

**Review of Petition to Annex 13.675+/- acres from Sharon Township to the city of Westerville by Bruce E. Bailey.  
Case #ANX-EXP1-07-09  
(ECONOMIC DEVELOPMENT & PLANNING)**

**WHEREAS**, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Bruce E. Bailey, filed on May 11, 2009 and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Expedited 1 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 has met all the requirements set forth in, and was filed in the manner provided in, section 709.022 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 has an accurate legal description and map of the area to be annexed.
4. The township and the municipal corporation to which annexation is proposed have agreed to an Annexation Agreement passed by Sharon Township and the city of Westerville on March 4, 2009.

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 Westerville, 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 Westerville, Ohio.

Prepared by: R. Lee Brown  
C: Economic Development & Planning Department

**CERTIFIED TRUE COPY**  
By: R. Lee Brown Date: 5/29/09  
Franklin County Economic Development  
& Planning Department

SIGNATURE PAGE FOLLOWS

**SIGNATURE SHEET**

Resolution No. 0412-09

May 26, 2009

**REVIEW OF PETITION TO ANNEX 13.675+/- ACRES FROM SHARON  
TOWNSHIP TO THE CITY OF WESTERVILLE BY BRUCE E. BAILEY.  
CASE #ANX-EXP1-07-09**

**(Economic Development and  
Planning)**

Upon the motion of Commissioner Marilyn Brown, seconded by Commissioner John O'Grady:

**Voting:**

**Paula Brooks, President  
Marilyn Brown  
John O'Grady**

**Aye  
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**

Paula Brooks, President  
Marilyn Brown  
John O'Grady

**Economic Development & Planning Department**

James Schimmer, Director

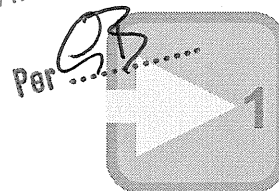
Application for

# Annexation Petition

Expedited Type 1

Consent of all parties

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MAY 11 2009



Property Information	
Site Address	8397 Cleveland Av. NW, Westerville, OH 43081
Parcel ID(s)	252-000002-00
From Township	Sharon
Total Acreage	13.675
To Municipality	Westerville

Property Owner Information	
Name	Abruzzi Club, Treasurer Joe Tiberi
Address	8397 Cleveland Ave. NW. Westerville, Ohio 43081
Phone #	
Fax #	
Email	

Attorney/Agent Information	
Name	Bruce E. Bailey
Address	33 E. Schrock Rd. Westerville, Ohio 43081
Phone #	(614) 882-2327
Fax #	(614) 882-5150
Email	bbailey@metzbailey.com

Staff Use Only
Case #
Journal date (next regular session):
Date filed:
Fee paid
Receipt #
<ul style="list-style-type: none"><li>Notifications not required</li><li>Service Ord. not required</li><li>Public hearing not required</li></ul>

5/26/09  
General  
Session

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 checked="" 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.		
Waiver included on Petition		
Property Owner	Date	Date

EXPEDITED TYPE 1 PETITION FOR ANNEXATION (SECTION 709.022)  
TO THE CITY OF WESTERVILLE  
OF 13.675 ACRES, MORE OR LESS  
IN THE TOWNSHIP OF SHARON

TO THE BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, OHIO

The undersigned, petitioners in the premises, and being all of the owners of real estate in the territory hereinafter described, consisting of 13.675 acres, more or less, with a total perimeter boundary of 3,644.61 lineal feet more or less, in the Township of Sharon, which area is contiguous along 1,825.61 lineal feet or 50.09% being adjacent to the City of Westerville, do hereby pray that said territory be annexed to the City of Westerville according to the statutes of the State of Ohio.

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

In support of said Petition, your petitioners state that there are within the territory so prayed to be annexed one (1) owner of real estate.

Bruce E. Bailey, Esquire whose address is 33 E. Schrock Road, Westerville, Ohio 43081, 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 the petition and plat. Said amendment shall be made by the presentation of an amended plat and description to the Board of County Commissioners on, before, or after the date set for hearing, on this petition.

**WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.**

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MAY 11 2009  
Per *GB*

EXPEDITED TYPE 1 PETITION FOR ANNEXATION (SECTION 709.022)  
TO THE CITY OF WESTERVILLE  
OF 13.675 ACRES, MORE OR LESS  
IN THE TOWNSHIP OF SHARON

NAME

ADDRESS

DATE

David R. Kreuzer  
Abruzzi Club  
David Kreuzer, President

8397 Cleveland Ave NW

2 March 07

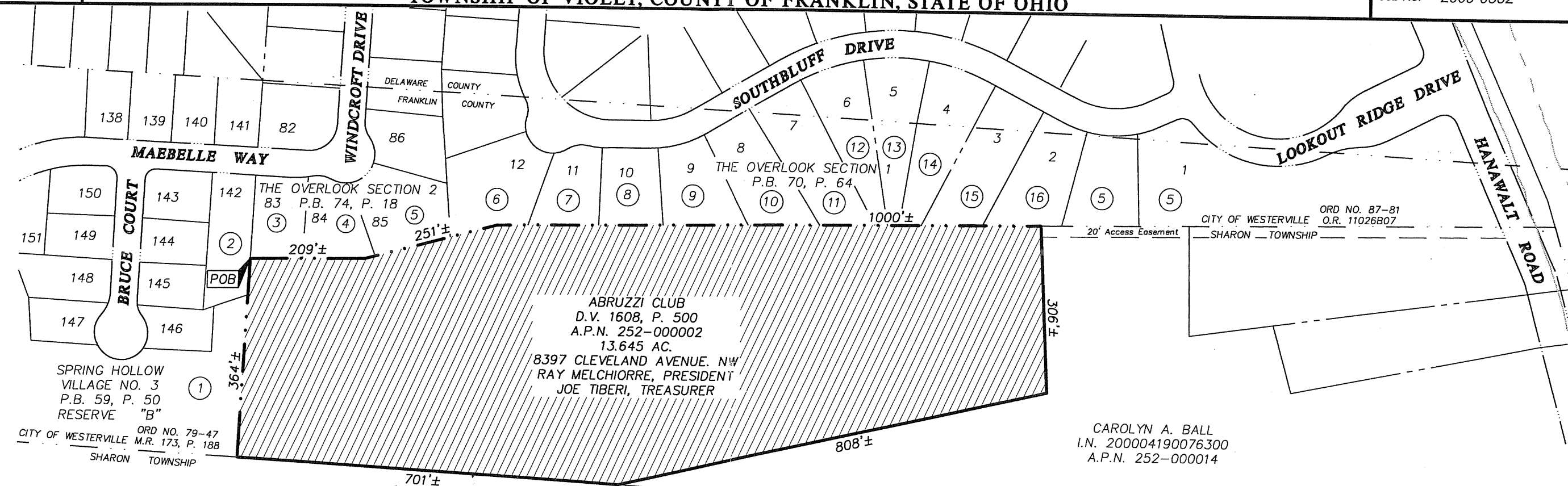


Evans, Mechwart, Hambleton & Tilton, Inc.  
Engineers • Surveyors • Planners • Scientists  
5500 New Albany Road, Columbus, OH 43054  
Phone: 614.775.4500 Fax: 614.775.4800

M C M X X V I

PROPOSED ANNEXATION OF 13+/- ACRES  
FROM SHARON TOWNSHIP TO  
THE CITY OF WESTERVILLE  
LOT 9, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 18  
UNITED STATES MILITARY LANDS  
TOWNSHIP OF VIOLET, COUNTY OF FRANKLIN, STATE OF OHIO

Date: April 17, 2009  
Scale: 1" = 200'  
Job No: 2009-0332



ANNEXATION  
PLAT & DESCRIPTION  
ACCEPTABLE  
DEAN C. RINGLE, P.E., P.S.  
FRANKLIN COUNTY ENGINEER  
By DR Date 4/23/09

SAMUEL K. BIGHAM, TR. ETAL  
I.N. 200310240341778  
I.N. 200310240341779  
A.P.N. 252-001354

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APR 23 2009

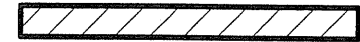
Franklin County Engineer  
Dean C. Ringle, P.E., P.S.

