

ANX-EXP2-16-08 - Review of Petition to Annex 27.9 +/- acres from Jefferson Township to the city of Gahanna by Value Recovery Group II, LLC.

CASE #ANX-EXP2-16-08 **(ECONOMIC DEVELOPMENT & PLANNING)**

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Richard C. Brahm, Esq. filed on May 15, 2008 on behalf of Value Recovery Group II, LLC. 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 #0120-2008, passed on May 19, 2008 by the city of Gahanna.

Resolution No. 0496-08

June 17, 2008

ANX-EXP2-16-08 - Review of Petition to Annex 27.9 +/- acres from Jefferson Township to the city of Gahanna by Value Recovery Group II, LLC.

(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 PAGE FOLLOWS

SIGNATURE SHEET

Resolution No. 0496-08

June 17, 2008

**REVIEW OF PETITION TO ANNEX 27.9 +/- ACRES FROM JEFFERSON
TOWNSHIP TO THE CITY OF GAHANNA BY VALUE RECOVERY GROUP II,
LLC. ANX-EXP2-16-08**

**(Economic Development and
Planning)**

Upon the motion of Commissioner Paula Brooks, seconded by Commissioner Mary Jo Kilroy:

Voting:

**Mary Jo Kilroy
Paula Brooks**

**Aye
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
Marilyn Brown, President
Mary Jo Kilroy
Paula Brooks

Economic Development & Planning Department
James Schimmer, Director

Franklin County Economic Development
& Planning Department
280 East Broad Street - Rm #202
Columbus, Ohio 43215-6304

Application for Annexation Petition

Expedited Type 2
Pursuant to ORC §709.023

RECEIVED

MAY 15 2008

Per *DAM*

2

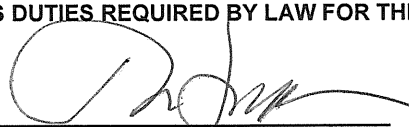
| Property Information | |
|--|-----------------------------|
| Site Address | 5847 Taylor Road |
| Parcel ID(s) 170-000079; 170-000742; 170-000682 | Total Acreage 27.9 acres |
| From Township Jefferson | To Municipality Gahanna |

| Property Owner Information | |
|----------------------------|--|
| Name | Value Recovery Group II, LLC |
| Address | 919 Old Henderson Road Columbus, OH 43220 |
| Phone # | (614) 579-1979 |
| Fax # | N/A |
| Email | N/A |

