

Review of Petition to Annex 1.55 +/- acres from Prairie Township to the city of Columbus by David Hodge, Esq.

CASE #ANX-EXP2-24-08 **(ECONOMIC DEVELOPMENT & PLANNING)**

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that David Hodge, Esq. filed on behalf of Kevin and Jocelyn Mullins on July 9, 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 #1253-2008, passed on July 21, 2008 by the city of Columbus.

Review of Petition to Annex 1.55 +/- acres from Prairie Township to the city of Columbus by David Hodge, 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 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. 0689-08

August 12, 2008

**REVIEW OF PETITION TO ANNEX 1.55 +/- ACRES FROM PRAIRIE
TOWNSHIP TO THE CITY OF COLUMBUS BY DAVID HODGE, ESQ. ANX-
EXP2-24-08**

**(Economic Development and
Planning)**

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

Voting:

Marilyn Brown, President

Aye

Mary Jo Kilroy

Aye

Paula Brooks

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.



Sandra K Menedis, 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

RECEIVED**JUL 09 2008**Per *DM*.....**2**

Property Information	
Site Address	1470 Rome Hilliard Road
Parcel ID(s) 241-000007	Total Acreage 1.55+/-
From Township Prairie Township	To Municipality City of Columbus

Property Owner Information	
Name Kevin and Jocelyn Mullins	
Address 8600 Hyland Croy Rd. Plain City, OH 43064	
Phone # 554-6584	Fax # 766-2820
Email	

Attorney/Agent Information	
Name David Hodge / Smith & Hale LLC	
Address 37 W. Broad St., Suite 725 Columbus, OH 43215	
Phone # 221-4255	Fax # 221-4409
Email dhodge@smithandhale.com	

Staff Use Only
Case # <i>ANX-EXP-II</i> <i>24-08</i>
Hearing date: <i>8-12-08</i>
Date filed: <i>7-9-08</i>
Fee paid <i>280.00</i>
Receipt # <i>7723</i>
Notifications deadline: 5 days <i>7-19-08</i>
Svc statement deadline: 20 days <i>7-28-08</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/plat of property
<input checked="" type="checkbox"/> List of adjacent properties

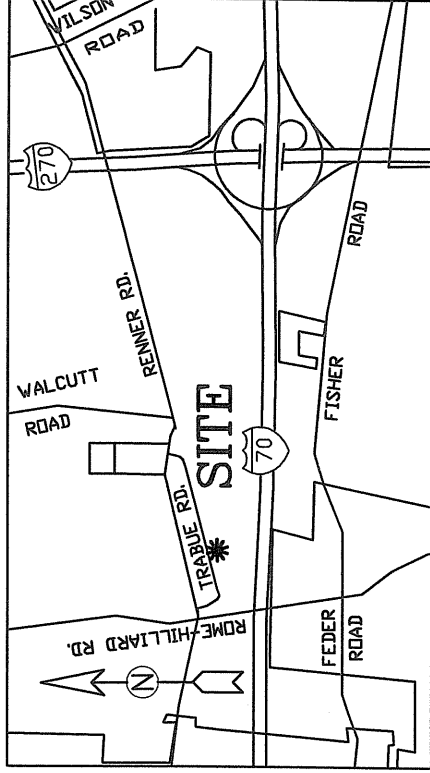
Waiver of Right to Appeal			
WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.			
David Hodge, authorized attorney <i>David C. Hodge</i>	July 9, 2008		
Property Owner	Date	Property Owner	Date
Property Owner	Date	Property Owner	Date

SITE ENGINEERING, INC.

7453 EAST MAIN STREET
REYNOLDSBURG, OHIO 43068
PHONE: (614) 759-9900

FILE #3433
DATE: APR 08

SCALE: 1"=100'



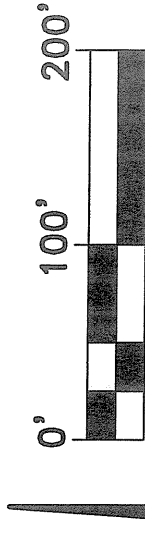
LOCATION MAP

NO SCALE

Situated in the State of Ohio,
County of Franklin, Township
of Prairie, being in Virginia
Military Survey 7065.

P.O.B.

N



GRAPHIC SCALE

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE

DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER

By FM Date 6/6/08

EXISTING CITY OF COLUMBUS
CORPORATION LINE
ORD. NO. 1896-85
O.R. 6483 D04

TRABUE ROAD 60'

NORWICH TWP.

PRAIRIE TWP.

