

**Resolution to adjust the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus. Case #BC-23-11 (ECONOMIC DEVELOPMENT & PLANNING)**

**WHEREAS**, the council of the city of Columbus, Ohio, by Ordinance No. 1226-2011, passed September 19, 2011 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 November 3, 2011 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 0766-2011; 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 November 3, 2011.

**Resolution to adjust the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus. Case #BC-23-11 (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. 0851-11

December 06, 2011

**RESOLUTION TO ADJUST THE BOUNDARIES OF MONTGOMERY TOWNSHIP,  
THEREBY MAKING THEM IDENTICAL TO THE BOUNDARIES OF THE CITY OF  
COLUMBUS. CASE #BC-23-11**

**(Economic Development and  
Planning)**

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

**Voting:**

**Marilyn Brown, President  
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 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



Commissioner Marilyn Brown · Commissioner Paula Brooks · Commissioner John O'Grady  
President

Economic Development & Planning Department  
James Schimmer, Director

## RESOLUTION SUMMARY

### **Resolution to adjust the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus. Case #BC-23-11**

#### **Description:**

Attached is a resolution to consider the boundary change from Plain Township to the city of Columbus. The resolution will allow for the adjustment of the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus.

#### **Applicant:**

City of Columbus

#### **Site:**

Warner Road - One annexation, totaling approximately 5.5 +/- acres has taken place under the Type Two process.

#### **Background:**

Portions of Plain Twp were annexed to Columbus in 2011 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. Columbus, 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 described in the agreement and includes all territory south of Walnut Street in Plain Township that is currently in Columbus or becomes part of Columbus through annexation. 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 in 2011 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.

**Compulsion to act:** The Ohio Revised Code requires the Board to grant this petition.

ORC §503.07 states in part:

The board, on presentation of such petition, with the proceedings of the legislative authority authenticated, at a regular or adjourned session, **shall upon the petition of a city change the boundaries of the township.**

**Recommendation:**

Pending any questions, staff would request your **approval** of this request.



Commissioner Marilyn Brown · Commissioner Paula Brooks · Commissioner John O'Grady  
President

Economic Development & Planning Department  
James Schimmer, Director

## MEMO JOURNALIZATION

**TO:** Debbie Willaman, County Clerk  
Franklin County Commissioners Office

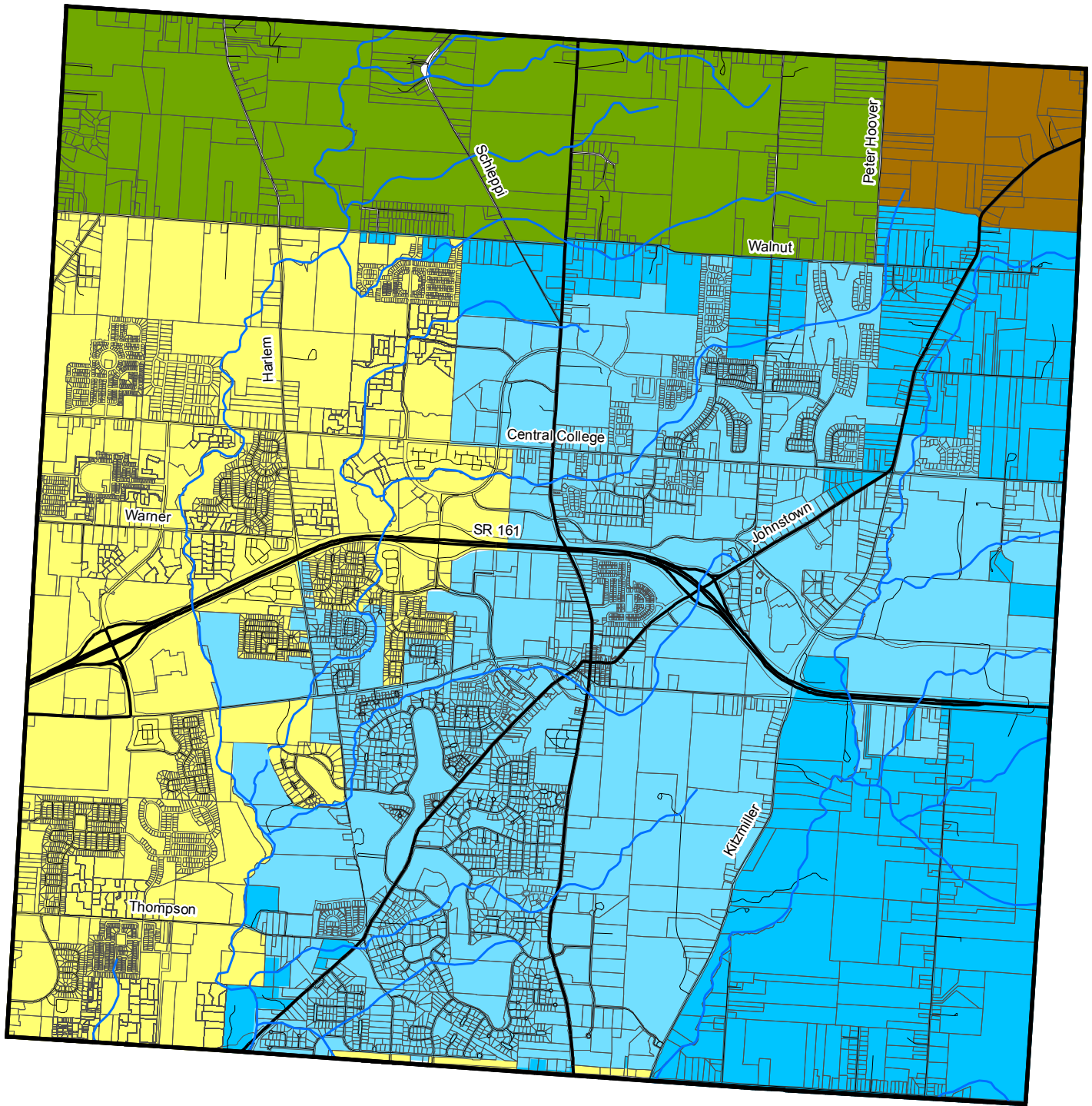
**FROM:** R. Lee Brown, Planning Administrator  
Franklin County Economic Development & Planning Department