NOTE:  
This exhibit was prepared using documents  
of record, and is not to be used for deed  
transfer.

EXISTING CITY OF WESTERVILLE CORP. LINE

PROPOSED CITY OF WESTERVILLE CORP. LINE

AREA TO BE ANNEXED

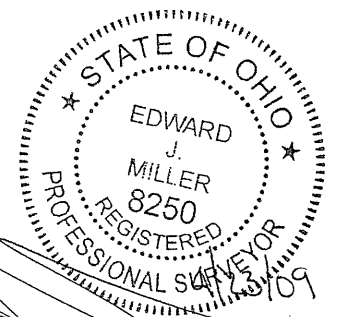


CONTIGUITY NOTE:  
Total perimeter of annexation area is 3639  
feet, of which 1824 feet is contiguous with  
the City of Westerville, giving 50%  
contiguity.

- |   |  |
|---|--|
| ① SPRING VALLEY VILLAGE ASSOCIATION, INC. | ⑨ DEBORAH J. PAOLINI                           |
| ② BARRY L. AND DORINDA G. CRABB           | ⑩ JOHN L. TODD AND SALVATORE J. DAGOSTINO, JR. |
| ③ NORMA MARTINA                           | ⑪ DAVID R. AND REBECCA H. JAHN                 |
| ④ CHRISTOPHER J. AND KIMBERLY A. BROOKS   | ⑫ FRANK T. JR. AND KATHERINE G. CANNON         |
| ⑤ JACQUELINE D. FULLERTON                 | ⑬ LYNDA K. HALL                                |
| ⑥ HOWARD J. AND SHERLY K. KLEIN, TRS.     | ⑭ MICHAEL AND ELISA D. FITZMARTIN              |
| ⑦ JANE A. KLENK, TR.                      | ⑮ JAMES R. AND JANET G. ARTHUR, TRS.           |
| ⑧ DAVID J. AND JENNIFER G. SPEAS          | ⑯ SATISH R. AND KALPNA S. DESAI                |



GRAPHIC SCALE  
(IN FEET)



By [Signature]  
Professional Surveyor No. 8250

**PROPOSED ANNEXATION  
13± ACRES**

**ANNEXATION  
PLAT & DESCRIPTION  
ACCEPTABLE  
DEAN C. RINGLE, P.E., P.S.  
FRANKLIN COUNTY ENGINEER**  
By 3B Date 4/23/09

**FROM: SHARON TOWNSHIP**

**TO: CITY OF WESTERVILLE**

Situated in the State of Ohio, County of Franklin, Township of Sharon, located in Lot 9, Quarter Township 1, Township 2, Range 18, United States Military Lands, being all of that tract as conveyed to Abruzzi Club by deed of record in Deed Volume 1608, Page 500 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

BEGINNING in at a southwesterly corner of Lot 83 of that subdivision entitled "The Overlook Section 2" of record in Plat Book 74, Page 18, an easterly line of Lot 142 of that subdivision entitled "Spring Hollow Village No. 3" of record in Plat Book 59, Page 50, being an angle point in the existing City of Westerville Corporation Line, as established by Ordinance Number 87-81, of record in Official Record 11026B07;

thence with said existing City of Westerville Corp. line, the following courses and distances:

with the southerly line of Lots 83 and 84, a distance of approximately 209 feet to a point;

with the southerly line of Lots 84 and 85 and Lot 12 of "The Overlook Section 1", a distance of approximately 251 feet to a point;