EXISTING CITY OF COLUMBUS
CORPORATION LINE
ORD. NO. 1270-72
M.R. 157, PG. 201

KEVIN & JOCELYN MULLINS
INST. #200607260146541
PAR. #241-000007
1.860 AC. (incl R/W)
INST. #199909150234199
PAR. #560-218223
P.B. 73, PG. 6

B & E REAL ESTATE INVESTMENTS, LTD.
TRABUE LOT 8
INST. #199909150234199
PAR. #560-218223
P.B. 73, PG. 6

EXISTING CITY OF COLUMBUS
CORPORATION LINE
ORD. NO. 01-68
M.R. 144, PG. 381

PREPARED BY:

Mark A. Hazel, P.S. 544-08

Professional Surveyor #7039



LEGEND

EXISTING CITY OF COLUMBUS CORP. LINE

PROPOSED CITY OF COLUMBUS CORP. LINE

AREA TO
BE ANNEXED

SITE ENGINEERING

— Incorporated —

Civil Engineers & Surveyors

7453 East Main Street
Reynoldsburg, OH 43068
phone: 614-759-9900
fax: 614-759-9902
email: siteeng@ameritech.net

SEI FILE NO. 3433
APRIL 28, 2008

DESCRIPTION OF 1.55± ACRE TRACT ON TRABUE ROAD PRAIRIE TOWNSHIP, FRANKLIN COUNTY, OHIO TO BE ANNEXED TO COLUMBUS, OHIO

Situated in the State of Ohio, County of Franklin, Township of Prairie, being in Virginia Military Survey 7065 and being part of that 1.860 acre tract described in a deed to Kevin and Jocelyn Mullins of record in Instrument 200607260146541 (all references are to the records in the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at a point at a corner of an existing corporation line of the City of Columbus, Ohio as said line was established by Columbus Ordinance No. 1896-85 and is shown of record in O.R. 6483 D04 and on the southerly right-of-way line of Trabue Road (60' R/W) on the easterly line of said 1.860 acre tract and at the northwesterly corner of Lot 8 as designated and delineated on the recorded plat of TRABUE ROAD PARK of record in Plat Book 73, Page 6;

Thence southerly along said existing corporation line as established by Columbus Ordinance No. 1896-85, being along the easterly line of said 1.860 acre tract and the westerly line of said Lot 8, a distance of approximately 291 feet to a point on the northerly line of Lot 1 as designated and delineated on the recorded plat of COL-WEST INDUSTRIAL PARK of record in Plat Book 67, Page 82;

Thence westerly along an existing corporation line as established by Columbus Ordinance No. 01-68 and as shown of record in Misc. Rec. 144, Page 381, and along the southerly line of said 1.860 acre tract and the northerly line of said Lot 1, a distance of approximately 253 feet, to the easterly right-of-way line of Hilliard Rome Road East;

Thence northerly along an existing corporation line as established by Columbus Ordinance No. 1270-72 and as shown of record in Misc. Rec. 157, Page 201, and along the easterly right-of-way line of Hilliard Rome Road East, being 20 feet easterly from (as measured at right angles) and parallel to the centerline of said road and the westerly line of said 1.860 acre tract, a distance of approximately 263 feet, to a corner in the existing corporation line of the City of Columbus, Ohio as established by said Ordinance No. 1896-85;

Thence easterly along said existing corporation line as established by Columbus Ordinance No. 1896-85 being along the southerly right-of-way line of Trabue Road, being 30 feet southerly from (as measured at right angles) and parallel to the centerline of Trabue Road and the northerly line of said 1.860 acre tract, a distance of approximately 262 feet, to the Place of Beginning.

Containing 1.55 acres of land, more or less.

The above description was prepared by Site Engineering, Inc.

SITE ENGINEERING, INC.



By Mark A. Hazel, p.e.
Mark A. Hazel
Professional Surveyor No. 7039

5-14-08
Date

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

By FME Date 6/6/08



City of Columbus Legislation Report

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

File Number: 1253-2008

ORIGINAL

Emergency

File Number: 1253-2008

File Type: Ordinance

Status: Second Reading

Version: 1

Controlling Body: Development Committee

File Name: AN08-013 Annexation Service: 1.55 acres, Prairie Township,
Kevin and Jocelyn Mullins

Introduced: 7/10/2008

Requester: Dev Drafter

Cost:

Final Action:

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. 1253-08 passed by The Council of The City of Columbus, Ohio, on 7/20/08 as shown by the records now on file in this office.

JUL 21 2008

passed 6-0 Boyce dissent 1-0

Seal

Andrea Bleirns
City Clerk

Mayor's Action

JUL 22 2008

Mayor

Date

Council Action

JUL 21 2008

Date Passed/ Adopted

President of Council

Andrea Bleirns
City Clerk

Veto

Date

Title:

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN08-013) of 1.55± acres in Prairie Township to the city of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Sponsors:

Indexes:

Attachments: ORD1253-2008 AN08-013 Legal Description.doc, ORD1253-2008 AN08-013 Map.doc

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Dev Drafter	7/10/08	Sent for Approval	DEVELOPMENT DIRECTOR			
	Action Note: Planning Division						
1	DEVELOPMENT DIRECTOR	7/10/08	Reviewed and Approved	Dev Drafter			
1	Dev Drafter	7/10/08	Sent to Clerk's Office for Council	City Clerk Inbox			

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

AN08-013

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 as enacted by the General Assembly of the State of Ohio. Notice of the annexation request was received from Franklin County. The ordinance must be passed before the annexation meeting takes place before the Board of County Commissioners of Franklin County. Information to determine the municipal services that would be available was compiled following the receipt of the notice. This process takes a minimum of two weeks to complete. Preparation of the ordinance and submission to the City Clerk in order to have a timely hearing before City Council requires a minimum additional time of two weeks. All of the above creates the necessity for emergency legislation in order to meet the hearing deadline.

