

Resolution to adjust the boundaries of Westerville Township, thereby making them conform to the boundaries of the City of Westerville Case #BC-06-16 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the council of the city of Westerville, Ohio, by Resolution No. 2016-04, passed February 16, 2016 by a majority of its members, has petitioned the Franklin County Board of Commissioners to change the boundaries of Westerville Township, to make them conform to the boundaries of the city of Westerville, and for such other action as may be proper. The portion of the city of Westerville, Ohio, not now included within the limits of Westerville Township include that portion of Blendon Township, located in Franklin County, annexed to the city of Westerville by Ordinance No. 2015-14; and,

WHEREAS, the city of Westerville filed the petition with the Franklin County Board of Commissioners on March 1, 2016 and has asked for the boundary change according to the provisions of Section 503.07 and related sections of the Ohio Revised Code and that the Board of County Commissioners can cause a proper adjustment of rights and liabilities to be made between the city of Westerville and Westerville Township; and,

WHEREAS, a certified copy of said Ordinance Number 2016-04; with the proceedings of the council of the city of Westerville, Ohio was presented to and filed with the Franklin County Economic Development and Planning Department on March 1, 2016; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

Section 1 That it is the opinion and judgment of the Board that the extension of the partial conformity of boundaries of the city of Westerville and Westerville Township as petitioned for in the said petition by City Council, is expedient, and will be for the convenience and welfare of the inhabitants of Blendon Township and the city of Westerville.

Section 2 That the petition of the city of Westerville is proper and therefore the petition be granted and the boundary lines of Westerville Township shall be extended to conform with the bounds of the territory set forth in that petition.

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Section 3 That there are no adjustments of funds, unpaid taxes, claims, indebtedness or other fiscal matters needed to be settled by the Board, as none were requested in the respective resolutions.

Prepared by: Matt Brown

Cc: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0181-16

March 15, 2016

**RESOLUTION TO ADJUST THE BOUNDARIES OF WESTERVILLE TOWNSHIP,
THEREBY MAKING THEM CONFORM TO THE BOUNDARIES OF THE CITY OF
WESTERVILLE CASE #BC-06-16**

**(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.



Antwan Booker, 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

Resolution to adjust the boundaries of Westerville Township, thereby making them conform to the boundaries of the City of Westerville Case #BC-06-16

Description:

Attached is a resolution to consider the boundary change from Westerville Township to the city of Westerville. The resolution will allow for the adjustment of the boundaries of Westerville Township, thereby making them conform to the boundaries of the city of Westerville.

Petitioning Municipality:

City of Westerville

Site:

6609 S. Hempstead Road (PID 110-003062 and 110-001173) consisting of 1.12-acres, more or less

Background:

The city of Westerville and Blendon Township entered into an annexation agreement on August 31, 2015, which stipulates that the annexation of the subject property must be filed as an "Expedited Type-I" petition. An Expedited Type One annexation was approved by the Franklin County Board of Commissioners for the subject site, case number ANX-EXP1-27-15, on September 15, 2015. The city of Westerville accepted the annexation by ordinance no. 2015-47, approved on December 1, 2015. Under the terms of the aforementioned annexation agreement, the boundaries of the site must be conformed so that territory annexed to the city of Westerville from Blendon Township is transferred to Westerville Township.

Therefore, ordinance no. 2016-04 authorizes the submission of a petition to the Board of County Commissioners of Franklin County, Ohio, requesting that the boundary lines of Westerville Township be changed to make them conform to the corporate limits of the city of Westerville for this annexation. The petition has been filed in accordance with Section 503.07 of the Ohio Revised Code.

Compulsion to act: The Ohio Revised Code requires the Board to grant this petition.

ORC §503.07 states in part:

The board, on presentation of such petition, with the proceedings of the legislative authority authenticated, at a regular or adjourned session, **shall upon the petition of a city change the boundaries of the township.**

Recommendation:

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



Mary J. Johnston, MMC
Clerk of Council, City of Westerville

21 South State Street
Westerville, Ohio 43081
t. 614.901.6410
f. 614.901.6401
e. mary.johnston@westerville.org

CERTIFICATE

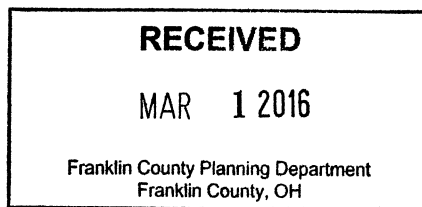
I, Mary J. Johnston, Clerk of Council for the City of Westerville, Ohio, and in whose custody of Files and Records of said Council are required by the Laws of State of Ohio do hereby certify that the foregoing is a true and correct copy of

RESOLUTION NO. 2016-04, "A RESOLUTION TO PETITION THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO FOR A CHANGE IN BOUNDARY LINES BETWEEN BLENDON TOWNSHIP AND WESTERVILLE TOWNSHIP SO AS TO MAKE WESTERVILLE TOWNSHIP IDENTICAL WITH THE CORPORATE LIMITS OF THE CITY OF WESTERVILLE".

