

Review of Petition to Annex 53 +/- acres from Plain Township to the village of New Albany by Jackson B. Reynolds, III, Esq.

CASE #ANX-EXP2-21-08 **(ECONOMIC DEVELOPMENT & PLANNING)**

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Jackson B. Reynolds, III, Esq. filed on June 25, 2008 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 #R-26-2008, passed on July 1, 2008 by the village of New Albany.

Review of Petition to Annex 53 +/- acres from Plain Township to the village of New Albany by Jackson B. Reynolds, III, Esq.

(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 village 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, village of New Albany, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0646-08

July 29, 2008

**REVIEW OF PETITION TO ANNEX 53 +/- ACRES FROM PLAIN TOWNSHIP
TO THE VILLAGE OF NEW ALBANY BY JACKSON B. REYNOLDS, III, ESQ. -
ANX-EXP2-21-08**

**(Economic Development and
Planning)**

Upon the motion of Commissioner Mary Jo Kilroy, seconded by Commissioner Marilyn Brown:

Voting:


**Marilyn Brown, President
Mary Jo Kilroy**

**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

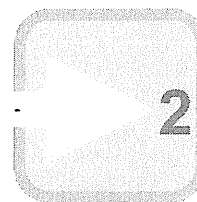
**Commissioners**

Marilyn Brown, President
Mary Jo Kilroy
Paula Brooks

Economic Development & Planning Department
James Schimmer, Director

Application for
**Annexation
Petition**

Expedited Type 2
Pursuant to ORC §709.023

**Property Information**

Site Address 7127 East Walnut Road, Westerville, OH 43081	
Parcel ID(s) 220-000141 / 002123	Total Acreage 53±
From Township Plain	To Municipality New Albany

Property Owner Information

Name Karen Bailey/Brian Bailey/Karen Ball, Trustee	
Address 7127 East Walnut Road	
Westerville, OH 43081	
Phone # 855-1593	Fax # N/A
Email	

Attorney/Agent Information

Name Jackson B. Reynolds, III c/o Smith & Hale LLC	
Address 37 West Broad Street, Suite 725	
Columbus, OH 43215	
Phone # 221-4255	Fax # 221-4409
Email jreynolds@smithandhale.com	

Staff Use Only

Case # RMK-EXP2 21-08
Hearing date: 7/29/08
Date filed: 6/25/08
Fee paid 550.00
Receipt #
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:

- ☐ Legal description of property
- ☐ Map/plat of property
- ☐ List of adjacent properties

Waiver of Right to Appeal

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.

Property Owner _____	Date _____	Property Owner _____	Date _____
Property Owner _____	Date _____	Property Owner _____	Date _____

LOCATION MAP
NOT TO SCALE

ANNEXATION
 PLAT & DESCRIPTION
 ACCEPTABLE
 DEAN C. RINGLE, P.E., P.S.
 FRANKLIN COUNTY ENGINEER
 by BB Date 6/19/08

RECEIVED

JUN 19 2003

Franklin County Engineer
Devin C. Rimple PE, PS.

* M/I HOMES OF
CENTRAL OHIO LLC
LIL 2005011-00009300

Note:
Total perimeter of annexation area is 7063 feet,
of which 5393 feet is contiguous with the
Village of New Albany by Ordinance Numbers
48-96, and 31-96, giving 76% perimeter
contiguity.

AREA 10 BE ANNEXED

EXISTING VILLAGE OF NEW ALBANY CORPORATION LINE

PROPOSED VILLAGE OF NEW ALBANY CORPORATION LINE

[illegible]

PROPOSED ANNEXATION
53± ACRES

FROM: PLAIN TOWNSHIP

TO: VILLAGE OF NEW ALBANY

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By DB Date 6/19/08

Situated in the State of Ohio, County of Franklin, Township of Plain, located in Lot 9, Quarter Township 1, Township 2, Range 16, United States Military Lands, being all of that tract as conveyed to Karen L. Bailey by deeds of record in Official Record 13968F01, Official Record 10672H19, Official Record 6412B14, Official Record 8778G05, and Official Record 11605A09 and Karen L. Ball, Trustee of Karen L. Ball Trust One by deeds of record in Official Record 2358J06, Official Record 3737D10, and Official Record 5122C03 and that 1.374 acre tract as conveyed to Brian A. Bailey and Karen L. Bailey by deed of record in Official Record 14232A04 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

