

**Review of Petition to Annex 0.471+/- acres from Prairie Township to the city of Columbus by James Robert Rishel, Esq.
Case #ANX-EXP2-11-09 (ECONOMIC DEVELOPMENT & PLANNING)**

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that James Robert Rishel, Esq. filed on behalf of Sharon M. Scales and Theresa Schreck on June 24, 2009 and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Expedited 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 #0949-09, passed on July 6, 2009 by the city of Columbus.

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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. 0602-09

July 28, 2009

**REVIEW OF PETITION TO ANNEX 0.471+/- ACRES FROM PRAIRIE
TOWNSHIP TO THE CITY OF COLUMBUS BY JAMES ROBERT RISHEL, ESQ.
CASE #ANX-EXP2-11-09**

**(Economic Development and
Planning)**

Upon the motion of Commissioner John O'Grady, seconded by Commissioner Marilyn Brown:

Voting:

Marilyn Brown

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 adopted by the Board of County Commissioners, Franklin County, Ohio on the date noted above.


Debra A Willaman, Clerk
Board of County Commissioners
Franklin County, Ohio

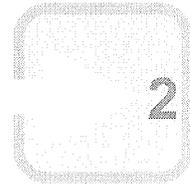


Commissioners
 Paula Brooks, President
 Marilyn Brown
 John O'Grady

Economic Development & Planning Department
 James Schimmer, Director

Application for Annexation Petition

Expedited Type 2
 Pursuant to ORC §709.023



Property Information	
Site Address	1008 Doherty Road
Parcel ID(s)	240-005744
Total Acreage	0.471 acres
From Township	Prairie Township
To Municipality	Columbus

Property Owner Information	
Name	Sharon M. Scales & Theresa Schreck
Address	3903 Mayfair Dr. 447 Northforty Drive Grove City, OH 43123 Galloway, OH 43119
Phone #	614-878-2944
Fax #	614-875-7335
Email	

Attorney/Agent Information	
Name	James Robert Rishel, Esq.
Address	300 East Broad St., Suite 190 Columbus, Ohio 43215
Phone #	614-221-0717
Fax #	614-221-1278
Email	rrishel@rrgovlaw.com

Staff Use Only	
Case #	AUX-EXP II 11-09
Hearing date:	July 28, 2009
Date filed:	June 24, 2009
Fee paid	\$250.00
Receipt #	6815
Notifications deadline:	5 days
Svc statement deadline:	20 days

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>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>	
<i>Theresa Schreck</i>	<i>Sharon M. Scales</i>
Property Owner	Property Owner
<u>6-23-09</u>	<u>6-23-09</u>
Date	Date

Economic Development · Community Development
 150 South Front Street, FSL Suite 10, Columbus, Ohio 43215
 Tel: 614-462-5631
 Fax: 614-462-4876
 www.FranklinCountyOhio.gov

RECEIVED

JUN 24 2009

Per *Matt Brown*

Planning · Zoning · Building
 Planning & Zoning Tel: 614-462-3094
 Building Permits Tel: 614-462-3166
 Fax: 614-462-7155

ANNEXATION PETITION

TO THE HONORABLE COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO;

Petitioners, Sharon ^{m.} Scales, and Theresa Schreck, Ohio residents whose addresses are 3903 MAYFAIR Dr Grove City Ohio 43123 and 447 Northforty Dr. Galloway, Ohio 43119-9078 respectfully request the Franklin County Board of County Commissioners to proceed under Section 709.023, Ohio Revised Code, and state:

1. That the Petitioners are the owners of and vested with fee simple title in and to certain lands which lie without but adjacent and contiguous to the City Limits of the City of Columbus, Ohio, described as follows:

^{m.}

A tract of real property owned by Sharon ^{m.} Scales and Theresa Schreck, containing 0.471 acres, described in Instrument 200500027738, Franklin County Auditor's Parcel Number 240-005744.

