acre Timmons tract, also with the northerly line of said 2.849 acre New Albany Company LLC tract, and continuing with the northerly line of that 2.270 acre Tract II (Parcel # 222-004629) conveyed to The New Albany Company LLC, of record in Instrument Number 201302190028630, also with a northerly City of New Albany Corporation Line (Ord. No. 19-89), and continuing with the northerly line of that 11.9± acres annexed to the City of New Albany, by Ordinance Number O-22-2013, of record in Instrument Number 201310180176730, North 87°06' West, a distance of 420.87 feet to the southwesterly corner of said 5.284 acre Timmons tract, also being the southeasterly corner of that 5 Acre tract of land (Parcel # 220-000861) conveyed to Mark P. & Shayne F. Fixari, of record in Instrument Number 200309050282974, also being the northwesterly corner of said 2.270 acre New Albany Company Tract II, also being the northeasterly corner of that 3.376 acre tract of land (Parcel #222-004627) conveyed to The New Albany Company LLC, of record in Instrument Number 201302190028635;

Thence with the westerly line of said 5.284 acre Timmons tract, also with the easterly line of said 5 acre Fixari tract, North 2°15' East, a distance of 367.85 feet to the northwesterly corner of said 5.284 acre Timmons tract, also being the southwesterly corner of that 1.416 acre tract of land (Parcel # 220-001737) conveyed to Mark P. & Shayne F. Fixari, of record in Instrument Number 200106070128257;

Thence with the northerly line of said 5.284 acre Timmons tract, also with the southerly line of said 1.416 acre Fixari tract, North 52°43'30" East, a distance of 207.79 feet to the southeasterly corner of said 1.416 acre Fixari tract, also being the southwesterly corner of that 0.895 acre tract of land (Parcel # 222-000821), also being a southwesterly corner in the City of New Albany Corporation Line (Ord. No. 19-89);

Thence with the northerly line of said 5.284 acre Timmons tract, also with the southerly line of said 0.895 acre Fixari tract, also with a southerly City of New Albany Corporation Line (Ord. No. 19-89), the following two (2) courses:

- 1) North 52°43'30" East, a distance of 65.12 feet;
- 2) North 46°43'50" East, a distance of 149.22 feet to the southeasterly corner of said 0.895 acre Fixari tract, also being the southwesterly corner of that 2.456 acre tract of land (Parcel #222-000648) conveyed to Deborah L. Corbett, of record in Instrument Number 200405250120224;

Thence with the northerly line of said 5.284 acre Timmons tract, also with the southerly line of

said 2.456 acre Corbett tract, also with a southerly City of New Albany Corporation Line (Ord. No. 19-89), North $65^{\circ}47'40''$ East, a distance of 117.87 feet to the northeasterly corner of said 5.284 acre Timmons tract, also being the northwesterly corner of the aforesaid 6.803 acre Beth Shalom, Inc. tract, also being the northwesterly corner of the aforesaid 15.1 acre land annexed to the City of New Albany (Ord. No. 068-92);

Thence with the easterly line of said 5.284 acre Timmons tract, also with the westerly line of said 6.803 acre Beth Shalom, Inc. tract, also with a westerly City of New Albany Corporation Line (Ord. No. 068-92), South $2^{\circ}14'$ West, a distance of 705.20 feet to the point of beginning, and containing 5.284 acres of land, more or less.

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on information obtained from all available records.

Kevin Beechy 2/2/14
Kevin Beechy (date)
Ohio Professional Surveyor No. 7891

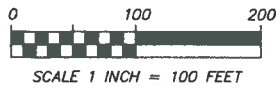
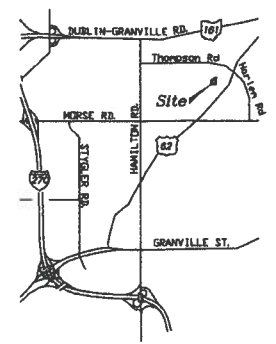


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JUL 02 2014

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

ANNEXATION OF 5.284± ACRES
TO THE CITY OF NEW ALBANY FROM PLAIN TOWNSHIP
QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 16
UNITED STATES MILITARY LANDS
PLAIN TOWNSHIP, FRANKLIN COUNTY, OHIO



LEGEND

- Existing City of New Albany Corporation Line
- Proposed City of New Albany Corporation Line
- Proposed Annexation Area (5.284 Acres)

Contiguity Note:

Total perimeter of annexation area is 2033.92 feet, of which 1458.28 feet are contiguous with the City of New Albany by Ordinance Numbers 19-89 and 068-92, giving 71.7% contiguity.

