

Hearing on a Petition to Annex 1.25 +/- acres from Perry Township to the city of Dublin by Michael Close, Esq.

CASE #ANX-REG-26-08

(ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Michael Close, Esq. filed on July 30, 2008 and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Regular 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:

1. The petition meets all the requirements set forth in, and was filed in the manner provided in, ORC 709.02.
2. The persons who signed the petition are owners of the real estate located in the territory proposed for annexation.
3. The number of valid signatures constituted a majority of the owners of real estate in the territory as of the date the petition was filed.
4. The municipality has complied with ORC 709.03(D), the requirement to adopt by ordinance or resolution a statement indicating what services it will provide and an approximate date it will provide services to the territory proposed to be annexed, upon annexation.
5. The territory is not unreasonably large.
6. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the petition is granted.
7. No street or highway will be divided or segmented by the boundary line between a township and the municipality as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the municipality has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway.

Hearing on a Petition to Annex 1.25 +/- acres from Perry Township to the city of Dublin by Michael Close, 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 Dublin, 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 Dublin, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0849-08

October 07, 2008

**HEARING ON A PETITION TO ANNEX 1.25 +/- ACRES FROM PERRY
TOWNSHIP TO THE CITY OF DUBLIN BY MICHAEL CLOSE, ESQ.
ANNEXATION CASE #ANX-REG-26-08**

**(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

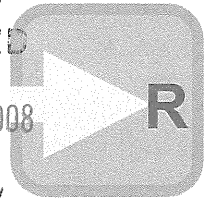
Marilyn Brown, President
Mary Jo Kilroy
Paula Brooks

Economic Development & Planning Department
James Schimmer, Director

Application for
**Annexation
Petition**

Regular
By majority of property owners

Reg-26-08
RECEIVED
JUL 30 2008



Per BW.....

Property Information	
Site Address	6924 Riverside Drive, Dublin OH
Parcel ID(s)	212-000494 and 212-001246
From Township	Perry
Total Acreage	1.25
To Municipality	Dublin

Property Owner Information	
Name	BVH Associates
Address	6924 Riverside Dr. Dublin, OH 43017
Phone #	Call Agent
Fax #	
Email	Email Agent

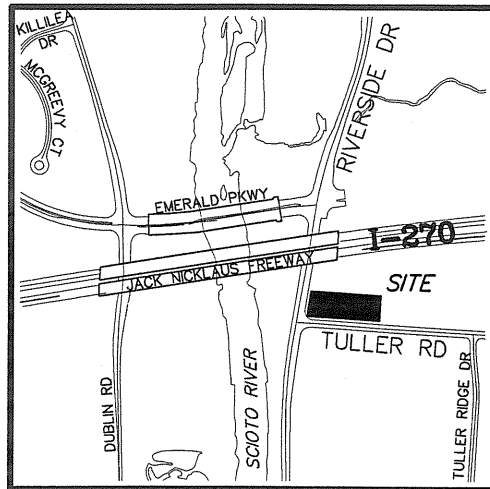
Attorney/Agent Information	
Name	Michael Close, Esq.
Address	300 Spruce Street, First Floor Columbus, OH 43215
Phone #	614-221-5216
Fax #	
Email	MCLOSE@wileslaw.com

Signatures	
At least 51% of property owners must sign this petition. Attach additional sheet if necessary	
Property Owner	See attached.
Property Owner	
Property Owner	

Staff Use Only
Case #
ANX-REG- 26-08
Hearing date (60-90 days):
10/7/08
Date filed:
7/30/08
Fee paid
\$250.00
Receipt #
7755

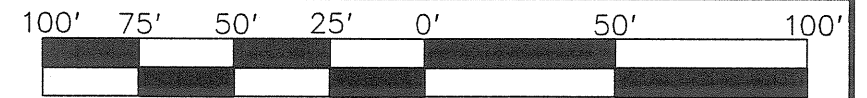
Applicant Deadlines	
Notify twp/ municipality:	5 days after filing 8/4/08
Notify adjacent owners:	10 days after filing 8/9/08
File twp/muni notifications with County	10 days after filing 8/9/08
File adj. owners notifications with County	20 days after filing 8/19/08
File municipal service ord. with County	20 days after filing 9/17/08
Publish notice in newspaper	7 days before hearing 9/30/08

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 with name, address, parcel ID
<input checked="" type="checkbox"/> Additional signature page if necessary



Vicinity Map

Approximately 1.25 Acres located in
Perry Township, Franklin County, Ohio,
to be annexed to the City of Dublin, Ohio.

