

Review of Petition to Annex 0.120 +/- acres from Jefferson Township to the city of Gahanna by Thomas L. Weber, Esq. Case #ANX-EXP2-06-10 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Thomas L. Weber, Esq. filed on behalf of BG & VB Decker and Leo & Nancyjean Frailey on March 10, 2010 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 service ordinance #ORD-0065-2010, passed on March 15, 2010 by the city of Gahanna.

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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 Gahanna, 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 Gahanna, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0349-10

April 27, 2010

**REVIEW OF PETITION TO ANNEX 0.120 +/- ACRES FROM JEFFERSON
TOWNSHIP TO THE CITY OF GAHANNA BY THOMAS L. WEBER, ESQ. CASE
#ANX-EXP2-06-10**

**(Economic Development and
Planning)**

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

Voting:


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

**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 acted upon by the Board of County Commissioners, Franklin
County, Ohio on the date noted above.



Mary Jane Harper, 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

MAR 10 2010

BY: DAH

Property Information	
Site Address	3891 and 3894 Clotts Road Gahanna (road r/w only)
Parcel ID(s)	027-000109, 025-003850 and 025-001821
Total Acreage	0.120
From Township	Jefferson
To Municipality	Gahanna

Property Owner Information	
Name	BG&VB Decker and LA&NJ Frailey
Address	3891 Clotts Road 3894 Clotts Road Gahanna, Ohio 43230 Gahanna, Ohio 43230
Phone #	614-471-8893
Fax #	614-471-8993
Email	

Attorney/Agent Information	
Name	Thomas L. Weber (City Attorney)
Address	200 S. Hamilton Road Gahanna, Ohio 43230
Phone #	342-4090
Fax #	342 4190
Email	

Staff Use Only	
Case #	ANX EXP2 06-10
Hearing date:	4-27-10
Date filed:	3-10-10
Fee paid	250.00
Receipt #	7089
Notifications deadline: 5 days	3-17-10
Svc statement deadline: 20 days	4-7-10

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.

<u>Bill G. Decker</u> 2/4/10 Property Owner Date	<u>Vanetta B. Hecker</u> Feb. 4-2010 Property Owner Date
<u>Leo A. Frailey</u> 2/8/10 Property Owner Date	<u>Nancy J. Frailey</u> 2/8/10 Property Owner Date

Economic Development - Community Development
150 South Front Street, FSL 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



TITLE: **PROPOSED ANNEXATION OF 0.12+/- OF AN ACRE**
FROM JEFFERSON TOWNSHIP, TO THE CITY OF GAHANNA
LOCATED IN QTR. TWP. 2, TOWNSHIP 1, RANGE 16, U.S.M.D.
JEFFERSON TOWNSHIP, FRANKLIN COUNTY, OHIO

DATE: 6 JANUARY 2010 TERRA FILE NO. 25.10.GAH.102.10
GRAPHIC SCALE: 1"=100'

238 ACADEMY WOODS DRIVE * GAHANNA, OHIO 43230-2184 * 614.471.0667 * www.terrasurveyingservices.com * DRAWN BY: C. TURNER

PREPARED EXCLUSIVELY FOR:
CITY OF GAHANNA, ENGINEERING DEPT.

PROPOSED CORPORATION LINE

EXISTING CORPORATION LINE

RECEIVED

MAR 10 2010

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 3/10/10



Evelyn M. Rush
3 Ac.
170-001155

B.G. & V.B. Decker
6.266 Ac.
027-000109

EXISTING CORP. LINE
ORD. NO. 0011-2009
I.N.200905010061943

P.O.B.