Basis of Bearings: The southerly line of the subject 5.284 acre tract was assigned a bearing of North 87°06' West, as described in Instrument Number 200003290060828, Recorder's Office, Franklin County, Ohio.

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

By K.R./B.C. Date 7/2/14



Prepared by:
Kevin Beechy 7/2/14
Date

Geo-Graphics Inc.
Land Surveying & Civil Engineering
3331 Livingston Avenue Columbus, Ohio 43227
Phone: 614-231-2016 Fax: 614-231-2018

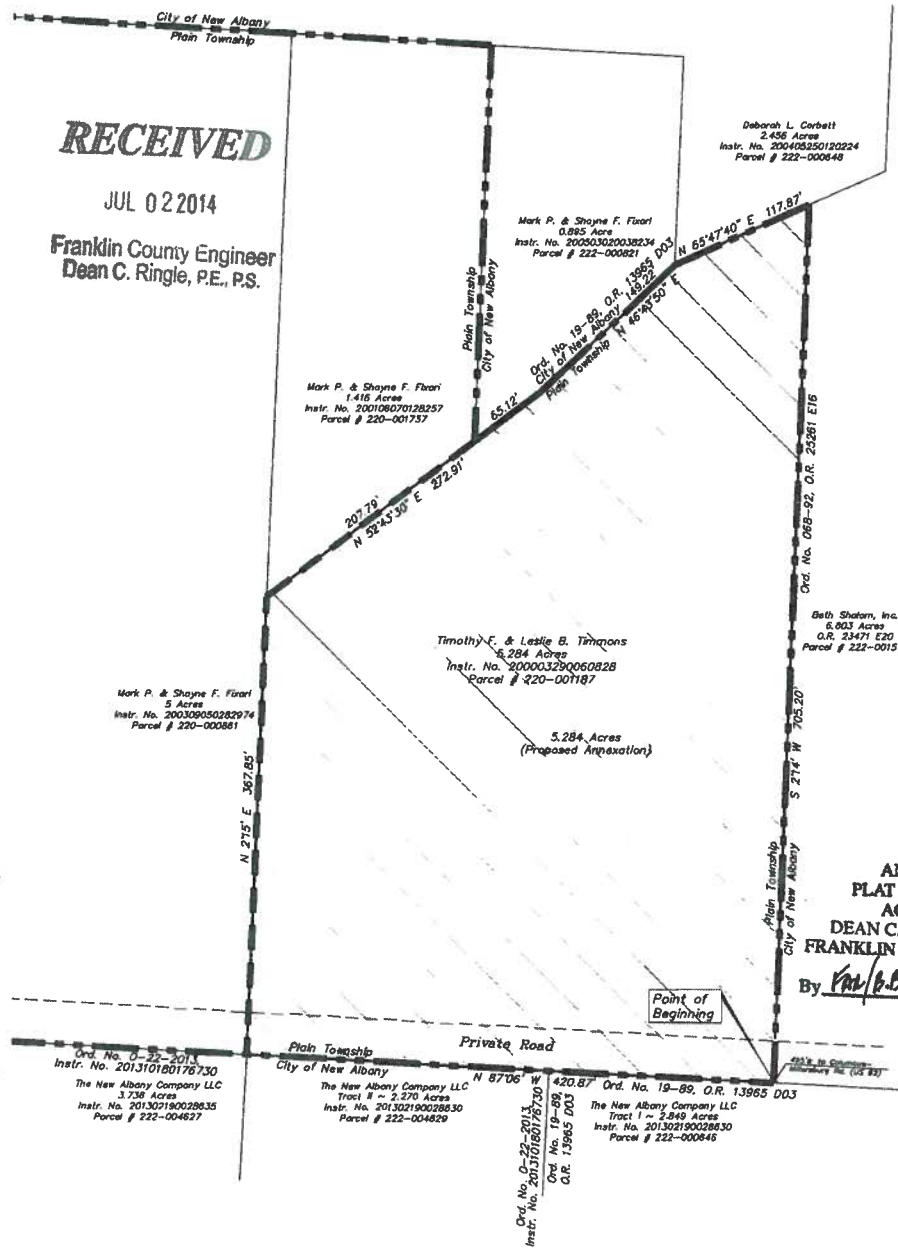
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Franklin County Planning Department
Franklin County, OH