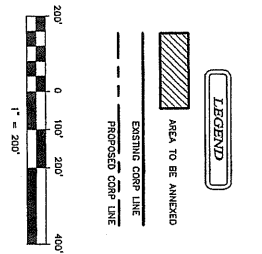
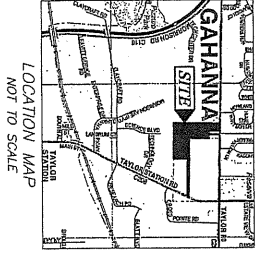
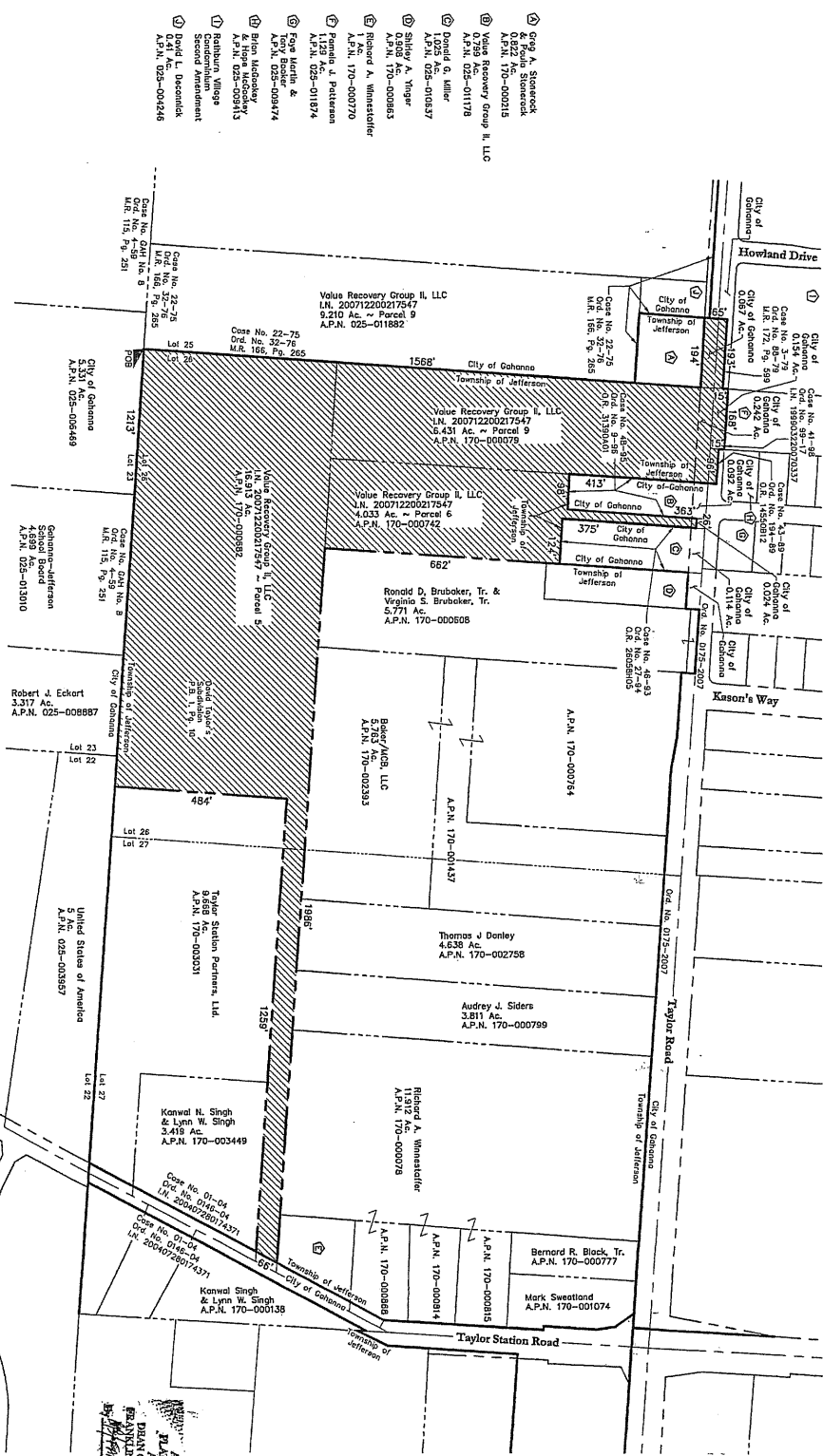
| Attorney/Agent Information | |
|----------------------------|--|
| Name | Richard C. Brahm, Agent |
| Address | Plank & Brahm 145 E. Rich Street, 4 th Floor Columbus, OH 43215 |
| Phone # | (614) 228-4546 |
| Fax # | (614) 228-1472 |
| Email | rbrahm@plankbrahm.com |

| Staff Use Only | |
|------------------------------------|------------------|
| Case # | <i>ANX-16-08</i> |
| Hearing date: | <i>6-17-08</i> |
| Date filed: | <i>5-15-08</i> |
| Fee paid | <i>350.00</i> |
| Receipt # | <i>7636</i> |
| Notifications deadline: 5 days | <i>5-20-08</i> |
| Svc statement deadline: 20 days | <i>6-4-08</i> |

| 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> | | | |
|  Property Owner | <i>5/15/08</i> Date | Property Owner | Date |
| <i>Managing member</i> <i>Marilyn H. Brown</i> | | | |
| Property Owner | Date | Property Owner | Date |

27.9 ACRE ANNEXATION TO THE CITY OF GAHANNA
SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF JEFFERSON
LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 1, RANGE 16
UNITED STATES MILITARY DISTRICT



NOTES:
 The total length of the annexation perimeter is 3,293 feet, of which 4913 feet is contiguous with the City of Gahanna, being 495 contiguous.
 This annexation does not create any unincorporated lands.
 All dimensions shown herein are approximate.

