

**Review of Petition to Annex 7.3 +/- acres from Brown Township to the city of Hilliard by Thomas F. Kibbey, Esq. Case #ANX-EXP2-16-09 (ECONOMIC DEVELOPMENT & PLANNING)**

**WHEREAS**, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Thomas F. Kibbey, Esq. filed on behalf of the Board of Education of the Hilliard City School District on September 3, 2009 and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Expedited Type 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 resolution #09-R-35, passed on September 14, 2009 by the city of Hilliard.

**CERTIFIED TRUE COPY**

By: L. Lee Brown Date: 10/7/09

Franklin County Economic Development  
& Planning Department

**Review of Petition to Annex 7.3 +/- acres from Brown Township to the city of Hilliard by Thomas F. Kibbey, Esq. Case #ANX-EXP2-16-09 (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 Hilliard, 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 Hilliard, Ohio.

Prepared by: Benjamin Weiner

C: Economic Development & Planning Department

## SIGNATURE SHEET

Resolution No. 0788-09

October 06, 2009

**REVIEW OF PETITION TO ANNEX 7.3 +/- ACRES FROM BROWN TOWNSHIP  
TO THE CITY OF HILLIARD BY THOMAS F. KIBBEY, ESQ. CASE #ANX-EXP2-  
16-09**

**(Economic Development and  
Planning)**

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

**Voting:**

<b>Paula Brooks, President</b>	<b>Aye</b>
<b>Marilyn Brown</b>	<b>Aye</b>
<b>John O'Grady</b>	<b>Aye</b>

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 2  
Pursuant to ORC §709.023

RECEIVED

SEP - 3 2009



Property Information	
Site Address 2494 Walker Road, Hilliard, OH 43026	
Parcel ID(s) 120-000151; 120-000438; 120-000456	Total Acreage 7.3 acres
From Township Brown	To Municipality Hilliard

Property Owner Information	
Name BOARD OF EDUCATION OF THE HILLIARD CITY SCHOOL DISTRICT	
Address 5323 Cemetery Road Hilliard, OH 43026	
Phone # (614) 771-4273	Fax # (614) 771-6965
Email Tim_Hamilton@hboe.org	

Attorney/Agent Information	
Name Thomas F. Kibbey	
Address 2000 Huntington Center, 41 South High Street Columbus, OH 43215	
Phone # (614) 365-2718	Fax # (614) 365-2499
Email tkibbey@ssd.com	

Staff Use Only
Case # ANY-B42 1/6-09
Hearing date: 10/6/09
Date filed: 9/3/09
Fee paid 150.00
Receipt # 6897
Notifications deadline: 5 days
Svc statement deadline: 20 days

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.

Board of Education of the Hilliard City

School District

By: Tim Hamilton

Property Owner

9-2-09

Date

[Signature]

Property Owner

9/2/09

Date

(A) Franklin County Commissioners  
Parcel 1-WD2  
1.703 Acres  
O.R. 34742 C19

(B) Franklin County Commissioners  
Parcel 5-WD  
0.373 Acres  
Inst. No. 199708270078878

(C) Franklin County Commissioners  
Parcel 6-WD  
0.754 Acres  
Inst. No. 199708270078876

(D) Franklin County Commissioners  
Parcel 7-WD  
0.184 Acres  
O.R. 34126 E02

(E) Franklin County Commissioners  
Parcel 9-WD  
1.600 Acres  
O.R. 34126 D19

Richard A. Emmelhainz  
20.869 Acres  
Inst. No. 200612290257839  
Parcel No. 120-000669

Board of Trustees of  
Brown Township  
1.846 Acres  
D.B. 2933, PG. 670  
Parcel No. 120-000516 (D)

(F) Scioto-Darby Local Board  
of Education  
2.481 Acres  
D.B. 2728, Pg. 404  
Parcel No. 120-000456

(G) The Board of Education of Brown Rural  
School District, Franklin County, Ohio  
2.567 Acres  
D.B. 970, Pg. 197  
D.B. 971, Pg. 228  
Parcel No. 120-000151

Board of Education of the  
Hilliard City School District  
Original 119.525 Acres  
Inst. No. 200607210143410  
053-000005 (Current)  
120-000075 (Historic)