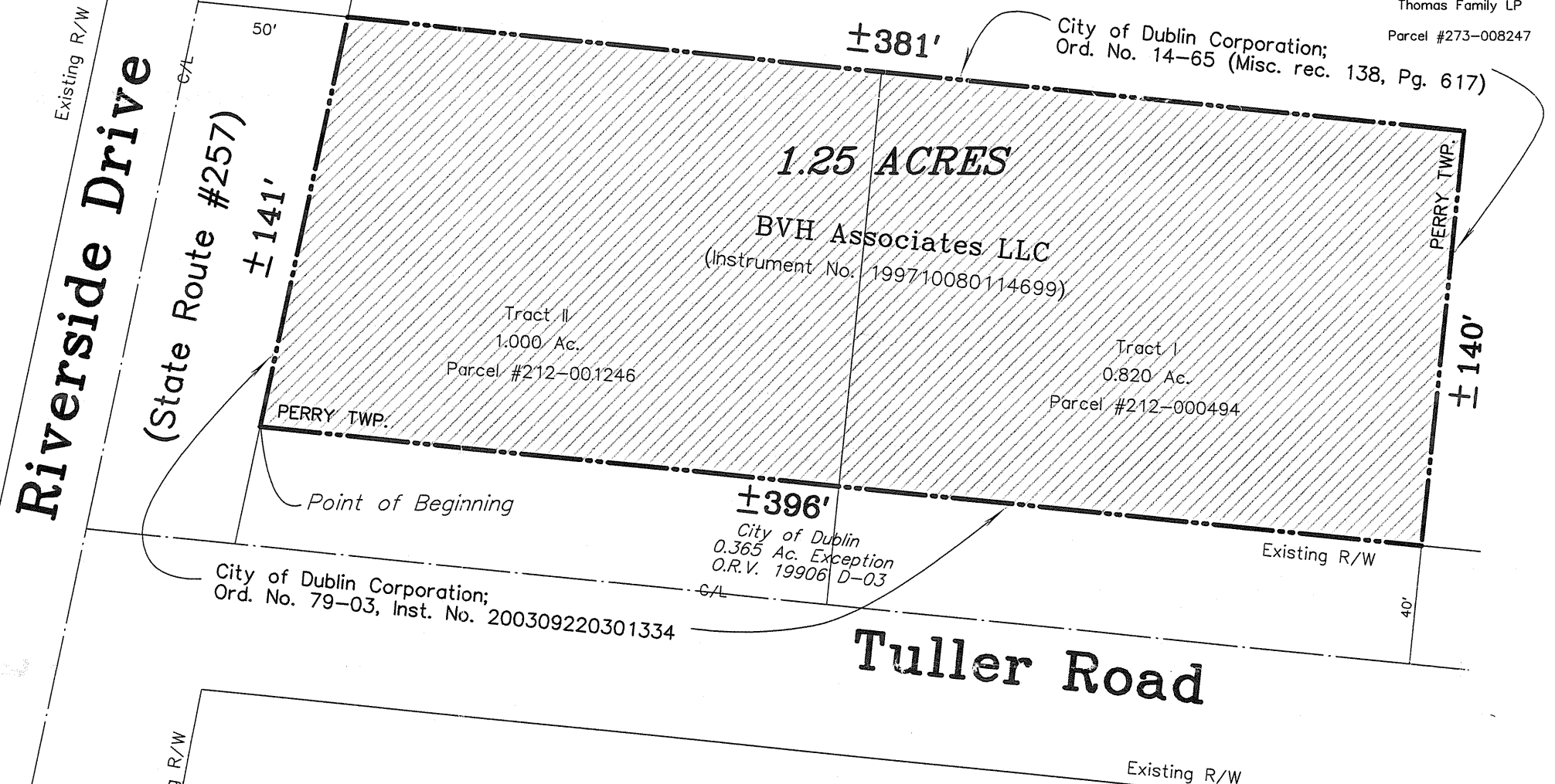


Scale 1" = 50'
October 18, 2007

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By BB Date 11/15/08

Thomas Family LP
Parcel #273-008247

Thomas Family LP
Parcel #273-008247



Tuller Road

RECEIVED

JAN 14 2008

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

Tuller Henderson, LLC
Parcel #273-008244

REG-26-08
RECEIVED

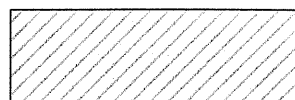
JUL 30 2008

Per BB

Tuller Henderson, LLC
Parcel #273-009080

Legend

Area to be Annexed



Existing City of Dublin
Corporation Lines



MyersSurveying
COMPANY

2740 East Main Street (614) 235 - 8677
Bexley, Ohio 43209-2577 info@myerssurveying.com

m.o.#3-10/03/2007 310032007.scj X - 691



2740 East Main Street
Bexley, Ohio 43209-2577
(614) 235-8677
Telefax 235-4559
Email: info@myerssurveying.com

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

October 18, 2007

By BB Date 11/15/08

RECEIVED

Approximately 1.25 Acres located in
Perry Township, Franklin County, Ohio,
to be Annexed to the City of Dublin, Ohio

JUL 30 2008

Per

Situated in the State of Ohio, County of Franklin, Township of Perry, in Quarter Township 2, Township 2, Range 19 United States Military Lands and being a part of the Original 1.820 Acre tract as conveyed to BVH Associates LLC in Instrument Number 199710080114699, Tracts I & II, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at the intersection of the north Right of Way of Tuller Road with the east Right of Way of Riverside Drive (State Route #257), at the northwest corner of the City of Dublin 0.365 Acre tract (Official Record Volume 19906 D-03) and at an angle point in an existing City of Dublin Corporation Line, as established by Ordinance Number 79-03, of record in Instrument Number 200309220301334, said Recorder's Office;