STATE OF OHIO
JOHN C. DODGION, JR.
 JUDICIAL CLERK
 05/13/2008

| | |
|---|-----------|
| REV: 05/13/2008 | ANNEX NO. |
| DRAWN BY: JCD | ORD. NO. |
| DATE: 04/18/2008 | |
| CHECKED BY: JDW | |
| 422 BRECHER ROAD GAHANNA, OHIO 43230 PH 614-438-7780 FAX 614-438-7755 | |

**DESCRIPTION OF 27.9 ACRES LOCATED IN JEFFERSON
TOWNSHIP TO BE ANNEXED TO THE CITY OF GAHANNA
EXPEDITED II ANNEXATION UNDER ORC §709.021 AND §709.023**

Situated in the State of Ohio, County of Franklin, Township of Jefferson, Quarter Township 3, Township 1, Range 16, United States Military District, and being: all of Parcels 5 & 6 and part of Parcel 9 as shown in the deed to Value Recovery Group II, LLC of record in Instrument Number 200712200217547 and part of the right-of-way of Taylor Road and described as follows:

Beginning at the southwest corner of said Parcel 5, the same being a southeast corner of said Parcel 9 and the southwest corner of Lot 26 of "David Taylor's Subdivision" as recorded in Plat Book 1, Page 10, in an existing City of Gahanna Corporation Line as established by Case No. GAH No. 8, Ord. No. 4-59, Misc. Record 115, Page 251;

Thence **Northerly**, partly with an existing City of Gahanna Corporation Line as established by Case No. 22-75, Ord. No. 32-76, Misc. Record 166, Page 265, about 1568 feet to the south right-of-way for Taylor Road;

Thence **Westerly**, with said south right-of-way line, about 194 feet to said existing City of Gahanna Corporation Line as established by Case No. 22-75, Ord. No. 32-76, Misc. Record 166, Page 265;

Thence with the existing City of Gahanna Corporation Line as established by:

1. Case No. 22-75, Ord. No. 32-76, Misc. Record 166, Page 265
2. Case No. 3-79, Ord. No. 88-79, Misc. Record 172, Page 599
3. Case No. 41-98, Ord. No. 99-17, Instrument Number 199903220070337
4. Case No. 43-89, Ord. No. 194-89, Official Record 14550B12
5. Case No. 48-95, Ord. No. 9-96, Official Record 31390A01
6. Case No. 46-93, Ord. No. 27-94, Official Record 26058H05

, the following courses;

Northerly, about 65 feet;

Easterly, about 193 feet;

Northerly, about 15 feet;

Easterly, about 168 feet;

Southerly, about 15 feet;

Easterly, about 96 feet;

Southerly, about 413 feet;

Easterly, about 98 feet;

Northerly, about 363 feet;

Easterly, about 26 feet;

Southerly, about 375 feet;

Easterly, about 124 feet to a northeast corner of said Parcel 6, the same being the southeast corner of said Case No. 46-93, Ord. No. 27-94, Official Record 26058H05;

Thence Southerly, with an east line of said Parcel 6, about 662 feet to the southeast corner thereof, in the north line of said Parcel 5;

Annexation
Petition
EXHIBIT A

EXHIBIT A

DESCRIPTION OF 27.9 ACRES LOCATED IN JEFFERSON
TOWNSHIP TO BE ANNEXED TO THE CITY OF GAHANNA
EXPEDITED II ANNEXATION UNDER ORC §709.021 AND §709.023

-2-

Thence Easterly, with the north line of said Parcel 5, about 1986 feet to the west right-of-way line for Taylor Station Road, the same being an existing City of Gahanna Corporation Line as established by Case No. 01-04, Ord. No. 0146-04, Instrument Number 200407280174371;

Thence Southwesterly, with said west right-of-way line, the same being said existing corporation line, about 66 feet to a south line of said Parcel 5;