ANX-EXP1-26-14

Exhibit B




CERTIFICATE OF COPY ORIGINAL ON FILE

In the City of New Albany, Counties of Franklin and Licking, State of Ohio.

I, Betty J. Bosko, Clerk of the Council of the City of New Albany within and for said Counties, certify that this is a true and correct copy of Resolution R-73-2014 copied from the original passed by Council on October 7th, 2014, and signed by the Mayor on the October 7th, 2014.

WITNESS my signature, this 8th day of October, 2014.



Betty J. Bosko, CMC





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Prepared: 09/25/2014
Introduced: 10/07/2014
Adopted: 10/17/2014

Franklin County Engineering Department
14

RESOLUTION R-73-2014

A RESOLUTION TO APPROVE AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH PLAIN TOWNSHIP

WHEREAS, the City and the Township share certain boundaries and therefore have a shared interest in the general area found north of the New Albany Country Club's Oxford Subdivision, west of Johnstown Road and south of Thompson Road, as illustrated in the exhibits of the attached Annexation Agreement; and

WHEREAS, it is anticipated that real property comprised of a real estate parcel totaling approximately 5.2+/- acres (Annexation Parcel), will be the subject of an annexation petition to be filed with the Commissioners soon after the Effective Date; and

WHEREAS, the City and the Township desire to maintain a cooperative relationship that will foster economic development on the property and to provide for public infrastructure improvements that will serve the residents and property owners of the City and Township; and

WHEREAS, the Ohio Revised Code Sections 709.021 and 709.022 establish provisions for the annexation of property that includes an annexation agreement between the City and the Township; and

WHEREAS, in furtherance of this relationship, the City and the Township desire to enter this Agreement to memorialize the terms of their mutual agreement on the procedure under which the annexation(s) of the Property to the City will occur in order to ensure that such annexation(s) are completed in accordance with the procedure that has been historically utilized by the City; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. Council hereby approves and authorizes the City Manager to enter into an annexation agreement with Plain Township.

Section 2. This Agreement shall cover and be applicable only to the Property which is identified in Exhibit A, attached herein. The area/boundaries of the Property to which this agreement applies shall not be reduced, enlarged, modified, or altered in any way except by written mutual agreement of the parties

approved authorizing legislation from both the legislative authority of the Township and the City. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.

Section 3. On or after the Effective Date, all or part of the Property shall, upon proper petition(s) to and with the approval of the Franklin County Board of Commissioners and acceptance of the annexation by the City, be annexed to and accepted by the City under the conditions set forth in the annexation agreement.

Section 4. Pursuant to Article 6.07 of the New Albany Charter, this Resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 7th day of October, 2014

ATTEST:

Nancy Ferguson
Nancy I. Ferguson
Mayor

Betty J. Bosko
Betty J. Bosko CMC
Clerk of Council

CERTIFICATE OF COPY

I, Betty J. Bosko, Clerk of Council of the City of New Albany, Ohio, hereby certify that this document is a true and correct copy of Resolution No. R-73-2014 passed by the Council on October 7th, 2014, signed by Mayor Nancy I. Ferguson and will become effective on October 7th, 2014.

