

Review of Petition to Annex 6.3 +/- acres from Jefferson Township to the city of Gahanna by Thomas L. Weber

CASE #ANX-EXP2-29-08 **(ECONOMIC DEVELOPMENT & PLANNING)**

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Thomas L. Weber filed on behalf of Billy and Vanietta Decker on August 29, 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 #0190-2008, passed on September 2, 2008 by the city of Gahanna.

Review of Petition to Annex 6.3 +/- acres from Jefferson Township to the city of Gahanna by Thomas L. Weber

(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. 0851-08

October 07, 2008

**REVIEW OF PETITION TO ANNEX 6.3 +/- ACRES FROM JEFFERSON
TOWNSHIP TO THE CITY OF GAHANNA BY THOMAS L. WEBER -
ANNEXATION CASE #ANX-EXP2-29-08**

**(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.



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

**Commissioners**

Mary Jo Kilroy, President
Paula Brooks
Marilyn Brown

Economic Development & Planning Department
James Schimmer, Director

Application for
**Annexation
Petition**
Expedited Type **X-2**
Consent of all parties

RECEIVED

AUG 29 2008

Per


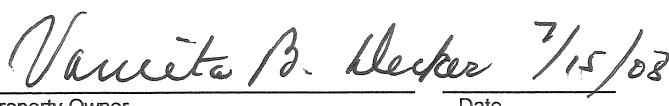
Property Information	
Site Address 3891 Clotts Road	
Parcel ID(s) 170-000273	Total Acreage 6.3
From Township Jefferson	To Municipality Gahanna

Property Owner Information	
Name Billy G and Vanietta B Decker	
Address 3891 Clotts Road Gahanna, Ohio 43230	
Phone # (614) 471-8893	Fax #
Email	

Attorney/Agent Information	
Name Thomas L. Weber	
Address 200 South Hamilton Road Gahanna, Ohio 43230	
Phone # (614) 342-4090	Fax #
Email curmudgeontlw@aol.com	

Staff Use Only
Case # ANX-EXPTII 29-08
Journal date (next regular session):
Date filed: 8-29-08
Fee paid 250.00
Receipt # 7799
<ul style="list-style-type: none">Notifications not required 9-2-08Service Ord. not required 9-17-08Public hearing not required 9-2-08 10/7/08

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
<input type="checkbox"/> Certified copy of CEDA or annexation agreement

Waiver of Right to Appeal			
The undersigned hereby request/s the Board of County Commissioners follow O.R.C. §709.022 in consideration of this petition.			
WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS.			
THERE IS ALSO NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.			
 Property Owner		 Property Owner	
Date 7-15-08		Date	
 Property Owner		 Property Owner	
Date 7/15/08		Date	

RECEIVED

AUG 29 2008

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

PROPOSED ANNEXATION OF 6.3± ACRES
TO THE CITY OF GAHANNA
FROM JEFFERSON TOWNSHIP
LOCATED IN SECTION 2, TOWNSHIP 1, RANGE 16
UNITED STATES MILITARY LANDS
JEFFERSON TOWNSHIP, FRANKLIN COUNTY OHIO