Thence, northerly, across said Original 1.820 Acre tract, along the east Right of Way of said Riverside Drive and along said Corporation Line (Ordinance Number 79-03), approximately 141 feet, to the intersection of said line with the north line of said Original 1.820 Acre tract, at an angle point in said Corporation Line (Ordinance Number 79-03) and in an existing City of Dublin Corporation Line, as established by Ordinance Number 14-65, of record in Miscellaneous Record 138, Page 617;

Thence, easterly, along the northerly line of said Original 1.820 Acre tract and along said Corporation Line (Ordinance Number 14-65), approximately 381 feet, to the northeast corner of said Original 1.820 Acre tract and being an angle point in said Corporation Line (Ordinance Number 14-65);

Thence, southerly, along the east line of said Original 1.820 Acre tract and along said Corporation Line (Ordinance Number 14-65), approximately 140 feet, to the north Right of Way of said Tuller Road, the northeast corner of said 0.365 Acre tract and an angle point in said Corporation Line (Ordinance Number 79-03);

Thence, westerly, along the north Right of Way of said Tuller Road, said Corporation Line (Ordinance Number 79-03) and along the north line of said 0.365 Acre tract, approximately 396 feet, to the place of beginning CONTAINING APPROXIMATELY 1.25 ACRES.

THE FOREGOING DESCRIPTION WAS PREPARED FROM RECORDS ONLY
AND IS TO BE USED FOR ANNEXATION PURPOSES ONLY.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc. Form No. 30045

Resolution No. 63-08

Passed 20 -

A RESOLUTION ADOPTING A STATEMENT OF SERVICES FOR A PROPOSED ANNEXATION OF 1.25 ACRES, MORE OR LESS, FROM PERRY TOWNSHIP, FRANKLIN COUNTY, TO THE CITY OF DUBLIN.

WHEREAS, a Regular Annexation petition for 1.25 acres, more or less, from Perry Township, Franklin County to the City of Dublin was filed in the offices of the Franklin County Commissioners on July 30, 2008, by Michael L. Close, Attorney/Agent for Petitioners, BVH Associates LLC; and

WHEREAS, Section 709.03 (D) of the Ohio Revised Code requires that, prior to the hearing of the annexation petition, the Municipal Authority shall adopt a statement indicating what services the Municipal Corporation will provide to the territory proposed for annexation and an approximate date by which it will provide services to the territory proposed for annexation upon annexation; and

WHEREAS, the area proposed for annexation lies within Dublin's exclusive water and sewer service extension area, as provided under the agreements with the City of Columbus; and

WHEREAS, the proposed annexation is in conformance with the annexation area contained in the Dublin Community Plan, adopted by Council on December 10, 2007.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Dublin, State of Ohio, 7 of the elected members concurring that:

Section 1. The City of Dublin will provide the following municipal services for the 1.25 acres, more or less in Perry Township, Franklin County upon the annexation of the area to the City of Dublin, Ohio:

Police. The City of Dublin has five police districts and deploys a minimum of five cruisers. The subject annexation is located approximately 2.1 miles away from the Justice Center, the Division of Police headquarters. The annexation area will be fully served with police and communications services at the same or similar level now being provided to other areas of the City with similar land use and population.

Fire and EMS. The City of Dublin will provide, cause to provide, or contract with Washington Township to provide fire protection and EMS services to this area of Dublin at the same or similar level now being provided to other areas of the City with similar land use and population. The closest Washington Township station is approximately 4,476 feet away (Wash. Twp. Station #92) on Hard Road.

Solid Waste Collection. Residential refuse collection services are contracted by the City and are currently provided at no additional charge.

Street Maintenance. The City's Streets and Utilities Division provides excellent service in the area of street and road maintenance. The City currently maintains Riverside Drive and Tuller Road in the area of this annexation and will continue to do so at the same levels upon annexation of this property.

Section 2. The City has Water and Sanitary Sewer Service Agreements with the City of Columbus, and the subject property is within the exclusive service area of both agreements. Conditioned upon the ability of the City of Columbus to provide water supply and to provide sufficient sanitary sewerage disposal capacity,

I, Anne E. Clarke Clerk of Council, hereby certify that the foregoing is a true copy of ~~Ordinance~~ Resolution No. 63-08 duly adopted by the Council of the City of Dublin, Ohio, on the 18th day of August, 2008.

Anne E. Clarke
Clerk of Council, Dublin, Ohio

RECEIVED
AUG 26 2008
Franklin County Planning Department
Franklin County, Ohio

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 63-08

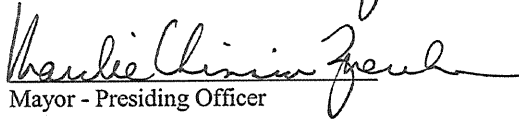
Page 2
Passed _____

20 -

sufficient public water distribution and sanitary sewer collection systems exist in this area to serve this property at the current time.

