

**Review of Petition to Annex 19.1 +/- acres from Plain Township to the City of New Albany Case #ANX-EXP1-14-14 (Economic Development & Planning)**

**WHEREAS**, an Expedited Type 1 annexation petition was filed by Jackson B. Reynolds, III, on behalf of Robert and Ivan Sammons and Joseph and Annamarie Yurvati, with the Franklin County Economic Development and Planning Department on May 28, 2014, and

**WHEREAS**, the petitioner requests that the Commissioners of Franklin County, State of Ohio, proceed in accordance with Section 709.022 of the Revised Code in granting the petition, and having considered all the facts and references 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 has met all the requirements set forth in, and was filed in the manner provided in, section 709.022 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 has an accurate legal description and map of the area to be annexed.
4. The township and the municipal corporation to which annexation is proposed entered into an Annexation Agreement on May 22, 2014 authorized under respective Resolution Nos. 140521A1 and R-35-2014.

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 New Albany, 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 New Albany, Ohio.

Resolution No. 0402-14

June 10, 2014

**Review of Petition to Annex 19.1 +/- acres from Plain Township to the City of New Albany Case #ANX-EXP1-14-14 (Economic Development & Planning)**

Prepared by: D. Anthony Hray

C: Economic Development & Planning Department

SIGNATURE PAGE FOLLOWS

**SIGNATURE SHEET**

Resolution No. 0402-14

June 10, 2014

**REVIEW OF PETITION TO ANNEX 19.1 +/- ACRES FROM PLAIN TOWNSHIP  
TO THE CITY OF NEW ALBANY CASE #ANX-EXP1-14-14**

**(Economic Development and  
Planning)**

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

**Voting:**


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

**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.

  
\_\_\_\_\_  
Victoria Caldwell, 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

REVIEW OF PETITION TO ANNEX  
19.1 +/- ACRES FROM  
PLAIN TOWNSHIP  
TO THE CITY OF NEW ALBANY  
BY JACKSON B. REYNOLDS, III

### **Description:**

Attached is a resolution to consider the annexation of 19.1-acres, more or less, from Plain Township to the city of New Albany. The petition case number is ANX-EXP1-14-14.

### **Property Owner Information:**

Robert and Ivan Sammons (7427 Bevelhymer Road)  
Joseph and Annamarie Yurvati (7435 Bevelhymer Road)

### **Attorney/Agent:**

Jackson B. Reynolds, III

### **Site:**

7427 and 7435 Bevelhymer Road (Parcel #220-000431 and #220-0001796)

### **Additional Information:**

The site is contiguous to the city of New Albany on two (2) sides, being 53 +/- percent of its total perimeter.

### **Analysis:**

The applicant has met all statutory requirements outlined in Section 709.022 of the Ohio Revised Code. The applicant has provided a certified copy of the Annexation Agreement between Plain Township and the city of New Albany entered into on May 22, 2014 and authorized under respective Resolution Nos. 140521A1 and R-35-2014.

### **Recommendation:**

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



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

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

Application for  
**Annexation  
Petition**

**Expedited Type 1**  
Consent of all parties

RECEIVED

MAY 28 2014

Franklin County Planning Department  
Franklin County, OH

<b>Property Information</b>	
Site Address	7427 & 7435 Bevelhymer Road
Parcel ID(s)	220-431 / 1796
Total Acreage	19.1 acres
From Township	Plain
To Municipality	New Albany

<b>Staff Use Only</b>	
Case #	ANX-EXP 1 14-14
Journal date (next regular session): Hearing 6/10/14	
Date filed:	5/29/14
Fee paid	350.00
Receipt #	1345
<ul style="list-style-type: none"><li>Notifications not required</li><li>Service Ord. not required</li><li>Public hearing not required</li></ul>	

<b>Property Owner Information</b>	
Name	Joseph & Annamarie Yurvati / Robert & Iva Sammons
Address	7435 Bevelhymer Road
	7427 Bevelhymer Road
	New Albany, OH 43054
	New Albany, OH 43054
Phone #	855-1614 / 859-1151
Fax #	
Email	

<b>Attorney/Agent Information</b>	
Name	Jackson B. Reynolds, III c/o Smith & Hale LLC
Address	37 West Broad Street, Suite 460
	Columbus, OH 43215
Phone #	221-4255
Fax #	221-4409
Email	jreynolds@smithandhale.com

<b>Document Submission</b>
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
<input checked="" type="checkbox"/> Certified copy of CEDA or annexation agreement

**Waiver of Right to Appeal**

The undersigned hereby request/s the Board of County Commissioners follow O.R.C. §709.022 in consideration of this petition.

**WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS.**  
**THERE IS ALSO NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.**

Property Owner \_\_\_\_\_ Date \_\_\_\_\_ Property Owner \_\_\_\_\_ Date \_\_\_\_\_

JEFFREY L. BROWN  
GLEN A. DUGGER  
JACKSON B. REYNOLDS, III  
DAVID L. HODGE

**SMITH & HALE LLC**  
ATTORNEYS AND COUNSELORS AT LAW  
37 WEST BROAD STREET  
COLUMBUS, OHIO 43215-4199  
www.smithandhale.com

HARRISON W. SMITH, JR.  
1926-2009  
OF COUNSEL  
BEN W. HALE, JR.

614/221-4255

RECEIVED

May 28, 2014

MAY 28 2014

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

Franklin County Planning Department  
Franklin County, OH

ANX - EXP 1  
14-14

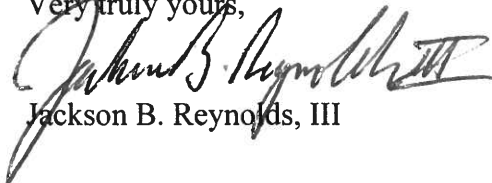
RE: 19.1 ± acres Annexation Petition from Plain Township to the City of New Albany

Dear Commissioners:

I am filing a petition for annexation of 19.1 ± acres from Plain Township to the City of New Albany on behalf of Robert Sammons, et al. on May 28, 2014. On behalf of the petitioners, I am requesting consideration of the annexation petition under Section 709.022 of the Ohio Revised Code, or as more commonly known, Expedited Type 1. There is 100% signature rate of property owners and all the requirements under the applicable sections of the Ohio Revised Code have been or will be satisfied by the dates required under the new law.

I will forward to the Clerk the necessary documentation prior to your review and should there be any questions prior to our scheduled meeting please give me a call.

Very truly yours,



Jackson B. Reynolds, III

JBR/nct

EXPEDITED TYPE I PETITION FOR ANNEXATION (SECTION 709.022)  
TO THE CITY OF NEW ALBANY  
OF 19.1 ACRES MORE OR LESS  
IN THE TOWNSHIP OF PLAIN

RECEIVED

MAY 28 2014

TO THE BOARD OF COUNTY COMMISSIONERS  
OF FRANKLIN COUNTY, OHIO:

ANX-EXP 1 14-14  
Franklin County Planning Department  
Franklin County, OH

The undersigned, petitioners in the premises, and being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described, consisting of 19.1 acres, more or less, in the Township of Plain which area is contiguous and adjacent to the City of New Albany, do hereby pray that said territory be annexed to the City of New Albany according to the statutes of the State of Ohio.

A full and accurate description and a plat of said territory so prayed to be annexed are attached hereto and made part hereof.

In support of said Petition, your petitioners state that there is/are within the territory so prayed to be annexed four (4) OWNER(S) OF REAL ESTATE.

Jackson B. Reynolds, III, whose address is 37 West Broad Street, Suite 725, Columbus, Ohio 43215, is hereby appointed Agent for the undersigned Petitioner(s), as required by Section 709.02 of the Revised Code of Ohio. Said agent is hereby authorized to make any amendment and/or deletion which in his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noted by the Franklin County Engineer in his examination of the Petition and Plat. Said amendment shall be made by the presentation of an amended plat and description to the Board of County Commissioners on, before, or after the date set for hearing on this Petition.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.

