

**Review of Petition to Annex 3.3 +/- acres from Washington Township to the city of Columbus by Amy K. Kuhn, Esq. Case #ANX-EXP2-11-10 (ECONOMIC DEVELOPMENT & PLANNING)**

**WHEREAS**, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Amy K. Kuhn, Esq. filed on behalf of Fayez F. Bekheit and Sonia G. Bishara on June 29, 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 #1039-2010, passed on July 12, 2010 by the city of Columbus.

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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 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. 0609-10

August 03, 2010

**REVIEW OF PETITION TO ANNEX 3.3 +/- ACRES FROM WASHINGTON  
TOWNSHIP TO THE CITY OF COLUMBUS BY AMY K. KUHN, ESQ. CASE  
#ANX-EXP2-11-10**

**(Economic Development and  
Planning)**

Upon the motion of Commissioner Marilyn Brown, seconded by Commissioner Paula Brooks:

**Voting:**

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

**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 acted upon 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**

John O'Grady, President  
Paula Brooks  
Marilyn Brown

**Economic Development & Planning Department**  
James Schimmer, Director

Application for

# Annexation Petition

Expedited Type 2  
Pursuant to ORC §709.02X

RECEIVED

JUN 28 2010

PFB

2

Property Information	
Site Address 6578 Hayden Run Road, Hilliard, Ohio 43026	
Parcel ID(s) 272-000536	Total Acreage 3.3± acres
From Township Washington	To Municipality Columbus

Property Owner Information	
Name Fayez F. Bekheit and Sonia G. Bishara	
Address 675 Bluffview Drive Columbus, Ohio 43235	
Phone #	Fax #
Email	

Attorney/Agent Information	
Name Donald T. Plank, Attorney/Agent	
Address Plank Law Firm, LPA 145 E. Rich Street, 3rd Flr. Columbus, Ohio 43215-5240	
Phone # 614-947-8600	Fax # 614-228-1790
Email dplank@planklaw.com	

Staff Use Only
Case # AWV-EXP2-11-10
Hearing date: 8-3-10
Date filed: 6-28-10
Fee paid 250.00
Receipt # 7199
Notifications deadline: 5 days 7/3/10
Svc statement deadline: 20 days 7/18/10

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/plot 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.			
By <u>Sonia G. Bishara</u> <u>Nashat Tanagho</u> her Attorney in Fact		2/17/10	
Property Owner	Date	Property Owner	Date
By <u>Fayez F. Bekheit</u> <u>Nashat Tanagho</u> his Attorney in Fact		2/17/10	
Property Owner	Date	Property Owner	Date

A map showing the location of the proposed site. The map includes Baldwin Rd, Cosgray Rd, Leppert Rd, Hayden Run, and Hayden Rd. A black arrow points to a site labeled 'SITE' near Hayden Run and Hayden Rd.

Parcel ID: 010-273426  
 City of Columbus Corporation Line  
 Ord. # 1533-02  
 Inst. 200212260331528

BLVD.

120'

Rd.

HAYDEN RUN P.B. 1112, P. 32

V.M.S. 6953

V.M.S. 6366

269'

Scale 1" = 80'  
February 4, 2010  
**Annexation Plat**

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FEB 2 2010

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

Falls at Hayden Run  
Parcel ID: 485-273439

ANNEALATION  
PLAT & DECIPTION  
ACCEPTABLE  
DEAN C. RINGLE, P.E., P.S.  
FRANKLIN COUNTY ENGINEER

By RB Date 3/5/10

By DS Date 3/5/10

*Point of Beginning*

Edward J. & Cynthia F. Behrman  
Parcel ID: 272-000330

Ronald L. & Jodi L. Wallace  
Parcel ID: 272-000537

**myers** Surveying  
A COMPANY

2740 East Main Street  
Bexley, Ohio 43209-2577  
(614) 235 - 8677  
info@myersurveying.com

City of Columbus Corporation Line  
Ord. # 0429-05  
Inst. 200506220121139

m.o.# 6-01/26/2010

601262010.scj

X-1493

*Albert J. Myers*  
Albert J. Myers, P.S. 6579  
 2/4/2016

Albert J. Myers, P.S. 6579

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JUN 28 2010

JUN 28 2010

2740 East Main Street  
Bexley, Ohio 43209-2577  
(614) 235-8677  
Telefax 235-4559  
Email: info@myerssurveying.com

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FEB 24 2010

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

February 4, 2010

ANNEXATION  
PLAT & DESCRIPTION  
ACCEPTABLE  
DEAN C. RINGLE, P.E., P.S.  
FRANKLIN COUNTY ENGINEER  
By BB Date 3/5/10

*Proposed Annexation of Approximately 3.3 Acres  
to the City of Columbus from Washington Township  
(a portion of Parcel 272-000536)*