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

By BR Date 8/29/08

SHARON L. RIEHLE, TR.
5.051 Ac.
P.I.D. 027-000010

ALLODIUM, INC
LOT 6

CITY OF GAHANNA
CORP. LINE
ORD. NUMBER 196-2005
I.N. 200512080258963

ALLODIUM, INC
LOT 7

ALLODIUM, INC
LOT 8

HAMILTON PARK
P.B. 111, P.G. 65-66

CITY OF GAHANNA
CORP. LINE
ORD. NUMBER 37-81
O.R. 762 C-19

LOT 6
LOT 7
LOT 8
J.M. & J.M. KERN
SYCAMORE MILL
PHASE 2
P.B. 63, P.G. 85

MYRON S. & EVELYN M. RUSH
3.000 Ac.
P.I.D. 170-001155

BILLY G. & VANIETA B.
DECKER, CO-TRUSTEES
6.266 Ac.
P.I.D. 170-000273
O.R. 24224 F20

BILLY G. & VANIETA
B. DECKER
1.138 Ac.
P.I.D. 025-006736

DWAYNE R. & LAVINA
J. SHOCKLEY
1.564 Ac.
P.I.D. 025-006738

P.O.B.
ROLLIN B. LOVELL III
1.099 Ac.
P.I.D. 025-007162
CITY OF GAHANNA
CORP. LINE
ORD. NUMBER 111-75
MISC. ROD. 165, PG. 852

DAVID C. & MARK
E. CUNNINGHAM
0.748 Ac.
P.I.D. 025-006692

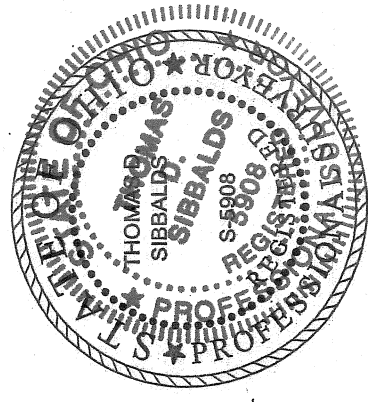
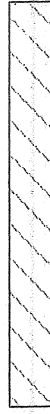
RECEIVED
BILLY G. & VANIETA
B. DECKER, CO-TRUSTEES
0.637 Ac.
P.I.D. 025-007044
AUG 29 2008

Franklin County Planning Department
Franklin County, Ohio

EXISTING CITY OF GAHANNA CORP. LINE

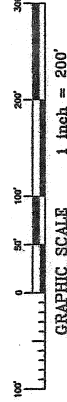
PROPOSED CITY OF GAHANNA CORP. LINE

AREA TO BE ANNEXED



BY Thomas D. Sibbalds
THOMAS D. SIBBALDS
REGISTERED SURVEYOR No. 5908

SCALE 1" = 200' APRIL 11, 2008



PREPARED BY

GGC ENGINEERS
132 N. HIGH STREET
GAHANNA, OHIO 43230
614/471-7310

RECEIVED

AUG 29 2008

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

PROPOSED ANNEXATION OF 6.3 + ACRES
FROM: JEFFERSON TOWNSHIP
TO: CITY OF GAHANNA

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By BB Date 8/29/08

Situated in the State of Ohio, County of Franklin, Township of Jefferson, being located in Section 2, Township 1, Range 16, United States Military Lands, being part of the 6.266 acre tract conveyed to Billy G and Vanieta B. Decker, by deed of record in Official Record 24224 F20, all references being to records in the Records' Office, Franklin County, Ohio and bounded and described as follows;

Beginning at a point that is the Southwesterly corner of Billy G. and Vanieta B. Decker, Co-Trs. 6.266 acre tract, of record in Official Record 24224 F20, the Northwesterly corner of the Rollin B. Lovell III, 1.099 acre tract, the Northeasterly corner of Lot 8 of "SYCAMORE MILL PHASE 2", of record in Plat Book 63, Page 85, the Southeasterly corner of Lot 8 of "HAMILTON PARKE", of record in Plat Book 111, Pages 65 & 66, said point also being the intersection of the existing City of Gahanna corporation lines as established by Ordinance No. 111-75 (of record in Miscellaneous Record 165, Page 852), Ordinance No. 37-81 (of record in Official Record 762 C19 and Ordinance No. 196-2005 (of record in Instrument No. 200512080258963);

thence Northerly, with said City of Gahanna corporation line, (Ord. No. 196-2005) said Westerly line of the Billy G. and Vanieta B. Decker Co. Trs. 6.266 acre tract, the Easterly line of "HAMILTON PARKE" and the easterly line of the Sharon L. Riehle, Trs. 5.051 acre tract, a distance of approximately 554 feet to the Northwesterly corner of said 6.266 acre tract, the Southwesterly corner of the Myron S. and Evelyn M. Rush 3 acre tract;