NAME	DATE	ADDRESS
<u>Joseph E. Yuryati</u> Joseph E. Yuryati	<u>5/23/14</u>	<u>7435 Bevelhymers Rd</u>
<u>Annamarie Yuryati</u> Annamarie Yuryati	<u>5/23/14</u>	<u>7435 Bevelhymers Rd.</u>
<u>Robert Sammons</u> Robert Sammons	<u>5-23-14</u>	<u>7427 Bevelhymers Rd.</u>
<u>Iva L. Sammons</u> Iva L. Sammons	<u>5-23-14</u>	<u>7427 Bevelhymers Rd</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

# 19.1 +/- Acre Annexation

Situated in the State of Ohio, County of Franklin, Township of Plain, being located in Section 9, Township 2, Range 16, in the United States Military Lands, and also being all of the remainder of a 24.875 acre tract in the name of Robert and Iva L. Sammons as described in Deed Book 2493, Page 86 as well as a 5.000 acre tract in the name of Joseph E and Annamarie Yurvati as described in Deed Book 3609, Page 148, all records are to the Franklin County Recorder's Office, Franklin County Ohio:

Beginning for reference in the centerline of Bevelhymer Road at the northeasterly corner of New Albany Links Section 6 as shown of record in Plat Book 97, page 66, also being the southeasterly corner of a 1.000 acre tract in the name of Joseph A. Roach as described in IN 200305220151781;

Thence westerly with the northerly line of said New Albany Links Section 6 a distance of approximately 311 feet to the southwesterly corner of said 1.00 acre tract also being an existing City of New Albany corporation line established by Ordinance Number 31-96, as described in Official Record 34456, Page G14 and the **True Place of Beginning** for the tract of land herein being described;

Thence westerly with said corporation line also being the northerly line of said New Albany Links Section 6 a distance of approximately 718 feet to the southeasterly corner of a Reserve "F" in Upper Clarenton Section 1 as shown of record in Plat Book 108, Page 38;

Thence northerly continuing with said corporation line also being the easterly lines of said Reserve "F", also Reserve "M", Reserve "N", and Reserve "O" of the Re-subdivision of All of Reserve "A", Reserve "C", Reserve "G", Reserve "H", Reserve "I", and Reserve "J" of Upper Clarenton Section 1, as shown of record in Plat Book 115, Page 81 a distance of approximately 869 feet to the southwesterly corner of a 3.700 acre tract in the name of Kevin D. and Abby L. Foust as described in IN 201106230078650;

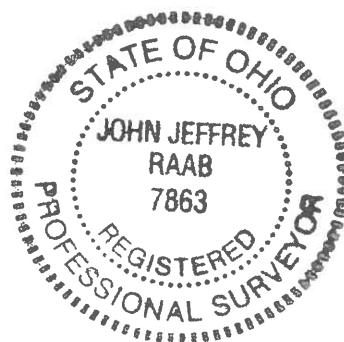
Thence leaving said corporation line with the southerly line of said 3.700 acre tract, a distance of approximately 995 feet to the westerly right of way line of said Bevelhymer Road;

Thence southerly with said right of way line a distance of approximately 734 feet to a point on the northerly line of a 1 acre tract in the name of Joseph A. Roach as described in in IN 200305220151781, and in said existing corporate line;

Thence westerly with said corporation line also with the northerly line of said 1.000 acre Roach tract a distance of approximately 283 feet to the northwesterly corner of said Roach tract;

Thence southerly continuing with said corporation line also being the westerly line of said 1.000 acre Roach tract a distance of approximately 140 feet to the **True Place of Beginning** containing approximately 19.1 acres more or less.

