Review of Petition to Annex 0.7 +/- acres from Clinton Township to the city of Columbus by Jackson B. Reynolds, III, Esq. Case #ANX-EXP2-18-11 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Jackson B. Reynolds, III, Esq. filed on behalf of Linda Alvarez, John Kost and Matthew Vekasy on September 14, 2011 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 #1546-2011, passed on September 26, 2011 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. 0736-11

October 25, 2011

REVIEW OF PETITION TO ANNEX 0.7 +/- ACRES FROM CLINTON TOWNSHIP TO THE CITY OF COLUMBUS BY JACKSON B. REYNOLDS, III, ESQ. CASE #ANX-EXP2-18-11

(Economic Development and Planning)

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

Voting:

Marilyn Brown, President Aye
Paula Brooks 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 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



 $\textbf{Commissioner} \ \ \textbf{Marilyn Brown} \cdot \textbf{Commissioner} \ \ \textbf{Paula Brooks} \cdot \textbf{Commissioner} \ \ \textbf{John O'Grady President}$

Economic Development & Planning DepartmentJames Schimmer, Director

MEMO JOURNALIZATION

TO: Debbie Willaman, County Clerk

Franklin County Commissioners Office

FROM: R. Lee Brown, Planning Administrator

Franklin County Economic Development & Planning Department

CC: James Schimmer, Director

Franklin County Economic Development & Planning Department

RE: Description of Expedited Type 2 annexation case to be

journalized on the September 20, 2011 General Session

Agenda for a hearing on October 18, 2011.

Case #ANX-EXP2-18-11 - A Expedited Type 2 annexation ANX-EXP2-18-11 was filed in our office on September 14, 2011. The petition is requesting to annex 0.7+/- acres from Clinton Township to the city of Columbus. The applicant is Jackson B. Reynolds, III, Esq. Site: Chesapeake Avenue (Parcel Numbers: 130-001384, 130-005580, 130-002452 and 130-002453)



Commissioners Marilyn Brown, President Paula Brooks John O'Grady Application for

Annexation Petition

RECEIVED

SEP 1 4 2011

Franklin County Planning Department Franklin County, OH

Economic Development & Planning Department James Schimmer, Director

Property Information Site Address Chesapeake Avenue			Staff Use Only Case #
Parcel ID(s) 130-1384/5580	Total Acrea	age	ANX-EXPZ-
130-1384/3380		0.7± acres	10 11
From Township Clinton	To Municip Co1		18-11
Property Owner Information Name Linda Alvarez and John I). Kost/Matt	Vekasy	Hearing date: 10/18/11 Date filed: 9/14/1
1567 Pinebluff Lane Cincinnati, OH 45255			Fee paid \$250.00 Receipt # 456.286
Phone# 488-1900 ext. 14	Fax#	488-1905	Notifications deadline: 5 days
Email			Svc statement deadline:
Attorney/Agent Information Name Jackson B. Reynolds, III			Document Submission The following documents must
c/o Smith & Hale LLC 37 W. Broad Street, Sui	lte 725		accompany this application on letter-sized 8 ½" x 11" paper:
Columbus, OH 43215			Legal description of property
Phone # 221-4255	Fax#	21-4409	Map/plat of property
jreynolds@smithandhale	e.com		List of adjacent properties
Waiver of Right to Appeal			
WHOEVER SIGNS THIS PETITION EXPRES BOARD OF COUNTY COMMISSIONERS'E PROCEDURE, ALTHOUGH A WRIT OF MAITS DUTIES REQUIRED BY LAW FOR THIS	NTRY OF ANY R NDAMUS MAY B	ESOLUTION PERTAINING TO E SOUGHT TO COMPEL THE	THIS SPECIAL ANNEXATION
Property Owner	Date	Property Owner	Date
Property Owner	Date	Property Owner	Date



Department of Public Service Mark Kelsey, Director

October 25, 2011

The Franklin County Board of County Commissioners c/o The Franklin County Development Department 150 S. Front Street Columbus, OH 43215

RE:

Anx-Exp 2-19-11

Dear Board of County Commissioners:

I am writing on behalf of the City of Columbus concerning the annexation of 2.1± acres from Clinton Township to the City of Columbus. The property owners filed an expedited Type II annexation petition with the Commissioners on September 14, 2011. The City of Columbus City Council submitted a service ordinance to the County Commissioners on September 30, 2011 detailing the services the City would provide to the area of annexation upon acceptance by City Council of the annexation petition.

