

Review of Petition to Annex 3.4 +/- acres from Jefferson Township to the city of Gahanna by Thomas Weber, Esq. Case #ANX-EXP2-20-11 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Thomas Weber, Esq. filed on behalf of Jack and Sue Williams and Robert Roshon, et al. on September 30, 2011 and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Expedited Type 2 petition, and having considered all the facts with reference thereto, being fully advised, and

WHEREAS, the Commissioners make the following findings based upon the exhibits and testimony presented at the review of this matter:

1. The petition does meet all the requirements set forth in, and was filed in the manner provided in, section 709.021 of the Revised Code.
2. The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all of the owners of real estate in that territory.
3. The territory proposed for annexation does not exceed five hundred acres.
4. The territory proposed for annexation shares a contiguous boundary with the municipal corporation to which annexation is proposed for a continuous length of at least five percent of the perimeter of the territory proposed for annexation.
5. The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.
6. The municipal corporation to which annexation is proposed has agreed to provide to the territory proposed for annexation the services specified in the relevant service ordinance #ORD-0193-2011, passed on October 3, 2011 by the city of Gahanna

Review of Petition to Annex 3.4 +/- acres from Jefferson Township to the city of Gahanna by Thomas Weber, Esq. Case #ANX-EXP2-20-11 (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 Gahanna, 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 Gahanna, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0764-11

November 01, 2011

**REVIEW OF PETITION TO ANNEX 3.4 +/- ACRES FROM JEFFERSON
TOWNSHIP TO THE CITY OF GAHANNA BY THOMAS WEBER, ESQ. CASE
#ANX-EXP2-20-11**

**(Economic Development and
Planning)**

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

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.



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



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
3.4 +/- ACRES FROM
JEFFERSON TOWNSHIP
TO THE CITY OF GAHANNA
BY THOMAS L. WEBER, ESQ.

Description:

Attached is a resolution to consider the annexation of 3.4-acres, more or less, from Jefferson Township to the city of Gahanna. The petition case number is ANX-EXP2-20-11.

Applicants:

Jack and Sue Williams
Robert L. Roshon, et al.

Agent:

Thomas Weber, Esq.

Site:

5061 Shagbark Road

Additional Information:

The site is contiguous to the city of Gahanna on four sides. The proposed annexation does include right-of-way of Hamilton Road.

Analysis:

The applicant has all statutory requirements outlined in Section 709.21 of the Ohio Revised Code. The applicant has provided proof of notification, and timeline and has provided a service ordinance from the city of Gahanna stating the services that will be provided once the annexation has been approved. The city of Gahanna has agreed to provide the territory proposed for annexation the services specified in the relevant service ordinance #ORD-0193-2011-2011 passed October 3, 2011.

Recommendation:

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



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

Economic Development & Planning Department
James Schimmer, Director

MEMO JOURNALIZATION

TO: Debbie Willaman, County Clerk
Franklin County Commissioners Office

FROM: R. Lee Brown, Planning Administrator
Franklin County Economic Development & Planning Department

CC: James Schimmer, Director
Franklin County Economic Development & Planning Department

RE: Description of Expedited Type 2 annexation case to be
journalized on the **October 4, 2011** General Session Agenda for
a hearing on **November 1, 2011**.

Case #ANX-EXP2-20-11- An Expedited Type 2 annexation ANX-EXP2-20-11 was filed in our office on September 30, 2011. The petition is requesting to annex 3.4+/- acres from Jefferson Township to the city of Gahanna. The applicant is Thomas L. Weber. **Site: 5061 Shagbark Rd (Parcel Numbers: 170-000982 and 170-000984)**



Commissioners
 Marilyn Brown, President
 Paula Brooks
 John O'Grady

Economic Development & Planning Department
 James Schimmer, Director

Application for Annexation Petition

Expedited Type 2
 Pursuant to ORC §709.023



Property Information	
Site Address 5061 Shagbark, Gahanna Ohio, 43230	
Parcel ID(s) 170-000984 and 170-000982	Total Acreage 3.4 more or less
From Township Jefferson	To Municipality Gahanna