Existing City of Hilliard  
Corporation Line  
Ord. No. 09-02  
Inst. No. 200903160036425

POINT OF BEGINNING

EASTERLY  
162'±

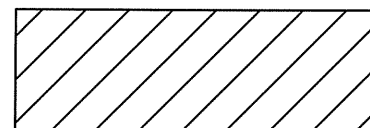
Margaret L. Schreck et al  
56.806 Acres  
D.B. 2618, Pg. 15  
D.B. 2967, Pg. 71  
Inst. No. 199908020195422  
Inst. No. 199909030226776  
Inst. No. 199910010247544

Parcel No. 120-000106

Existing City of Hilliard  
Corporation Line

Proposed City of Hilliard  
Corporation Line

Area to be Annexed



RECEIVED

AUG 24 2009

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

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

By *RR* Date 8/21/09



Richard A. McGrath and Sherrie L. McGrath  
35.740 Acres  
Inst. No. 200411220267217  
Parcel No. 120-000141

(H) The Board of Education of Scioto-Darby  
Local School District  
2.225 Acres  
D.B. 2661, Pg. 545  
Parcel No. 120-000438

RECEIVED

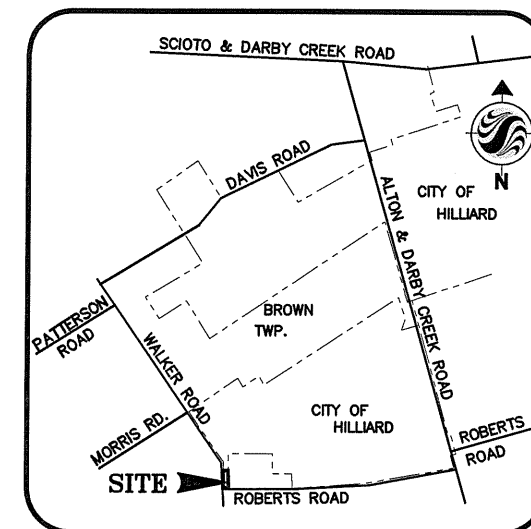
SEP - 3 2009

Per *RR*



SCALE IN FEET

LEGEND



VICINITY MAP  
(NOT TO SCALE)

# NOTES

1. The total perimeter of the area to be annexed is 2382 feet, of which 247 feet is a continuous contiguous boundary with the existing City of Hilliard corporation line giving a 10% of contiguity.
2. This Annexation does not create islands of unincorporated areas within the limits of the area to be annexed.

## PROPOSED ANNEXATION

7.3± ACRES

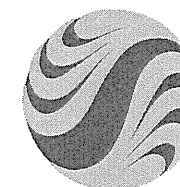
BROWN TOWNSHIP TO CITY OF HILLIARD

SITUATE IN

STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF BROWN  
VIRGINIA MILITARY SURVEY 6637

Scale: 1 inch = 200 Feet

PREPARED BY:



1500 LAKE SHORE DRIVE  
SUITE 100  
COLUMBUS, OHIO 43204  
(614) 486-4383 1-800-340-2743  
FAX (614) 486-4387

Stantec

STANTEC CONSULTING SERVICES, INC.

*Tim Baker* 8-21-09

Tim A. Baker

Date

Professional Surveyor No. 7818

Copyright Reserved  
The Contractor shall verify and be responsible for all dimensions. DO  
Not scale the drawing - any errors or omissions shall be reported to  
Stantec without delay.  
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Stantec is forbidden.



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AUG 24 2009

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

ANNEXATION  
PLAT & DESCRIPTION  
ACCEPTABLE  
DEAN C. RINGLE, P.E., P.S.  
FRANKLIN COUNTY ENGINEER  
By DR Date 8/27/09

**PROPOSED ANNEXATION OF 7.3 ACRES +/-**

**IN BROWN TOWNSHIP, FRANKLIN COUNTY, OHIO  
TO THE CITY OF HILLIARD**

Situated in the State of Ohio, County of Franklin, Township of Brown and lying in Virginia Military Survey Number 6637, being all of the 2.481 acre tract conveyed to Scioto-Darby Local Board of Education by deed of record in Deed Book 2728, Page 404, all of the 2.567 acre tract conveyed to The Board of Education of Brown Rural School District, Franklin County, Ohio by deed of record in Deed Book 970, Page 197 and Deed Book 971, Page 228, and all of the 2.225 acre tract conveyed to The Board of Education of Scioto-Darby Local School District by deed of record in Deed Book 2661, Page 545, (all records of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

