

Resolution to adjust the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus. Case #BC-08-10 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the council of the city of Columbus, Ohio, by Ordinance No. 0368-2010, passed March 29, 2010 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 May 7, 2010 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 0368-2010; 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 May 7, 2010.

Resolution to adjust the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus. Case #BC-08-10 (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. 0504-10

June 22, 2010

**RESOLUTION TO ADJUST THE BOUNDARIES OF MONTGOMERY TOWNSHIP,
THEREBY MAKING THEM IDENTICAL TO THE BOUNDARIES OF THE CITY OF
COLUMBUS.**

CASE #BC-08-10

**(Economic Development and
Planning)**

Upon the motion of Commissioner Paula Brooks, seconded by Commissioner John O'Grady:

Voting:

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

**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


**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 0368-2010 passed March 29, 2010, 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 the annexation sites is attached.

Plain Township Type 1 annexations for which boundary conformance is requested				
City Application #	County Application #	County Approval Date	City Acceptance Ordinance #	City Ordinance Approval Date
AN09-003	ANX_EXP1-08-09	5/26/09	1419-2009	11/09/09
AN09-006	ANX-EXP1-20-09	10/20/09	1718-2009	1/25/10


Boyce Safford III, Director
Department of Development
City of Columbus


Witness

5-3-10

Date

Contact: Lori Baudro, AICP
Planning Division
Department of Development
City of Columbus
lsbaudro@columbus.gov
(614) 645-6986

PROPOSED ANNEXATION OF 4.8 ACRES ±

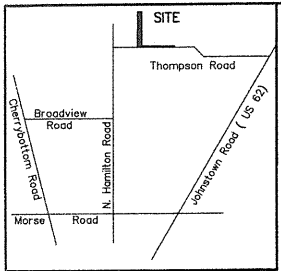
FROM: Plain Township
TO: City of Columbus

Situated in the State of Ohio, County of Franklin, Township of Plain, being part of Quarter Township 3, Township 2, Range 16, United States Military Lands.



MAP
ANNEXATION AN09-003
4.8 acres in Plain Township
Garry & Pamela Rowe

Vicinity Map

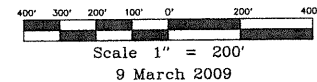


THE PRESERVE SECTION 6 PART 1
PLAT BOOK 97, PAGE 71

NO.	Property Owners Adjoining Annexation
1	VALERIE LORENZO (PID: 545-258599)
2	WAYNE K. & CHRISTINE C. HARVEY (PID: 545-258598)
3	VASIN SETTAQHAN & SUZANNE K. CASTRO (PID: 545-267328)
4	JENNIFER R. SCHERER & JASON M. KIMBEL (PID: 545-267327)
5	AKSHAY K. PRADHAN & MANITA PRADHAN (PID: 545-267326)
6	TONY R. DAVIS (PID: 545-267325)
7	JAIME H. SKORONSKI & DANIEL W. STUEBNER (PID: 545-267324)
8	JOSEPH A. SHAULOV & SVETLANA SHAULOV (PID: 545-267323)
9	KIRAN DEVULAPALLY & SMITHA BOINEPALLY (PID: 545-267322)
10	GINO & TIFFANY ORI (PID: 545-267321)
11	CINDY L. DAVIS (PID: 545-267320)
12	CLINT B. & AMELIA A. MATHEWSON (PID: 545-267354)
13	JOSEPH K. MENSAH & SOPHIA KUSI (PID: 545-267353)
14	JAMES D. & TAMARA W. ONEILL (PID: 545-267352)
15	DAVID H. HANRAHAN JR. & PAIGE B. HANRAHAN (PID: 545-267351)
16	KEVIN M. & TIFFANY T. BEAVER (PID: 545-267350)
17	KRISTEN M. & ADAM D. BEGGMAN (PID: 545-267349)

City of Columbus Parcels
(a) Instrument # 200201220019623
(b) Official Record 22207 H-19
(c) Instrument # 200309270310626
(d) Instrument # 200502040022202
(e) Instrument # 20031208038668
(f) Plat Book 107, Page 84

THOMPSON ROAD (Width Varies)
(Road Record 14, Page 486-491; 40 feet)



By: *Albert J. Myers* 2-25-09
Albert J. Myers, Professional Surveyor 6579

4.8 ACRES

Area To Be Annexed:



Existing City of Columbus Corp. Line
Proposed City of Columbus Corp. Line
191-002646 = Auditor's Parcel Number