**CC:** James Schimmer, Director  
Franklin County Economic Development & Planning Department

**RE:** Description of Boundary Change case to be journalized on the  
**November 8, 2011** General Session Agenda for a hearing on  
**December 6, 2011.**

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**Case #BC-23-11**- A boundary change BC-23-11 was filed in our office on November 3, 2011. The petition is requesting to change the boundaries of Montgomery Township to place territory within Plain Township that was previously annexed by the city of Columbus, and to thereby make the boundaries of Montgomery Township identical with the limits of the city of Columbus.



## Revised Attachment B: Agreement Territory

### Legend

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



City of Columbus  
Department of Development  
Planning Division

May 2009



# City of Columbus

## Legislation Report

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

# ORIGINAL

File Number: 1226-2011

30-Day

File ID: 1226-2011

Type: Ordinance

Status: First Reading

Version: 1

\*Committee: Development Committee

File Name: Annexation Acceptance AN11-006: 5.5 acres, Plain Township,

File Created: 08/22/2011

### 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

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Floor Action (Clerk's Office Only)

SEP 19 2011 D 7 D

NOV 3 2011

Franklin County Planning Department  
Franklin County, Ohio

Mayor's Action

SEP 21 2011

Mayor

Date

Council Action

SEP 19 2011

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

**Title:** To accept the application (AN11-006) of Martha L. O'Neal and Paul and Delia Cochenour for the annexation of certain territory containing 5.5 ± acres in Plain Township and to authorize the submission of a petition to the Board of Commissioners of Franklin County, Ohio, requesting a change in the boundary lines of Montgomery Township so as to make the boundary lines of this annexation identical with the corporate boundaries of the City of Columbus.

**Notes:** Submitted by Paul Haytcher

**Sponsors:**

**Attachments:** ORD1226-2011 AN11-006 Attach-A-Service Statement, ORD1226-2011 AN11-006 Map (Warner Rd)

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 1226-2011 passed by The Council of The City of Columbus, Ohio 9/19, 20 11, as shown by the records now on file in this office.

Seal

*Andrea Blewins*  
City Clerk



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**History of Legislative File**

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

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**Explanation****AN11-006**

**BACKGROUND:** This ordinance approves the acceptance of certain territory (AN11-006) by the City and authorizes its transfer from Plain Township to Montgomery Township per an annexation agreement between the City of Columbus and Plain Township. The Ohio Revised Code stipulates that once an annexation has been approved, it must be accepted by the receiving municipality. City acceptance must take place a minimum of 60 days (but not more than 180) from the receipt by the City Clerk of the approval notice from the county. Should City Council not take such action within this timeframe, the annexation will not take place. This petition was filed with Franklin County on May 31, 2011. Franklin County approved the annexation on June 14, 2011 and the City Clerk received notice on June 23, 2011. No service ordinance was required or filed for this annexation because it was filed as a Type 1 application as defined by the Ohio Revised Code. A service statement, reflecting the City's ability to provide services for this site upon annexation is included as Attachment A.

This type of application is stipulated for annexations in Plain Township as a consequence of an annexation agreement between the City and that jurisdiction. The annexation agreement also requires that territory annexed to the City of Columbus from Plain Township be transferred to Montgomery Township. Therefore, this ordinance authorizes the submission of a petition to the Board of County Commissioners of Franklin County, Ohio, requesting that the boundary lines of Montgomery County be changed to make them identical with the corporate limits of the City of Columbus for this annexation. The petition will be filed in accordance with Section 503.07 of the Ohio Revised Code.

**FISCAL IMPACT:** Provision of municipal services does represent cost to the City; however the annexation of land also has the potential to create revenue to the city.