The legal description of the entire area of real property to be annexed is attached hereto, marked as Exhibit "A" and incorporated by reference herein.

A Plat of the lands to be annexed has been prepared by Scott D. Grunde, of Landmark Survey Group, Incorporated, Registered Surveyor No. 8047, dated January 9, 2009 with a copy of said Plat also attached hereto, marked as Exhibit "B" and incorporated by reference herein. The existing parcel, including parcel number, and the amount of acreage to be annexed are set forth on the said Plat. Further, the said Plat sets forth that the boundary of the lands to be annexed is contiguous to the present corporate limits of the City of Columbus, Ohio.

2. Petitioners hereby request that the said tracts of land be annexed to the corporate limits of the City of Columbus, Ohio, as is provided under and by virtue of the Ohio Revised Code.

3. James Robert Rishel, 300 East Broad Street, Suite 190, Columbus, Ohio 43215, shall serve as "Agent for the Petitioners".

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.

^{m.}
Sharon ^{m.} Scales

Sharon M. Scales 5-21-09
Date

Theresa Schreck

Theresa Schreck 5/21/09
Date

AGENT FOR PETITIONERS:

James Robert Rishel 6/1/09
Date

Print: James Robert Rishel, Esq.

Supreme Court Number: 0075132

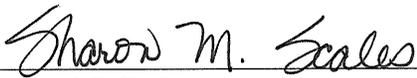
Affidavit Stating Facts on Information and Belief

STATE OF OHIO
COUNTY OF FRANKLIN

PERSONALLY appeared before me, the undersigned authority in and for said county and state, Sharon M. Scales, who, having been being first duty sworn by the undersigned Notary Public, deposes and says:

Affiant is informed and believes, and on such information and belief, and in good faith, states the following:

- 1) I, Sharon M. Scales am part owner of real property located at 1008 Doherty Road, in Galloway, Ohio 43119.
- 2) Due to an incorrect spelling on the Deed of Transfer for said real property my name is incorrectly noted as "Sharon S. Scales" on the Franklin County Auditor's website.
- 3) I am currently in the process of correcting the mistake in spelling by amending the Deed of Transfer.
- 4) I have the right as part of owner of the said real property to petition the property to be annexed from Prairie Township to the City of Columbus.



Sharon M. Scales

SWORN to and subscribed before me, this the 23rd day of June, 2009.



NOTARY PUBLIC

My Commission Expires:

JAMES ROBERT RISHEL
ATTORNEY AT LAW
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.93 R.C.