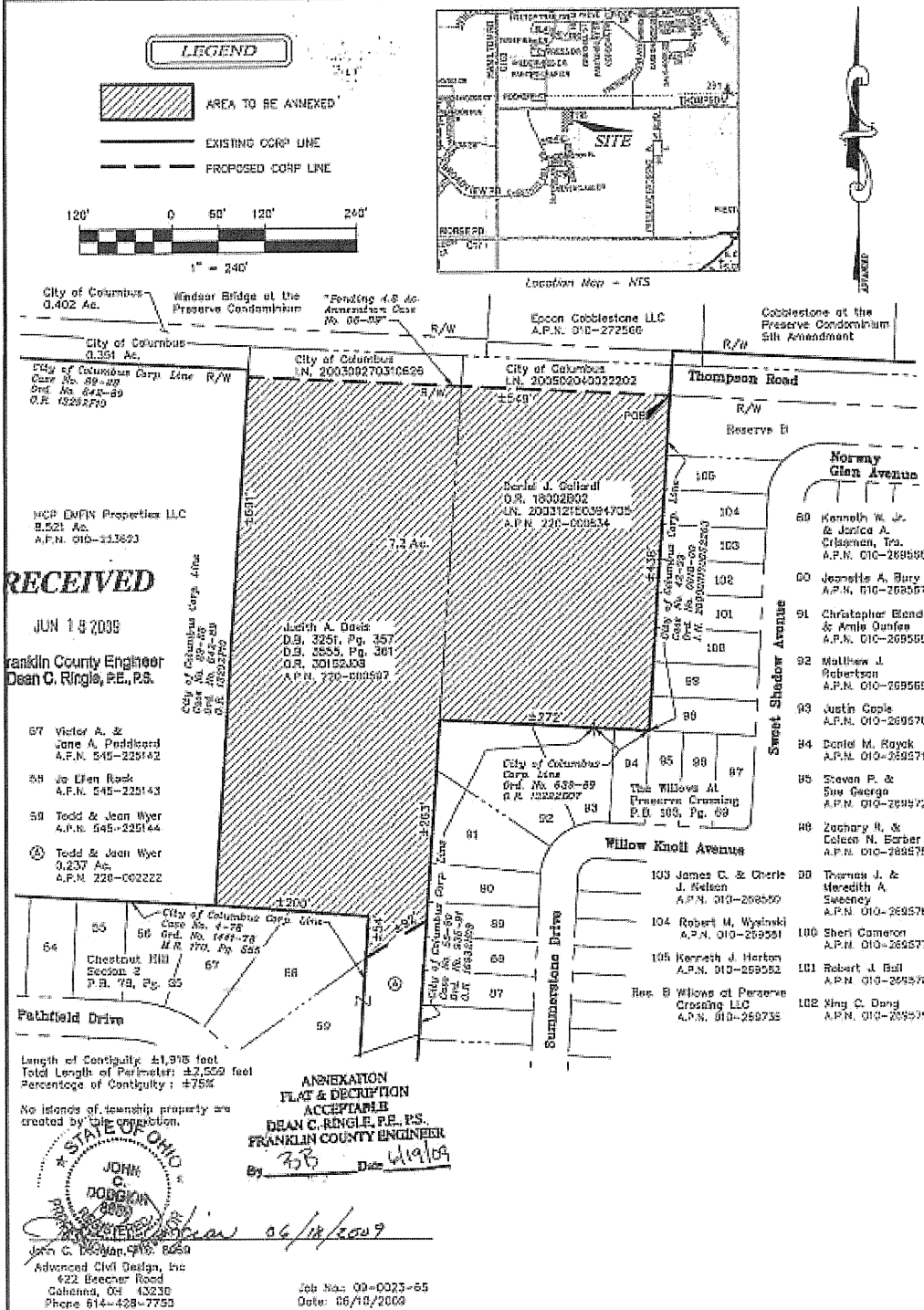
MyersSurveying
COMPANY

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

Be-DX-10

**MAP
ANNEXATION AN09-006
7.2 ±acres in Plain Township
Judith A. Davis
Daniel J. Galiardi**

7.2 ACRE ANNEXATION TO THE CITY OF COLUMBUS
EXPEDITED 1 ANNEXATION UNDER ORC §709.021 AND §709.022
SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF PLAIN
LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 16
UNITED STATES MILITARY DISTRICT





City of Columbus Legislation Report

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

File Number: 0368-2010

ORIGINAL

30-Day

File Number: 0368-2010

File Type: Ordinance

Status: First Reading

Version: 1

Controlling Body: Development Committee

File Name: Plain Township Boundary Conformance

Introduced: 2/24/2010

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. 0368-2010 passed by The Council of The City of Columbus, Ohio 3/29, 2010, as shown by the records now on file in this office.