Section 3. This resolution shall be effective immediately upon passage, as provided under Section 4.04(a) of the Revised Charter.

Passed this 18th day of August, 2008.


Mayor - Presiding Officer

ATTEST


Clerk of Council



CITY OF DUBLIN.

Office of the City Manager

5200 Emerald Parkway • Dublin, OH 43017-1090

Phone: 614-410-4400 • Fax: 614-410-4490

Memo

TO: Members of City Council

FROM: Jane S. Brautigam, City Manager *CAW for JSB*

DATE: August 14, 2008

INITIATED Paul A. Hammersmith, P.E., Director of Engineering/City Engineer

BY: Steve Langworthy, Director Land Use and Long Range Planning
Gary P. Gunderman, Planning Manager
Barbara A. Cox, P.E., Engineering Manager – Development
Stephen J. Smith, Director of Law

Re: Resolution 63-08 - Adopting a Statement of Services for a Proposed Annexation of 1.25 Acres, More or Less, from Perry Township, Franklin County, to the City of Dublin, Ohio.

Summary

On July 30, 2008, attorney/agent Michael L. Close filed an annexation petition, on behalf of BVH Associates LLC with the Franklin County Commissioners. The petition is for 1.25± acres of land, located at the northeast corner of Riverside Drive and Tuller Road in Perry Township, which is to be annexed into the City of Dublin. The petition was filed pursuant to R.C. 709.02, which is also known as the "Regular" annexation process.

Under this process the City must adopt and provide a resolution relating to municipal services by 20 days prior to the Franklin County Commissioners' hearing. Resolution 63-08 has been prepared for this purpose and for your consideration.

The Franklin County Commissioners may grant the proposed annexation after a hearing scheduled for October 7, 2008. If neither the municipality nor the Township object, the Commissioners must grant the proposed annexation, provided all required procedures have been met.

This proposed annexation is for 1.25± acres and does not include any additional portion of the rights-of-way of Riverside Drive or Tuller Road. In this area, both rights-of-way are already within the City of Dublin, although some of the right-of-way is an easement that will be dedicated to the City of Dublin according to the terms of a pre-annexation agreement.

Pre Annexation Agreements

The application was filed as a regular annexation which permits the City to determine the Township designation of the property upon annexation. In previous annexations, the City has placed properties in Washington Township in order to secure Washington Township Fire and EMS services. This action requires the City to pay reparations to Perry Township on a declining

scale over a 12-year period. The Pre-Annexation Agreement commits the petitioner to compensate Dublin for all reparation payments. The Pre-Annexation Agreement also commits the petitioner to bring the Property into compliance with the Dublin Landscaping Code to the extent possible, bring all current and future signs into compliance with the Dublin Sign Code, dedicate additional right-of-way for Riverside Drive, and to combine the two lots involved in this petition.

Background

ZONING and COMMUNITY PLAN

The current Perry Township zoning classification for this property is Community Commercial, which allows a wide range of retail and service uses, including a Veterinary Clinic and office.

Upon annexation, the property will be automatically zoned R, Rural, under the Zoning Code of the City of Dublin. This would allow farm operations and single-family dwellings on a minimum one-acre lot on this property, and offices of veterinarians when located on parcels of five acres and as approved by a conditional use. The existing veterinarian office will be non-conforming until the zoning is amended or the site is redeveloped.

The 2007 Community Plan anticipated annexing this area. The adopted Future Land Use Map calls for Standard Office use for the entire tract. The existing adjacent properties include: Vacant R-1 zoning to the west, north and east; and vacant Community Commercial zoning across Tuller Road to the south.

SERVICE ASSESSMENT

Police Protection

The City of Dublin has five police districts and deploys a minimum of five cruisers. The subject annexation is located approximately 2.1 driving miles from the Justice Center, the Division of Police headquarters. The City of Dublin provides police and communications services on a twenty-four hour basis and has mutual aid agreements with other jurisdictions. The annexation area will be fully served with these services at the same or similar level now being provided to other areas of the City.

Fire Protection and Emergency Medical Service (EMS)

The Washington Township Fire Department provides fire protection to this area of Dublin. All previous annexations in this area have been removed from Perry Township and placed into Washington Township. The closest station is approximately 4,476 feet away (Wash. Twp. Station #92) at Hard Road. If approved, the annexation area will be fully served with fire and EMS at the same or similar level now being provided to other areas of the City.

Solid Waste Collection

The City of Dublin provides residential solid waste collection at no additional fee. The annexation area will be served with solid waste services at the same or similar level now being provided to other areas of the City.

Water Distribution

The property is located within the exclusive annexation area of the Water Service Agreement with the City of Columbus. A 12-inch waterline is located on the south side of Tuller Road and will serve this property.

Sanitary Sewer Collection

The property is located within the exclusive annexation area within the Sanitary Service Agreement with the City of Columbus. This property is located within the tributary area of the West Scioto Interceptor trunk sewer which runs along Riverside Drive. A 12-inch sanitary sewer is located in the center of Tuller Road which will serve this property.