Property Owner Information	
Name Jack and Sue Williams and Robert L. Roshon, et al.	
Address 5061 Shagbark, Gahanna, Ohio 43230 and 4082 Clotts Road, Columbus Ohio 43230	
Phone # 475 5190	
Fax # 939-1040	
Email swill4you@gmail.com rroshon@roshonconstruction.com	

Attorney/Agent Information	
Name Thomas L. Weber, Gahanna City Attorney	
Address 200 S. Hamilton Road Gahanna, Ohio	
Phone # (614) 342-4090	Fax # (613) 342-4190
Email tom.weber@gahanna.gov	

Staff Use Only
Case # ANX-EXP 2- 20-11
Hearing date: Nov. 2, 2011
Date filed: Sept. 30, 2011
Fee paid \$250.00
Receipt # 456301
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/plot 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>			
See Attached			
Property Owner _____	Date _____	Property Owner _____	Date _____
Property Owner _____	Date _____	Property Owner _____	Date _____

RECEIVED

SEP 30 2011

RECEIVED

any-20-11

SEP 30 2011

Franklin County Planning Department
Franklin County, Ohio

Signature Attachment for Annexation Pettition

3.4 Acres +/- on Shagbark Road Par- 170-000982 and 170-000984

Parcel	owner	date
170-000984	<u>Jada Williams</u>	<u>9-29-11</u>
170-000984	<u>Sue Williams</u>	<u>9-29-11</u>
170-000982	<u>Robt L. Roshon</u>	<u>7/27/11</u>
170-000982	<u>Megara Roshon</u>	<u>7/27/11</u>
170-000982	<u>Jada Williams</u>	<u>9-29-11</u>
170-000982	<u>Patricia A. Kertymeyer</u>	<u>7/26/2011</u>
170-000982	<u>Jennifer Clarke Mackessy</u> Jennifer Clarke Mackessy, Trustee of the Susan K. Clarke Living Trust	<u>FREE 17 July 2011</u>
	<u>Sue Williams</u>	<u>9-29-11</u>

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
BY BB Date 9/22/11

RECEIVED

ANNEX-2892-20-11
SEP 30 2011

RECEIVED

SEP 26 2011

Franklin County Planning Department
Franklin County, Ohio

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

PROPOSED ANNEXATION OF 3.4+/- ACRES
FROM JEFFERSON TOWNSHIP

TO

THE CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

Situated in the State of Ohio, County of Franklin, Township of Jefferson, located in part of Quarter Township 2, Township 1, Range 16, United States Military District, being part of that 0.193 acre right-of-way tract described in the deed to the City of Gahanna, recorded in Instrument No. 200512300274319, part of that 1.0 acre tract of land (PID: 170-000982) described in the deed to Robert L. and Megan A. Roshon, recorded in Instrument No. 199802240040308 (Parcel III), and all of that 2.45 acre tract of land (PID: 170-000984) described in the deed to Jack A. and Sue Williams, recorded in Instrument No. 199807100173230 (record references recited herein are to those of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning at the southeast corner of Hamilton and Shagbark Roads, being at the intersection of the easterly line of those lands annexed to the City of Gahanna by Ordinance No. 99-554, recorded in Instrument No. 200003150051241, and the southerly line of those lands annexed to the City of Gahanna by Ordinance No. 98-435, recorded in Instrument No. 199903220070336;

thence easterly along said southerly line, being also the southerly line of said Shagbark Drive, and being the northerly lines of said 0.193, 1.0 and 2.45 acre tracts, 392 feet, more or less, to the northeasterly corner of said 2.45 acre tract;

thence southerly and easterly along said easterly line of said 2.45 acre tract, being the westerly line of those lands annexed to the City of Gahanna by Ordinance No. 99-442, recorded in Instrument No. 200003150051240, the following four courses and distances;