Situated in the State of Ohio, County of Franklin, Township of Washington, in Virginia Military Survey Number 6366 and being part of the Faye F. Bekheit and Sonia G. Bishara 3.407 Acre tract as conveyed in Official Record Volume 26841, Page H-08, Recorder's Office, Franklin County, Ohio (all references made are of said Recorder's Office, unless otherwise noted) and being more particularly described as follows:

Beginning at a southwesterly corner of said 3.407 Acre tract, in the centerline of Hayden Run Road (width varies) and an angle point in the City of Columbus Corporation Line as established by Ordinance Number 1424-2008 of record in Instrument 200901260009394;

Thence, northeasterly, along a northerly line of said 3.407 Acre tract, along said Corporation Line (Ordinance Number 1424-2008) and along the City of Columbus Corporation Line as established by Ordinance Number 1525-03 of record in Instrument 200309190299645, approximately 479 feet, to a northwesterly corner of said 3.407 Acre tract and in the City of Columbus Corporation Line as established by Ordinance Number 1533-02 of record in Instrument 200212260331528;

Thence, easterly, along a northerly line of said 3.407 Acre tract and along said Corporation Line (Ordinance Number 1533-02), approximately 269 feet, to a northeasterly corner of said 3.407 Acre tract and in the City of Columbus Corporation Line as established by Ordinance Number 628-03 of record in Instrument 200306120176147;

Thence, southerly, along an easterly line of said 3.407 Acre tract and said Corporation Line (Ordinance Number 628-03), approximately 87 feet, to a southeasterly corner of said 3.407 Acre tract;

Thence, southwesterly, along a southerly line of said 3.407 Acre tract, approximately 574 feet, to the northerly Right of Way of said Hayden Run Road (as established by Official Record Volume 11162, Page H-11) and in the City of Columbus Corporation Line as established by Ordinance Number 0429-05 of record in Instrument 200506220121139;

Thence, northwesterly, across said 3.407 Acre tract, along said northerly Right of Way and along said Corporation Line (Ordinance Number 0429-05), approximately 91 feet, to an angle point in said Corporation Line;

Thence, southwesterly, across said 3.407 Acre tract and along said Corporation Line (Ordinance Number 0429-05), approximately 42 feet, to the centerline of said Hayden Run Road, the westerly line of said 3.407 Acre tract and an angle point in said Corporation Line (Ordinance Number 1424-2008);

Thence, northwesterly, along said centerline, along the westerly line of said 3.407 Acre tract and along said Corporation Line (Ordinance Number 1424-2008), approximately 171 feet, to the place of beginning **CONTAINING APPROXIMATELY 3.3 ACRES FOR ANNEXATION PURPOSES ONLY.**

Myers Surveying Co., Inc.

*Albert J. Myers* 2-4-2010  
Albert J. Myers, P.S. 6579



**RECEIVED**

JUN 28 2010



RECEIVED  
FRANKLIN COUNTY  
COMMISSIONER'S OFFICE

10 JUL 16 PM 1:48

**City of Columbus**  
**Legislation Report**

Franklin County Planning Department  
Franklin County, OH

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JUL 16 2010

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

File Number: 1039-2010

ORIGINAL

**Emergency**

File Number: 1039-2010

File Type: Ordinance

Status: Second Reading

Version: 1

Controlling Body: Development Committee

File Name: Annexation Service AN10-002: 3.3 acres, Washington  
Township, Bekheit and Bishara

Introduced: 6/29/2010

Requester: Dev Drafter

Cost:

Final Action:

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

I hereby certify that the above or attached is  
a true and correct copy of Ordinance No. 1039-2010  
passed by The Council of The City of Columbus.  
Ohio 7/12, 20 10, as shown by the records  
now on file in this office.

