

Review of petition to annex 10.3 +/- acres from Jefferson Township to the City of Gahanna by the City of Gahanna

CASE #ANX-MUNI-12-08 (**ECONOMIC DEVELOPMENT & PLANNING**)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that the City of Gahanna filed on May 2, 2008 and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Municipal Annexation 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 that the petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.16 of the Revised Code for a Municipal Annexation.

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

Cc: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0415-08

May 13, 2008

**REVIEW OF PETITION TO ANNEX 10.3 +/- ACRES FROM JEFFERSON
TOWNSHIP TO THE CITY OF GAHANNA BY THE CITY OF GAHANNA -
ANNEXATION CASE #ANX-MUNI-12-08**

**(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

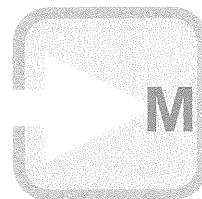


Commissioners
Mary Jo Kilroy, President
Paula Brooks
Marilyn Brown

Economic Development & Planning Department
James Schimmer, Director

Application for Annexation Petition

Municipal
Pursuant to ORC §709.15



Property Information	
Site Address 6010 610 and 6025 Taylor Road Gahanna, OH	
Parcel ID(s) 170-001239, 170-001097 plus road r/w	Total Acreage 10.3
From Township Jefferson	To Municipality Gahanna

Municipal Authority
Authorizing Ordinance No. 0175-2007
Land Ownership (check one) <input checked="" type="checkbox"/> Municipality <input checked="" type="checkbox"/> Franklin County <input type="checkbox"/> State of Ohio

Applicant/Agent Information	
Name Thomas L. Weber (City Attorney)	
Address 200 South Hamilton Road Gahanna, Ohio 43230	
Phone # 342-4090	Fax # 342-4190
Email isobel.sherwood@gahanna.gov	

Staff Use Only
Case # ANN-M- 12-08
Hearing date: 5/13/08
Date filed: 5/2/08
Fee paid N/A
Receipt #
Date Journalized

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"/> Certified copy of ordinance authorizing this application

Signatures		
The undersigned, petitioners in the premises, and being authorized to act on behalf of the municipality listed above, do hereby pray that the territory listed above be annexed to said municipality.		
The undersigned further acknowledge that the Franklin County Board of Commissioners may take the following actions: <ul style="list-style-type: none">For land owned by the municipality, the Board must grant the petitionFor land owned by a County, the Board may grant or deny the petitionFor land owned by the State of Ohio, if the Director of Administrative Services has filed written consent, the Board must grant the petition.		
<u>Thomas L. Weber</u> Agent or Authorized Representative	<u>City Attorney</u> Title	<u>5/2/08</u> Date
 Agent or Authorized Representative	 Title	 Date

DESCRIPTION

Situated in the State of Ohio, County of Franklin, Township of Jefferson, located in part of Quarter Township 3, Township 1, Range 16, United States Military District, being all of that 1.0 acre tract of land (PID: 170-001239) described in the deed to the City of Gahanna, recorded in Instrument No. 20010622014676, and all of that 5.615 acre tract of land (PID: 170-001097) described in the deed to the City of Gahanna, recorded in Instrument No. 200608210164808, together with portions of the adjoining Taylor Road right-of-way previously conveyed to the City of Gahanna and the Franklin County Commissioners (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 northeasterly corner of those lands annexed to the City of Gahanna by Ordinance No. 27-94, recorded in Official Record 26038-H05, being in a southerly Corporation Line of the City of Gahanna, as established by Ordinance No. 25-93, recorded in Official Record 23449-D19;

thence easterly along said Corporation Line (Ordinance No. 25-93), being the original northerly right-of-way line of Taylor Road, 752 feet, more or less, to an angle point in said Corporation Line, being in the westerly line of said 1.0 acre tract;

thence northerly along said Corporation Line (Ordinance No. 25-93), being said westerly line of the 1.0 acre tract, 513 feet, more or less, to an angle point in said Corporation Line, being the northwesterly corner of said 1.0 acre tract;