thence, Easterly with the Northerly line of said Billy G. and Vanieta B. Decker, Co-Trs. 6.266 acre tract, the Southerly line of said Myron S. and Evelyn M. Rush 3 acre tract, a distance of approximately 726 feet to a point in the Westerly right-of-way line of Clotts Road (being 50 feet in width);

thence Southerly, with said right-of-way line of Clotts Road, a distance of approximately 100 feet to a point in the Northerly line of the Billy G. and Vanieta B. Decker, Co. Trs. 0.637 acre tract and being in the existing City of Gahanna corporation line as established by Ordinance No. 43-82 and of record in Official Record 2547 F11;

thence Westerly with said City of Gahanna corporation line (Ordinance No. 43-82), the Northerly line of said Billy G. and Vanieta B. Decker, Co. Trs. 0.637 acre tract, a distance of approximately 238 feet to an angle point in said line;

thence Southwesterly, continuing with said City of Gahanna corporation line, the Northerly line of said 0.637 acre tract, a distance of approximately 68 feet to an angle point in said line;

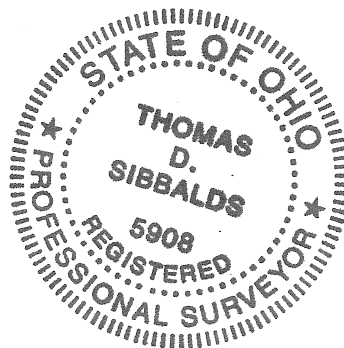
thence Southerly, continuing with said corporation line, the Westerly line of said 0.637 acre tract and the Westerly lines of the Billy G. and Vanieta Decker 1.138 acre tract and the Duayne R. and Lavina J. Shockley 1.564 acre tract, a distance of approximately 401 feet to a point at the Southwesterly corner of said Shockley 1.564 acre tract, being in the northerly line of the David C. and Mark E. Cunningham 0.748 acre tract and being at the intersection of said existing City of Gahanna corporation line (Ordinance No. 43-82) with the existing City of Gahanna corporation line (Ordinance No. 111-75);

thence Westerly with said existing city of Gahanna Corporation Line (Ordinance No. 111-75 , the Northerly line of the David C. and Mark E. Cunningham 0.748 acre tract and the northerly line of the Rollin B. Lovell III, 1.099 acre tract, a distance of approximately 414 feet to the place of beginning, containing approximately 6.3 ± acres

This description was prepared from existing records and not from a field survey and is intended for annexation purposes only, not for the fee transfer of land.

GGC ENGINEERS

By Thomas D. Sibbalds
Thomas D. Sibbalds Registered Surveyor No. 5908



RECEIVED

AUG 29 2008

Franklin County Planning Department
Franklin County, Ohio



City of Gahanna
Signature
Ordinance

SEP 11 2008
200 South Hamilton Road
Gahanna, Ohio 43230
Franklin County Planning Department
Franklin County, Ohio

File Number: ORD-0190-2008

Date Passed: 9/2/2008

AN ORDINANCE ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF GAHANNA, OHIO, WILL PROVIDE TO THE 6.3+/- ACRE TERRITORY IN JEFFERSON TOWNSHIP, FRANKLIN COUNTY, PROPOSED TO BE ANNEXED TO THE CITY OF GAHANNA UPON ANNEXATION; SAID PROPERTY LOCATED AT 3891 CLOTTS ROAD; REQUESTED BY BILLY G. AND VANIETA B. DECKER, OWNERS, BY THE CITY OF GAHANNA, AGENT; AND CITY BUFFER REQUIREMENTS AS PROVIDED IN OHIO REVISED CODE SECTION 709.023; TO REPEAL ORD-0157-2008; 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 6.3+/- 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 6.3+/- 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 6.3+/- 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, Clotts Road is designated as a collector street which requires a right-of-way width of sixty (60) feet. The current right-of-way at the property is thirty (30) feet from the center line at the annexed property. 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 second reading is hereby waived.