Floor Action (Clerk's Office Only)

JUL 12 2010

Passed 7-0

Seal

Andrea Blewins  
City Clerk

Mayor's Action

Council Action

Mayor

JUL 14 2010  
Date

JUL 12 2010  
Date Passed/ Adopted

President of Council

Andrea Blewins  
City Clerk

Veto

Date

**Title:**

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN10-002) of 3.3+ acres in Washington Township to the City of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Sponsors:

Indexes:

Attachments: ORD1039-2010 AN10-002 Legal Description.doc, ORD1039-2010 AN10-002 Hayden Run Map.doc



## History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Dev Drafter	6/29/10	Sent for Approval	DEVELOPMENT DIRECTOR			
	<b>Action Note:</b> Planning Division						
1	DEVELOPMENT DIRECTOR	6/29/10	Reviewed and Approved	Dev Drafter			
	<b>Action Note:</b> nmb						
1	Dev Drafter	6/30/10	Sent to Clerk's Office for Council	City Clerk Inbox			

**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 Attorneys Office as to its form and legality only.

## Explanation

## AN010-002

**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 Washington 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 annexation 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 (AN10-002) of 3.3± acres in Washington 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 Washington Township was duly filed on behalf of Faye Bekheit and Sonia G. Bishara on June 28, 2010; and

**WHEREAS,** a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on August 3, 2010; 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 located within the boundaries of the adopted Hayden Road Interim Development Plan; and

**WHEREAS**, the site is located in the Northwest Pay-As-We-Grow (PAWG) area and the funding mechanisms that were developed for that area will apply to this site, should it be developed; and

**WHEREAS**, parties are aware that an application to rezone the site for residential development will require the owner at the time of filing, to enter into a Memorandum of Understanding with the City obligating the property owner or their successor, to participate in the PAWG funding arraignment with specific details to be developed at the time of development; 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 3.3 ± acres in Washington 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 for residential uses upon annexation of the property However, commercial uses are required to provide their own refuse collection

**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 can be served by an existing twelve-inch water main located in Hayden Run Road

**Sewer:**

**Sanitary Sewer:** The site can obtain sanitary sewer service from a mainline extension of record plan RP11618, an 8-inch sewer situated approximately 350 feet northeast of subject property. In addition, it appears that a proposed mainline (per plan CC-15570) is in the process of being constructed to subject property. Once this proposed mainline sewer is approved for use the owner of subject property can obtain sewer service; however, permission to tap said sewer will be required at the time the sewer permit is obtained by licensed sewer contractor.

**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 3.3 ± 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 Washington 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 Washington 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 AN10-002**  
**3.3± Acres in Washington Township**  
**Fayez F. Bekheit and Sonia G. Bishara**

Situated in the State of Ohio, County of Franklin, Township of Washington, in Virginia Military Survey Number 6366 and being part of the Fayez F. Bekheit and Sonia G. Bishara 3.407 Acre tract as conveyed in Official Record Volume 26841, Page H-08, Recorder's Office, Franklin County, Ohio (all references made are of said Recorder's Office, unless otherwise noted) and being more particularly described as follows:

Beginning at a southwesterly corner of said 3.407 Acre tract, in the centerline of Hayden Run Road (width varies) and an angle point in the City of Columbus Corporation Line as established by Ordinance Number 1424-2008 of record in Instrument 200901260009394;

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Thence, southerly, along an easterly line of said 3.407 Acre tract and said Corporation Line (Ordinance Number 628-03), approximately 87 feet, to a southeasterly corner of said 3.407 Acre tract;

Thence, southwesterly, along a southerly line of said 3.407 Acre tract, approximately 574 feet, to the northerly Right of Way of said Hayden Run Road (as established by Official Record Volume 11162, Page H-11) and in the City of Columbus Corporation Line as established by Ordinance Number 0429-05 of record in Instrument 200506220121139;

Thence, northwesterly, across said 3.407 Acre tract, along said northerly Right of Way and along said Corporation Line (Ordinance Number 0429-05), approximately 91 feet, to an angle point in said Corporation Line;

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Thence, northwesterly, along said centerline, along the westerly line of said 3.407 Acre tract and along said Corporation Line (Ordinance Number 1424-2008), approximately 171 feet, to the place of beginning **CONTAINING APPROXIMATELY 3.3 ACRES FOR ANNEXATION PURPOSES ONLY.**