1. southerly 129 feet, more or less, to an angle point in said line;
2. southerly 57 feet, more or less, to an angle point in said line;
3. southerly 62 feet, more or less, to an angle point in said line; And,
4. easterly 90 feet, more or less, to the centerline of Hickory Run;

thence southwesterly along the meanders of the centerline of said Hickory Run, being the southerly line of said 2.45 acre tract, and being the northwesterly line of those lands annexed to the City of Gahanna by Ordinance No. 99-612, recorded in Instrument No. 200003150051237, a distance of 500 feet, more or less, to the southwesterly corner of said 2.45 acre tract;

thence northerly along the westerly line of said 2.45 acre tract, being the easterly line of those lands annexed to the City of Gahanna by Ordinance No. 87-96, recorded in Official Record Volume 32199-H09, and by Ordinance No. 25-97, recorded in Official Record Volume 35071-F01, a distance of 411 feet, more or less, to the southeasterly corner of said 1.0 acre tract;

thence westerly along the southerly line of said 1.0 acre tract, being a northerly line of the lands annexed to the City of Gahanna by said Ordinance No. 25-97, a distance of 234 feet, more or less, to said easterly line of aforesaid lands annexed to the City of Gahanna by Ordinance No. 99-554, recorded in Instrument No. 200003150051241;

thence northerly along the easterly line of said lands annexed to the City of Gahanna said by Ordinance No. 99-554, being along the easterly side of said Hamilton Road, 168 feet, more or less, returning to the 'Place of Beginning,' containing 3.4 acres of land, more or less, as described for annexation purposes only, in May of 2011, by Carl E. Turner Jr., Professional Surveyor No. S-6702.

Carl E. Turner Jr.,
Professional Surveyor No. 6702
19 May 2011



* End of Description *

ANNEXATION
 PLAT & DESCRIPTION
 ACCEPTABLE
 DEAN C. RINGLE, P.E., P.S.
 FRANKLIN COUNTY ENGINEER
 By DR Date 9/26/11

RECEIVED
 ank-exp2-20-11
 SEP 30 2011

RECEIVED

SEP 26 2011

Franklin County Planning Department
 Franklin County, Ohio

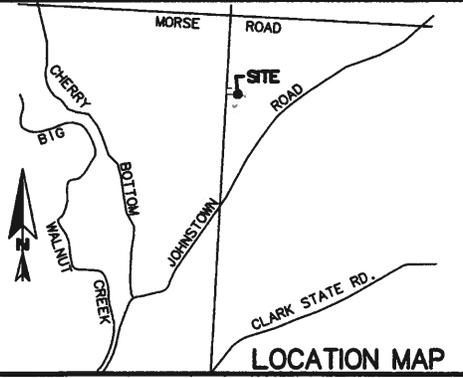
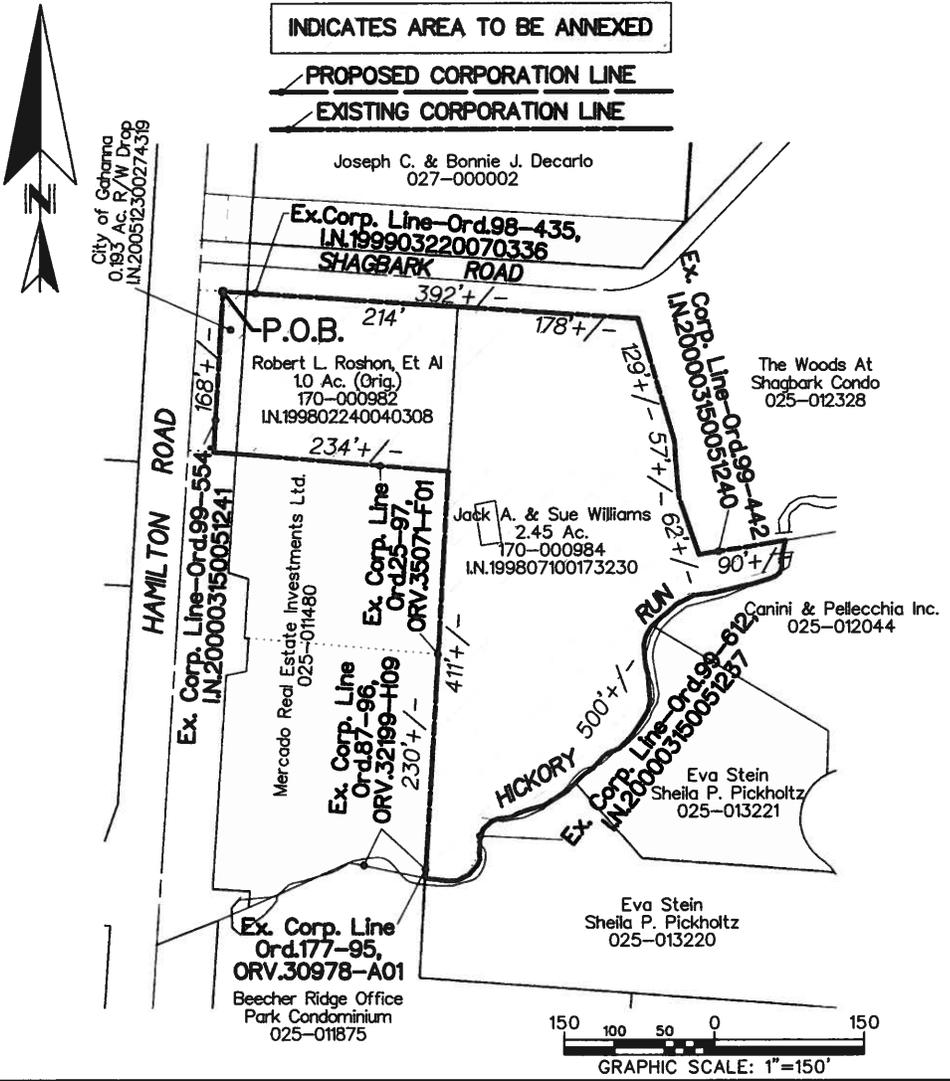
Franklin County Engineer
 Dean C. Ringle, P.E., P.S.