BEGINNING in a northerly line of Reserve "R-1" of that subdivision entitled "New Albany Links Section 2" of record in Plat Book 92, Page 80, at the southwesterly corner of Reserve "J" of that subdivision entitled "Upper Clarenton Section 1" of record in Plat Book 108, Page 38, being an angle point in the existing Village of New Albany corporation line, as established in Ordinance Number 31-96, and recorded in Official Record 34456G14;

thence with a northerly line of said Reserve "R-1" and the northerly line of "New Albany Links Section 7 Part 2 Second Amended" of record in Plat Book 104, Page 32 and said existing Village of New Albany corporation line (31-96), a distance of approximately 873 feet to a northwesterly corner of Reserve "Q" of said "New Albany Links Section 7 Part 2 Second Amendment", in an easterly line of that 128.316 acre tract as conveyed to The New Albany Company LLC by deed of record in Instrument Number 200211120287419, being the existing Village of New Albany corporation line, as established in Ordinance Number 48-96, and recorded in Official Record 34456G11;

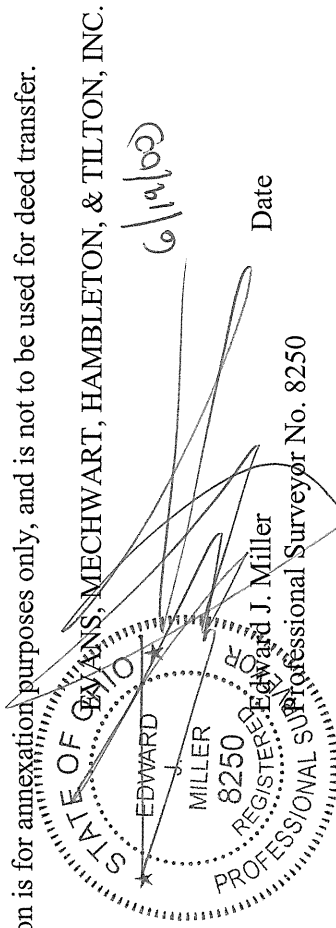
thence with the easterly line of said 128.316 acre tract and said existing Village of New Albany corporation line (48-96), a distance of approximately 1847 feet to a northeasterly corner thereof, being a southeasterly corner of that 5.000 acre tract as conveyed to Rollin Morgan by deed of record in Official Record 21722E06;

thence with an easterly line of said 5.000 acre tract, a distance of 810 feet to a point in the southerly right-of-way line of Walnut Street (60' width);

thence with the southerly right-of-way line of said Walnut Street, a distance of approximately 870 feet to a northwesterly corner of that subdivision entitled "Upper Clarenton Section 2" of record in Plat Book 109, Page 56 and being an angle point in said existing Village of New Albany corporation line (31-96);

thence with a westerly line of said "Upper Clarenton Section 2" and a westerly line of said "Upper Clarenton Section 1", and said existing Village of New Albany corporation line (31-96), a distance of approximately 2663 feet to the POINT OF BEGINNING, and containing approximately 53 acres of land, more or less.

This description is for annexation purposes only, and is not to be used for deed transfer.



EJM:tb/June 19, 2008
53± ac 81145

RECEIVED

JUN 19 2008

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



Prepared: 06/16/08
Introduced: 07/01/08
Revised:
Adopted: 7/1/08

RESOLUTION R-26-2008

TO SET FORTH A STATEMENT OF MUNICIPAL SERVICES TO BE PROVIDED TO THE AREA CONTAINED IN THE PROPOSED ANNEXATION OF 53+/- ACRES FROM PLAIN TOWNSHIP TO THE VILLAGE OF NEW ALBANY

WHEREAS, a petition for the annexation of 53.+/-acres in Plain Township has been filed by the property owners, and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County, Ohio, and

WHEREAS, Section 709.031 of the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipality will provide to the territory proposed upon its annexation.