Stormwater Management and Floodplain

The property has significant topography and generally drains from east to west toward the Scioto River. This property is located in the East Unconsolidated Watershed as defined by the Stormwater Master Plan. This property is located outside any FEMA designated floodplains.

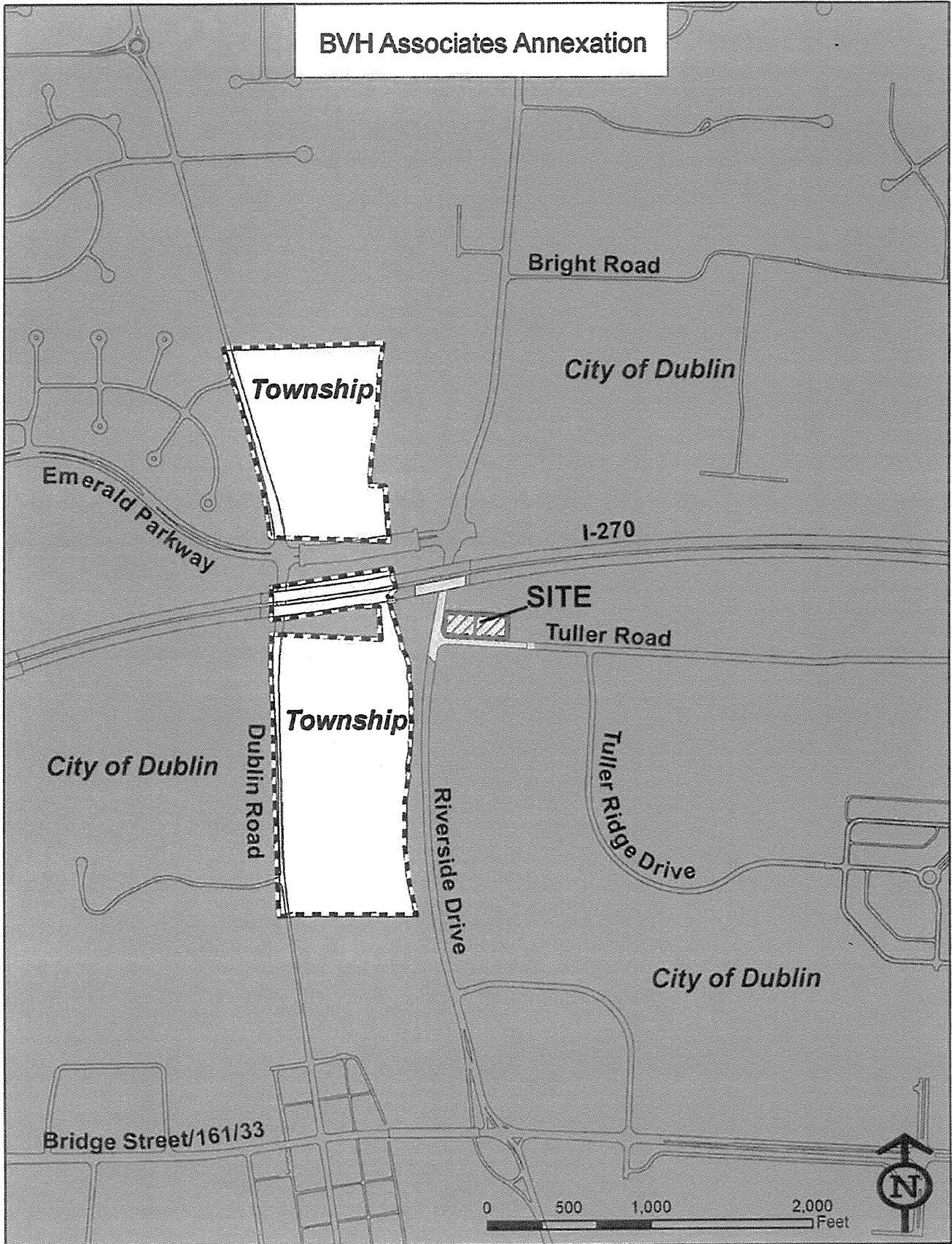
Roads and Streets

The primary roads serving this property are Riverside Drive and Tuller Road. Per the Thoroughfare Plan, Riverside Drive is classified as a major arterial with 112 feet of right-of-way and Tuller Road is a collector with 80 feet of right-of-way. Any new roads or streets, within a proposed development, which would be dedicated to the City, would be maintained to the same degree and extent that these public facilities are maintained in areas with similar land use and population.

Recommendation

This property was identified within the proposed annexation areas of the Community Plan and is located within the exclusive Dublin service area as defined in the water and sewer agreements with the City of Columbus. Approval of Resolution 63-08 regarding the Statement of Services is recommended. Upon City Council's approval, the approved Resolution will be forwarded to the Franklin County Commissioners for their required hearing.

