

Review of Petition to Annex 11.457 +/- acres from Prairie Township to the city of Columbus by Larry Clarke. Case #ANX-EXP2-18-09 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Larry Clarke filed on behalf of James M. Phillippi et al and James M. Phillippi Trust on September 25, 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 ordinance #1188-09, passed on September 14, 2009 by the city of Columbus.

CERTIFIED TRUE COPY

By: Anna Thomas Date: 11/2/09

Franklin County Economic Development
& Planning Department

Review of Petition to Annex 11.457 +/- acres from Prairie Township to the city of Columbus by Larry Clarke. Case #ANX-EXP2-18-09 (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 Columbus, 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 Columbus, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0843-09

October 27, 2009

REVIEW OF PETITION TO ANNEX 11.457 +/- ACRES FROM PRAIRIE TOWNSHIP TO THE CITY OF COLUMBUS BY LARRY CLARKE. CASE #ANX-EXP2-18-09

(Economic Development and Planning)

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

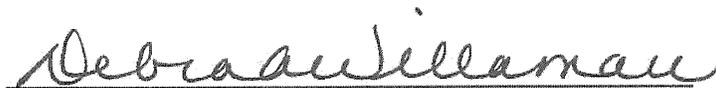
Voting:

Paula Brooks, President	Aye
Marilyn Brown	Aye
John O'Grady	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 2

RECEIVED

SEP 25 2009

Per... DAM.....

2

Property Information	
Site Address 1189 HILLIARD-ROME ROAD, COLUMBUS, OH 43228	
Parcel ID(s) 570-181731, 570-150021 240-001790, 570-100664	Total Acreage 11.457
From Township PRAIRIE	To Municipality COLUMBUS

Property Owner Information	
Name JAMES M. PHILLIPPI et al and JAMES M. PHILLIPPI TRUST	
Address 6229 FEDER ROAD COLUMBUS, OH 43228	
Phone # (614) 204-4545 (614) 878-2585	Fax # (614) 878-1768
Email	

Attorney/Agent Information	
Name LARRY CLARKE	
Address c/o CORUM REALTY 1335 DUBLIN ROAD, SUITE 201-D COLUMBUS, OH 43215	
Phone # (614) 487-8424	Fax # (614) 487-8404
Email LCLARKE@CORUM-REALTY.COM	

Staff Use Only	
Case # ANX 18-09	
Hearing date: 10-27-09	
Date Recd: 9-25-09	
Fee paid 250.00	
Receipt # 6917	
Notifications deadline: 5 days 9-22-09	
Svc statement deadline: 20 days 10-14-09	

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/plot of property
<input checked="" type="checkbox"/>	List of adjacent properties

Waiver of Right to Appeal	
<p>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.</p>	
<p><i>James M. Phillippi Revoc. Trust</i> Property Owner JAMES M. PHELLIPPI REVOCABLE TRUST</p>	<p><i>James M. Phillippi</i> Property Owner JAMES M. PHELLIPPI</p>
Date 6-11-09	Date 6-11-09

Economic Development · Community Development
150 South Front Street, PSL Suite 10, Columbus, Ohio 43215
Tel: 614-462-5631
Fax: 614-462-4876
www.FranklinCountyOhio.gov

Planning · Zoning · Building
Planning & Zoning Tel: 614-462-3094
Building Permits Tel: 614-462-3166
Fax: 614-462-7155

December 23, 2008

Description of
Proposed Annexation
of Real Property
which compromise a total of
11.457 acres of Land
to the City of Columbus, Ohio
from Prairie Township, Franklin County, Ohio

Situated in the Township of Prairie, County of Franklin, State of Ohio and being part of Virginia Military Survey Numbers 4184,6641, and 7065 and being all of a 11.217 acre tract conveyed to James Michael Phillippi et.al.5 parcel of record in Deed Book 1910 Page 471 and James Michael Phillippi Trust recorded in Instrument Number 200204230102502; and a portion of Yellow Equipment & Terminals 20.695 acre tract a parcel of record in Deed Book-3111 Pg-220; and a portion of Yellow Equipment and Teminals 1.322 acre tract a parcel of record in Deed Book- 3188 Pg- 496; and a portion of Yellow Freight Systems Inc. 10.26 acre tract a parcel of record in Official Record 6564-F-16 and Official Record 9361-I-04; of the office of Robert Montgomery, the Recorder of Franklin County, Ohio;