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of New Albany, County of Franklin, State of Ohio;

SECTION 1: That the Village of New Albany will provide the following municipal services for the 53.+/- acres in Plain Township upon the acceptance of the annexation of said area to the Village of New Albany:

POLICE:

1. The tract fronts on Walnut Street and those portions included in the petition area will come under the New Albany Police Department jurisdiction.
2. The area is adjacent to the Village and therefore will be routinely patrolled by officers of the Village of New Albany Police Department and the annexed area will not require additional staffing.
3. Anticipated response time does not exceed 3-5 minutes in an emergency, under normal conditions.

SANITARY SEWER AND WATER:

1. The proposed annexation is within the service area as set forth by contract between the City of Columbus and the Village of New Albany.
2. There is an existing 18 " trunk sewer stubbed at the extreme southeast corner of the annexation area. The trunk sewer was installed with the NA Links section 7 subdivision project and has capability for handling approximately 135 acres of tributary area. Extension of new sanitary lines into the annexed area is the responsibility of the owner and/or developers.
3. Waterlines are stubbed (10" and 12" stub) at two locations along the eastern boundary of the annexation parcel. These waterlines were installed with the Upper Clarenton subdivision project. Extension of the waterlines into the annexed area is the responsibility of the property owner and/or developer.

SANITATION SERVICE:

The proposed annexation area is eligible for receipt of sanitation service under the franchise contract between Rumpke Waste and the Village of New Albany.

STREETS:

Walnut Street borders the proposed annexation on the north. The area to be annexed is maintained by the Village of New Albany.

FIRE/MEDICAL EMERGENCY SERVICES:

The proposed annexation area shall remain within the jurisdiction of the Plain Township Fire Department, which serves the Village of New Albany for fire and emergency medical services. The fire station is located at S.R.62 and Theissen Drive in the Village, approximately 2 ½ miles from the subject tract. Approximate response time for the fire and medical emergency apparatus is 4 minutes.

SECTION 2: 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.

SECTION 3: That it is hereby and determined that all formal actions of this Council concerning and relating to passage of this resolution were adopted in an open meeting of the Council and that all deliberations of this Council and any of the decision making bodies of the Municipality of New Albany which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of New Albany, Franklin County, Ohio.

SECTION 4: That this Resolution shall take effect and be in force at the earliest period allowed by law.

Passed this 1st day of July, 2008

Nancy I. Ferguson
Nancy I. Ferguson, Mayor

Joseph Stefanov
Joseph Stefanov, Village Administrator

ATTEST:

APPROVED AS TO FORM:

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

M. H. Banchevsky
Mitchell H. Banchevsky, Village Attorney

I hereby certify that copies of Resolution R-26-2008 were posted in accordance with Section 6.12 of the Charter of New Albany, for fifteen days starting on 7/7/08.