FISCAL IMPACT: The statement of municipal services and zoning conditions for a proposed annexation area has no fiscal impact. However, provision of the stated services does represent cost to the city. The 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 (AN08-013) of 1.55± 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 Kevin & Jocelyn Mullins on July 9, 2008; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on August, 12, 2008; 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 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 planning area; 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 1.55 ± 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 annexation site can be served by the existing 8" water main located in Trabue Road.

Sewer:

Sanitary Sewer:

Records indicate there is a 27-inch sub-trunk sewer situated within the right of way of Hilliard-Rome Road that can provide sewer service to proposed annexation.

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 1.55 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 Prairie 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 AN08-013
1.5+ acres in Prairie Township
Kevin and Jocelyn Mullins

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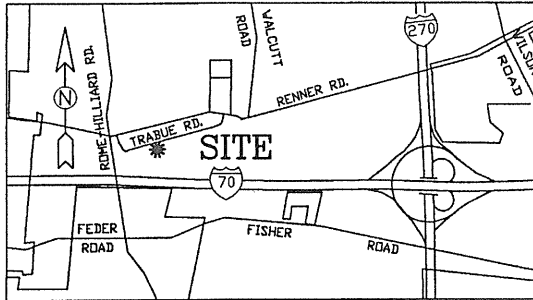
ANNEXATION AN08-013
1.55+ acres in Prairie Township
Kevin and Jocelyn Mullins

SITE ENGINEERING, INC.

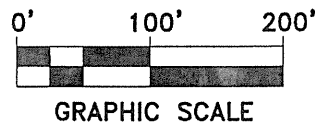
7453 EAST MAIN STREET
REYNOLDSBURG, OHIO 43068
PHONE: (614) 759-9900

FILE #3433
DATE: APR 08

SCALE: 1"=100'



LOCATION MAP
NO SCALE

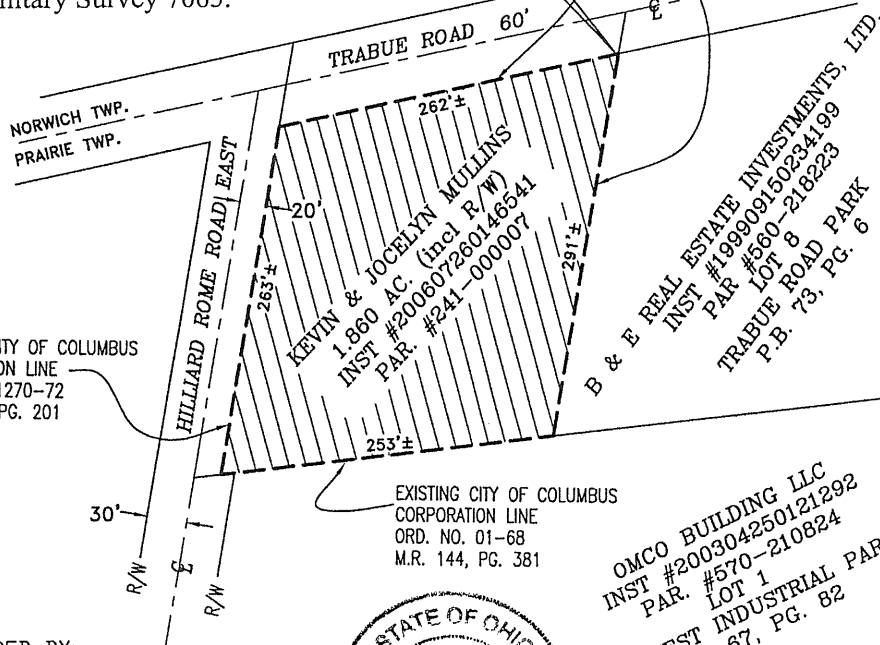


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County of Franklin, Township
of Prairie, being in Virginia
Military Survey 7065.

P.O.B.

EXISTING CITY OF COLUMBUS
CORPORATION LINE
ORD. NO. 1896-85
O.R. 6483 D04

EXISTING CITY OF COLUMBUS
CORPORATION LINE
ORD. NO. 1270-72
M.R. 157, PG. 201

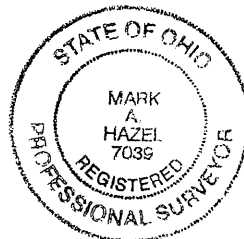


EXISTING CITY OF COLUMBUS
CORPORATION LINE
ORD. NO. 01-68
M.R. 144, PG. 381

OMCO BUILDING LLC
INST #200304250121292
PAR. #570-210824
LOT 1
COL-WEST INDUSTRIAL PARK
P.B. 67, PG. 82

PREPARED BY:

Mark A. Hazel 5-14-08
Professional Surveyor #7039



LEGEND

EXISTING CITY OF COLUMBUS CORP. LINE

PROPOSED CITY OF COLUMBUS CORP. LINE

AREA TO
BE ANNEXED