ROAD

EX. CORP. LINE
ORD. NO. 55-76
2-76, MR.166-691

Leo A. & Nancyjean B. Frailey
1004 Ac.
025-003850

EXISTING CORP. LINE
ORD. NO. 86-74
31-74, MR.164-463

Jefferson Local Board of Ed.
38.2553 Ac.
025-001821

B.G. & V.B. Decker
0.637 Ac.
025-007044

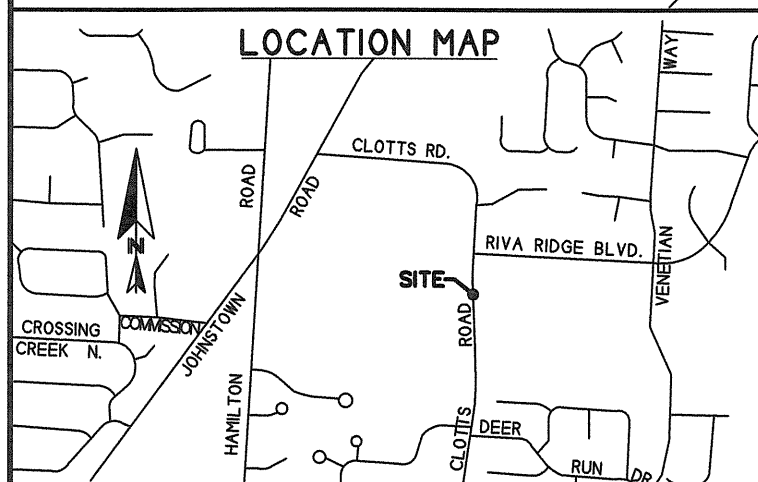
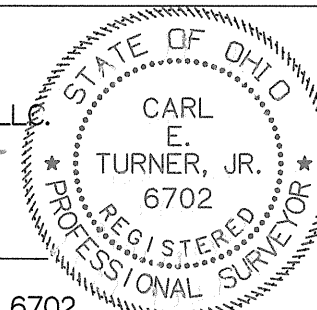
EXISTING CORP. LINE
ORD. NO. 43-82
20-81, ORV. 2547-F11

INDICATES AREA TO BE ANNEXED

ANNEXATION CASE NO. _____
FILED: _____ PASSED: _____
ORDINANCE NO. _____
INSTRUMENT NO. _____

PREPARED BY:
TERRA SURVEYING SERVICES LLC

By: Carl E. Turner Jr.
CARL E. TURNER JR.
PROFESSIONAL SURVEYOR 6702



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NOT AN AUTHORIZED DOCUMENT UNLESS SURVEYORS SEAL APPEARS IN BLUE INK

MAR 10 2010

BY: DAH

AUX EXP 2 06-10

RECEIVED

MAR 10 2010

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

PROPOSED ANNEXATION OF 0.12+/- OF AN ACRE
FROM JEFFERSON TOWNSHIP

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By BB Date 3/10/10

TO

THE CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

Situated in the State of Ohio, County of Franklin, Township of Jefferson, located in part of Quarter Township 2, Township 1, Range 16, United States Military District, being part of that 6.266 acre tract of land (PID: 027-000109) described in the deed to Billy G. & Vanieta B. Decker, Co-Trustees, recorded in Official Record 24224-F20, part of those lands (PID: 025-001821) described in the deed to The Jefferson Local Board of Education, recorded in Deed Book 3360, Page 288, and part of that 1.004 acre tract of land (PID: 025-003850) described in the deed to Leo A. & Nancyjean B. Frailey, recorded in Official Record 4749-G14 (record references recited herein are to those of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning at the intersection of the westerly right-of-way line of Clotts Road, with the northerly line of said 6.266 acre tract, being the northeasterly corner of those lands annexed to the City of Gahanna by Ordinance No. 0011-2009, recorded in Instrument No. 200905010061943;

thence easterly along said northerly line of said 6.266 acre tract, and the easterly extension thereof, 50 feet, more or less, to the easterly right-of-way line of said Road, being in an easterly Corporation Line as established by Gahanna Ordinance No. 55-76, recorded in Miscellaneous Record 166, Page 691;

thence southerly along said easterly right-of-way line, and said Corporation Line, as established by said Ordinance No. 55-76, and Ordinance No. 86-74, recorded in Miscellaneous Record 164, Page 463, a distance of 98 feet, more or less, to the northeasterly corner of those lands annexed to the City of Gahanna by Ordinance No. 43-82, recorded in Official Record 2547-F11;

thence westerly along the northerly line of said lands annexed to the City of Gahanna (Ordinance No. 43-82), 50 feet, more or less, to aforesaid westerly right-of-way line of Clotts Road, being a southeasterly corner of said lands annexed to the City of Gahanna by Ordinance No. 0011-2009;

thence northerly along said westerly right-of-way line of Clotts Road, being an existing Corporation Line as established by said Ordinance No. 0011-2009, 100 feet, more or less, returning to the 'Place of Beginning,' containing 0.12 of an acre of land, more or less, as described for annexation purposes only, in January of 2010, by Carl E. Turner Jr., Registered Professional Surveyor No. S-6702.