**BEGINNING** at an angle point in the existing City of Hilliard Corporation Line as established by Ordinance Number 09-02 of record in Instrument Number 200903160036425, being the southeasterly corner of an original 119.525 acre tract conveyed to the Board of Education of the Hilliard City School District by deed of record in Instrument Number 200607210143410, a common corner to said 2.225 acre and said 2.481 acre tracts, and a 56.806 acre tract conveyed to Margaret L. Schreck, et al by deed of record in Deed Books 2618, Page 15 and 2967, Page 71, Instrument Numbers 199908020195422, 199909030226776, and 199910010247544;

Thence **EASTERLY**, a distance of 162 feet, more or less, along a line common to said 56.806 acre and 2.481 acre tracts, to a point at the northeasterly corner of said 2.481 acre tract;

Thence **SOUTHERLY**, a distance of 780 feet, more or less, along a line common to said 56.806 acre and 2.481 acre tracts, to a point in the northerly right-of-way line of Roberts Road, being 40 feet north of the centerline, and the northeasterly corner of a 0.754 acre tract (Parcel 6-WD) conveyed to Franklin County Commissioners by deed of record in Instrument Number 199708270078876;

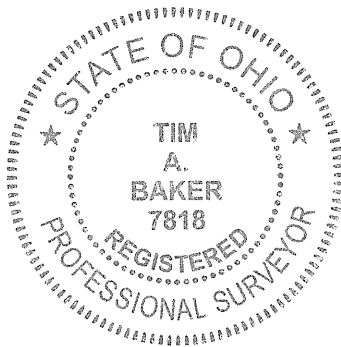
Thence **WESTERLY**, a distance of 411 feet, more or less, along the northerly right-of-way line of said Roberts Road and said 0.754 acre tract (Parcel 6-WD) to a point at the intersection with the easterly right-of-way line of Walker Road, being 40 feet east of the centerline of said Walker Road;

Thence **NORTHERLY**, a distance of 661 feet, more or less, along the easterly right-of-way line of said Walker Road, a line common to said 0.754 acre tract (Parcel 6-WD) and a 0.373 acre tract (Parcel 5-WD) conveyed to Franklin County Commissioners by deed of record in Instrument Number 199708270078878 to a angle point;

Thence NORTHERLY, a distance of 121 feet, more or less, continuing along the easterly right-of-way line of said Walker Road and said 0.373 acre tract (Parcel 5-WD) to an angle point in the said existing City of Hilliard Corporation Line;

Thence EASTERLY, a distance of 247 feet, more less, along the said existing City of Hilliard Corporation Line to the **POINT OF BEGINNING**, containing 7.3 acres more or less, all lying in Brown Township.

This description is for annexation purposes only, and is not intended for transfer of real property.



STANTEC CONSULTING SERVICES INC.

*Tim Baker* 8-21-09  
Tim A. Baker Date  
Professional Surveyor No. 7818

RECEIVED

SEP - 3 2009

Per *GB* .....

I, Lynne M. Fasone Clerk of Council hereby certify that the foregoing is a true copy of Resolution 09-R-35 duly adopted by the Council of the City of Hilliard the 14th day of September, 2009

RECEIVED

SEP 16 2009

'09 SEP 16 PM 3:35

Resolution  
of the  
City of Hilliard, Ohio

Lynne M. Fasone  
Clerk of Council  
City of Hilliard

Resolution No. 09-R-35  
Franklin County Planning Department  
Franklin County, Ohio

Page 1 of 2

Adopted: September 14, 2009

**A RESOLUTION INDICATING WHAT SERVICES THE CITY OF HILLIARD WILL PROVIDE TO THE 7.3 ACRES ± LOCATED IN BROWN TOWNSHIP, FRANKLIN COUNTY, OHIO, UPON ANNEXATION TO THE CITY, AND TO PROVIDE FOR BUFFER REQUIREMENTS.**

WHEREAS, on September 3, 2009, pursuant to Ohio Revised Code Section 709.023, the property owner seeking the annexation of 7.3 acres ± of real property in Brown Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of its property to the City of Hilliard with the Board of County Commissioners of Franklin County, Ohio, a copy of which is attached hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