BVH Associates Annexation



**WILES, BOYLE,
BURKHOLDER &
BRINGARDNER**

Co., LPA
ATTORNEYS AT LAW

300 Spruce Street, Floor One
Columbus, Ohio 43215-1173
Telephone: 614/221-5216
Facsimile: 614/221-5692
www.wileslaw.com

DANIEL G. WILES
JAMES M. WILES
MARK J. SHERIFF
THOMAS E. BOYLE
MICHAEL L. CLOSE*
RICHARD D. BRINGARDNER
DANIEL E. BRINGARDNER
STEVEN P. ELLIOTT
BRUCE H. BURKHOLDER

DALE D. COOK
MARY TEN EYCK TAYLOR
JAY B. EGGSPUEHLER**
EUGENE L. HOLLINS
WILLIAM B. BENSON
SAMUEL M. PIPINO***
C. WILLIAM KLAUSMAN
THOMAS L. HART
JAMES M. HUGHES

BRIAN M. ZETS
MARK C. MELKO
KERRY T. BOYLE
J. COREY COLOMBO
CHRISTOPHER G. PHILIPS
LAUREN S. BRILL
NEIL C. SANDER
JENNIFER B. CASTO
ALICIA E. ZAMBELLI

ARTHUR W. WILES
(1906-1989)
THOMAS A. DOUCHER
(1908-1991)

*ADMITTED IN OHIO
AND FLORIDA
**ADMITTED IN OHIO,
NEW YORK AND THE
DISTRICT OF COLUMBIA
JAY B. EGGSPUEHLER, ESQ., LLC
***ADMITTED IN OHIO AND
PENNSYLVANIA

jccolombo@wileslaw.com

July 30, 2008

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Clerk of Council
Attn: Anne Clarke
City of Dublin
5200 Emerald Parkway
Dublin, Ohio 43017

Re: Notice of Annexation Petition Pursuant to R.C. §709.033

Dear Clerk of Council:

This office serves as agent for annexation petitioner BVH Associates. As agent, we are required by R.C. §709.033 to provide you notice that an annexation petition was filed on July 30, 2008 with the Franklin County Development Department. Attached to this correspondence is a true and accurate copy of the annexation petition.

The Franklin County Commissioners will vote upon whether to approve the annexation on October 7, 2008 at their 9 a.m. meeting. The meeting will be held in the County Commissioners' hearing room, 373 South High Street, 26th Floor, Columbus, Ohio, 43215. Please do not hesitate to contact me at (614) 221-5216 if you have any questions. Thank you.

Sincerely,



J. Corey Colombo

RECEIVED
AUG 1 2008
CITY OF DUBLIN
TAX DIVISION

Encl.

cc: Michael L. Close, Esq.
Jennifer D. Readler, Esq.

#202928

**PETITION FOR MAJORITY-OWNER ANNEXATION
(PURSUANT TO R.C. SECTION 709.02, ET. SEQ.)
TO THE CITY OF DUBLIN
OF 1.25 ACRES, MORE OR LESS
IN THE TOWNSHIP OF PERRY**

**TO THE BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, OHIO**

The undersigned, petitioners in the premises, and being ALL OWNERS OF REAL ESTATE in the territory described, consisting of 1.25 acres, more or less in the Township of Perry, and contiguous to the City of Dublin, do hereby pray that said territory be annexed to the City of Dublin, according to the statutes of the State of Ohio and that no island of unincorporated area will be created by this annexation.

A full and accurate description and a plat of said territory so prayed to be annexed are attached hereto and made part hereof.

In support of said Petition, your petitioner states that there is within the territory so prayed to be annexed ONE (1) OWNER OF REAL ESTATE.

Michael L. Close, Esq., Wiles Boyle Burkholder & Bringardner Co., LPA, whose address is 300 Spruce Street, 1st Floor, Columbus, Ohio 43215, is hereby appointed agent for the undersigned Petitioners, as required by Section 709.02 of the Revised Code of Ohio. Said agent is hereby authorized to make any amendment and/or deletion which in his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noted by the Franklin County Engineer in his examination of an amended plat and description to the Board of Commissioners on, before, or after the date set for hearing on this Petition.

SIGNATURE


NAME AND ADDRESS

BVH Associates LLC
6924 Riverside Drive
Dublin, Ohio 43017

DATE
7/18/08

Annexation Petition for 1.25+/- Acres
List of Land Owners as Required by R.C. 709.02(D)

LIST OF PARCELS WITHIN ANNEXATION AREA:

BVH Associates, LLC
6924 Riverside Drive
Dublin, OH 43017
Franklin Co. Parcel Nos. 212-000494 and 212-001246

LIST OF PARCELS ADJACENT TO ANNEXATION AREA:

Thomas Family LP
7780 Brock Road
Plain City, OH 43064
Franklin Co. Parcel No. 273-008247

Tuller Henderson LLC
1605 NW Professional Plaza
Columbus, OH 43220
Franklin Co. Parcel Nos. 273-009080 and 273-008244

City of Dublin
5200 Emerald Parkway
Dublin, OH 43017
Franklin Co. Parcel No. 273-011236