Carl E. Turner Jr.,
Professional Surveyor No. 6702
6 January 2010



RECEIVED

MAR 10 2010

BY: DAH

ANX EXP 2 06 -10

* End of Description *



City of Gahanna
Certified Copy
ORDINANCE

200 South Hamilton Road
Gahanna, Ohio 43230

File Number: ORD-0065-2010

Date Passed: 3/15/2010

AN ORDINANCE ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF GAHANNA, OHIO, WILL PROVIDE TO THE 0.12+/- ACRE TERRITORY IN JEFFERSON TOWNSHIP, FRANKLIN COUNTY, PROPOSED TO BE ANNEXED TO THE CITY OF GAHANNA UPON ANNEXATION; SAID PROPERTY LOCATED AT APPROXIMATELY 3891 CLOTTS ROAD AND 730 CLOTTS ROAD; FOR ROAD RIGHT OF WAY PURPOSES: BY THE CITY OF GAHANNA, AGENT; AND CITY BUFFER REQUIREMENTS AS PROVIDED IN OHIO REVISED CODE SECTION 709.023 AND DECLARING AN EMERGENCY.

WHEREAS, a Petition has been filed with the Board of County Commissioners of Franklin County Ohio for the annexation of approximately 0.12+/- acres in Jefferson Township to the City of Gahanna that was signed by 100% of the property owners seeking to annex the property by the Expedited Type2 process provided for in Ohio Revised Code Section 709.023; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires that a municipal corporation shall, by ordinance or resolution, adopt a statement indicating what services, if any, the municipal corporation will provide to the territory upon annexation, which legislation must be adopted and filed with the county commissioners within twenty(20) days after the petition is filed; and

WHEREAS, fire service is now being provided to the annexation territory by Jefferson Township and the territory will remain in Jefferson Township and continue to receive Jefferson Township fire services as a matter of law following the annexation, if approved; and

WHEREAS, Ohio Revised Code Section 709.023(C) also requires that a municipal corporation shall, by ordinance or resolution, require buffers separating any new uses that clearly are incompatible with the uses permitted under current township zoning regulations in the adjacent land remaining in the unincorporated township and

WHEREAS, it is necessary to effect this legislation immediately to adopt it within the time required by law and for the orderly progression of the annexation procedure, and for the preservation of the public peace, health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, STATE OF OHIO:

Section 1. That immediately upon the effective date of the annexation of the 0.12+/- acres to the City of Gahanna, as shown on the map and description attached hereto as EXHIBIT A and EXHIBIT B, the City of Gahanna will provide to the entire annexed territory the following services: police, street maintenance, sanitation, economic development and planning, and parks and recreation. The property is currently in the Jefferson Water and Sewer District service area and may be served by that entity for both water and sewer. If the Jefferson Water and Sewer District cannot provide service, chooses not to do so, or permits the City of Gahanna to do so, the City of Gahanna has sanitary sewer and water available that can be extended to and serve the annexation territory at the request and cost of the owner(s).

Section 2. The 0.12+/- acre annexation territory is subject to Jefferson Township zoning regulations. If the territory is annexed and becomes subject to Gahanna zoning and the city zoning permits uses in the annexed territory that the city determines are clearly incompatible with the uses permitted under applicable township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexation territory remaining within Jefferson Township, then Gahanna City Council will require the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Jefferson Township. The

landscape "buffer" may include open space, landscaping, fences, walls, and other structured elements, streets and street rights-of-way, or bicycle and pedestrian paths and sidewalks.

Section 3. If any street or highway is divided or segmented by the boundary line between the township and the City of Gahanna as to create a maintenance problem, Gahanna agrees to assume the maintenance of the portion of the street or highway for which there is a maintenance problem or to otherwise correct the problem

Section 4. Pursuant to Section 121.05(b) of the Codified Ordinances of the City of Gahanna the Clerk of Council shall obtain from the City Engineer the right-of-way required by the approved Master Thoroughfare Plan for the City. The City Engineer has stated that in accordance with the adopted Thoroughfare Plan of the City Clotts Road is designated as a collector street which requires a right-of-way width of sixty (60) feet. The current right-of-way at the property is thirty (30) feet from the center line at the annexed property. Therefore no additional right-of-way will be required.

Section 5. That the Clerk of Council is hereby authorized and directed to deliver a copy of this legislation to the office of the Board of Commissioners of Franklin County within twenty(20) days of the date of the filing of the petition.