WHEREAS, Ohio Revised Code Section 709.023(C) provides that within twenty days after the date that the petition is filed, the municipal corporation to which annexation is sought shall adopt a Resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services; and

WHEREAS, Ohio Revised Code Section 709.023(C) also provides that within that same twenty day period, a municipal corporation shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that if the municipality corporation's zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township from which the territory was annexed, the municipal corporation shall 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 the township.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** In the event that the proposed 7.3 acres ± (the "Property") is annexed to the City of Hilliard, Ohio, the City will provide to the Property the full range of municipal services available to the residents of, and to the property within, the City of Hilliard, including but not limited to police protection, mayor's court, public works and street maintenance, residential refuse collection, planning, building, zoning and engineering services, and parks and recreation, all of which can be provided immediately upon the effective date of the annexation as provided by law. Should it be determined that as a result of the annexation, the boundary line between the township and the City divides or segments a street or highway so as to create a road maintenance problem the City, as a condition of the annexation, shall assume the maintenance of that street or highway or otherwise correct the problem.




**SECTION 2.** The County Commissioners have previously requested information on the status of water and sewer services to and within suburbs of the City of Columbus. The proposed annexation area is included within the boundaries of the area of the City of Hilliard's Water Service Contract and Sewerage Contract with the City of Columbus and those services are provided in accordance with the terms and conditions of those contracts. The City of Hilliard shall be under no obligation to extend water or sewer lines to any of the Property at the cost of the City or in contravention of the contracts.

**SECTION 3.** If the Property is annexed and becomes subject to the City of Hilliard zoning and the City zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under applicable county or township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexed territory remaining in the unincorporated area of Brown Township, then the City of Hilliard will require the owner or owners of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Brown Township.

**SECTION 4.** The Clerk of Council is hereby directed to forward and file certified copies of this Resolution with the Franklin County Board of County Commissioners and to send a copy to the Agent for the Petitioners for annexation within twenty days following the date that the petition was filed.

**SECTION 5.** This Resolution shall become effective upon its adoption.

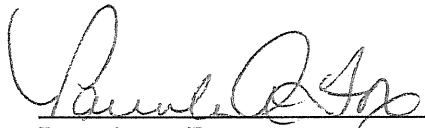
**ATTEST:**

  
Lynne M. Fasone  
Clerk of Council

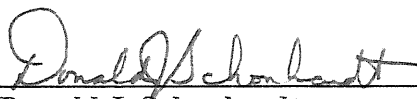
**SIGNED:**

  
Brett A. Sciotto  
President of Council

**APPROVED AS TO FORM:**

  
Pamela A. Fox  
Director of Law

**APPROVED:**

  
Donald J. Schonhardt  
Mayor

09-R-35

Vote:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>
President Sciotto	✓		
Vice President Uttley	✓		
Ashenhurst	✓		
Iosue	✓		
McGivern	✓		
Nichter	✓		
Roberts	✓		
Results:	7	0	0



Commissioners  
Paula Brooks, President  
Marilyn Brown  
John O'Grady

Economic Development & Planning Department  
James Schimmer, Director

Exhibit A to 09-R-35

Application for

# Annexation Petition

Expenditure type 2

RECEIVED

SEP - 3 2009

Per *OR* 2

## Property Information

Site Address 2494 Walker Road, Hilliard, OH 43026	
Parcel ID(s) 120-000151; 120-000438; 120-000456	Total Acreage 7.3 acres
From Township Brown	To Municipality Hilliard

## Property Owner Information

Name BOARD OF EDUCATION OF THE HILLIARD CITY SCHOOL DISTRICT	
Address 5323 Cemetery Road Hilliard, OH 43026	
Phone # (614) 771-4273	Fax # (614) 771-6965
Email Tim_Hamilton@hboe.org	

## Attorney/Agent Information

Name Thomas F. Kibbey	
Address 2000 Huntington Center, 41 South High Street Columbus, OH 43215	
Phone # (614) 365-2718	Fax # (614) 365-2499
Email tkibbey@ssd.com	

## Staff Use Only

Case # <i>ANX-EXPR</i> <i>16-09</i>
Hearing date: <i>10/6/09</i>
Date filed: <i>9/3/09</i>
Fee paid <i>250.00</i>
Receipt # <i>6897</i>
Notifications deadline: 5 days
Svc statement deadline: 20 days

## Document Submission

The following documents must accompany this application on letter-sized 8 1/2" x 11" paper:

- ☒ Legal description of property
- ☒ Map/plat of property
- ☒ 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.