Commencing at a point in the existing corporation line of the City of Columbus, Ordinance Number 83-98 as recorded in Instrument Number 199803310074136, which is the northwest corner of Brynhaven Development Corporation 14.782 acre recorded in OR-34850-G-07, the southwest corner of said 11.217 acre tract, in the east line of the State of Ohio 2.361 acre DB-2990 Pg-257, the True Point of Beginning;

Thence Northeasterly, along the easterly line of said State of Ohio 2.361 acre tract and the existing Corporation line of The City of Columbus Ordinance Number 1717-00 recorded in Instrument Number 200009270196263, the following 7 courses;

Thence Northeasterly, 120 feet +/- to a point;

Thence Northeasterly, 278 feet +/- to a point;

Thence Northeasterly, 242 feet +/- to a point;

Thence Northeasterly, 294 feet +/- to a point;

Thence Northeasterly, 415 feet +/- to a point;

Thence Southwesterly, 35 feet +/- to a point;

Thence Southeasterly, 75 feet +/- to a point in the westerly right of way in Hilliard-Rome Road East, the existing Corporation Line of The City of Columbus Ordinance Number 1-68 recorded in Miscellaneous Records 144 Pg 381;

Thence Southwesterly, with said right of way and corporation line 492 feet +/-, to a point in the southerly right of way of Old Fischer Road;

Thence Southeasterly, 10 feet +/-, with said south right of way and corporation line to a point in the east right of way line of Hilliard-Rome Road East, at the northwest corner of the City of Columbus Ordinance Number 743-66, recorded in Miscellaneous Records 140 Pg- 450;

Thence Southwesterly, 21 feet +/-, with said right of way and corporation line to a point at the northeast corner of Columbus Corporation line Ordinance Number 83-98, recorded in Instrument Number 199803310074136;

Thence Northwesterly, 30 feet, with said corporation line to a point in the Centerline of Hilliard-Rome Road East, the northeast corner of said 14.782 acre tract;

Thence Southwesterly, 1020 feet+/-, with the north line of said 14.782 acre tract and said corporation line to the place of beginning;

Together with and subject to covenants, easements, and restrictions of record.

Said property to contain 11.457 acres in Franklin County, Ohio, more or less.

This description was prepared by Louis Haines Surveyors in November of 2008 based of available records for the sole purpose of annexing the described parcels to the City of Columbus, Ohio.

**ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER**
By B.B./KRL Date 4/13/09



City of Columbus Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 1188-2009

Emergency

File Number: 1188-2009

File Type: Ordinance

Status: Passed

Version: 1

Controlling Body: Development Committee

File Name: AN09-005 Annexation Service: 11.457 acres, Prairie Township,
James M. Phillipi et al 5

Introduced: 9/2/2009

Requester: Dev Drafter

Cost:

Final Action: 9/16/2009

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Lori Baudro 645-6986

Floor Action (Clerk's Office Only)

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 1188-09 passed by The Council of The City of Columbus, Ohio 9-14, 20 09, as shown by the records now on file in this office.

Andrea Bleirns
Seal
City Clerk

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title:

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN09-005) of 11.457± Acres in Prairie Township to the city of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Sponsors:

Indexes:

Attachments: ORD1188-2009 AN09-005 Annexation Legal Description.doc, ORD1188-2009 AN09-005 Annexation Map.doc

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Dev Drafter	9/2/09	Sent for Approval	DEVELOPMENT DIRECTOR			
	Action Note:	Planning Division					
1	DEVELOPMENT DIRECTOR	9/2/09	Reviewed and Approved	Dev Drafter			
	Action Note:	nmb					
1	Dev Drafter	9/2/09	Sent to Clerk's Office for Council	City Clerk Inbox			
1	Columbus City Council	9/14/09	Approved				
1	COUNCIL PRESIDENT	9/14/09	Signed				
1	MAYOR	9/15/09	Signed				
1	CITY CLERK	9/16/09	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation
AN09-005

BACKGROUND: This ordinance is being submitted to set forth the municipal services and zoning conditions the city of Columbus will provide upon annexation of a territory located in Prairie Township. This ordinance is required by the Ohio Revised Code (ORC) as enacted by the General Assembly of the State of Ohio. An annexation petition has been filed with Franklin County for this property. A service ordinance must be passed before the annexation meeting takes place before the Board of County Commissioners of Franklin County. Information regarding municipal services that would be available, should the subject site be annexed, has been compiled and is reflected in this ordinance. Should the petition be approved by the County Commissioners, a second City ordinance accepting the annexation will be required to complete the process. The time frames specified in the ORC require that this legislation be filed as emergency.

FISCAL IMPACT: The statement of municipal services and zoning conditions for a proposed annexation area has no fiscal impact. While provision of the stated services does represent cost to the city, annexation of land also has the potential to create revenue to the city.

