

Resolution to adjust the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus. Case #BC-13-09 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the council of the city of Columbus, Ohio, by Ordinance No. 0861-09, passed June 22, 2009 by a majority of its members, has petitioned the Franklin County Board of Commissioners to change the boundaries of Montgomery Township, to make them identical with the boundaries of the city of Columbus, and for such other action as may be proper. The portion of the city of Columbus, Ohio, not now included within the limits of Montgomery Township include that portion of Plain Township, located in Franklin County, annexed by the city of Columbus;

WHEREAS, the city of Columbus filed the petition with the Franklin County Board of Commissioners on June 29, 2009 and has asked for the boundary change according to the provisions of Section 503.07 and related sections of the Ohio Revised Code and that the Board of County Commissioners can cause a proper adjustment of rights and liabilities to be made between the city of Columbus and Montgomery Township; and,

WHEREAS, pursuant to Section 503.04 of the Ohio Revised Code, at least 30 days notice of the time of the hearing was provided by advertisement at three places within the territory subject to the proposed township boundary changes; and,

WHEREAS, a certified copy of said Ordinance Number 0861-09; with the proceedings of the council of the city of Columbus, Ohio was presented to and filed with the Franklin County Economic Development and Planning Department on June 29, 2009.

Resolution to adjust the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus. Case #BC-13-09 (ECONOMIC DEVELOPMENT & PLANNING)

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

Section 1 That it is the opinion and judgment of the Board that the extension of the partial conformity of boundaries of the city of Columbus and Montgomery Township as petitioned for in the said petition by City Council, is expedient, and will be for the convenience and welfare of the inhabitants of Plain Township.

Section 2 That the petition of the city of Columbus is proper and therefore the petition be granted and the boundary lines of Montgomery Township shall be extended to conform with the bounds of the territory set forth in that petition.

Section 3 That there are no adjustments of funds, unpaid taxes, claims, indebtedness or other fiscal matters needed to be settled by the Board, as none were requested in the respective resolutions.

Prepared by: R. Lee Brown

Cc: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0604-09

July 28, 2009

**RESOLUTION TO ADJUST THE BOUNDARIES OF MONTGOMERY TOWNSHIP,
THEREBY MAKING THEM IDENTICAL TO THE BOUNDARIES OF THE CITY OF
COLUMBUS. CASE #BC-13-09**

**(Economic Development and
Planning)**

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

Voting:

**Marilyn Brown
John O'Grady**

**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

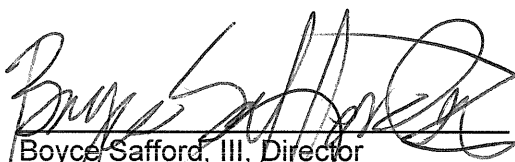
IN THE MATTER OF THE CHANGE
OF BOUNDARIES OF
MONTGOMERY TOWNSHIP

PETITION

The City of Columbus, Ohio, a municipal corporation, by Boyce Safford, III, its Director of Development, respectfully petitions the Board of County Commissioners of Franklin County, Ohio, pursuant to Section 503.07, Ohio Revised Code, for an order changing the boundaries of Montgomery Township to place certain territory within Montgomery Township that has recently been annexed to the City of Columbus, and to thereby make the boundaries of Montgomery Township identical with the limits of the City of Columbus for the territories within Plain Township listed below.

This petition is filed on the authority of City Ordinance 0861-2009 passed June 22, 2009, a certified copy of which is attached. Boundary conformance is permitted for these territories under the provisions of ORC 709.023(H) and is required under the terms of a 2008 annexation agreement between the City of Columbus, Village of New Albany and Plain Township. For additional reference, a map of these annexation sites is attached.