2740 East Main Street
Bexley, Ohio 43209-2577
(614) 235-8677
Telefax 235-4559
Email: info@myerssurveying.com

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
October 18, 2007
By BB Date 11/15/08

Approximately 1.25 Acres located in
Perry Township, Franklin County, Ohio,
to be Annexed to the City of Dublin, Ohio

Situated in the State of Ohio, County of Franklin, Township of Perry, in Quarter Township 2, Township 2, Range 19 United States Military Lands and being a part of the Original 1.820 Acre tract as conveyed to BVH Associates LLC in Instrument Number 199710080114699, Tracts I & II, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at the intersection of the north Right of Way of Tuller Road with the east Right of Way of Riverside Drive (State Route #257), at the northwest corner of the City of Dublin 0.365 Acre tract (Official Record Volume 19906 D-03) and at an angle point in an existing City of Dublin Corporation Line, as established by Ordinance Number 79-03, of record in Instrument Number 200309220301334, said Recorder's Office;

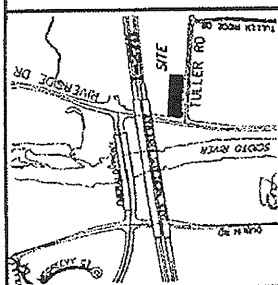
Thence, northerly, across said Original 1.820 Acre tract, along the east Right of Way of said Riverside Drive and along said Corporation Line (Ordinance Number 79-03), approximately 141 feet, to the intersection of said line with the north line of said Original 1.820 Acre tract, at an angle point in said Corporation Line (Ordinance Number 79-03) and in an existing City of Dublin Corporation Line, as established by Ordinance Number 14-65, of record in Miscellaneous Record 138, Page 617;

Thence, easterly, along the northerly line of said Original 1.820 Acre tract and along said Corporation Line (Ordinance Number 14-65), approximately 381 feet, to the northeast corner of said Original 1.820 Acre tract and being an angle point in said Corporation Line (Ordinance Number 14-65);

Thence, southerly, along the east line of said Original 1.820 Acre tract and along said Corporation Line (Ordinance Number 14-65), approximately 140 feet, to the north Right of Way of said Tuller Road, the northeast corner of said 0.365 Acre tract and an angle point in said Corporation Line (Ordinance Number 79-03);

Thence, westerly, along the north Right of Way of said Tuller Road, said Corporation Line (Ordinance Number 79-03) and along the north line of said 0.365 Acre tract, approximately 396 feet, to the place of beginning CONTAINING APPROXIMATELY 1.25 ACRES.

THE FOREGOING DESCRIPTION WAS PREPARED FROM RECORDS ONLY
AND IS TO BE USED FOR ANNEXATION PURPOSES ONLY.



Vicinity Map

Approximately 1.25 Acres located in Perry Township, Franklin County, Ohio, to be annexed to the City of Dublin, Ohio.

ANNEXATION
FLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By BB Date 1/15/08

Thomas Family LP
Parcel #273-008247

City of Dublin Corporation
Ord. No. 14-65 (Misc. rec. 138, Pg. 617)

(State Route #257)
± 141'

1.25 ACRES

Thomas Family LP
Parcel #273-008247

BVH Associates, LLC
(Instrument No. 1999-008014699)

Tract 4
1.0000 AC.
Parcel #272-001246

Tract 5
0.8200 AC.
Parcel #272-000049

PERRY, TWP.

Point of Beginning

City of Dublin
Ord. No. 79-03, Inst. No. 200309220301334

± 398'

Existing R/W

Tuller Road

Existing R/W

Tuller Associates, LLC
Parcel #273-008244

Tuller Associates, LLC
Parcel #273-008080

RECEIVED

JAN 14 2008

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

Legend

Area to be Annexed
Existing City of Dublin Corporation Lines

myersSurveying COMPANY

2740 East Main Street
Bexley, Ohio 43209-3577 info@myerssurveying.com

10-03-10/03/2008 310032007.sci X - 691

PRE-ANNEXATION AGREEMENT

This Pre-Annexation Agreement ("Agreement") is entered into on July 25, 2008, by and between BVH Associates LLC ("BVH") and the City of Dublin ("Dublin"), an Ohio municipal corporation, whose principal mailing address is 5200 Emerald Parkway, Dublin, Ohio 43017 (referred to collectively as "Parties").

RECITALS

WHEREAS, BVH owns certain real property located at 6924 Riverside Drive in Perry Township (the "Property"), being more fully described in the Franklin County Auditor's information attached as Exhibit "A" and incorporated herein; and

WHEREAS, the Property is located adjacent to and within the present corporate boundaries of Dublin; and

WHEREAS, BVH desires to annex its Property to Dublin in order to obtain municipal services to support the Property; and

WHEREAS, Dublin desires to annex the Property.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, and intending to be legally bound, the Parties hereby agree as follows:

1. Annexation: BVH is subject to the Perry Township and/or State of Ohio Building Codes and the Perry Township Zoning Code. At the time of execution of this Agreement, BVH is finalizing the building plans and will gain the necessary building permits and zoning approval from Perry Township and/or the State of Ohio as soon as is reasonably practical. BVH will submit an annexation petition, pursuant to Ohio Revised Code Section 709.02, to the Franklin County Commissioners within seven (7) days of obtaining the necessary building permits and zoning approval from Perry Township and/or the State of Ohio.

