

Review of Petition to Annex 3.2 +/- acres from Perry Township to the City of Worthington by Gary B. Gitlitz, Esq. Case #ANX-EXP2-17-13 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Gary B. Gitlitz, Esq filed on behalf of Segna Investment, Inc. on June 27, 2013 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 resolution no. 29-2013, passed on July 8, 2013 by the City of Worthington.

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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 Worthington, 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 Worthington, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0589-13

July 30, 2013

REVIEW OF PETITION TO ANNEX 3.2 +/- ACRES FROM PERRY TOWNSHIP TO THE CITY OF WORTHINGTON BY GARY B. GITLITZ, ESQ. CASE #ANX-EXP2-17-13

(Economic Development and Planning)

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

Voting:

John O'Grady, President

Aye

Marilyn Brown

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.



Shannon Z Cross, Clerk
Board of County Commissioners
Franklin County, Ohio



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

Economic Development & Planning Department
James Schimmer, Director

RESOLUTION SUMMARY

REVIEW OF PETITION TO ANNEX
3.2 +/- ACRES FROM
PERRY TOWNSHIP
TO THE CITY OF WORTHINGTON
BY GARY B. GITLITZ, ESQ.

Description:

Attached is a resolution to consider the annexation of 3.2-acres, more or less, from Perry Township to the city of Worthington. The petition case number is ANX-EXP2-17-13.

Applicant/Agent:

Gary B. Gitlitz, Esq.

Owner:

Segna Investment, Inc.

Site:

2233-2299 W. Granville Road (213-000189, 213-000337, 213-000137, 213-000183, 213-000003)

Additional Information:

The site is contiguous to the city of Worthington on three (3) sides.

Analysis:

The applicant has met all statutory requirements outlined in Section 709.21 of the Ohio Revised Code. The applicant has provided proof of notification, and timeline and has provided a service resolution from the city of Worthington stating the services that will be provided once the annexation has been approved. The city of Worthington has agreed to provide the territory proposed for annexation the services specified in the relevant service resolution no. 29-2013 passed July 8, 2013.

Recommendation:

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



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

Economic Development & Planning Department
James Schimmer, Director

MEMO JOURNALIZATION

TO: Shannon Zee Cross, 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 **July 2, 2013** General Session Agenda for a
hearing on **July 30, 2013**.

Case #ANX-EXP2-17-13- An Expedited Type 2 annexation ANX-EXP2-17-13 was filed in our office on June 27, 2013. The petition is requesting to annex 3.2+/- acres from Perry Township to the city of Worthington. The agent is Gary B. Gitlitz, Esq. **Site: 2233-2299 W. Granville Road (213-000189, 213-000337, 213-000137, 213-000183, and 213-000003)**



Commissioners
 Marilyn Brown, President
 Paula Brooks
 John O'Grady

Economic Development & Planning Department
 James Schlimmer, Director

Application for
**Annexation
 Petition**

Expedited Type 2
 Pursuant to ORC §709.023

RECEIVED

JUN 27 2013

Franklin County Planning Department
 Franklin County

Property Information	
Site Address 2233-2299 W. Dublinville Road	
Parcel ID(s) 213-000189, 213-000337 213-000137, 213-000183, 213-000003	Total Acreage 2.8 (32-acres ROW)
From Township Perry	To Municipality Worthington

Property Owner Information	
Name Segna Investment, INC.	
Address P.O. Box 1895 Buckeye Lake, OH 43008	
Attn: Joe P. Segna	
Phone #	Fax #
Email jsegna@segnaassociates.com	

Attorney/Agent Information	
Name Gary B. Gitlitz, Esq.,	
Address 5003 Horizons Drive, Suite 200 Columbus, OH 43220	
Phone # 614.360.1050	Fax # 614.451.3156
Email gbg@abglawyers.com	

Staff Use Only	
Case # ANX-EXP2 17-13	
Hearing date:	7/30/13
Date filed:	6/27/13
Fee paid	\$250.00
Receipt #	1194
Notifications deadline: 5 days	7/2/13
Svc statement deadline: 20 days	7/17/13