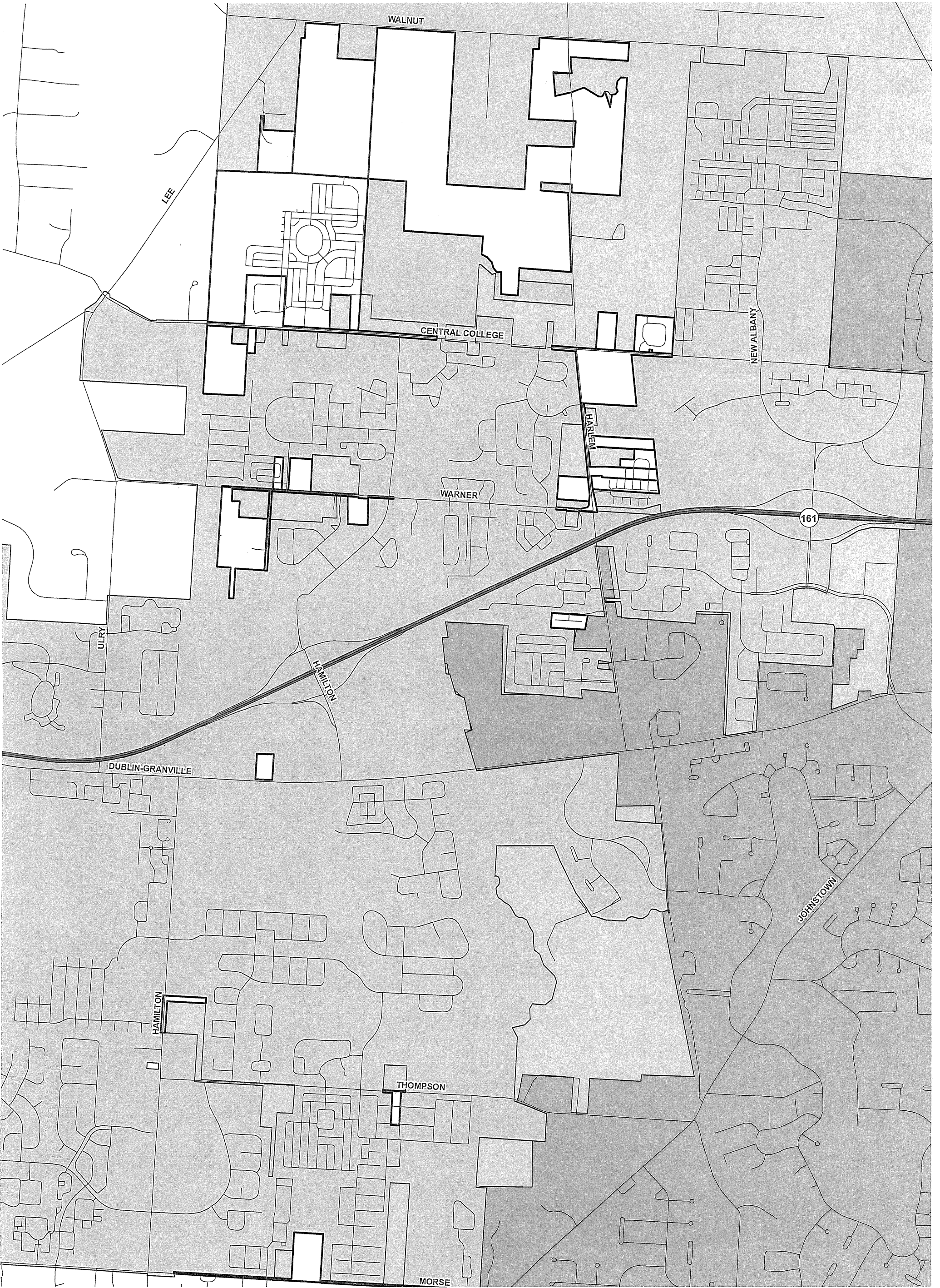
Plain Township Expedited Type 2 annexations for which boundary conformance is requested				
City Application #	County Application #	County Approval Date	City Acceptance Ordinance #	City Ord Approval Date
AN02-020	ANX-EXP2-23-02	6/19/2002	1880-2002	12/16/02
AN03-008	ANX-EXP2-10-03	3/13/2003	1523-2003	07/14/03
AN03-007	ANX-EXP2-13-03	2/26/2003	1631-2003	07/21/03
AN03-031R	ANX-EXP2-48-03	10/8/2003	0006-2004	02/02/04
AN03-040RF	ANX-EXP2-62-03	12/31/2003	0496-2004	03/29/04
AN03-044	ANX-EXP2-60-03	12/3/2002	0432-2004	04/05/04
AN03-047	ANX-EXP2-02-04	1/13/2004	0516-2004	05/03/04
AN04-001	ANX-EXP2-03-04	1/21/2004	0710-2004	05/17/04
AN03-045RF	ANX-EXP2-08-04	12/3/2003	0979-2004	07/12/04
AN04-002	ANX-EXP2-11-04	2/18/2004	0994-2004	07/12/04
AN04-007	ANX-EXP2-20-04	4/7/2004	1081-2004	07/26/04
AN04-008	ANX-EXP2-25-04	4/21/2004	1296-2004	09/20/04
AN04-015	ANX-EXP2-34-04	5/27/2004	1673-2004	10/04/04
AN04-024	ANX-EXP2-48-04	9/2/2004	1988-2004	01/24/05
AN05-002	ANX-EXP2-07-05	3/10/2005	0924-2005	07/11/05
AN05-007	ANX-EXP2-15-05	4/27/2005	1419-2005	09/19/05
AN05-008	ANX-EXP2-22-05	6/29/2005	1655-2005	11/14/05
AN05-014	ANX-EXP2-34-05	9/15/2005	0069-2006	01/30/06
AN05-017	ANX-EXP2-33-05	9/14/2005	0057-2006	01/30/06
AN05-020RF	ANX-EXP2-02-06	1/11/2006	0936-2006	06/12/06
AN06-009	ANX-EXP2-17-06	7/5/2006	1717-2006	10/23/06
AN06-010	ANX-EXP2-18-06	8/30/2006	2037-2006	01/29/07
AN06-013	ANX-EXP2-25-06	11/29/2006	0224-2007	04/09/07
AN07-007	ANX-EXP2-24-07	10/24/2007	0522-2008	04/07/08
AN08-018	ANX-EXP2-04-09	2/10/2008	0838-2009	06/22/09