was passed by Westerville City Council on the February 16, 2016

Mary J. Johnston, MMC
Clerk of Council

Date: February 22, 2016



BC-06-16

RESOLUTION NO. 2016-04

A RESOLUTION TO PETITION THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO FOR A CHANGE IN BOUNDARY LINES BETWEEN BLENDON TOWNSHIP AND WESTERVILLE TOWNSHIP SO AS TO MAKE WESTERVILLE TOWNSHIP IDENTICAL WITH THE CORPORATE LIMITS OF THE CITY OF WESTERVILLE

NOW, Therefore, Be It Resolved by the City Council of the City of Westerville:

Section 1: The Council of the City of Westerville hereby petitions the Board of County Commissioners of Franklin County, Ohio, for a change the township lines of Blendon Township and Westerville Township, Franklin County, Ohio, to make Westerville Township identical with the corporation limits of the City of Westerville, pursuant to Ohio Revised Code section 503.07. The portions of the City of Westerville to be included within the limits of the municipal township are those portions of Blendon Township annexed by the City of Westerville by Ordinance No. 2015-47. A true copy of that Ordinance, together with a description of the area annexed, is attached to this Resolution and made a part hereof;

Section 2: That the aforementioned annexation was brought pursuant to the provisions of Ohio Revised Code Section 709.022 as an Expedited Type 1 annexation and an Annexation Agreement (the "Agreement") between the City of Westerville and the Board of Trustees of Blendon Township, which Agreement provides for the conformance of the boundaries of the annexed land in accordance with Ohio Revised Code Section 503.07.

Section 3. That the Clerk of Council is directed to file a certified copy of this Resolution with the Board of County Commissioners of Franklin County, Ohio, forthwith;

Section 4. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: February 16, 2016

Craig P. Treneff

Craig P. Treneff
Chair of Council

APPROVED:

Bruce E. Bailey

Bruce E. Bailey
Director of Law

Mary J. Johnston

Mary J. Johnston, MMC
Clerk of Council

ORDINANCE NO. 2015-47

TO ACCEPT THE ANNEXATION INTO THE CITY OF WESTERVILLE OF CERTAIN TERRITORY IN BLENDON TOWNSHIP CONTAINING 1.120 ACRES, MORE OR LESS, KNOWN AS 6609 HEMPSTEAD ROAD

WHEREAS, a petition for annexation into the City of Westerville of certain territory of approximately 1.120 acres, more or less, in Blendon Township was duly filed with the Franklin County Commissioners by Eric W. and Diane M. Gibson (the "Gibsons"), as the owner of the property; and

WHEREAS, the petition was duly considered and by Resolution 0695-15, approved by the Board of County Commissioners of Franklin County, Ohio on September 15, 2015; and

WHEREAS, the Board of County Commissioners certified a transcript of the proceedings in connection with said annexation with the map, petition and resolution to the Clerk of Council of the City of Westerville who received the same on October 15, 2015; and

WHEREAS, sixty (60) days from the date of the delivery of such annexation documents have now lapsed in accordance with Section 709.04 of the Ohio Revised Code;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTERVILLE, OHIO:

Section 1. That the annexation of certain territory adjacent to the City (described in Exhibit "A" attached to this Ordinance and made a part hereof), approved by the Board of County Commissioners of Franklin County, Ohio in Resolution 0695-15 on September 15, 2015, be, and the same is hereby accepted.

Section 2. That the Clerk of Council be, and hereby is, authorized and directed to make copies of this Ordinance and the transcript of proceedings of the Board of County Commissioners relating thereto with appropriate certificate as to the correctness thereof and forthwith deliver the same in accordance with the provisions Chapter 709 of the Revised Code and, thereafter, to provide such notices as are required by Chapter 709 of the Revised Code.

PASSED: January 5, 2016

APPROVED: Bruce E. Bailey
Bruce E. Bailey
Director of Law

Mary J. Johnston
Chair of Council
Mary J. Johnston
Mary J. Johnston, MMC
Clerk of Council

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By BB Date 6/4/15

RECEIVED

JUN 04 2015

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

June 4, 2015

PROPOSED ANNEXATION OF 1.120 ACRES
WEST OF HEMPSTEAD ROAD, NORTH OF SPRING ROAD

FROM: BLENDON TOWNSHIP
TO: THE CITY OF WESTERVILLE, OHIO

Situated in the State of Ohio, County of Franklin, Township of Blendon, Quarter 1, Township 2, Range 17, United States Military Lands, and being part of that those 1 and 0.282 acre tracts as described in a deed to Eric W. and Diane M. Gibson, of record in Instrument Number 20020220047771, all records referenced herein being to those located in the Recorder's Office, Franklin County, Ohio, and being 1.120 acres more particularly described as follows:

Beginning in the southerly line of said 1 acre tract, in the northerly line of Lot 11 of Westerwood Village Phase 4, Section 2, a subdivision of record in Plat Book 49, Page 27, in the westerly right-of-way line of Hempstead Road and at an angle point in the existing corporation line of the City of Westerville as established by Case "West No. 14", of record in Miscellaneous Record 145, Page 99, and Plat Book 40, Page 60;