thence easterly along said Corporation Line (Ordinance No. 25-93), being the northerly line of said 1.0 acre tract, 81 feet, more or less, to the northeasterly corner of said 1.0 acre tract;

thence southerly along the easterly line of said 1.0 acre tract, leaving said Corporation Line, 488 feet, more or less, to the northerly right-of-way line of said Taylor Road;

thence easterly along said northerly right-of-way line of Taylor Road, being a line 50 feet northerly of the centerline of said Road, 228 feet, more or less, to the southwesterly corner of said 5.615 acre tract;

thence northerly along the westerly line of said 5.615 acre tract, 741 feet, more or less, to the northwesterly corner of said 5.615 acre tract;

thence easterly along the northerly line of said 5.615 acre tract, 330 feet, more or less, to the northeasterly corner of said 5.615 acre tract, being in a westerly line of those lands annexed to the City of Gahanna by Ordinance No. 282-93, recorded in Official Record 25136-A03;

thence southerly along said Corporation Line (Ordinance No. 282-93), 766 feet, more or less, to a southwesterly corner of said lands annexed to the City of Gahanna by Ordinance No. 282-93, being in the original northerly right-of-way line of said Taylor Road;

thence easterly along said Corporation Line (Ordinance No. 282-93), being along said original northerly right-of-way line of Taylor Road, and being a line 739 feet, more or less, to the southeasterly corner of said lands annexed to the City of Gahanna by Ordinance No. 282-93;

thence southerly, leaving said Corporation Line, being along a line 20 feet westerly of the centerline of Taylor Station Road, 75 feet to the northerly line of those lands annexed to the City of Gahanna by Ordinance No. 0146-04, recorded in Instrument No. 200407280174371;

Description continued;

thence westerly along the northerly line of those lands annexed to the City of Gahanna by said Ordinance No. 0146-04, and along the southerly right-of-way line of said Taylor Road, being a line 50 feet southerly of the centerline of said Road, 1519 feet, more or less, to an angle point in said line;

thence continuing westerly along the southerly right-of-way line of said Taylor Road, 85 feet, more or less, to an angle point in said line;

thence continuing westerly along said southerly right-of-way line of Taylor Road, being a line 40 feet southerly of the centerline of said Taylor Road, 175 feet, more or less, to the easterly line of the R.D. & V.S. Brubaker, Trs. tract (PID: 170-000608);

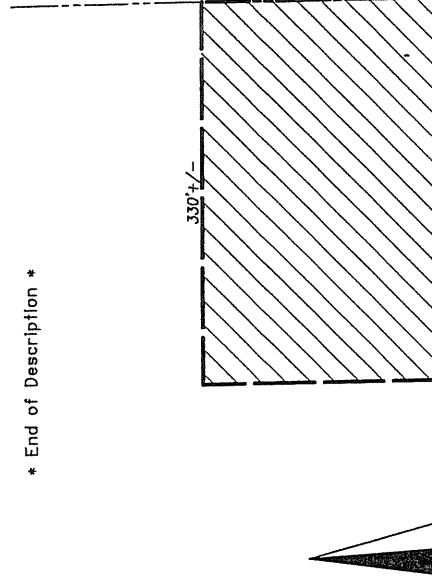
thence northerly, westerly and southerly, along the easterly, northerly and westerly lines of said Brubaker tract, the following three (3) courses and distances:

1) northerly, 40 feet to the centerline of said Taylor Road; 2) westerly with said centerline, 178 feet, more or less; And, 3) southerly, 40 feet to the southerly right-of-way line of said Taylor Road;

thence westerly along said southerly right-of-way line of Taylor Road, being a line 40 feet southerly of the centerline of said Taylor Road, 100 feet, more or less, to an easterly Corporation Line of the City of Gahanna, as established by said Ordinance No. 27-94;

thence northerly along said easterly Corporation Line (Ordinance No. 27-94), 65 feet, more or less, to the Place of Beginning, containing 10.3 acres of land, more or less, as described for annexation purposes only, in July of 2007, by Carl E. Turner Jr., Registered Professional Surveyor No. S-6702.