Section 6. That, for the reasons set forth in the preamble hereinabove, this ordinance is declared emergency legislation, and shall be in full force and effect immediately upon passage by this Council and on date of signature approval by the Mayor.

I, Isobel L. Sherwood, MMC, the duly appointed Clerk of Council of the City of Gahanna Ohio, a municipal corporation, do hereby certify that the foregoing is a true and correct copy of Ordinance Number ORD0065-2010, which was duly and regularly adopted by the City Council of the City of Gahanna Ohio on March 15, 2010.



Isobel L. Sherwood, MMC
Clerk of Council

March 19, 2010

Date Certified

PROPOSED ANNEXATION OF 0.12+/- OF AN ACRE
FROM JEFFERSON TOWNSHIP
TO
THE CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

Situated in the State of Ohio, County of Franklin, Township of Jefferson, located in part of Quarter Township 2, Township 1, Range 16, United States Military District, being part of that 6.266 acre tract of land (PID: 027-000109) described in the deed to Billy G. & Vaneta B. Decker, Co-Trustees, recorded in Official Record 24224-F20, part of those lands (PID: 025-001821) described in the deed to The Jefferson Local Board of Education, recorded in Deed Book 3360, Page 288, and part of that 1.004 acre tract of land (PID: 025-003850) described in the deed to Leo A. & Nancyjean B. Frailey, recorded in Official Record 4749-G14 (record references recited herein are to those of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

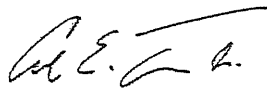
Beginning at the intersection of the westerly right-of-way line of Clotts Road, with the northerly line of said 6.266 acre tract, being the northeasterly corner of those lands annexed to the City of Gahanna by Ordinance No. 0011-2009, recorded in Instrument No. 200905010061943;

thence easterly along said northerly line of said 6.266 acre tract, and the easterly extension thereof, 50 feet, more or less, to the easterly right-of-way line of said Road, being in an easterly Corporation Line as established by Gahanna Ordinance No. 55-76, recorded in Miscellaneous Record 166, Page 691;

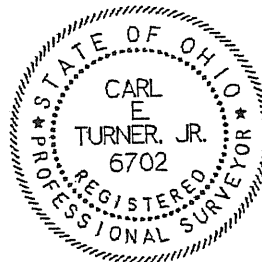
thence southerly along said easterly right-of-way line, and said Corporation Line, as established by said Ordinance No. 55-76, and Ordinance No. 86-74, recorded in Miscellaneous Record 164, Page 463, a distance of 98 feet, more or less, to the northeasterly corner of those lands annexed to the City of Gahanna by Ordinance No. 43-82, recorded in Official Record 2547-F11;

thence westerly along the northerly line of said lands annexed to the City of Gahanna (Ordinance No. 43-82), 50 feet, more or less, to aforesaid westerly right-of-way line of Clotts Road, being a southeasterly corner of said lands annexed to the City of Gahanna by Ordinance No. 0011-2009;

thence northerly along said westerly right-of-way line of Clotts Road, being an existing Corporation Line as established by said Ordinance No. 0011-2009, 100 feet, more or less, returning to the 'Place of Beginning,' containing 0.12 of an acre of land, more or less, as described for annexation purposes only, in January of 2010, by Carl E. Turner Jr., Registered Professional Surveyor No. S-6702.