Betty J. Bosko
Betty Bosko, Clerk of Council

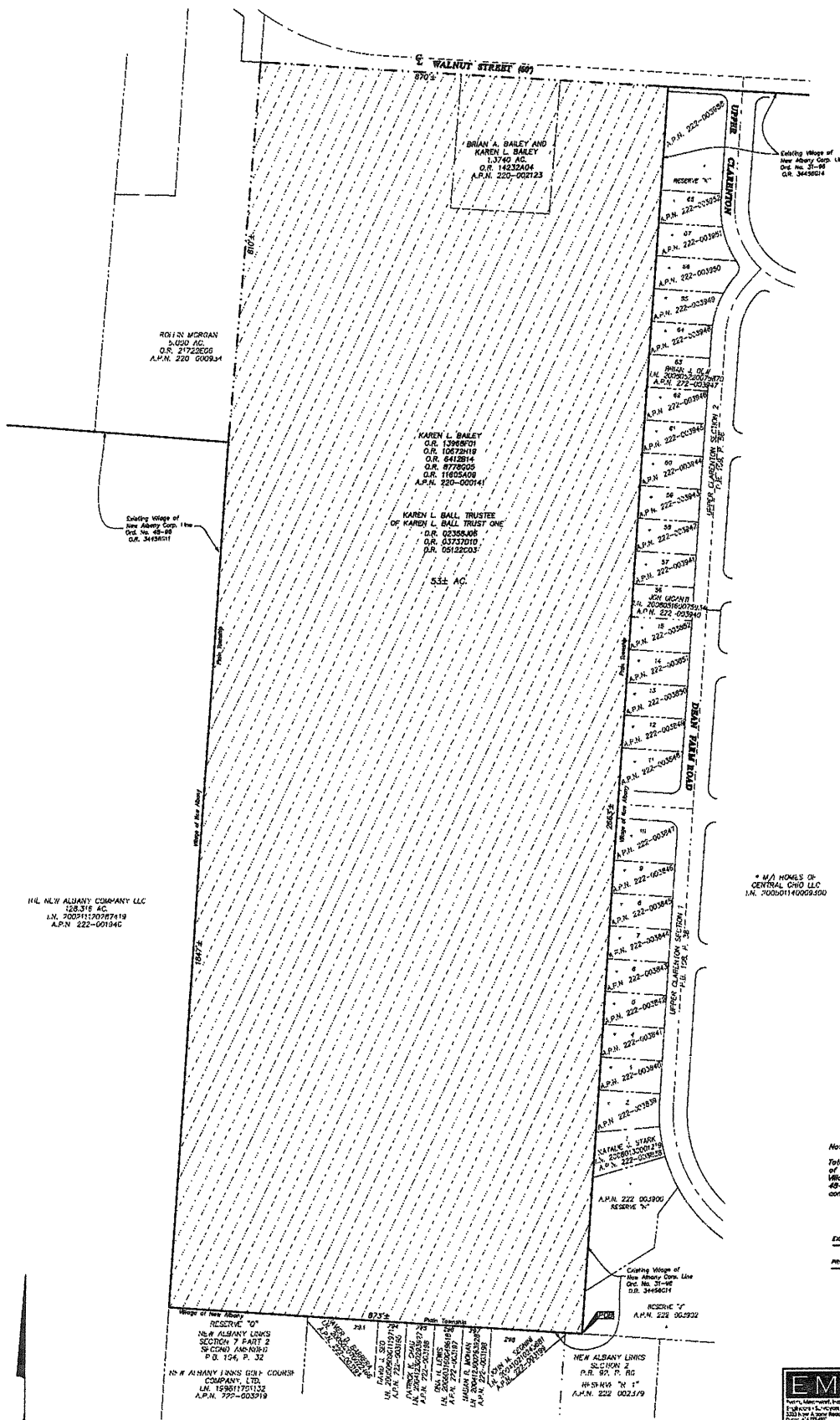
Date

I, Betty J. Bosko, Clerk of Council of the Village of New Albany, Ohio hereby certify that this document is a true and correct copy of Resolution No. R-26-08 passed by the Council on 7/1/, 2008, signed by Mayor Nancy I. Ferguson and will become effective on 7/1/, 2008.

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

7/3/08
Date





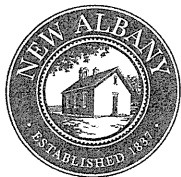
Total perimeter of annexation area is 7063 feet, of which 5383 feet is contiguous with the Village of New Albany by Ordinance Numbers 48-96, and 51-96, giving 76% perimeter

AREA TO BE ANNEXED

EXISTING VILLAGE OF NEW ALBANY CORPORATION LINE

PROPERTY VALUE OF NEW AIRWAY CORPORATION LINE

[illegible]



Police Department

June 18, 2008

Ms. Betty Bosko
New Albany Clerk of Council
99 W. Main St.
P.O. Box 188
New Albany, OH 43054

Re: Annexation of 53 +/- Acres of land from Plain Township, Franklin County,
located in the vicinity of Walnut Street/Upper Clarendon/Dean Farm Road

Dear Ms. Bosko,

I received your correspondence dated June 16, 2008 and reviewed the enclosed map. I have driven by this piece of property recently (on my way to the Public Service facility) and am very knowledgeable of the general layout of this area.