Section 7. That ORD-0157-2008 is hereby repealed.


Section 8. 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 Introduced, Second Reading Waived, and Adopted as an Emergency, this 2nd day of September, 2008.




Nancy R. McGregor
President of Council

*ATTESTED to and PRESENTED to the Mayor;
this 3rd day of September, 2008.*




Isobel L. Sherwood, MMC
Clerk of Council

*APPROVED by the Mayor, this
4th day of Sept. 2008.*



Rebecca W. Stinchcomb
Mayor

Approved as to form:



Thomas L. Weber
City Attorney

PROPOSED ANNEXATION OF 6.3± ACRES
TO THE CITY OF GAHANNA
FROM JEFFERSON TOWNSHIP
LOCATED IN SECTION 2, TOWNSHIP 1, RANGE 16
UNITED STATES MILITARY LANDS
JEFFERSON TOWNSHIP, FRANKLIN COUNTY OHIO

EXHIBIT A

SHARON L. RIEHLE, TR.

5.051 Ac.
P.I.D. 027-000010

MYRON S. & EVELYN M. RUSH

3.000 Ac.
P.I.D. 170-001155

BILLY G. & VANIETA B.
DECKER, CO-TRUSTEES

6.266 Ac.
P.I.D. 170-000273
O.R. 24224 F20

ALLODIUM, INC
LOT 6
CITY OF GAHANNA
CORP. LINE
ORD. NUMBER 196-2005
I.N. 200512080258953

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LOT 7

HAMILTON PARKE
P.B. 111, P.G. 65-66

ALLODIUM, INC
LOT 8

6.3± Ac.

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B. DECKER

1.138 Ac.
P.I.D. 025-006736

DUAYNE R. & LAVINA
J. SHOCKLEY

1.564 Ac.
P.I.D. 025-006738

BILLY G. & VANIETA
B. DECKER, CO-TRUSTEES
0.637 Ac.
P.I.D. 025-007044

J.M. & J.M.
KERN

SYCAMORE MILL
PHASE 2
P.B. 63, P.G. 85

LOT 8
YOUNG SOOK
KENNEDY

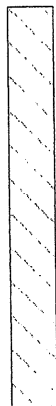
ROLLIN B.
LOVELL, III
1.099 Ac.
P.I.D. 025-007162

CITY OF GAHANNA
CORP. LINE
ORD. NUMBER 111-75
MISC. RCD.165, PG.852

DAVID C. & MARK
E. CUNNINGHAM
0.748 Ac.
P.I.D. 025-00692

EXISTING CITY OF GAHANNA CORP. LINE
PROPOSED CITY OF GAHANNA CORP. LINE

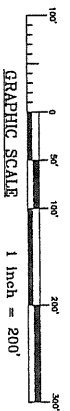
AREA TO BE ANNEXED



PREPARED BY

GGC ENGINEERS
132 N. HIGH STREET
GAHANNA, OHIO 43230
614/471-7310

SCALE 1" = 200' APRIL 11, 2008



BY *Thomas D. Sibbalds*
THOMAS D. SIBBALDS
REGISTERED SURVEYOR No. 5908



**PROPOSED ANNEXATION OF 6.3 + ACRES
FROM: JEFFERSON TOWNSHIP
TO: CITY OF GAHANNA**

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EXHIBIT B

thence Southwesterly, continuing with said City of Gahanna corporation line, the Northerly line of said 0.637 acre tract, a distance of approximately 68 feet to an angle point in said line;

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GGC ENGINEERS

By 
Thomas D. Sibbalds Registered Surveyor No. 5908