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			
<p>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.</p>			
SEGNA INVESTMENT, INC.			
 Property Owner JOE P. SEGNA	Date 6/27/13	Property Owner Date	 Date
Property Owner Date	 Date	Property Owner Date	 Date

RECEIVED

JUN 27 2013

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER

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

By DR Date 6/27/13

DESCRIPTION OF APPROXIMATELY 3.2 ACRES IN PERRY TOWNSHIP
TO BE ANNEXED TO THE CITY OF WORTHINGTON

Situated in the State of Ohio, County of Franklin, Township of Perry, being part of Section 4, Township 2, Range 19, United States Military Lands, being part of that 0.666 acre tract as described in a deed to Segna Investment, Inc., of record in Official Record Volume 28038 C19 (Parcel No. 213-000189); part of that 1.377 acre tract as described in a deed to Segna Investments, Inc., of record in Official Record Volume 03780 H16 (Parcel No. 213-000337); part of that 0.500 acre tract as described in a deed to Segna Investment, Inc., of record in Official Record Volume 04074 F02 (Parcel No. 213-000137 and Parcel No. 000183); part of that 0.802 acre tract as described in a deed to Segna Investment, Inc., of record in Official Record Volume 01573 H18 (Parcel No. 213-000003); and part of that 0.331 acre tract as described in a deed to the City of Worthington, of record in Official Record Volume 05893 F04, said proposed annexation area being more particularly described as follows:

Beginning at the southwesterly corner of said 1.377 acre tract, at the northwesterly corner of that 2.634 acre tract annexed to the City of Worthington in Ordinance No. 18-97 of record in Instrument Number 201304250068107 and being in an easterly line of that 10.376 acre tract annexed to the City of Worthington in Resolution No. 34-73 of record in Deed Book 161, Page 712;

Thence Northerly, along the westerly line of said 1.377 acre tract, the easterly line of said corporation line, approximately 126 feet to a point at the southeasterly corner of said 0.500 acre tract and being an angle point in said corporation line;

Thence Westerly, along the southerly line of said 0.500 acre tract, along a northerly line of said corporation line, approximately 110 feet to a point at the southwesterly corner of said 0.500 acre tract and being an angle point in said corporation line;

Thence Northerly, along the westerly line of said 0.500 acre tract, along an easterly line of said corporation line, approximately 178 feet to a point in the southerly right of way line of Dublin Granville Road and being a northeasterly corner in said corporation line;

Thence Easterly, along the southerly right of way line of Dublin Granville Road, through said 0.500 acre tract and said 0.802 acre tract and said 0.666 acre tract, approximately 501 feet to a point in the centerline of Linworth Road;

Thence Easterly, continuing along the original southerly right of way line of Dublin Granville Road, approximately 136 feet to a point at the northwesterly corner of that 12.36 acre tract annexed to the City of Worthington in Resolution No. 26-69 of record in Miscellaneous Record 148, Page 541;

Thence Southerly, along said corporation line, approximately 10 feet to a point at the northeasterly corner of that 0.301 acre tract annexed to the City of Worthington in Ordinance No. 4-86 of record in Official Record Volume 6985 G05, in the southerly line of said 0.331 acre tract;

Thence Westerly, along said corporation line, and the southerly line of said 0.331 acre tract, being parallel to and 40 feet southerly from the centerline of said Dublin Granville Road, approximately 68 feet to a point of curvature;

Page two
Annexation

Thence Southwesterly, continuing along said corporation line, along a line of said 0.331 acre tract, along the arc of a curve to the left having a radius of 25 feet, an arc distance of approximately 42 feet to a point of tangency;

Thence Southerly, continuing along said corporation line, along the easterly line of said 0.331 acre tract, approximately 112 feet to a point in a northerly line of said 12.36 acre tract annexed to the City of Worthington in Resolution No. 26-69, at the southwesterly corner of said 0.301 acre tract annexed to the City of Worthington in Ordinance No. 4-86;

Thence Westerly, along a northerly line of said 12.36 acre tract annexed to the City of Worthington, approximately 10 feet to a point at a northwesterly corner of said 12.36 acre annexed area;

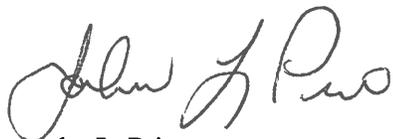
Thence Southerly, along said corporation line being parallel to and 30 feet easterly from the centerline of said Linworth Road, approximately 116 feet to a point at the northeasterly corner of said 2.634 acre tract annexed to the City of Worthington in Ordinance No. 18-97;

Thence Westerly, crossing said Linworth Road, along the southerly line of said 1.377 acre tract, along said corporation line, approximately 407 feet to the Place of Beginning and containing 3.2 acres, more or less.