The purpose of this letter is to future detail the services the City of Columbus will provide to the area after the acceptance of the annexation petition. It has come to the attention of the City of Columbus that a small portion of Chesapeake Avenue will remain in the unincorporated area of Clinton Township after the annexation is accepted. In order to mitigate any future maintenance issues with this 360' stretch of Chesapeake Avenue (as shown on Exhibit "A" attached hereto) the City of Columbus will accept responsibility for any road maintenance ascribed to this portion of the right of way. By agreeing to accept the road maintenance responsibility for this portion of Chesapeake Avenue the requirements for the annexation of the 2.1± acre tract have been fulfilled as Section 709.023(E)(7) have been met with the City's pledge to maintain this unincorporated portion of the road right of way, contingent on entering into a maintenance agreement with Clinton Township for the unincorporated portion of the roadway. By this letter the City agrees to future maintenance of the roadway so there can be no problems with the divided or segmented portions of Chesapeake Avenue.

I also understand that the remainder of the property along Chesapeake Ave will be annexed to the City of Columbus in the very near future.

If you have any questions please contact me at 614-645-6789.

Sincerely,

Patricia A. Austin, P.E.

Administrator

Division of Planning and Operations

PAA Enclosure

614-645-8376 Director's Of 614-645-8376 Office of Sup 614-645-8376 Division of Di 614-645-8378 Division of Pi 614-645-8378 Division of Pi

614-845-2420

Director's Office
Office of Support Services
311 Service Center
Division of Mobility Options
Division of Design and Construction
Division of Planning and Operations
Division of Refuse Collection

109 North Front Street, 3rd Floor, Columbus, Ohio 43215-9023 109 North Front Street, Ground Floor Columbus, Ohio 43215-5036 1111 East Broad Street, Columbus, Ohio 43205 109 North Front Street, 2nd Floor, Columbus, Ohio 43215-9023 109 North Front Street, 3rd Floor, Columbus, Ohio 43215-9023 109 North Front Street, 3rd Floor, Columbus, Ohio 43215-9023 2100 Alum Creek Drive, Columbus, Ohio 43207-1705

FAX: 814-645-7805 FAX: 614-645-7549 FAX: 614-645-3053 FAX: 614-845-6938 FAX: 614-845-6938 FAX: 614-845-7296

ANNEXATION AT & DECRIPTION **ACCEPTABLE** DEAN C. RINGLE, P.E., P.S. NKLIN COUNTY ENGINEER හ

JUL 29 2011

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

DESCRIPTION OF 0.7 ACRE LOCATED IN CLINTON TOWNSHIP TO BE ANNEXED TO THE CITY OF COLUMBUS EXPEDITED TYPE II ANNEXATION UNDER ORC §709.021 AND §709.023

Situated in the State of Ohio, County of Franklin, Township of Clinton, Quarter Township 3, Township 1, Range 18, U.S.M.D., and being: part of an Alley as shown on the plat "Lincoln Heights Addition" recorded in Plat Book 7, Page 250, part of an Alley as shown on the plat "John M. Pugh's Subdivision recorded in Plat Book 4, Page 324, all of Lots 58-61 of said "Lincoln Heights Addition" recorded in Plat Book 7, Page 250, said lots being in the name of John D. Kost (APN 130-005580), and Linda K. Alvarez (APN 130-001384, APN 130-002452 and APN 130-002453) and described as follows:

Beginning in the south right-of-way line of an Alley and at the northwest corner of said Lot 58 of said "Lincoln Heights Subdivision";

Thence Easterly, along said south right-of-way line and it's easterly extension thereof, about 180 feet to the east right-of-way line of an Alley, being an existing City of Columbus Corporation Line per Case No. 13-82, Ordinance No. 1952-82, Official Record 2180D07;

Thence Southerly, along said east right-of-way line, the same being said corporation line, about 175 feet to the intersection of said Alley with the easterly extension of the north right-of-way line for Chesapeake Avenue;

Thence Westerly, along said north right-of-way line, about 180 feet to the southwest corner of said Lot 58;

Thence Northerly, along the west line of said Lot 58, about 175 feet to the Point of Beginning. Containing approximately 0.7 acre of land, more or less. The above description was written by John C. Dodgion, P.S. 8069 on July 13, 2011. A drawing of the above description has been prepared and is a part hereof.