Title

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN09-005) of 11.457± Acres in Prairie Township to the city of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Body

WHEREAS, a petition for the annexation of certain territory in Prairie Township was duly filed on behalf of James M. Phillipi et al 5 on September 1, 2009; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on October 6, 2009; and

WHEREAS, the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

WHEREAS, the Ohio Revised Code requires that before said meeting the Municipal Legislative Authority adopt an ordinance stating zoning buffering conditions; and

WHEREAS, properties proposed for annexation are included within the Columbus Comprehensive Plan study area and within the West Columbus Interim Development Concept planning area; and

WHEREAS, upon annexation, properties will have uniform access to City services as they become available; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this ordinance to the Franklin County Board of Commissioners in accordance with the Ohio Revised Code all for the preservation of the public peace, property, health safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the city of Columbus will provide the following municipal services for 11.457 ± acres in Prairie Township upon the annexation of said area to the city of Columbus:

Public Safety: The City of Columbus, Department of Public Safety will be able to provide the appropriate level of safety related services to the proposed annexation area. Such services will include police and fire protection as well as emergency medical service to the subject property.

While the petitioner for annexation may have proposed future development plans for the property in question, the Department of Public Safety requests that the City exercise its discretion in the coming development planning and review process to ensure any future development will be properly served by the Department of Public Safety. Discussions between the City and the present property owner or any future developers regarding post annexation changes in zoning or other changes to the property should include the Department of Public Safety and the Department of Development to ensure any proposed development of the annexation property may be adequately accommodated. Specific details for safety services are dependent upon the parameters of future development that is ultimately approved by the City.

Sanitation: Residential refuse collection services will be available upon annexation of the property.

Transportation: Maintenance will be available for any additional right-of-way that may be included in this annexation request. If this annexation contains existing signalized intersections, those intersections and signals are subject to Transportation Division Policy, which appeared in the December 6, 2003 Columbus City Bulletin, and any subsequent updates thereto.

Water: The site will be served by the existing 24" water main located in Hilliard Rome Road East.

Sewer:

Sanitary Sewer: The site will be served by an existing 27-inch subtrunk sewer located at the intersection of Fisher and Old Hilliard-Rome Road. The sewer is shown to be located within an easement near the public roadway right-of-way. The manhole at said intersection is located approximately 80 feet east of the southeast property corner.

Storm Sewer: All storm sewers necessary for development/redevelopment of the area shall be designed in accordance with design policy and zoning codes in effect at the time of development.

All sanitary and storm sewers required shall be constructed privately by the owners/developers at their own cost and expense with no cost to the city.

Section 2. If this 11.457± acre site is annexed and if the City of Columbus permits uses in the annexed territory that the City of Columbus determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Prairie Township, the Columbus City Council will 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 Prairie Township. For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

LEGAL DESCRIPTION
ANNEXATION AN09-005
11.457 Acres in Prairie Township
James M. Phillipi et al 5

Situated in the Township of Prairie, County of Franklin, State of Ohio and being part of Virginia Military Survey Numbers 4184,6641, and 7065 and being all of a 11.217 acre tract conveyed to James Michael Phillippi et.al.5 parcel of record in Deed Book 1910 Page 471 and James Michael Phillippi Trust recorded in Instrument Number 200204230102502; and a portion of Yellow Equipment & Terminals 20.695 acre tract a parcel of record in Deed Book-3111 Pg-220; and a portion of Yellow Equipment and Terminals 1.322 acre tract a parcel of record in Deed Book- 3188 Pg- 496; and a portion of Yellow Freight Systems Inc. 10.26 acre tract a parcel of record in Official Record 6564-F-16 and Official Record 9361-I-04; of the office of Robert Montgomery, the Recorder of Franklin County, Ohio;