The purpose of this letter is to advise you that the New Albany Police Department will be able to provide law enforcement services to the proposed 53 +/- acres of land from Plain Township, Franklin County. Under normal circumstances, the Police Department should be able to respond to this area within 3-5 minutes, depending on time of day and road/traffic conditions.

If you have any questions about the above matter, please contact me at your earliest convenience.

Sincerely,

Mark A. Chaney

Mark A. Chaney
Chief of Police

**PROPOSED ANNEXATION
53± ACRES**

FROM: PLAIN TOWNSHIP

TO: VILLAGE OF NEW ALBANY

Situated in the State of Ohio, County of Franklin, Township of Plain, located in Lot 9, Quarter Township 1, Township 2, Range 16, United States Military Lands, being all of that tract as conveyed to Karen L. Bailey by deeds of record in Official Record 13968F01, Official Record 10672H19, Official Record 6412B14, Official Record 8778G05, and Official Record 11605A09 and Karen L. Ball, Trustee of Karen L. Ball Trust One by deeds of record in Official Record 2358J06, Official Record 3737D10, and Official Record 5122C03 and that 1.374 acre tract as conveyed to Brian A. Bailey and Karen L. Bailey by deed of record in Official Record 14232A04 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

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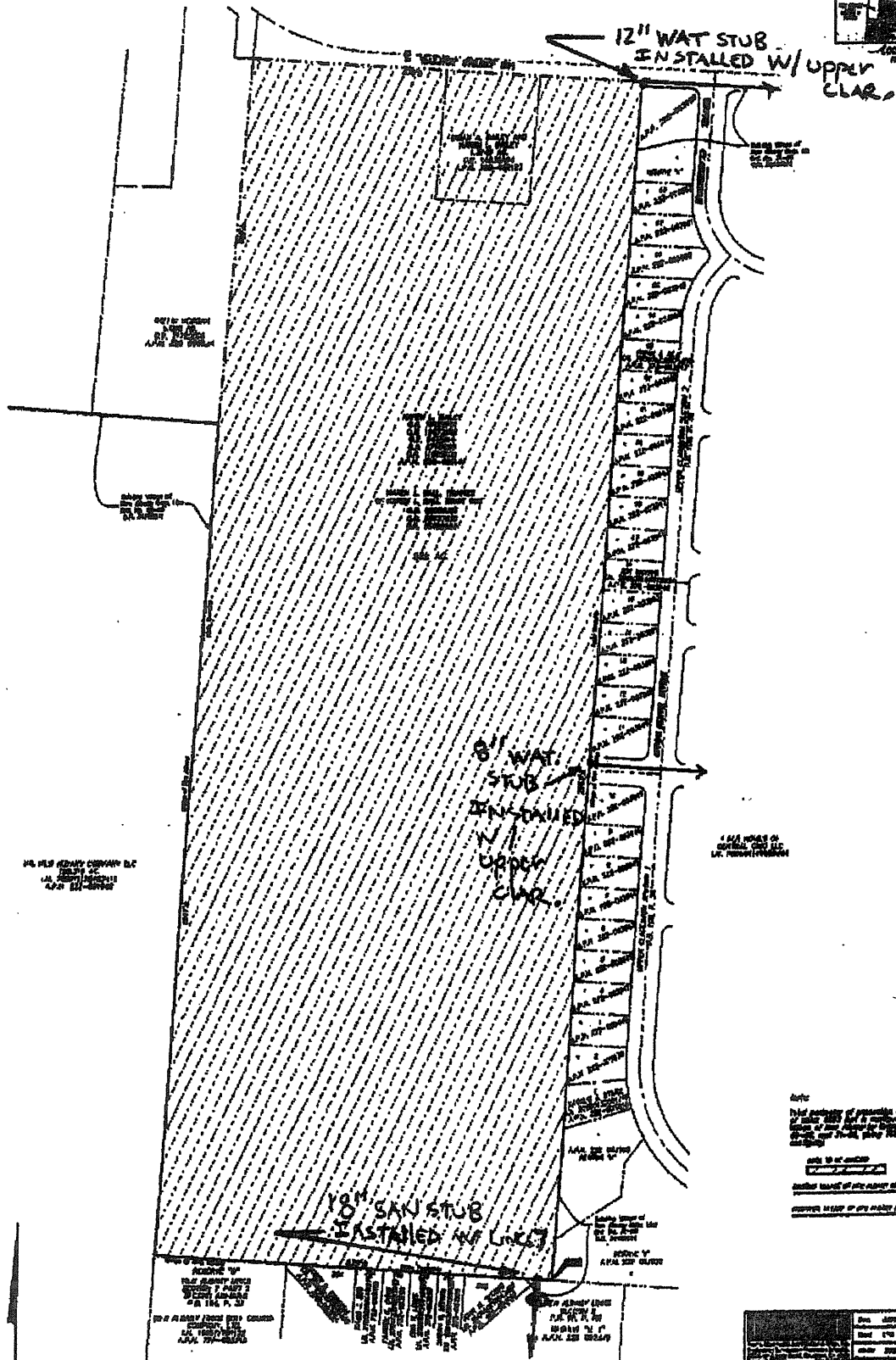
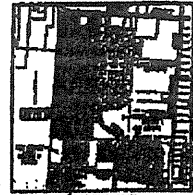
EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Edward J. Miller
Professional Surveyor No. 8250