LEGEND

EXISTING CITY OF COLUMBUS CORPORATION LINE
 PROPOSED CITY OF COLUMBUS CORPORATION LINE
 AREA TO BE ANNEXED

PROPOSED ANNEXATION EXHIBIT OF

0.5± ACRES

LYING IN

VIRGINIA MILITARY SURVEY NO. 7326

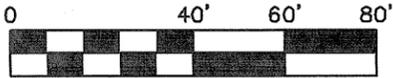
TOWNSHIP OF PRAIRIE, COUNTY OF FRANKLIN

STATE OF OHIO

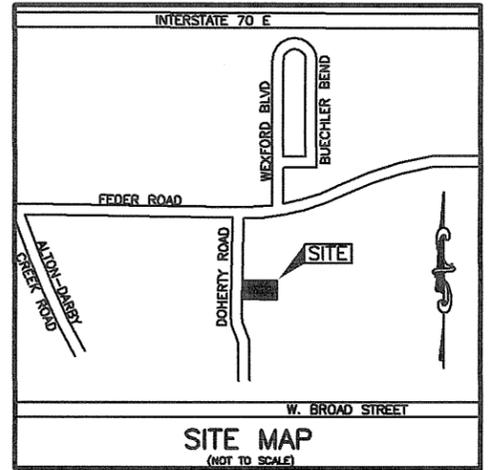
TO

THE CITY OF COLUMBUS

SCHOOL DISTRICT:
 SOUTHWESTERN CITY SCHOOL DISTRICT



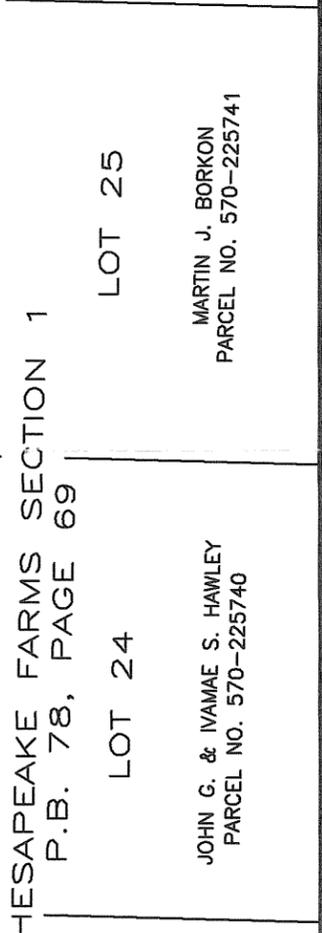
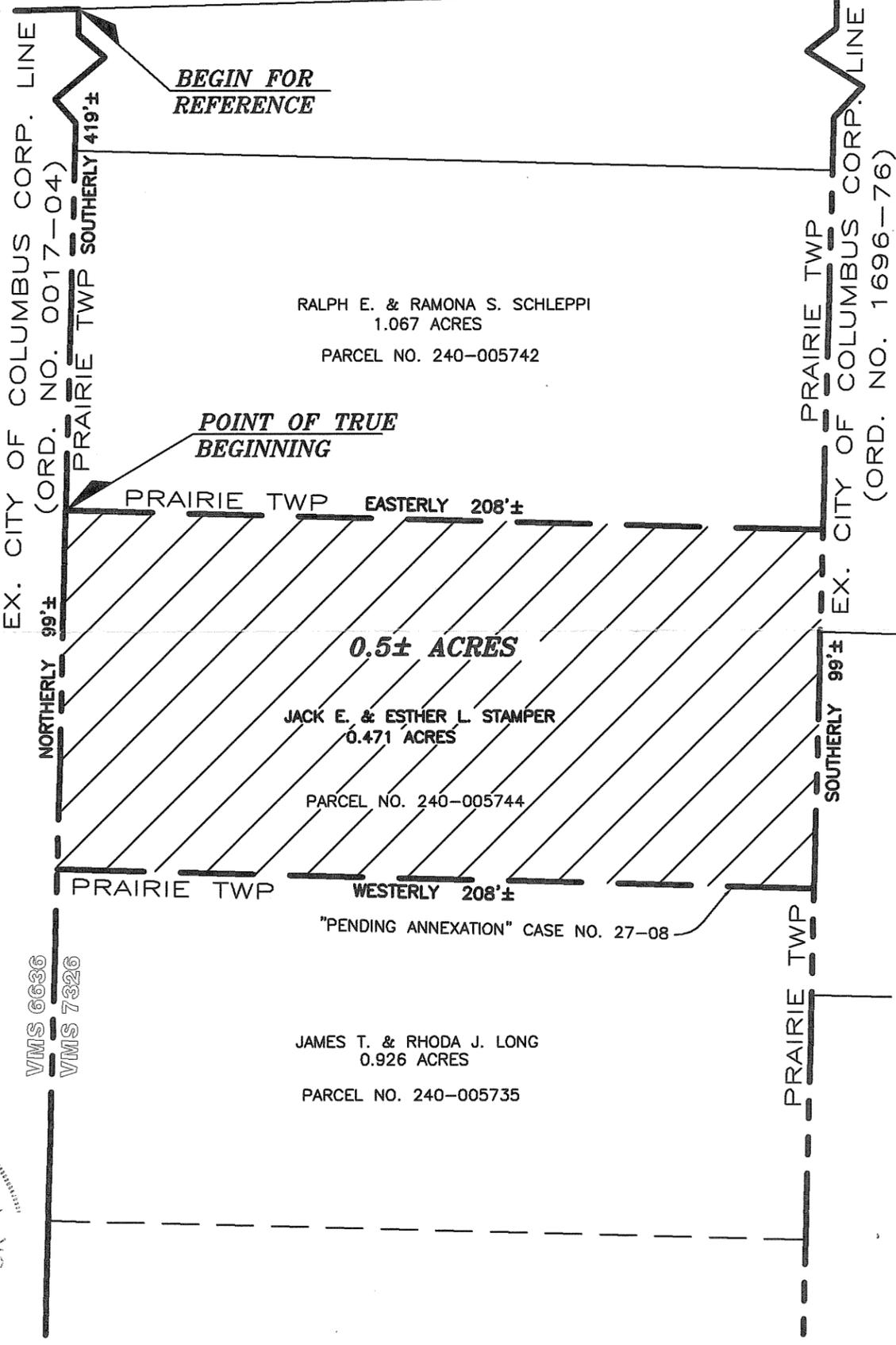
SCALE IN FEET
 SCALE: 1"=40'