The total length of the annexation perimeter is about 710 feet, of which about 175 feet are contiguous with existing City of Columbus Corporation Lines, being about 25% contiguous. This annexation does not create any islands of township property.

This description was written for annexation purposes only and was not intended to be used in the transfer of lands.

> ADVANCED CIVIL DESIGN, INC. JOHN DODGION
> S-8069
> SURVEYOR THE SURVEYOR TH

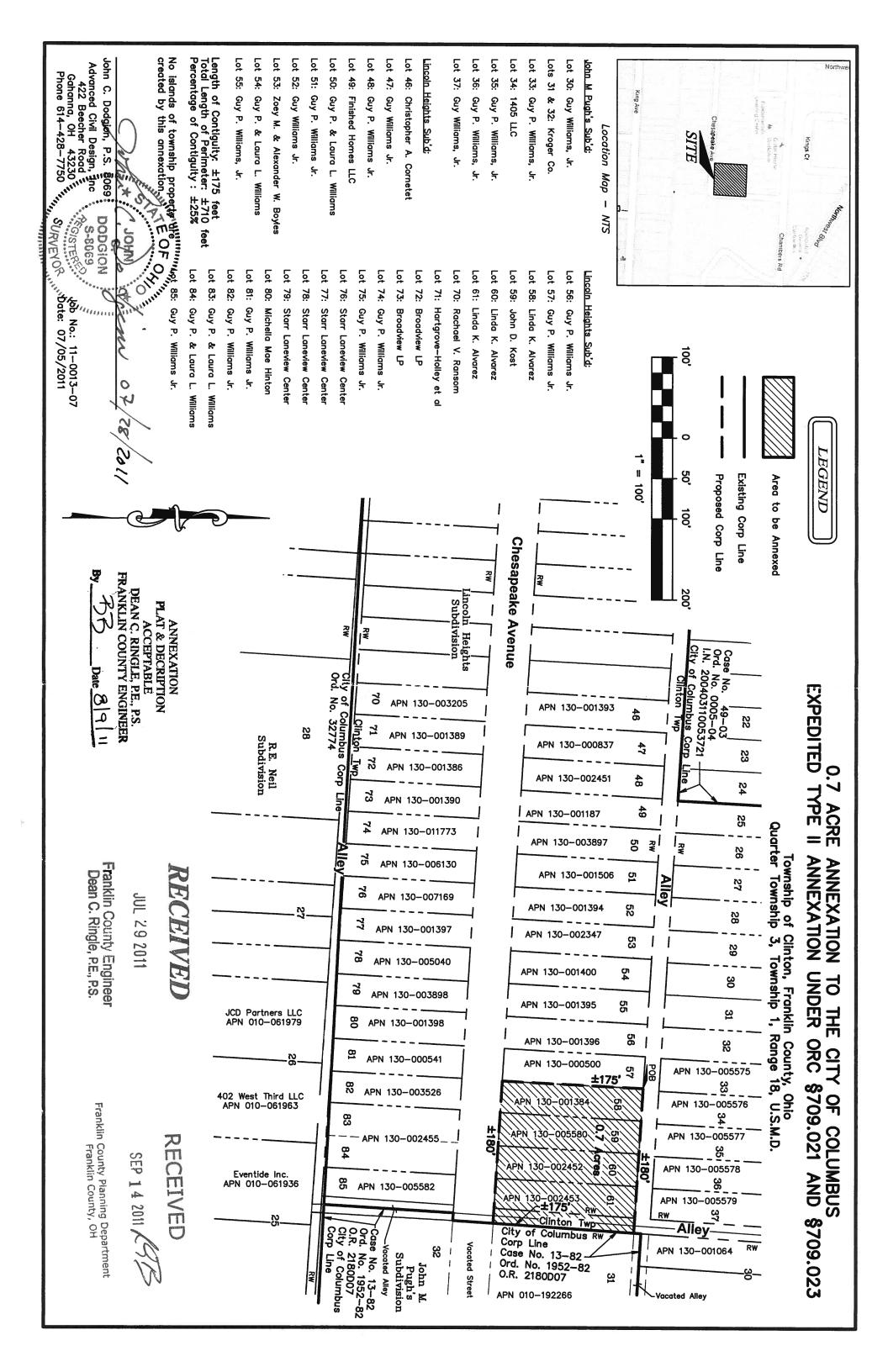
Z:\11-0013-07\survey\0.7Ac zoning_Desc.doc