Betty J. Bosko
Betty J. Bosko, Clerk of Council

10/8/2014
Date

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EXHIBIT D

OCT 22 2014

ANNEXATION AGREEMENT

for

Franklin County Planning Commission
Franklin County, Ohio

Timmons Property - 5055 Johnstown Road

THIS ANNEXATION AGREEMENT (this "Agreement"), is entered into on or as of October 15, 2014 (the "Effective Date") by and between the City of New Albany, Ohio (the "City"), an Ohio Charter municipal corporation having its address at 99 W. Main Street, New Albany, Ohio 43054, and the Township of Plain, Franklin County, Ohio (the "Township"), a township duly organized and validly existing under the laws of the State of Ohio having its address at 45 Second Street, New Albany, Ohio 43054.

WITNESSETH:

WHEREAS, the City and the Township share certain boundaries and therefore have a shared interest in the parcel found to the west of Johnstown Road and south of Thompson Road (Parcel No. 220-001187-00) as illustrated in Exhibit A attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the City and the Township desire to maintain a cooperative relationship that will foster economic development on the Property and to provide for public infrastructure improvements that will serve the residents and property owners of the City and the Township; and

WHEREAS, in furtherance of this relationship, the City and the Township desire to enter this Agreement to memorialize the terms of their mutual agreement on the manner and procedure under which the annexation of the Property to the City will occur in order to ensure that such annexation is completed in a manner mutually satisfactory to both parties.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the parties hereby agree as follows:

1. Territory Defined: This Agreement shall cover and be applicable only to the Property. The boundaries of the Property shall not be reduced, enlarged, modified, or altered in any way except by written consent approved and given by the legislative authorities of both the City and the Township by means of appropriate action authorizing such reduction, enlargement, modification, or alteration. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.
2. Annexation of the Property: On or after the Effective Date, all or part of the Property may, upon proper petition(s) to and with the final approval of the Franklin County Board of Commissioners (the "Commissioners"), be annexed to and accepted by the City under the conditions hereinafter set forth in this Section 2 and subject to all other conditions and limitations in this Agreement.
 - A. Procedure: Annexations of all or part of the Property to the City shall be filed pursuant to and comply with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code, as such provisions exist on the Effective Date. Annexations of

such Property shall also comply with the terms of this Agreement. It is the intention of the parties to require any petition seeking to annex all or a portion of the Property to the City to be filed pursuant to and in compliance with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code as set forth in this Section 2.A and in compliance with the terms of this Agreement, and to prohibit the City from assisting or accepting an annexation petition concerning the Property which fails to comply with this requirement.

B. Effect of Annexation: Immediately following both (i) the approval of a particular annexation petition affecting all or part of the Property by the Commissioners and (ii) the City's acceptance into municipal boundaries of the real property affected by the petition(s), then the annexed property shall be treated and viewed with the same legal effect as if it had been approved as an annexation completed under Section 709.02 of the Ohio Revised Code. Should, at any time, any Property annexed into the City, pursuant to this Agreement, be excluded from the Township, the City shall compensate the Township as in accordance with Section 709.19 of the Ohio Revised Code in its current form as of the effective date of this agreement and in the event Section 709.19 is amended, the City shall not be released from its obligation to make payments described in the current language of Section 709.19.

C. Cooperative Efforts: Upon the filing of any annexation petition concerning all or part of the Property in accordance with Section 2.A of this Agreement, the Township and the City shall cooperate in good faith to facilitate the approval and success of such petition. In such an instance, each party shall refrain from taking any action that would directly or indirectly delay the annexation process or endanger the possible approval of the annexation petition by the Commissioners. If an annexation petition concerning all or part of the Property is filed which does not comply with the terms of this Agreement, the City shall refrain from any act which would, directly or indirectly, contribute to the success of the petition, unless required by law. This obligation shall include not approving or otherwise consenting to a petition seeking to annex any such property.

3. **Payment to the Township Fire Department:**

In the event that the City creates a TIF district on the Property, the City agrees to pay to the Township from available annual TIF revenues generated from the Property, in consideration for the Township's continuing to provide Fire/EMS services to the Property, the annual amount that the Township would have received with respect to taxes the Township has levied to fund its fire department if not for the exemption granted by the TIF Ordinance (the "Fire Department Payment").