  
John J. Raab, P.S. 7863      Date 5/22/14



**RECEIVED**

MAY 23 2014

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

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

By RJR Date 05-23-2014

**RECEIVED**

MAY 28 2014

Franklin County Planning Department  
Franklin County, OH

ANX - EXP 1  
14-14



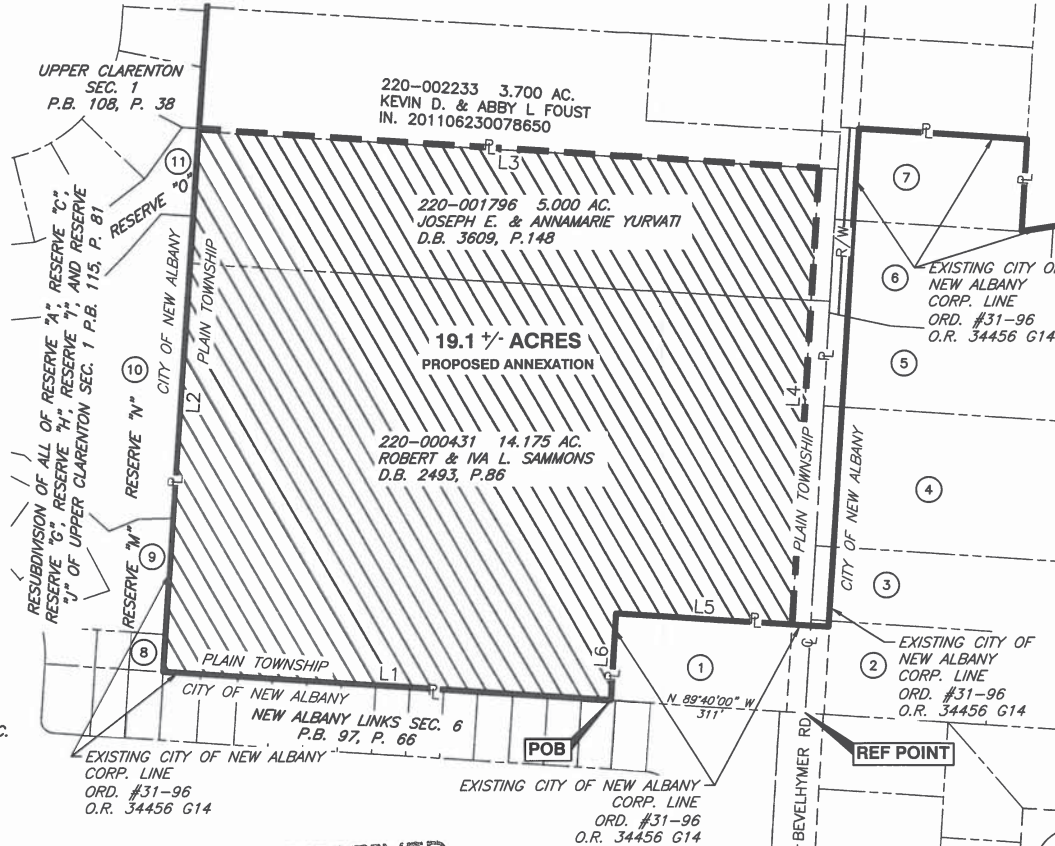


# NORTH ADJACENT PROPERTY INDEX

- 1 222-002009 1.000 AC.  
JOSEPH A. ROACH  
IN. 200305220151781
- 2 222-001982 1.000 AC.  
RAYBURN E. & BRENDA L. MURPHY  
D.B. 3417, P. 842
- 3 222-002014 5.001 AC.  
GEORGE R. & SONDR A. STRIBICK  
IN. 201204130051214
- 4 222-002015 5.001 AC.  
WILLIAM RUSSELL SCHUBERT, TRUSTEE  
IN. 201011100151293
- 5 222-001995 6.266 AC.  
TOBY J. THUNBERG & SALLY HENRY  
IN. 201312040200146
- 6 222-001966 1.149 AC.  
GARY L. & MARY L. GAMBILL  
D.B. 3625, P. 413
- 7 222-001996 1.019 AC.  
MICHAEL H. DOS SANTOS  
IN. 201310180176783
- 8 222-003898 0.075 AC.  
C. NELSON & GAIL C. MERRELL  
IN. 200604070065598  
RESERVE "F"  
UPPER CLARENTON SEC. 1  
P.B.108, P.38
- 9 222-004547 0.851 AC.  
UPPER CLARENTON, HOMEOWNERS ASSOC.  
P.B.108 P. 39  
IN. 201305240086759
- 10 222-004548 3.260 AC.  
M/I HOMES OF CENTRAL OHIO, LLC.  
P.B.108, P. 39  
IN. 201305240086759
- 11 222-004549 2.411 AC.  
UPPER CLARENTON, HOMEOWNERS ASSOC.  
P.B.108 P. 39  
IN. 201305240086759