John C. Dodgion, P.S. 8069

07/28/2011

SEP 14 2011

Franklin County Planning Department Franklin County, OH





City of Columbus Legislation Report

File Number: 1546-2011

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

ORIGINAL

Emergency

File ID: 1546-2011

Type: Ordinance

Status: Second Reading

Version: 1

*Committee: Development Committee

File Name: Annexation Service AN11-010: .7 Acres, Clinton

File Created: 09/15/2011

Township

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 numbers the amount of many anxieties.

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)

SEP 26 2011 Passed 7-0

Mayor's Action	SEP 27 2011	SEP 26 2011	Meh & Stithe
Mayor	Date	Date Passed/ Adopted	President of Council Andree Blevins
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 (AN11-010) of .7 + acres in Clinton Township to the City of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Sponsors:

Attachments: ORD1546-2011 AN11-010 Legal Description,

ORD1546-2011 AN11-010 Map (Chesapeake Ave .7

Acres)

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 1546-2011 passed by The Council of The City of Columbus, Ohio 1/26, 20 11, as shown by the records now on file in this office.

eal Storea Blern

History of Legislative File

Ver- Acting Body: Date: Action: Sent To: Due Date: Return Result: sion: Date:

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

AN11-010

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 Clinton 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. If the petition is 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 (AN11-010) of $.7 \pm$ acres in Clinton 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 Clinton Township was duly filed on behalf of Linda Alvarez and John D. Kost (Matt Vekasy) on September 14, 2011; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on October 18, 2011; 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, the parcel is located within the boundaries of the adopted 5th by Northwest Plan, which recommends mixed use (office/multi-family) uses for this site; 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 $.7 \pm acres$ in Clinton 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: Single family homes would qualify for city provided 90-gallon front curb refuse collection service. Any other development would require compliance with Title 13 requirements; Commercial/business 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.

Water: The site will be served by be served by the existing six-inch (6") water main located in Chesapeake Avenue.

Sanitary Sewer: Department of Utility records indicate that there is an existing eight-inch (8") sanitary sewer running along the alley north of Chesapeake Avenue that can provide sewer service. The sewer was constructed as a Franklin County sewer.

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 and developers at their own cost and

expense with no cost to the City.

Section 2. If this $.7 \pm$ 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 Clinton 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 Clinton 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 AN11-010

.7 <u>+</u> Acres in Clinton Township Linda Alvarez and John D. Kost (Matt Vekasy)

Situated in the State of Ohio, County of Franklin, Township of Clinton, Quarter Township 3, Township 1, Range 18, U.S.M.D., and being: part of an Alley as shown on the plat "Lincoln Heights Addition" recorded in Plat Book 7, Page 250, part of an Alley as shown on the plat "John M. Pugh's Subdivision recorded in Plat Book 4, Page 324, all of Lots 58-61 of said "Lincoln Heights Addition" recorded in Plat Book 7, Page 250, said lots being in the name of John D. Kost (APN 130-005580), and Linda K. Alvarez (APN 130-001384, APN 130-002452 and APN 130-002453) and described as follows:

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ADVANCED CIVIL DESIGN, INC.

ANNEXATION AN11-010 ±.7 Acres in Clinton Township Linda Alvarez & John D. Kost (Matt Vekasy)