4. **Miscellaneous:**

A. The term of this Agreement shall commence on the Effective Date and shall terminate at 11:59 p.m. on the fiftieth (50th) anniversary of the Effective Date (the

"Initial Term"). Unless the legislative authority of the City or the Township, at least ninety (90) days before the expiration of the Initial Term or any subsequent term as provided herein, acts to terminate the Agreement at the expiration of said term, this Agreement shall automatically renew for consecutive terms of twenty (20) years each, with no limit on the number of renewal terms.

- B. **Notices**. Any notice required to be given hereunder shall be given in writing and shall be deemed sufficiently given if actually received or if hand delivered or sent by recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other party at the address set forth in this Agreement or to such other address as the recipient shall have previously notified the sender of in writing. For purposes of this Agreement, notices shall be addressed to:

If to City:

The City of New Albany
Attn: Joseph Stefanov
City Manager
99 W. Main Street
New Albany, Ohio 43054
Fax: 614.855.8583

If to Township:

Plain Township Board of Trustees
Attn: Ben Collins
Township Administrator
45 Second Street
New Albany, Ohio 43054
Fax: 614.855.2087

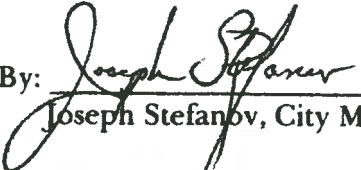
Notices shall be deemed received upon actual receipt, unless sent certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused.

- C. **Entire Agreement**. This Agreement embodies the entire understanding among the parties with respect to the subject matter herein contemplated. Any amendments hereto shall be in writing and shall be executed by both the City and the Township.
- D. **Counterparts**. This Agreement may be executed in one or more counterparts, each of which, when executed and delivered, shall be deemed an original, and all counterparts shall constitute one and the same instrument.

IN TESTIMONY WHEREOF, the parties have caused duplicate counterparts hereof to be executed by their duly authorized officers as of the date first set forth above.


City of New Albany

Plain Township

By: 
Joseph Stefanov, City Manager

By: 
Ben Collins, Township Administrator

Approved as to Form:



Mitchell Banchefsky,
Law Director

EXHIBIT A

Description of the Annexation Area

**PROPOSED ANNEXATION OF 5.284± ACRES IN PLAIN TOWNSHIP
TO BE ANNEXED TO THE CITY OF NEW ALBANY**

Situated in the State of Ohio, County of Franklin, Plain Township, and being part of Quarter Township 3, Township 2, Range 16, United States Military Lands, and containing 5.284 acres of land, more or less, and being all of that 5.284 acre tract of land (Parcel # 220-001187) conveyed to Timothy F. & Leslie B. Timmons, of record in Instrument Number 200003290060828, (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 5.284 acre tract being more particularly described as follows:

Beginning at the southwesterly corner of that 15.1 acre land annexed to the Village of New Albany (now City of New Albany), by Ordinance Number 068-92, of record in Official Record 25261 E16, also being in a northerly line of that 2,796.4 acre land annexed to the Village of New Albany, by Ordinance Number 19-89, of record in Official Record 13965 D03, also being the southeasterly corner of said 5.284 acre Timmons tract, also being the southwesterly corner of that 6.803 acre tract of land (Parcel # 222-001516) conveyed to Beth Shalom, Inc., of record in Official Record 23471 E20, also being in the northerly line of that 2.849 acre Tract I (Parcel # 222-000646) conveyed to The New Albany Company LLC, of record in Instrument Number 201302190028630;