T TERRA
 Surveying Services LLC

238 Academy Woods Drive
 Gahanna, Ohio 43230-2184
 ct@terrasurveyingservices.com
 614/471-0663 (Fax-0877)

TITLE: **PROPOSED ANNEXATION OF 3.4+/- ACRES**
FROM JEFFERSON TWP., TO THE CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

PREPARED EXCLUSIVELY FOR: THE CITY OF GAHANNA
 19 MAY 2011
 INSTRUMENT NO. 199802240040308
 INSTRUMENT NO. 199807100173230
 FRANKLIN CO. TAX MAP NO. 0-37A



ANNEXATION NO. _____
 FILED: _____ PASSED: _____
 ORDINANCE NO. _____
 INSTRUMENT NO. _____

By: CARL E. TURNER JR.
 P.S.6702

NOT AN AUTHORIZED DOCUMENT UNLESS SURVEYOR'S SEAL APPEARS IN BLUE INK.
 File No. 25.10.JT.112.11
TERRA SURVEYING SERVICES LLC

STATE OF OHIO
 CARL E. TURNER, JR.
 6702
 REGISTERED PROFESSIONAL SURVEYOR



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Signature

RECEIVED Ordinance

File Number: ORD-0193-2011

OCT 11 2011

Date Passed: 10/3/2011

Franklin County Planning Department
Franklin County, Ohio

AN ORDINANCE ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF GAHANNA, OHIO, WILL PROVIDE TO THE 3.4+/- ACRE TERRITORY IN JEFFERSON TOWNSHIP, FRANKLIN COUNTY, PROPOSED TO BE ANNEXED TO THE CITY OF GAHANNA UPON ANNEXATION; SAID PROPERTY LOCATED AT 5061 SHAGBARK ROAD; AND CITY BUFFER REQUIREMENTS AS PROVIDED IN OHIO REVISED CODE SECTION 709.023; BY THE CITY OF GAHANNA; AND TO DECLARE AN EMERGENCY.