Floor Action (Clerk's Office Only)

MAR 29 2010

PALEY ABSENT

P6-0

Seal

Andrea Blewins
City Clerk

Mayor's Action

Mayor

MAR 30 2010

Date

Council Action

MAR 29 2010

Date Passed/ Adopted

President of Council

Andrea Blewins
City Clerk

Veto

Date

Title:

To authorize the Director of Development to submit 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.

Sponsors:

Indexes:

Attachments: ORD0368-2010 Attachment A - Annexation Agreement Map.pdf, ORD0368-2010 Attachment-B-(AN09-003 Annexation Map).docx, ORD0368-2010 Attachment-C- AN09-006 Thompson Rd Map.doc, ORD0368-2010 Attachment - D- Plain Township DRAFT Boundary Conformance Petition (AN09-006 AN09-003) Thompson Road.doc

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Dev Drafter	2/24/10	Sent for Approval	DEVELOPMENT DIRECTOR			
	Action Note: Planning Division						
1	DEVELOPMENT DIRECTOR	2/24/10	Reviewed and Approved	Dev Drafter			
	Action Note: nmb						
1	Dev Drafter	2/24/10	Sent for Approval	Atty Inbox			
1	CITY ATTORNEY	2/25/10	Reviewed and Approved	Dev Drafter			
	Action Note: jsg						
1	Dev Drafter	2/26/10	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 Attorney's Office as to its form and legality only.

Explanation

BACKGROUND: Portions of Plain Township were annexed to Columbus in 2009 using the Type One annexation petition process. This process, outlined in the Ohio Revised Code (ORC 709.021 & ORC 709.022), 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). The agreement stipulates that pursuant to the Ohio Revised Code (ORC 503), Columbus shall conform the boundaries of any annexed township lands within twelve (12) months following the City's acceptance. The subject area, depicted on an attachment A "City Growth Zone West," generally includes all territory south of Walnut Street in Plain Township that is currently in Columbus or becomes part of Columbus through annexation. The City recently accepted two annexations, totaling \pm twelve (12) acres (Ordinance #'s 1419-2009 and 1718-2009) filed using the Type One annexation process. Under the terms of the agreement, the boundaries of these sites must be conformed.

Boundary conformance to Columbus involves the extension of Montgomery Township's boundaries to incorporate the subject areas. This ordinance seeks authorization for the Director of Development to submit a petition to the Board of Franklin County Commissioners to undertake this process for those areas annexed during 2009 under the 2008 annexation agreement. The petition will be filed in accordance with Section 503.07 of the Ohio Revised Code.

FISCAL IMPACT: No funding is required for this legislation.

Title

To authorize the Director of Development to submit 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.

Body

WHEREAS, two annexations were accepted by Columbus in Plain Township in late 2009 and early 2010 (Ordinance #'s 1419-2009 and 1718-2009) using the Type One annexation petition process (see attachments B and C); and

WHEREAS, the Type One annexation 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, under the terms of the 2008 agreement, the City must conform the boundaries of subsequent annexations within 12 months following its acceptance of the parcels; and

WHEREAS, the referenced annexations are within the designated City Growth Zone West; and

WHEREAS, Columbus boundary conformance requires the extension of Montgomery Township boundaries to match those of the City (see attachment D); and

WHEREAS, such an action requires approval by the Board of Franklin County Commissioners **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 in 2009 using the Type One 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. This boundary conformance is permitted by ORC Section 709.023 (H) and is required pursuant to the terms of an existing annexation agreement between the City of Columbus Village of New Albany and Plain Township.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law



Annexation Agreement Territory

Legend

- City Growth Zone West
- City Growth Zone East
- Village of New Albany
- Village Growth Zone
- Red Zone



City of Columbus
Department of Development
Planning Division

Existing City of Columbus Corp. Line
Proposed City of Columbus Corp. Line
 131 007545 - Auditor's Parcel Number

ATTACHMENT "D"
IN THE MATTER OF THE CHANGE
OF BOUNDARIES OF
MONTGOMERY TOWNSHIP

DRAFT PETITION

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

Witness

Date

Contact: Lori Baudro, AICP
Planning Division
Department of Development
City of Columbus
lsbaudro@columbus.gov
(614) 645-6986