Thence with the southerly line of said 5.284 acre Timmons tract, also with the northerly line of said 2.849 acre New Albany Company LLC tract, and continuing with the northerly line of that 2.270 acre Tract II (Parcel # 222-004629) conveyed to The New Albany Company LLC, of record in Instrument Number 201302190028630, also with a northerly City of New Albany Corporation Line (Ord. No. 19-89), and continuing with the northerly line of that 11.9± acres annexed to the City of New Albany, by Ordinance Number O-22-2013, of record in Instrument Number 201310180176730, North 87°06' West, a distance of 420.87 feet to the southwesterly corner of said 5.284 acre Timmons tract, also being the southeasterly corner of that 5 Acre tract of land (Parcel # 220-000861) conveyed to Mark P. & Shayne F. Fixari, of record in Instrument Number 200309050282974, also being the northwesterly corner of said 2.270 acre New Albany Company Tract II, also being the northeasterly corner of that 3.376 acre tract of land (Parcel #222-004627) conveyed to The New Albany Company LLC, of record in Instrument Number 201302190028635;

Thence with the westerly line of said 5.284 acre Timmons tract, also with the easterly line of said 5 acre Fixari tract, North 2°15' East, a distance of 367.85 feet to the northwesterly corner of said 5.284 acre Timmons tract, also being the southwesterly corner of that 1.416 acre tract of land (Parcel # 220-001737) conveyed to Mark P. & Shayne F. Fixari, of record in Instrument Number 200106070128257;

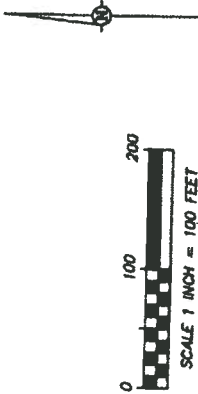
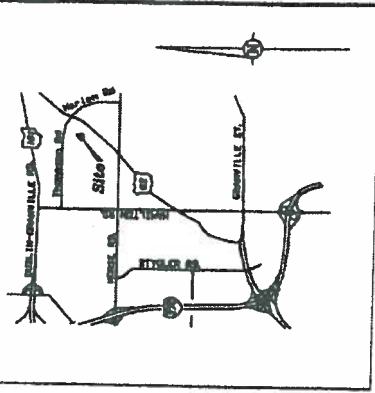
Thence with the northerly line of said 5.284 acre Timmons tract, also with the southerly line of said 1.416 acre Fixari tract, North 52°43'30" East, a distance of 207.79 feet to the southeasterly corner of said 1.416 acre Fixari tract, also being the southwesterly corner of that 0.895 acre tract of land (Parcel # 222-000821), also being a southwesterly corner in the City of New Albany Corporation Line (Ord. No. 19-89);

Thence with the northerly line of said 5.284 acre Timmons tract, also with the southerly line of said 0.895 acre Fixari tract, also with a southerly City of New Albany Corporation Line (Ord. No. 19-89), the following two (2) courses:

- 1) North 52°43'30" East, a distance of 65.12 feet;
- 2) North 46°43'50" East, a distance of 149.22 feet to the southeasterly corner of said 0.895 acre Fixari tract, also being the southwesterly corner of that 2.456 acre tract of land (Parcel #222-000648) conveyed to Deborah L. Corbett, of record in Instrument Number 200405250120224;

Thence with the northerly line of said 5.284 acre Timmons tract, also with the southerly line of

ANNEXATION OF 5.284± ACRES
TO THE CITY OF NEW ALBANY FROM PLAIN TOWNSHIP
QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 16
UNITED STATES MILITARY LANDS
PLAIN TOWNSHIP, FRANKLIN COUNTY, OHIO



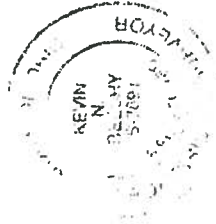
LEGEND

- Existing City of New Albany Corporation Line
- Proposed City of New Albany Corporation Line
- Proposed Annexation Area (5.284 Acres)

Contiguity Note:

Total perimeter of annexation area is 2033.92 feet, of which 1458.28 feet are contiguous with the City of New Albany by Ordinance Numbers 19-89 and 069-92, giving 71.78 contiguity.

Basis of Bearings: The southerly line of the subject 5.284 acre tract was assigned a bearing of North 87°05' West, as described in Instrument Number 20000328006028, Recorder's Office, Franklin County, Ohio.



Prepared by *Kevin Beechy* Date *7/2/17*
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