Boyce Safford, III, Director
Department of Development
City of Columbus

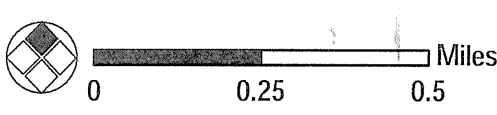

Witness

6-25-09
Date




Contact: Kevin Wheeler
Planning Division
Department of Development
City of Columbus
kjwheeler@columbus.gov
(614) 645-6057



Plain Township Boundary Conformance



Legend

- | | |
|---|--|
|  ANNEXATIONS TO BE CONFORMED |  NEW ALBANY |
|  COLUMBUS |  PLAIN TWP |

City of Columbus
Department of Development
Planning Division

June 2009



City of Columbus

Legislation Report

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

File Number: 0861-2009

Emergency

File Number: 0861-2009

File Type: Ordinance

Status: Passed

Version: 1

Controlling Body: Development Committee

File Name: Plain Township Boundary Conformance

Introduced: 6/9/2009

Requester: Dev Drafter

Cost:

Final Action: 6/24/2009

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.: Kevin J. Wheeler 645-6057

Floor Action (Clerk's Office Only)

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 0861-09 passed by The Council of The City of Columbus Ohio 6-22-09 as shown by the record now on file in this office.

Seal

Andrew Blewins
City Clerk

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title:

To authorize the submission of a petition to the Board of County Commissioners of Franklin County, Ohio, requesting a change in the boundary lines of Montgomery Township so as to make the boundary lines identical, with the corporate limits of the city of Columbus in the certain portions of Plain Township pursuant to the Annexation Agreement between the City of Columbus, Plain Township and New Albany; and to declare an emergency.

Sponsors:

Indexes:

Attachments: ORD0861-2009 Plain Township Boundary Conformance Petition.doc, ORD0861-2009 Plain Township Boundary Conformance Exhibit.pdf

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Dev Drafter	6/9/09	Sent for Approval	DEVELOPMENT DIRECTOR			
	Action Note: Planning Division						
1	DEVELOPMENT DIRECTOR	6/9/09	Reviewed and Approved	Dev Drafter			
	Action Note: nmb						
1	Dev Drafter	6/10/09	Sent for Approval	Atty Inbox			
1	CITY ATTORNEY	6/10/09	Reviewed and Approved	Dev Drafter			
	Action Note: JTC						
1	Dev Drafter	6/11/09	Sent to Clerk's Office for Council	City Clerk Inbox			
1	Columbus City Council	6/22/09	Approved				Pass
1	COUNCIL PRESIDENT	6/22/09	Signed				
1	MAYOR	6/23/09	Signed				
1	CITY CLERK	6/24/09	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