**Title**

To accept the application (AN11-006) of Martha L. O'Neal and Paul and Delia Cochenour for the annexation of certain territory containing 5.5 ± acres in Plain Township and to authorize the submission of a petition to the Board of Commissioners of Franklin County, Ohio, requesting a change in the boundary lines of Montgomery Township so as to make the boundary lines of this annexation identical with the corporate boundaries of the City of Columbus.

**Body****RECEIVED****NOV 3 2011**

**WHEREAS**, a petition for the annexation of certain territory in Plain Township was duly filed by Jill Tangeman, Esq., on behalf of Martha L. O'Neal and Paul and Delia Cochenour on May 31; and

**WHEREAS**, while a service ordinance is not required for this type of annexation, the City did conduct a review of the proposed annexation to determine what services would be available to the site upon annexation, the results of which are reflected in attachment A; and

**WHEREAS**, the subject site is located in the City's Northeast 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**, the applicants attorney has been notified that an application to rezone the site for residential development will require the applicant, 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 arrangement with specific details to be developed at time of development; and

**WHEREAS**, said petition was duly considered by the Board of County Commissioners of Franklin County, Ohio, and the annexation of said hereinafter described territory to the city of Columbus was approved by said Commissioners by order dated June 14, 2011; and

**WHEREAS**, the Board of County Commissioners of Franklin County certified the transcript of the proceedings in connection with the said annexation with the map and petition required in connection therewith to the City Clerk who received the same on June 23, 2011; and

**WHEREAS**, sixty days from the date of said filing have now elapsed in accordance with the provisions of the Ohio Revised Code; and

**WHEREAS**, it is in the best interest of the city of Columbus to accept the annexation of the territory sought to be annexed by the aforesaid petition; and

**WHEREAS**, the annexation agreement between Plain Township and the City of Columbus requires the City to transfer territory annexed from Plain Township to the City and to conform the boundaries of Montgomery Township to make them identical with the corporate limits of the City; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the proposed annexation as applied for in the petition of Martha L. O'Neal and Paul and Delia Cochenour being the majority of owner(s) of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Franklin County, Ohio on May 31, 2011 in which said petition prayed for annexation to the city of Columbus, Ohio, of certain territory adjacent thereto as hereinafter described, and which said petition was approved for annexation to the city of Columbus by the Board of County Commissioners by order dated June 14, 2011 be and the same is hereby accepted and said territory is hereby annexed to the city of Columbus. Said territory is described as follows:

Situated in the State of Ohio, County of Franklin, Township of Plain, Quarter Township 3, Township 2, Range 16, United States Military District, and being part of that 2.869 acre tract conveyed to Martha L. O'Neal of record in Instrument Number 200006290128236 and Instrument Number 200502090024964 (A.P.N. 220-000657) and part of that 2.869 acre tract conveyed to Paul D. and Delila A. Cochenour of record in Official Record 3455E19 (A.P.N. 220-000673), and described as follows:

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Beginning in the west line of said O'Neal tract and in the south right-of-way line for Warner Road, said south right-of-way line being an existing City of Columbus Corporation Line (Case No. 60-03, Ord. No. 432-04, I.N. 200407190166446);

Thence Easterly, across said O'Neal and Cochenour tracts and along said south right-of-way line (20 feet southerly from the centerline of Warner Road), the same being said corporation line, about 500 feet to the east line of said Cochenour tract;

Thence Southerly, along said Cochenour's east line, about 480 feet to the southeast corner thereof, in an existing City of Columbus Corporation Line (Case No. 22-86, Ord. No. 2982-86, O.R. 8860E19);

Thence Westerly, along the south line of said Cochenour and O'Neal tracts, the same being said corporation line and an existing City of Columbus Corporation Line (Case No. 01-97, Ord. No. 1388-97, I.N. 199710070113511), about 500 feet to the southwest corner of said O'Neal tract;

Thence Northerly, along the west line of said O'Neal tract, about 480 feet to the Point of Beginning. Containing approximately 5.5 acres of land, more or less. The above description was written by John C. Dodgion, P.S. 8069 on April 07, 2011. A drawing of the above description has been prepared and is a part hereof.

The total length of the annexation perimeter is about 1960 feet, of which about 1000 feet are contiguous with existing City of Columbus Corporation Lines, being about 51% contiguous. This annexation does not create any islands of township property.

**Section 2.** That pursuant to the provisions of Section 503.07 of the Ohio Revised Code the Director of the Department of Development be and is hereby authorized and directed on behalf of the City of Columbus to present to the Board of Commissioners of Franklin County, Ohio, a petition requesting such changes in and extent ions of the boundary lines of Montgomery Township as may be necessary so that said township may include therein that portion of Plain Township, which by the order of the Board of County Commissioners of Franklin County, Ohio, on June 14, 2011 was approved for annexation to the City of Columbus, so as to make the boundaries 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 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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Franklin County Planning Department  
Franklin County, Ohio

# Attachment "C"

## ANNEXATION AN11-006

### ± 5.5 Acres in Plain Township

### Martha L. O'Neil & Paul & Delila Cochenour