FEDER ROAD

ANNEXATION
 FLAT & DESCRIPTION
 ACCEPTABLE
 DEAN C. RINGLE, P.E., P.S.
 FRANKLIN COUNTY ENGINEER
 By *FAC* Date 3/2/09

DOHERTY ROAD 60'



Scott D. Grundeil 1/9/09
 DATE

SCOTT D. GRUNDEIL, P.S.
 REGISTERED SURVEYOR NO. 8047

DRAWN BY: BKG

LS GI LANDMARK SURVEY GROUP, INCORPORATED

2099 WEST FIFTH AVENUE, COLUMBUS, OHIO 43212
 PHONE: (614) 485-9000 FAX: (614) 485-9003

REVISED: 1/9/09
 DATE: 11/13/08 FILE NO. 109416

RECEIVED
 JUN 24 2009

Per *Matt Brown*

PROPOSED ANNEXATION
OF 0.5± ACRES
TOWNSHIP OF PRAIRIE
FRANKLIN COUNTY
TO
THE CITY OF COLUMBUS

Situate in the State of Ohio, County of Franklin, Township of Prairie, lying in Virginia Military Survey No. 7326, being all of the tract conveyed to Jack E. and Esther L. Stamper, (Parcel No. 240-005744) of record in Inst. No. 200510200221110, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Begin for reference at a point in the line common to VMS 6636 and said VMS 7326 at the intersection of the southerly line of Feder Road (width varies) and the easterly line of Doherty Road (60.00 feet in width) and in the existing City of Columbus Corporation Line as established by Ordinance Number 0017-04;

Thence Southerly, a distance of 419 feet, more or less, along the said City of Columbus Corporation Line, to a point at the westerly common corner of said Stamper Tract and a 1.067 acre tract owned by Ralph E. and Ramona S. Schleppi, (Parcel No. 240-005742), said point being the **Point of True Beginning** for the herein described tract;

Thence Easterly, a distance of 208 feet, more or less, along the line common to said Stamper and Schleppi tracts, to a point in the existing City of Columbus Corporation Line as established by Ordinance Number 1696-76 at the easterly common corner of said Stamper and Schleppi tracts and in the westerly line of Lot 25 of CHESAPEAKE FARMS SECTION 1, owned by Martin J. Borkon (Parcel No. 570-225740);

Thence Southerly, a distance of 99 feet, more or less, along the existing City of Columbus Corporation Line and the easterly line of said Stamper tract and Lot 25 and then Lot 24 of said CHESAPEAKE FARMS SECTION 1, owned by John G. and Ivamae S. Hawley (Parcel No. 570-225740), to a point at the easterly common corner of said Stamper tract and a 0.926 acre tract owned by James T. and Rhoda J. Long (Parcel No. 240-005735);

Thence Westerly, a distance of 208 feet, more or less, along the line common to said Stamper and Long tracts, to a point in said existing City of Columbus Corporation Line (Ord. No. 0017-04) at the westerly common corner of said Stamper and Long tracts and in the easterly line of said Doherty Road;

Thence Northerly, 99 feet, more or less, along the said existing City of Columbus Corporation Line (Ord. No. 0017-04) and the line common to said Doherty Road and Stamper tract, to the **Point of True Beginning**, containing 0.5± acres, more or less.