BACKGROUND: Portions of Plain Township were annexed to Columbus from 2002 to the present using the Expedited Type Two annexation petition process. This process, outlined in the Ohio Revised Code (ORC 709.023), does not generally allow municipalities to conform the boundaries of the newly annexed territory. As a consequence, annexed lands remain in the township even though they have been annexed by the City - thereby having a "dual" status with respect to such things as tax obligations and elections. An exception to the boundary conformance prohibition is permitted (ORC 709.023(H)) if an annexation agreement between the municipality and township addresses the matter. The City of Columbus, Village of New Albany, and Plain Township entered into an annexation agreement in early 2008 (authorized by ordinance 2262-2006) which stipulates that Columbus will conform the boundaries of any township areas annexed after October 26, 2001 in the area designated as "City Growth Zone West." This area is depicted on an attached map and includes all territory south of Walnut Street in Plain Township that is currently in Columbus or becomes part of Columbus through annexation. Twenty-five annexations, totaling about 615 acres have taken place under the Type Two process. Under the terms of the agreement the boundaries of these sites must be conformed. Boundaries for any future annexations in this area must also be conformed.

Boundary conformance to Columbus involves the extension of Montgomery Township's boundaries to incorporate the subject areas. This ordinance seeks authorization to submit a petition to the Board of Franklin County Commissioners to undertake this process for those areas annexed from 2002 to present under the Expedited Type Two process. The petition will be filed in accordance with Section 503.07 of the Ohio Revised Code.

The annexation agreement requires that the City take expeditious steps to conform these areas creating the necessity for emergency legislation in order to allow for submission of the petition as soon as possible.

FISCAL IMPACT: No funding is required for this legislation.

Title

To authorize the submission of a petition to the Board of County Commissioners of Franklin County, Ohio, requesting a change in the boundary lines of Montgomery Township so as to make the boundary lines identical, with the corporate limits of the city of Columbus in the certain portions of Plain Township pursuant to the Annexation Agreement between the City of Columbus, Plain Township and New Albany; and to declare an emergency.

Body

WHEREAS, portions of Plain Township were annexed to Columbus from 2002 to the present using the Expedited Type Two annexation petition process (see attached map); and

WHEREAS, this process does not generally allow municipalities to conform the boundaries of the newly annexed territory, resulting in annexed territory having a "dual" status of being with both the city and township; and

WHEREAS, an exception to the conformance prohibition is permitted under ORC 709.023(H) if an annexation agreement between the municipality and township addresses the matter; and

WHEREAS, the City of Columbus, Village of New Albany and Plain Township entered into an annexation agreement in early 2008 which stipulates that Columbus will conform the boundaries of any township areas annexed after October 26, 2001 in the area designated as "City Growth Zone West"; and

WHEREAS, the same parties have just entered into the first amendment (as authorized on June 15, 2009 by ordinance 0845-009) to said annexation agreement for the purpose of clarifying the geographical extent of the Columbus responsibility to conform boundaries; and

WHEREAS, Columbus boundary conformance requires the extension of Montgomery Township boundaries to match those of the City; and

WHEREAS, such an action requires approval by the Board of Franklin County Commissioners; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this petition to the Franklin County Board of Commissioners in compliance with the referenced annexation agreement 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 pursuant to the provisions of ORC Section 503.07 the Director of Development is hereby authorized and directed on behalf of the city of Columbus to present to the Board of Franklin County Commissioners, a petition requesting such changes to the boundary lines of Montgomery Township so that said township may include that portion of Plain Township which has, by order of the Board of Franklin County Commissioners, been annexed to the city of Columbus from 2002 to present using the Expedited Type Two annexation process, so as to make the boundary lines of Montgomery Township co-extensive with the corporate limits of the said city of Columbus in accordance with the maps attached to said petition.

Section 2. That this boundary conformance is permitted by ORC Section 709.023 (H) and is required pursuant to

the terms of the existing annexation agreement between Columbus, New Albany and Plain Township.

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.