Date

EXHIBIT "A"

PROPOSED ANNEXATION OF 53+ ACRES
TO THE VILLAGE OF NEW ALBANY
FROM FLAIN TOWNSHIP
LOT 9, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 16
UNITED STATES MILITARY LANDS
TOWNSHIP OF PLAIN, COUNTY OF FRANKLIN, STATE OF OHIO



Notes:
1. All property of the State of Ohio is shown in pink and is under the jurisdiction of the State of Ohio.
2. All property of the State of Ohio is shown in pink and is under the jurisdiction of the State of Ohio.
3. All property of the State of Ohio is shown in pink and is under the jurisdiction of the State of Ohio.

DATE	10/10/2010
TIME	1:00 PM
BY	JOHN DOE
FOR	1 of 1
REVISION	



Plain Township Fire Department

9500 Johnstown Rd., New Albany, Ohio 43054

Phone: 614-855-7370 Fax: 614-855-9972

www.plaintownshipnaoh.com

An Equal Opportunity Employer

June 26, 2008

Betty J. Bosko, Clerk of Council
Village of New Albany
P.O. Box 188
New Albany, Ohio 43054

Ms Bosko:

This letter is to meet the requirement(s) of state law to inform the New Albany Village Council and the Franklin County Commissioners of response times by a fire department to land being annexed on Walnut Street. The fire department drove the most direct route to the land in question and found it to be 2.5 miles from the fire station. Taking into account possible adverse traffic and weather conditions we estimate our response time, from the dispatch to arriving on the scene, would be approximately four (4) minute.

The Plain Township Fire Dept. currently provides service to this area and would be able to provide service in the future.

In The Interest of Public Safety,

Chief John Hoovler

06/26/08

VILLAGE OF NEW ALBANY

99 West Main Street
New Albany, OH. 43054

Memo

401.37-50

June 24, 2008

To: Joseph Stefanov
Village Administrator

Re: 53 Acres Annexation, Plain Township
Bailey/Ball Parcel

From: Ed Ferris, Village Engineer
By: Jay Herskowitz, P.E.

There is an existing 18" trunk sewer stubbed at the extreme southeast corner of the annexation area. The trunk sewer was installed with the NA Links Section 7 subdivision project and has capability for handling approximately 135 acres of tributary area. Extension of new sanitary lines into the annexed area is the responsibility of the parcel owners and/or developer.

Waterlines are stubbed (i.e., 8" and 12" stub) at two locations along the eastern boundary of the annexation parcel. These waterlines were installed with the Upper Clarenton subdivision project. Extension of waterlines into the annexed area is the responsibility of the parcel owners and/or developer.

Please refer to Exhibit A (see attached) for the approximate location of the facilities described above.

EPF/JMH

cc: Mark Nemec, Service Director
Betty Bosko, Clerk of Council

(attachment)