## PROPOSED ANNEXATION OF 19.1 +/- ACRES TO THE CITY OF NEW ALBANY FROM PLAIN TOWNSHIP, FRANKLIN COUNTY, OHIO

STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF PLAIN,  
SEC. 9, TWP. 2, RANGE 16, UNITED STATES MILITARY LANDS



RECEIVED

MAY 28 2014

Franklin County Planning Department  
Franklin County, OH

ANX - EX 1  
14-H

SCALE IN FEET



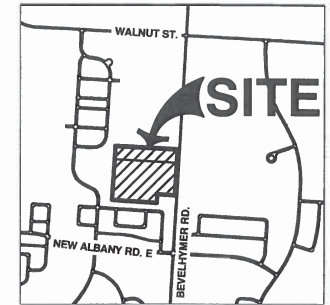
### LEGEND

- EXISTING CORPORATION LINE
- PROPOSED CORPORATION LINE
- AREA TO BE ANNEXED FROM PLAIN TOWNSHIP TO THE CITY OF NEW ALBANY

RECEIVED

MAY 23 2014

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



VICINITY MAP

APPROX. 1"=2,000'

### CONTIGUITY CALCULATION

2,009 LINEAL FEET OF PERIMETER IS  
CONTIGUOUS WITH THE EX. CORPORATION  
LINE OF THE CITY OF NEW ALBANY.

A TOTAL OF 3,739 LINEAL FEET OF  
ANNEXED PERIMETER.

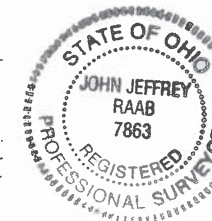
53.7% OF THE PERIMETER OF THE  
ANNEXED AREA IS CONTIGUOUS TO THE  
EX. CITY OF NEW ALBANY CORPORATION  
LINE.

Line Table	
Line #	Length
L1	718' +/-
L2	869' +/-
L3	995' +/-
L4	734' +/-
L5	283' +/-
L6	140' +/-

### PROPERTIES TO BE ANNEXED

P.I.D.: 220-001796  
5.0 +/- ACRES  
JOSEPH E. & ANNAMARIE YURVATI  
D.B.3609, P.148

P.I.D.: 220-000431  
14.2 +/- ACRES  
ROBERT & IVA L. SAMMONS  
D.B.2493, P.86



THIS ANNEXATION PLAT IS A GENERAL  
DESCRIPTION OF THE LOCATION OF PROPERTY  
TO BE ANNEXED AND IS NOT A BOUNDARY  
SURVEY AS DEFINED IN THE O.A.C. CHAPTER  
4733.37.

*John J. Raab 5/22/14*  
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.  
JOHN J. RAAB  
REGISTERED LAND SURVEYOR NO.: 7863



Civil & Environmental Consultants, Inc.

8740 Orion Place, Suite 100 - Columbus, OH 43240  
614-540-6633 · 888-598-6808  
www.cecinc.com

PROPOSED ANNEXATION OF 19.1 +/- ACRES  
BEVELHYMER ROAD  
PLAIN TOWNSHIP, OHIO

ANNEXATION PLAT

DRAWN BY: KAO CHECKED BY: JJR APPROVED BY: JAM DRAWING NO.:  
DATE: MARCH 2014 DWG SCALE: 1"=200' PROJECT NO: 132-190 1 OF 1

## ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this "Agreement"), is entered into on or as of May 22 2014 (the "Effective Date") by and between the City of New Albany, Ohio (the "City"), an Ohio Charter municipal corporation having its address at 99 W. Main Street, New Albany, Ohio 43054, and the Township of Plain, Franklin County, Ohio (the "Township"), a township duly organized and validly existing under the laws of the State of Ohio having its address at 45 Second Street, New Albany, Ohio 43054.