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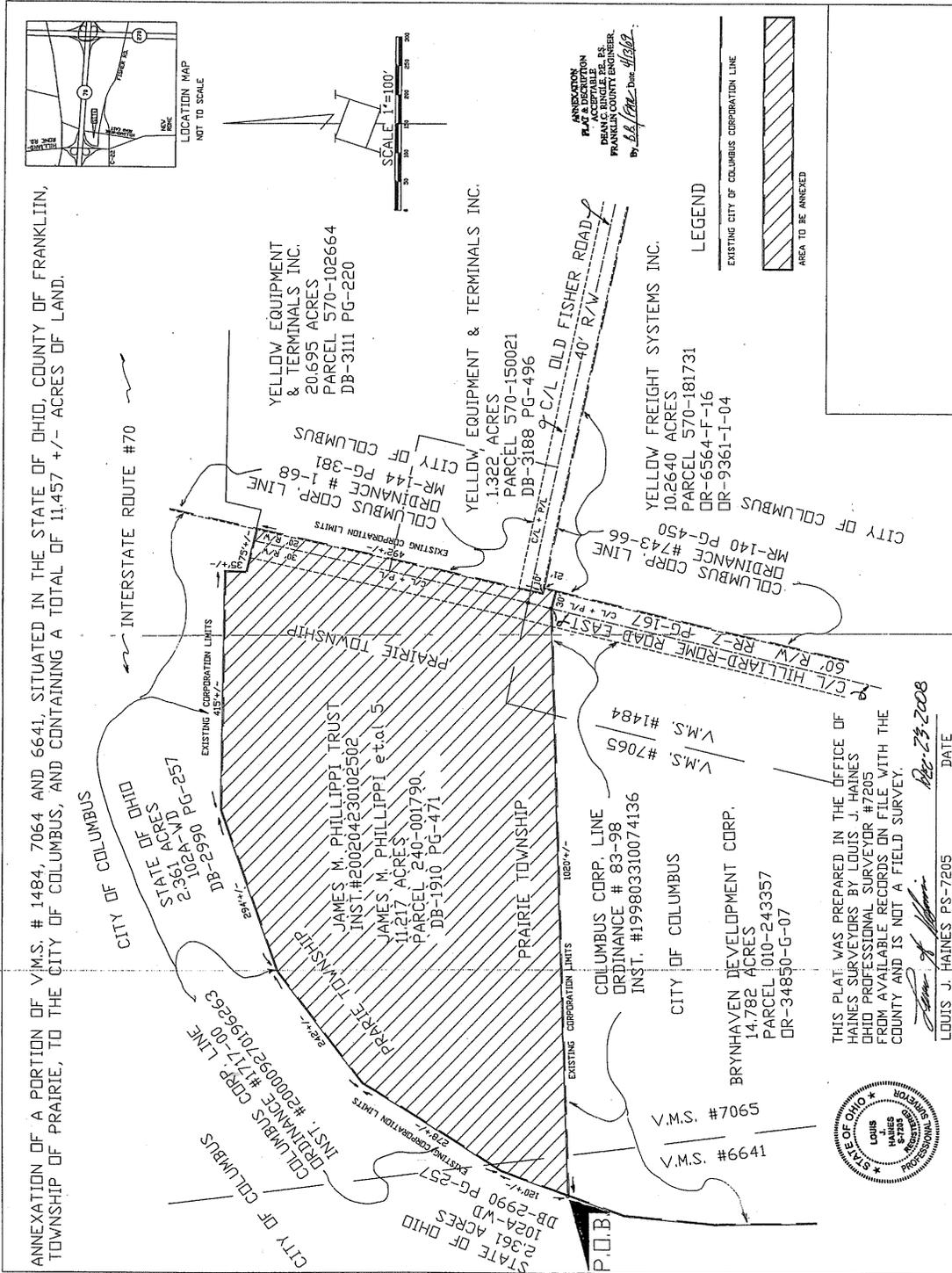
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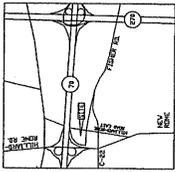
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Thence Southwesterly, 1020 feet+/-, with the north line of said 14.782 acre tract and said corporation line to the place of beginning.

MAP
ANNEXATION AN09-005
11.457 acres in Prarie Township
James M. Phillippi et al 5



ANNEXATION OF A PORTION OF V.M.S. # 1484, 7064 AND 6641, SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF PRAIRIE, TO THE CITY OF COLUMBUS, AND CONTAINING A TOTAL OF 11.457 +/- ACRES OF LAND.



ANNEXATION
 PLAT & DESCRIPTION
 PREPARED BY
 FRANKLIN COUNTY ENGINEER
 By: *Louis J. Haines* Date: *12/23/08*

LEGEND
 EXISTING CITY OF COLUMBUS CORPORATION LINE
 AREA TO BE ANNEXED

THIS PLAT WAS PREPARED IN THE OFFICE OF HAINES SURVEYORS BY LOUIS J. HAINES, OHIO PROFESSIONAL SURVEYOR #7205 FROM AVAILABLE RECORDS ON FILE WITH THE COUNTY AND IS NOT A FIELD SURVEY.
 Louis J. Haines
 Louis J. Haines PS-7205
 Dec 23, 2008
 DATE