WHEREAS, a Petition has been filed with the Board of County Commissioners of Franklin County, Ohio for the annexation of approximately 3.4+/- acres in Jefferson Township to the City of Gahanna; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires that a municipal corporation shall, by ordinance or resolution, adopt a statement indicating what services, if any, the municipal corporation will provide to the territory upon annexation, which legislation must be adopted and filed with the county commissioners within twenty (20) days after the petition is filed; and

WHEREAS, fire service is now being provided to the annexation territory by Jefferson Township and the territory will remain in Jefferson Township and continue to receive Jefferson Township fire services as a matter of law following the annexation, if approved; and

WHEREAS, Ohio Revised Code Section 709.023(C) also requires that a municipal corporation shall, by ordinance or resolution, require buffers separating any new uses that clearly are incompatible with the uses permitted under current township zoning regulations in the adjacent land remaining in the unincorporated township; and

WHEREAS, it is necessary to effect this legislation immediately to adopt it within the time required by law and for the orderly progression of the annexation procedure, and for the preservation of the public peace, property, health, safety and welfare;

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

Section 1. That immediately upon the effective date of the annexation of the 3.4+/- acres to the City of Gahanna, as shown on the map and description attached hereto as EXHIBIT A and EXHIBIT B,

the City of Gahanna will provide to the entire annexed territory the following services: police, street maintenance, sanitation, economic development and planning, and parks and recreation. The property is currently in the Jefferson Water and Sewer District service area and may be served by that entity for both water and sewer. If the Jefferson Water and Sewer District cannot provide service, chooses not to do so, or permits the City of Gahanna to do so, the City of Gahanna has sanitary sewer and water available that can be extended to and serve the annexation territory at the request and cost of the owner(s).

Section 2. The 3.4+/- acre annexation territory is subject to Jefferson Township zoning regulations. If the territory is annexed and becomes subject to Gahanna zoning and the city zoning permits uses in the annexed territory that the city determines are clearly incompatible with the uses permitted under applicable township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexation territory remaining within Jefferson Township, then Gahanna City Council will require the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Jefferson Township. The landscape "buffer" may include open space, landscaping, fences, walls, and other structured elements, streets and street rights-of-way, or bicycle and pedestrian paths and sidewalks.

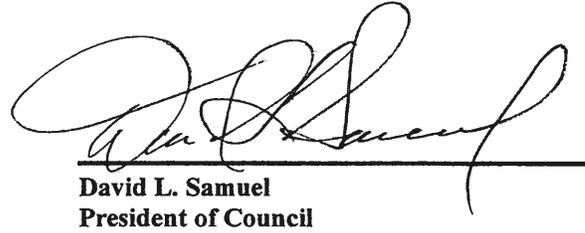
Section 3. If any street or highway is divided or segmented by the boundary line between the township and the City of Gahanna as to create a maintenance problem, Gahanna agrees to assume the maintenance of the portion of the street or highway for which there is a maintenance problem or to otherwise correct the problem.

Section 4. Pursuant to Section 121.05(b) of the Codified Ordinances of the City of Gahanna the Clerk of Council shall obtain from the City Engineer the right-of-way required by the approved Master Thoroughfare Plan for the City. The City Engineer has stated that in accordance with the adopted Thoroughfare Plan of the City, Hamilton Road is a main thoroughfare and requires 120 feet of right of way and the current right of way is 120 feet; therefore no additional right of way will be required.

Section 5. That the Clerk of Council is hereby authorized and directed to deliver a copy of this legislation to the office of the Board of Commissioners of Franklin County within twenty (20) days of the date of the filing of the petition.

Section 6. That, for the reasons set forth in the preamble hereinabove, this ordinance is declared emergency legislation, and shall be in full force and effect immediately upon passage by this Council and on date of signature approval by the Mayor.

This Ordinance was Adopted as an Emergency, this 3rd day of October, 2011.



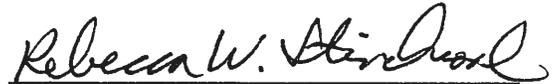
David L. Samuel
President of Council

ATTESTED to and PRESENTED to the Mayor;
this 3rd day of October, 2011.



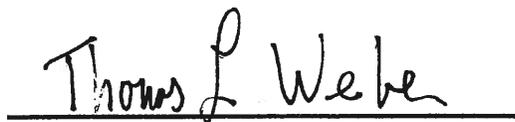
Isobel L. Sherwood, MMC
Clerk of Council

APPROVED by the Mayor, this
5th day of Oct. 2011.