The above description is prepared from record information only and not a field survey.

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

By FAR Date 3-2-09



LANDMARK SURVEY GROUP, INC.

Scott D. Grundei 11/17/08
Scott D. Grundei, P.S. Date
Registered Surveyor No. 8047



City of Columbus Legislation Report

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

RECEIVED

JUL 14 2009

File Number: 0949-2009

Franklin County Planning Department
Franklin County, Ohio

Emergency

File Number: 0949-2009

File Type: Ordinance

Status: Passed

Version: 1

Controlling Body: Development Committee

File Name: Annexation Service AN09-004: 0.5 acres, Prairie Township,
Scales and Schreck

Introduced: 6/25/2009

Requester: Dev Drafter

Cost:

Final Action: 7/8/2009

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.: Kevin Wheeler 645-6057

Floor Action (Clerk's Office Only)

I hereby certify that the above or attached is a true and correct copy of Ordinance No. **0949-09** passed by the Council of the City of Columbus, Ohio **7-6**, 20 **09**, as shown by the records now on file in this office.

Seal *Andrea Blawie*
City Clerk

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title:

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN09-004) of 0.5± acres in Prairie Township to the city of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Sponsors:

Indexes:

Attachments: ORD0949-2009 AN09-004 Legal Description.doc, ORD0949-2009 AN09-004 Map.doc

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Dev Drafter	6/25/09	Sent for Approval	DEVELOPMENT DIRECTOR			
	Action Note:	Planning Division					
1	DEVELOPMENT DIRECTOR	6/25/09	Reviewed and Approved	Dev Drafter			
	Action Note:	nmb					
1	Dev Drafter	6/25/09	Sent to Clerk's Office for Council	City Clerk Inbox			
1	Columbus City Council	7/6/09	Approved				Pass
1	COUNCIL PRESIDENT	7/6/09	Signed				
1	MAYOR	7/7/09	Signed				
1	CITY CLERK	7/8/09	Attest				

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

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation**AN09-004**

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 Prairie 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. Should the petition be approved by the County Commissioners, a second City ordinance accepting the annexation will be required 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 (AN09-004) of 0.5± acres in Prairie 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 Prairie Township was duly filed on behalf of Sharon Scales and Theresa Schreck on June 24, 2009; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on July 28, 2009; 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 to adopt an ordinance stating zoning buffering conditions; and

WHEREAS, properties proposed for annexation are included within the Columbus Comprehensive Plan study area and within the West Columbus Interim Development Concept and Big Darby Accord planning areas; and

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

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

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

Section 1. That the city of Columbus will provide the following municipal services for 0.5 ± acres in Prairie 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: Residential refuse collection services will be available upon annexation of the property.

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: The proposed annexation site can receive water service from the existing 12" Columbus water main located in Doherty Rd.

Sewer:

Sanitary Sewer:

Records indicate an 8-inch Columbus sanitary sewer is located in an easement abutting subject parcel's east property line and can provide sanitary sewer service. Service can be installed and inspected under a sewer permit.

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

Section 2. If this 0.5 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 Prairie 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 Praire Township. For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

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

LEGAL DESCRIPTION
ANNEXATION AN09-004
0.5 acres in Prairie Township
Sharon Scales and Theresa Schreck

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MAP
ANNEXATION AN09-008
0.5 acres in Prairie Township
Sharon Scales and Theresa Schreck