with the southerly line of said Lot 12 and the southerly line of Lots 11, 10, 9, 8, 7, 6, 5, 4, 3, and 2 of said "The Overlook Section 1", a distance of approximately 1000 feet to a northwesterly corner of that tract conveyed to Carolyn A. Ball of record in Instrument Number 200004190076300;

thence with the westerly line of said Carolyn A. Ball tract, a distance of approximately 306 feet to a corner thereof;

thence with a northwesterly line of said Carolyn A. Ball tract, a distance of approximately 808 feet to a point in the northerly line of that tract conveyed to Samuel K. Bigam, Trustee, etal by deeds of record in Instrument Number 200310240341778 and Instrument Number 200310240341779;

thence with the northerly line of said Samuel K. Bigam, Trustee, etal tract, a distance of approximately 701 feet to a southeasterly corner of Reserve "B" of said "Spring Hollow Village No. 3", being an angle point in the existing city of Westerville Corporation Line as established by Ordinance Number 79-47, of record in Miscellaneous Record 173, Page 188;



Clerk of Council's Office

## CERTIFICATE

I, Mary J. Johnston, Clerk of Council for the City of Westerville, Ohio, and in whose custody of Files and Records of said Council are required by the Laws of State of Ohio do hereby certify that the foregoing is a true and correct copy of

**ANNEXATION AGREEMENT BETWEEN THE BOARD OF  
TRUSTEES OF SHARON TOWNSHIP AND THE CITY OF  
WESTERVILLE**

entered into on the 4<sup>th</sup> day of March, 2009.

  
Mary J. Johnston, MMC  
Clerk of Council

Date: March 18, 2009

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MAY 11 2009  
Per 



## ANNEXATION AGREEMENT

This Annexation Agreement is entered into this 4 day of March, 2009, by and between THE BOARD OF TRUSTEES OF SHARON TOWNSHIP, a duly established and operating township under the laws of the State of Ohio (hereinafter "Township"), and THE CITY OF WESTERVILLE, an Ohio municipal corporation (hereinafter "City").

WHEREAS, to the extent consistent with the wishes of a Township landowner, the Township and the City wish to cooperate in facilitating annexation of certain territory of the Township to the City while also ensuring that the removal of such territory from the Township does not adversely affect the revenues of the Township; and

WHEREAS, such territory is set forth on the map attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, this Agreement shall serve as an annexation agreement for purposes of Section 709.192 of the Ohio Revised Code;

NOW, THEREFORE, in consideration of one dollar and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties hereto, the Township and the City hereby agree as follows:

Section 1. If the landowner of land within the territory set forth on the map attached as Exhibit A petitions for annexation to City, the Township hereby consents to annexation of such area. The Township and the City agree to cooperate fully and in good faith with each other to achieve successful annexation of such lands within the subject territory.

Section 2. The Township and the City acknowledge and agree that this Agreement is intended to and shall serve as an annexation agreement pursuant to O.R.C. §709.022.

Section 3. The Township and the City acknowledge and agree that the City will undertake the necessary process to change the Township's boundaries under the procedures

described in Chapter 503 of the Revised Code to exclude the subject territory described in the map attached as Exhibit A from the Township.

Section 4. The parties acknowledge that the landowner of the territory to be annexed paid real property taxes to the Township in the amount of \$914.27 for tax year 2008. Pursuant to Section 724.192 of the Ohio Revised Code, the City and the Township agree that, as an alternative to the statutory reparation payments described in Section 709.19 of the Ohio Revised Code, the City shall make annual payments in the amount of \$457.19 to the Township as compensation for lost property tax. Such annual payments shall be made for a period of six (6) years, commencing in 2010. The annual payments shall be made on or before April 1 of each year (2010-2015).

IN WITNESS WHEREOF, the parties have executed this Agreement on this 4 day of March, 2009.

BOARD OF TRUSTEES OF  
SHARON TOWNSHIP

By: John H. Obenla  
Chairman, Board of Trustees

CITY OF WESTERVILLE

By: David A. Collinsworth  
David A. Collinsworth, City Manager