Carl E. Turner Jr.,
Professional Surveyor No. 6702
6 January 2010



* End of Description *

EXHIBIT A

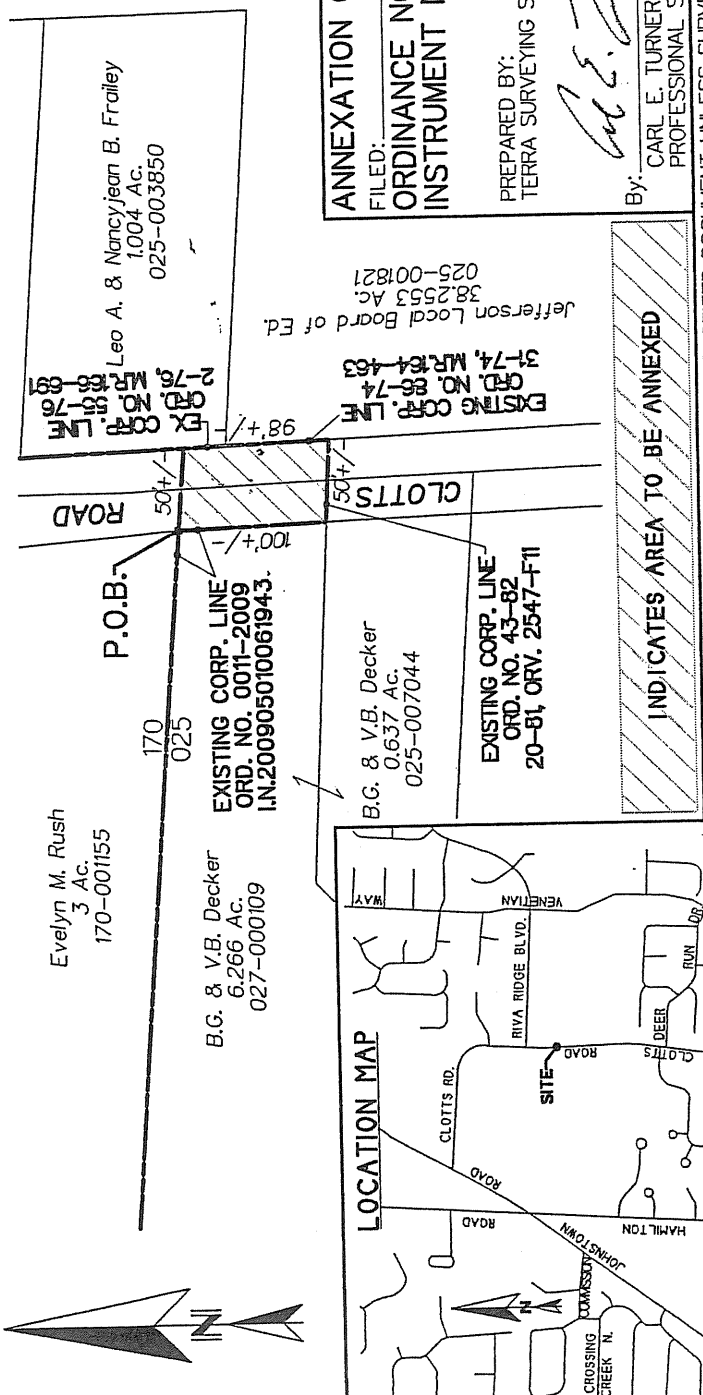
*** REVIEW & COMMENT - 01/07/10 ***

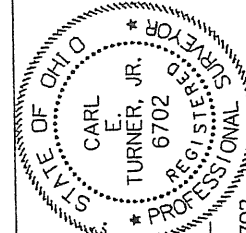
	<p>TITLE: PROPOSED ANNEXATION OF 0.12+/- OF AN ACRE FROM JEFFERSON TOWNSHIP, TO THE CITY OF GAHANNA LOCATED IN QTR. TWP. 2, RANGE 16, U.S.M.D. JEFFERSON TOWNSHIP, FRANKLIN COUNTY, OHIO</p>
<p>DATE: 6 JANUARY 2010</p>	<p>TERRA FILE NO.: 25.10.GAH.102.10</p>
<p>GRAPHIC SCALE: 1"=100'</p>	<p>DRAWN BY: C. TURNER</p>

<p>238 ACADEMY WOODS DRIVE * GAHANNA, OHIO 43230-2184 * 614.471.0667 * www.terrasurveyingservices.com</p>	<p>PROPOSED CORPORATION LINE</p> <p>EXISTING CORPORATION LINE</p>
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PREPARED EXCLUSIVELY FOR:

CITY OF GAHANNA, ENGINEERING DEPT.



<p>ANNEXATION CASE NO. _____</p> <p>FILED: _____ PASSED: _____</p> <p>ORDINANCE NO. _____</p> <p>INSTRUMENT NO. _____</p>	
<p>PREPARED BY: TERRA SURVEYING SERVICES LLC.</p> <p>By: <i>Carl E. Turner, Jr.</i></p> <p>CARL E. TURNER JR. PROFESSIONAL SURVEYOR 6702</p>	

INDICATES AREA TO BE ANNEXED

NOT AN AUTHORIZED DOCUMENT UNLESS SURVEYORS SEAL APPEARS IN BLUE INK

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* REVIEW & COMMENT - 01/07/10 *

D:\GCP\GND-V7\GE-CLOTTS-DECKER.dwg -- 01/07/2010 --

EXHIBIT B