* End of Description *





City of Gahanna
Certified Copy
ORDINANCE

200 South Hamilton Road
Gahanna, Ohio 43230

File Number: ORD-0175-2007

Date Passed: 9/4/2007

TO AUTHORIZE THE CITY ATTORNEY TO FILE AN ANNEXATION PETITION FOR THE ANNEXATION OF 10.3+/- ACRES OF CITY OWNED PROPERTY FROM JEFFERSON TOWNSHIP AND INCLUDING A PORTION OF ROADWAY RIGHT OF WAY; AND TO DECLARE AN EMERGENCY.

WHEREAS, there are two properties on Taylor Road which have been purchased by the City but remain unannexed and

WHEREAS, the City wishes to annex the property at 6010 Taylor Road along with the recently purchased Black property at 6025 Taylor Road; and

WHEREAS, a legal description has been developed and it is necessary to proceed at the earliest possible date to annex this parcel for the orderly development of this growth area of the City; and

WHEREAS, Section 709 of the Ohio Revised Code requires that a representative be appointed by the City to prosecute proceedings; and

WHEREAS, it is imperative to move forward so that this property can be part of the City of Gahanna as soon as possible, all 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 it is necessary and in the best interest of the City of Gahanna to annex said 10.3+/- acres located on Taylor Road along with a portion of road right of way, said acreage more particularly described in EXHIBIT A, attached to this ordinance and made a part herein.

Section 2. That the City Attorney is authorized and directed to effect all documentation necessary for the completion of this annexation before the Board of County Commissioners of Franklin County Ohio.

Section 3. That, for the reasons set forth in the preamble herein above, 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, Isobel L. Sherwood, MMC, 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 ORD0175-2007, which was duly and regularly adopted by the City Council of the City of Gahanna Ohio on September 4, 2007.

Isobel L. Sherwood, MMC
Clerk of Council

April 30, 2008

Date Certified



City of Gahanna
Certified Copy
ORDINANCE

200 South Hamilton Road
Gahanna, Ohio 43230

File Number: ORD-0110-2008

Date Passed: 5/5/2008

AN ORDINANCE ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF GAHANNA, OHIO, WILL PROVIDE TO THE 10.3+/- ACRE TERRITORY IN JEFFERSON TOWNSHIP, FRANKLIN COUNTY, PROPOSED TO BE ANNEXED TO THE CITY OF GAHANNA UPON ANNEXATION; REQUESTED BY THE CITY OF GAHANNA, OWNER; 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 10.3+/- 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 Municipal process provided for in Ohio Revised Code Section 709.15; 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 10.3+/- acres to the City of Gahanna as shown on the map and description attached hereto as EXHIBIT A, 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. If the owner(s) desire public sanitary sewer or water service, 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). Services will be provided by the City of Gahanna to the annexation territory on the same terms and conditions as they are provided to properties currently located within the City of Gahanna and as established by city ordinances, including the codified ordinances of the City of Gahanna

Section 2. The 10.3+/- 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 .

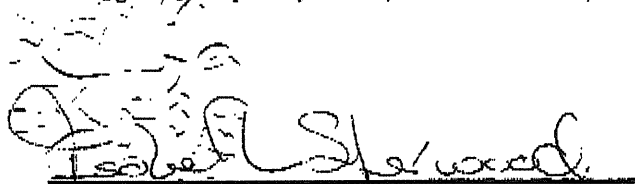
Section 4. Pursuant to Section 121.05(b) of the Codified Ordinances of the City of Gahanna the Clerk of Council shall obtain from the City Engineer the right-of-way required by the approved Master Thoroughfare Plan for the City. The City Engineer has stated that in accordance with the adopted Thoroughfare Plan of the City East Johnstown 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.

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, Isobel L. Sherwood, MMC, 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 ORD0110-2008, which was duly and regularly adopted by the City Council of the City of Gahanna Ohio on May 5, 2008.



Isobel L. Sherwood, MMC
Clerk of Council

May 06, 2008

Date Certified