Rebecca W. Stinchcomb
Mayor

Approved as to form:



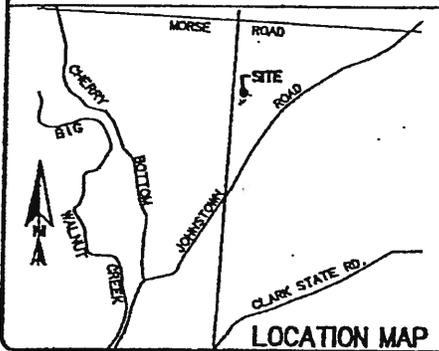
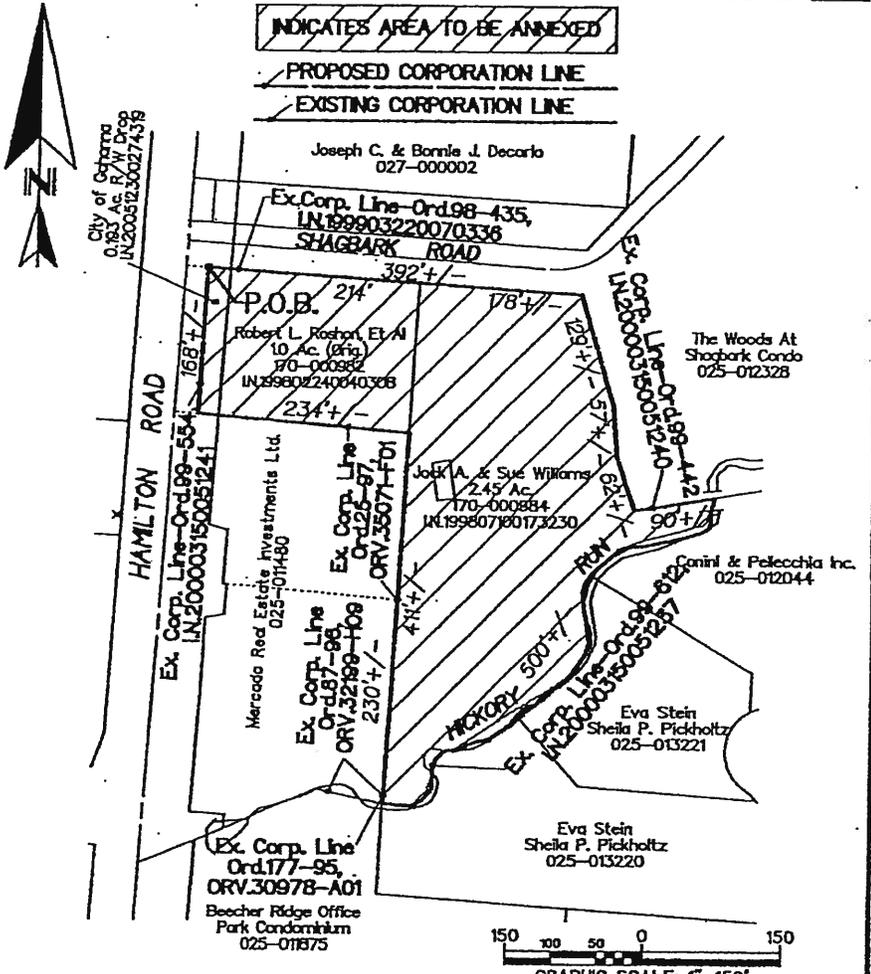
Thomas L. Weber
City Attorney

T TERRA
 Surveying Services LLC

238 Academy Woods Drive
 Gahanna, Ohio 43230-2184
 ct@terrasurveyingservices.com
 614/471-0663 (Fax-0877)

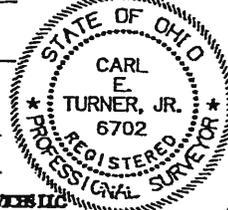
TITLE
PROPOSED ANNEXATION OF 3.4+/- ACRES
FROM JEFFERSON TWP., TO THE CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