Thence in a westerly direction, along the common line between said 1 acre tract and said Lot 11 and along said existing corporation line of the City of Westerville, a distance of approximately 155 feet to a point at the southwest corner of said 1 acre tract, the northwest corner of said Lot 11 and the southeast corner of Lot 10 of said Westerwood Village subdivision, at an angle point in said existing corporation line;

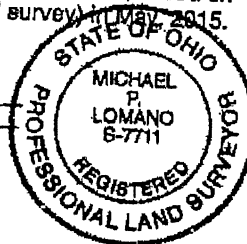
Thence in a northerly direction, along the westerly line of said 1 acre and 0.282 acre tracts and the easterly line of said Lots 10 and 11, and Lot 9 and Lot 8 of said Westerwood Village subdivision, and along said existing corporation line, a distance of approximately 236 feet to a point at a northwest corner of said 0.282 acre tract, at the southeast corner of that 1 acre tract as described in a deed to David Adrean, of record in Instrument Number 201403200034041;

Thence in an easterly direction, along the common line between said 1 acre (Gibson) and said 1 acre (Adrean) tracts, leaving said existing corporation line, a distance of approximately 280 feet to a point in the westerly right-of-way line of Hempstead Road, in the existing corporation line of the City of Westerville as established by Case Number 67-89, Ordinance 90-06, of record in Official Record 14964, Pg. C-08;

Thence in a southerly direction, through said 0.282 and 1 acre (Gibson) tracts, along said westerly right-of-way line and said existing corporation line, a distance of approximately 239 feet to the place of beginning, containing 1.120 acre of land, with 0.857 acre being in tax parcel number 110-003062 and 0.282 acre being in tax parcel number 110-001173.

This description was prepared by Westerville Land Surveying, LLC, based on the best available public records (not based on an actual field survey) in May, 2015.

by Michael P. Lomano
Michael P. Lomano G.A. 15
Registered Surveyor No. 7711



ANNEXATION AGREEMENT

This Annexation Agreement is entered into this 31st day of August, 2015, between Board of Trustees of Blendon Township, a duly established and operating township under the laws of Ohio (hereinafter "Township"), and the City of Westerville, an Ohio municipal corporation (hereinafter "City").

Whereas, Eric W. Gibson and Diane M. Gibson, ("Owners") presently own a 1.120 acre tract of land contiguous with the City of Westerville and located at 6609 Hempstead Road, north of Spring Road in Blendon Township, Franklin County, Ohio (the "Property"), and being further described on Exhibit "A" attached hereto and incorporated herein; and

Whereas to the extent consistent with the wishes of the Owners, the Township and the City wish to cooperate in facilitating the annexation of the Property so that the Owners can obtain City services while providing compensation to the Township for loss of tax revenue; and

Whereas this agreement shall serve as an annexation agreement for purposes of Section 709.192 of the Ohio Revised Code; and

Whereas the Township and the City have determined that it is in the best interest of their respective residents, citizens and taxpayers to enter into this Agreement upon the terms hereinafter set forth.

NOW, THEREFORE, in consideration of one dollar and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties hereto, the Township and the City hereby agree as follows:

Section 1. The Owners of the Property set forth on the map attached as Exhibit A shall file an "Expedited Type-I" petition for annexation. The Township hereby consents to the annexation of the Property. The Township and City agree to cooperate fully and in good faith with each other to achieve successful annexation of the Property.

Section 2. The Township and City acknowledge and agree that this Agreement is intended to and shall serve as an annexation agreement pursuant to O.R.C. Section 709.022.

Section 3. The Township and City acknowledge and agree that upon completion of the annexation process the City will undertake the necessary process to change the Township's boundaries under the procedures described in Chapter 503 of the Revised Code to exclude the Property described in the map attached as Exhibit A from the Township.

Section 4. The parties acknowledge and agree that the Owners of the Property paid real property taxes to the Township in the amount of \$1,240.02 for tax year 2014. Pursuant to Section 709.192 of the Ohio Revised Code, the City and the Township agree as an alternative to the statutory reparation payments described in Section 709.19 of the Ohio Revised Code, the City

shall make five annual payments of \$1,250 to the Township as compensation for lost property tax. Such annual payments shall be made for a period commencing in 2016. The annual payment shall be made on or before April 1 of each year (2016 -2020). Notwithstanding the foregoing, the City shall have no obligation to make any payments to the Township unless and until Owners file the annexation petition, and should the petition fail to be completed for any reason, the City shall be relieved of any payment obligation and shall be entitled to a refund of all sums paid hereunder.

Section 5. This Annexation Agreement may only be amended, revised or altered pursuant to an amendment in writing, executed by the parties, and properly promulgated and approved in accordance with their respective legislative authorities.

Section 6. This Annexation Agreement shall not apply to any annexation other than the Property.

In witness whereof the parties have executed multiple counterparts of this Agreement on the 31st day of August, 2015.

BOARD OF TRUSTEES OF
BLENDON TOWNSHIP

By [Signature]
Its: Chairman Board of Trustees

CITY OF WESTERVILLE

By [Signature]
Its: City Manager