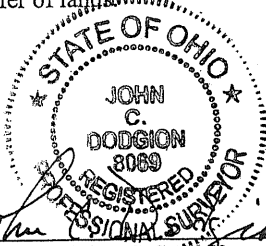
Thence Westerly, with said south line, about 1259 feet to a corner thereof;

Thence Southerly, with an east line of said Parcel 5, about 484 feet to a corner thereof, in the south line of said Lot 26 and said existing City of Gahanna Corporation Line as established by Case No. GAH No. 8, Ord. No. 4-59, Misc. Record 115, Page 251;

Thence Westerly, with a south line of said Parcel 5, the same being the south line of said Lot 26 and said existing corporation line, about 1213 feet to the **Point of Beginning**. Containing approximately 27.9 acres of land, more or less. The above description was prepared by Advanced Civil Design, Inc. in April of 2008. An exhibit of the above description has been prepared and is made a part hereof.

The total length of the annexation perimeter is 9383 feet, of which 4613 feet are contiguous with the existing City of Gahanna Corporation Line, being 49% contiguous. No islands of township property are created by this annexation.

This description was written for annexation purposes only and was not intended to be used in the transfer of lands.



John C. Dodgion, P.S.: 8069

Date: 05/12/2008

Z:\07-0003-188\Survey\annex_desc.doc

ADVANCED CIVIL DESIGN, INC.

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

By: B.B./PAC Date: 5/12/08



City of Gahanna
Certified Copy
ORDINANCE

RECEIVED

200 South Hamilton Road
Gahanna, Ohio 43230

MAY 22 2008

Per *DAI*.....

File Number: ORD-0120-2008

Date Passed: 5/19/2008

AN ORDINANCE ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF GAHANNA, OHIO, WILL PROVIDE TO THE 27.9+/- ACRE TERRITORY IN JEFFERSON TOWNSHIP, FRANKLIN COUNTY, PROPOSED TO BE ANNEXED TO THE CITY OF GAHANNA UPON ANNEXATION; REQUESTED BY VALUE RECOVERY GROUP, BY RICHARD C. BRAHM, APPLICANT; AND CITY BUFFER REQUIREMENTS AS PROVIDED IN OHIO REVISED CODE SECTION 709.023 AND DECLARING AN EMERGENCY.

WHEREAS, a Petition has been filed with the Board of County Commissioners of Franklin County, Ohio for the annexation of approximately 27.9+/- acres in Jefferson Township to the City of Gahanna that was signed by 100% of the property owners seeking to annex the property by the Expedited Type 2 process provided for in Ohio Revised Code Section 709.023; 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, 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 27.9+/- acres to the City of Gahanna, anticipated to be on or about October 1, 2008, 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 27.9+/- 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.

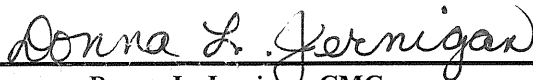
Section 4. Pursuant to Section 121.05(b) of the Codified Ordinances of the City of Gahanna the Clerk of Council shall obtain from the City Engineer the right-of-way required by the approved Master Thoroughfare Plan for the City. The City Engineer has stated that in accordance with the adopted Thoroughfare Plan of the City, Taylor Road is designated as a minor arterial which requires a right-of-way width of eighty (80) feet. The current right-of-way at the property is eighty (80) feet. Therefore no additional right-of-way will be required. Taylor Station Road is already annexed to the City by ORD-0146-2004. No additional right-of-way will be required on Taylor Station Road.

Section 5. That second reading of this ordinance is hereby waived.

Section 6. 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 7. 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.

I, Donna L. Jernigan, CMC, the duly appointed Clerk of Council of the City of Gahanna, Ohio, a municipal corporation, do hereby certify that the foregoing is a true and correct copy of Ordinance Number ORD-0120-2008, which was duly and regularly adopted by the City Council of the City of Gahanna, Ohio on May 19, 2008.



Donna L. Jernigan, CMC
Senior Deputy Clerk of Council

May 21, 2008

Date Certified