The total length of the proposed annexation perimeter is approximately 1,816 feet, of which approximately 1179 feet (approximately 65%) is contiguous with existing City of Worthington Corporation Lines.

The foregoing annexation description has been prepared from record documents only and not from an actual field survey of the premises and is not to be used for any other purpose.

BRH Group, Inc.



John L. Price
Professional Surveyor No. 7159

04/26/2013



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JUL 16 2013

RESOLUTION NO. 29-2013

A Resolution Indicating What Services the City of Worthington Will Provide to the 2.8 ± Acres Located in Perry Township, Franklin County, Ohio, Upon Annexation to the City, and to Provide for Buffer Requirements.

Franklin County Planning Department
Franklin County, Ohio

ANX-EXP2-17-13

WHEREAS, on June 27, 2013, pursuant to Ohio Revised Code Section 709.023, the property owner seeking the annexation of 2.8± acres of real property in Perry Township, Franklin County, Ohio, contiguous to the City of Worthington, filed a Petition for Annexation of its property to the City of Worthington with the Board of County Commissioners of Franklin County, Ohio, a copy of which is attached hereto as Exhibit "A", notice of which was duly served upon the City of Worthington as prescribed by law; and,

WHEREAS, Ohio Revised Code Section 709.023(C) provides that within twenty days after the date that the petition is filed, the municipal corporation to which annexation is sought shall adopt a resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services; and,

WHEREAS, Ohio Revised Code Section 709.023(C) also provides that within that same twenty day period, a municipal corporation shall adopt an ordinance or resolution stating that the municipal corporation will require a buffer separating the use of the annexed territory and the adjacent land remaining within the township, if the municipal corporation determines that its permitted zoning is incompatible with the uses permitted under the county or township zoning.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. In the event that the proposed 2.8± acres (the "Property") is annexed to the City of Worthington, Ohio, the City will provide to the Property the full range of municipal services available to the residents of, and to the property within, the City of Worthington, including but not limited to police and fire protection, mayor's court, public works and street maintenance, planning, zoning, building and engineering services, and parks and recreation, all of which can be provided immediately upon the effective date of the annexation as provided by law. Should it be determined that as a result of the annexation, the boundary line between the township and the City divides or segments a street or highway so as to create a road maintenance problem, the City, as a condition of the annexation, shall assume the maintenance of that street or highway or otherwise correct the problem.

RESOLUTION NO. 29-2013

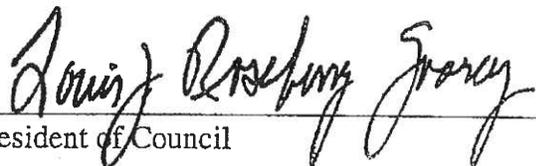
SECTION 2. The proposed annexation area is included within the boundaries of the area of the City of Worthington's Water Service Contract and Sewerage Contract with the City of Columbus and those services are provided in accordance with the terms and condition of those contracts. The City of Worthington shall be under no obligation to extend water or sewer lines to any of the Property at the cost of the City or in contravention of the contracts with Columbus.

SECTION 3. If the Property is annexed and becomes subject to the City of Worthington zoning and the City zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under applicable county or township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexed territory remaining in the unincorporated area of Perry Township, then the City of Worthington will require the owner or owners of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Perry Township.

SECTION 4. The Clerk is hereby directed to forward and file certified copies of this Resolution with the Franklin County Board of County Commissioners and to send a copy to the petitioner for annexation or the petitioner's agent within twenty days following the date that the petition was filed with Franklin County.

SECTION 5. That the Clerk be and hereby is instructed to record this Resolution in full in the appropriate resolution book.

Adopted July 8, 2013



President of Council

Attest:



Clerk of Council