PREPARED EXCLUSIVELY FOR: THE CITY OF GAHANNA
 19 MAY 2011
 INSTRUMENT NO. 199802240040308
 INSTRUMENT NO. 199807100173230
 FRANKLIN CO. TAX MAP NO. D-37A



ANNEXATION NO. _____
 FILED: _____ PASSED: _____
 ORDINANCE NO. _____
 INSTRUMENT NO. _____

By: *Carl E. Turner Jr.*
 CARL E. TURNER JR.
 P.S.6702



NOT AN AUTHORIZED DOCUMENT UNLESS SURVEYOR'S SEAL APPEARS IN BLUE INK

©2011 TERRA SURVEYING SERVICES LLC

EXHIBIT A

PROPOSED ANNEXATION OF 3.4+- ACRES
FROM JEFFERSON TOWNSHIP
TO
THE CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

Situated in the State of Ohio, County of Franklin, Township of Jefferson, located in part of Quarter Township 2, Township 1, Range 16, United States Military District, being part of that 0.193 acre right-of-way tract described in the deed to the City of Gahanna, recorded in Instrument No. 200512300274319, part of that 1.0 acre tract of land (PID: 170-000982) described in the deed to Robert L. and Megan A. Roshon, recorded in Instrument No. 199802240040308 (Parcel III), and all of that 2.45 acre tract of land (PID: 170-000984) described in the deed to Jack A. and Sue Williams, recorded in Instrument No. 199807100173230 (record references recited herein are to those of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning at the southeast corner of Hamilton and Shagbark Roads, being at the intersection of the easterly line of those lands annexed to the City of Gahanna by Ordinance No. 99-554, recorded in Instrument No. 200003150051241, and the southerly line of those lands annexed to the City of Gahanna by Ordinance No. 98-435, recorded in Instrument No. 199903220070336;

thence easterly along said southerly line, being also the southerly line of said Shagbark Drive, and being the northerly lines of said 0.193, 1.0 and 2.45 acre tracts, 392 feet, more or less, to the northeasterly corner of said 2.45 acre tract;

thence southerly and easterly along said easterly line of said 2.45 acre tract, being the westerly line of those lands annexed to the City of Gahanna by Ordinance No. 99-442, recorded in Instrument No. 200003150051240, the following four courses and distances;

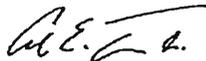
1. southerly 129 feet, more or less, to an angle point in said line;
2. southerly 57 feet, more or less, to an angle point in said line;
3. southerly 62 feet, more or less, to an angle point in said line; And,
4. easterly 90 feet, more or less, to the centerline of Hickory Run;

thence southwesterly along the meanders of the centerline of said Hickory Run, being the southerly line of said 2.45 acre tract, and being the northwesterly line of those lands annexed to the City of Gahanna by Ordinance No. 99-612, recorded in Instrument No. 200003150051237, a distance of 500 feet, more or less, to the southwesterly corner of said 2.45 acre tract;

thence northerly along the westerly line of said 2.45 acre tract, being the easterly line of those lands annexed to the City of Gahanna by Ordinance No. 87-96, recorded in Official Record Volume 32199-H09, and by Ordinance No. 25-97, recorded in Official Record Volume 35071-F01, a distance of 411 feet, more or less, to the southeasterly corner of said 1.0 acre tract;

thence westerly along the southerly line of said 1.0 acre tract, being a northerly line of the lands annexed to the City of Gahanna by said Ordinance No. 25-97, a distance of 234 feet, more or less, to said easterly line of aforesaid lands annexed to the City of Gahanna by Ordinance No. 99-554, recorded in Instrument No. 200003150051241;

thence northerly along the easterly line of said lands annexed to the City of Gahanna said by Ordinance No. 99-554, being along the easterly side of said Hamilton Road, 168 feet, more or less, returning to the 'Place of Beginning,' containing 3.4 acres of land, more or less, as described for annexation purposes only, in May of 2011, by Carl E. Turner Jr., Professional Surveyor No. S-6702.



Carl E. Turner Jr.,
Professional Surveyor No. 6702
19 May 2011



* End of Description *

EXHIBIT B