If BVH does not submit an annexation petition by that deadline, BVH agrees that the Dublin Law Director may act as BVH's appointed agent and file an annexation petition related to the Property. In that event, BVH will pay all legal costs and fees related to the annexation, including attorney fees and surveyor fees. Dublin waives its annexation filing fee for the Property as the annexation of the BVH Property will fill in an unincorporated area that is completely surrounded by the Dublin corporate limits. Dublin will accept the annexation of the Property.

2. Water and Sewer Services. The Property lies within the Exclusive Dublin Expansion Area. Upon the filing of the annexation petition, Dublin will provide access to water and sewer services to the site with BVH paying all costs of connecting to the water and sewer system.

3. Boundary Adjustment: It is Dublin's intent to file a petition for a boundary adjustment after the acceptance of the Property by City Council, which will result in the Property conforming to the Washington Township boundaries. Such action will practically result in the

exclusion of the Property from Perry Township's jurisdiction. Pursuant to Ohio Revised Code Section 709.19, Dublin must make reparations to Perry Township of a percentage of the Township taxes that would have been due the Township if annexation had not occurred in the amounts as follows:

Years 1 through 3	80.0%
Years 4 through 5	67.5%
Years 6 through 7	62.5%
Years 8 through 9	57.5%
Years 10 through 12	42.5%
After year 12	0%

BVH, its successors and assigns, hereby agree to compensate Dublin for all reparations payments Dublin is required to make to Perry Township. BVH, its successors and assigns, will pay any invoice presented to them by Dublin for such reparations within thirty (30) days of receipt of said invoice.

4. Right-of-Way Dedication: Dublin is planning to install a bikepath on the east side of Riverside Drive between Tuller Road and Emerald Parkway a portion of which will be located on the Property. In addition, Dublin is in the planning phases for a road improvement project on Emerald Parkway ("Emerald Parkway Phase 8") which will require BVH to convey right of way to Dublin. BVH, its successors and assigns agree to dedicate any right-of-way necessary for the bikepath and any other right-of-way dedication required by Dublin in conjunction with the Emerald Parkway Phase 8 project at no cost to Dublin, provided the total amount of right-of-way taken along the east side of Riverside Drive does not exceed approximately fifty (50) feet. The estimated right-of-way dedication is attached as Exhibit B.

5. Cooperative Development for Future Roadway Projects. The Parties agree to work jointly with regard to any future roadway development that occurs adjacent to the Property.

6. Landscaping. BVH agrees to bring the Property into compliance with the Dublin Landscaping Code to the extent reasonably possible and to the satisfaction of the Dublin Planning Staff within thirty (30) days after completion of all construction and site development on the Property. BVH also agrees to screen all dumpster areas.

7. Signs. BVH agrees to file a Corridor Development District sign application for all signs on the Property within thirty (30) days after completion of all building construction and site development on the Property. All signs will be installed within thirty (30) days after obtaining Dublin Planning and Zoning Commission approval.

8. Lot Combination. BVH agrees to combine the two lots that are the subject of the annexation within thirty (30) days after the execution of this agreement.

9. Council Action: The foregoing obligations and commitments by Dublin contained herein are contingent and shall be effective and enforceable only upon the approval of all necessary

legislation and/or motions by Council and the expiration of all referendum periods applicable thereto.

10. Successors and Assigns: This Agreement shall run with the land and be binding upon and inure to the benefit of the respective heirs, personal representatives, successors, transferees, and assigns of the parties hereto.

11. Amendments: This Agreement may be amended, modified, or changed only by a written agreement properly executed by Parties.

12. Applicable Law: This Agreement shall be governed by, construed, and interpreted in accordance with the ordinances and laws of Dublin, the State of Ohio and the United States, in that order.

13. Waiver. No delay or failure on the part of any party hereto in exercising any right, power, or privilege under this Agreement or under any other instruments given in connection with or pursuant to this Agreement shall impair any such right, power, or privilege or be construed as a waiver of any default or any acquiescence therein. No single or partial exercise of any such right, power, or privilege shall preclude the further exercise of such right, power, or privilege, or the exercise of any other right, power or privilege.

14. Severability. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable to any extent, such provision shall be enforced to the greatest extent permitted by law and the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

15. Entire Agreement. This Agreement constitutes the entire understanding of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings and agreements between the parties. This Agreement may be amended or modified only by a writing executed by the duly authorized officers of the parties hereto.

IN WITNESS WHEREOF, the undersigned have set their hand to duplicates hereof, on the day and year first above written.

BVH ASSOCIATES LLC

By: Robert A. Horan

Its: Partner

CITY OF DUBLIN
An Ohio Municipal Corporation

By: Jane S. Brautigam

Jane S. Brautigam

Its: City Manager