Board of Education of the Hilliard City

School District

By

*Tim Hamilton*  
Property Owner

Date

*9-2-09*

*[Signature]*  
Property Owner

Date

*9/2/09*

**RECEIVED**

AUG 24 2009

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

ANNEXATION  
PLAT & DESCRIPTION  
ACCEPTABLE  
DEAN C. RINGLE, P.E., P.S.  
FRANKLIN COUNTY ENGINEER  
By BB Date 8/27/09

**PROPOSED ANNEXATION OF 7.3 ACRES +/-**

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TO THE CITY OF HILLIARD**

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STANTEC CONSULTING SERVICES INC.

*Tim Baker* 8-21-09  
\_\_\_\_\_  
Tim A. Baker Date  
Professional Surveyor No. 7818

(A) Franklin County Commissioners  
Parcel 1-WD2  
1.703 Acres  
O.R. 34742 C19

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Parcel 6-WD  
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(E) Franklin County Commissioners  
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Board of Trustees of  
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1.846 Acres  
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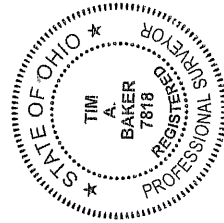
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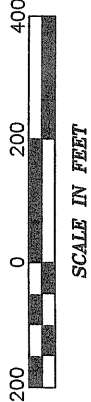
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Parcel No. 120-000438

ANNEXATION  
FLAT & DESCRIPTION  
ACCEPTABLE  
DEAN C. RINGLE, P.E., P.S.  
FRANKLIN COUNTY ENGINEER  
Date: 8/11/09



AUG 24 2009  
Franklin County Engineer  
Dean C. Ringle, P.E., P.S.

RECEIVED



LEGEND

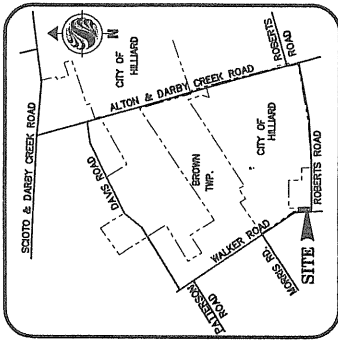
Existing City of Hilliard  
Corporation Line  
Proposed City of Hilliard  
Corporation Line  
Area to be Annexed



POINT OF BEGINNING

Board of Education of the  
Hilliard City School District  
Original 119.525 Acres  
Inst. No. 200607210143410  
053-000005 (Current)  
120-000075 (Historic)  
City of Hilliard  
Brown Township  
Existing City of Hilliard  
Corporation Line  
Ord. No. 09-02  
Inst. No. 200903180036425

Margaret L. Schreck et al  
56.806 Acres  
D.B. 2618, PG. 15  
D.B. 2967, PG. 71  
Inst. No. 199908020195422  
Inst. No. 199909030226776  
Inst. No. 199910010247544  
Parcel No. 120-000106



VICINITY MAP  
(NOT TO SCALE)

- NOTES
1. The total perimeter of the area to be annexed is 2382 feet, of which 247 feet is a contiguous boundary with the existing City of Hilliard corporation line giving a 10% of contiguity.
  2. This Annexation does not create islands of unincorporated areas within the limits of the area to be annexed.

PROPOSED ANNEXATION  
7.3± ACRES

BROWN TOWNSHIP TO CITY OF HILLIARD  
SITUATE IN

STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF BROWN  
VIRGINIA MILITARY SURVEY 6637

Scale: 1 inch = 200 Feet

PREPARED BY:



1500 LAKE SHORE DRIVE  
SUITE 100  
COLUMBUS, OHIO 43204  
(614) 466-4363 1-800-840-9743  
FAX (614) 466-4307

Stantec

STANTEC CONSULTING SERVICES, INC.

Tim A. Baker  
Professional Surveyor No. 7818  
Date: 8-21-09

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