### W I T N E S S E T H:

WHEREAS, the City and the Township share certain boundaries and therefore have a shared interest in the parcels found to the west of Bevelhymer Road and the parcel found north of Walnut Street as illustrated in Exhibit A attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the City and the Township desire to maintain a cooperative relationship that will foster economic development on the Property and to provide for public infrastructure improvements that will serve the residents and property owners of the City and the Township; and

WHEREAS, in furtherance of this relationship, the City and the Township desire to enter this Agreement to memorialize the terms of their mutual agreement on the manner and procedure under which the annexation of the Property to the City will occur in order to ensure that such annexation is completed in a manner mutually satisfactory to both parties.

**NOW, THEREFORE**, in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the parties hereby agree as follows:

1. Territory Defined: This Agreement shall cover and be applicable only to the Property. The boundaries of the Property shall not be reduced, enlarged, modified, or altered in any way except by written consent approved and given by the legislative authorities of both the City and the Township by means of appropriate action authorizing such reduction, enlargement, modification, or alteration. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.
2. Annexation of the Property: On or after the Effective Date, all or part of the Property may, upon proper petition(s) to and with the final approval of the Franklin County Board of Commissioners (the "Commissioners"), be annexed to and accepted by the City under the conditions hereinafter set forth in this Section 2 and subject to all other conditions and limitations in this Agreement.
  - A. Procedure: Annexations of all or part of the Property to the City shall be filed pursuant to and comply with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code, as such provisions exist on the Effective Date. Annexations of such Property shall also comply with the terms of this Agreement. It is the intention of the parties to require any petition seeking to annex all or a portion of the

RECEIVED

MAY 28 2014

Property to the City to be filed pursuant to and in compliance with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code as set forth in this Section 2.A and in compliance with the terms of this Agreement, and to prohibit the City from assisting or accepting an annexation petition concerning the Property which fails to comply with this requirement.

B. Effect of Annexation: Immediately following both (i) the approval of a particular annexation petition affecting all or part of the Property by the Commissioners and (ii) the City's acceptance into municipal boundaries of the real property affected by the petition(s), then the annexed property shall be treated and viewed with the same legal effect as if it had been approved as an annexation completed under Section 709.02 of the Ohio Revised Code. Should, at any time, any Property annexed into the City, pursuant to this Agreement, be excluded from the Township, the City shall compensate the Township as in accordance with Section 709.19 of the Ohio Revised Code in its current form as of the effective date of this agreement and in the event Section 709.19 is amended, the City shall not be released from its obligation to make payments described in the current language of Section 709.19.

C. Cooperative Efforts: Upon the filing of any annexation petition concerning all or part of the Property in accordance with Section 2.A of this Agreement, the Township and the City shall cooperate in good faith to facilitate the approval and success of such petition. In such an instance, each party shall refrain from taking any action that would directly or indirectly delay the annexation process or endanger the possible approval of the annexation petition by the Commissioners. If an annexation petition concerning all or part of the Property is filed which does not comply with the terms of this Agreement, the City shall refrain from any act which would, directly or indirectly, contribute to the success of the petition, unless required by law. This obligation shall include not approving or otherwise consenting to a petition seeking to annex any such property.

3. Payment to the Township Fire Department:

In the event that the City creates a TIF district on the Property, the City agrees to pay to the Township from available annual TIF revenues generated from the Property, in consideration for the Township's continuing to provide Fire/EMS services to the Property, the annual amount that the Township would have received with respect to taxes the Township has levied to fund its fire department if not for the exemption granted by the TIF Ordinance (the "Fire Department Payment").

4. Miscellaneous:

A. The term of this Agreement shall commence on the Effective Date and shall terminate at 11:59 p.m. on the fiftieth (50<sup>th</sup>) anniversary of the Effective Date (the "Initial Term"). Unless the legislative authority of the City or the Township, at least ninety (90) days before the expiration of the Initial Term or any subsequent term as

provided herein, acts to terminate the Agreement at the expiration of said term, this Agreement shall automatically renew for consecutive terms of twenty (20) years each, with no limit on the number of renewal terms.

- B. Notices. Any notice required to be given hereunder shall be given in writing and shall be deemed sufficiently given if actually received or if hand delivered or sent by recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other party at the address set forth in this Agreement or to such other address as the recipient shall have previously notified the sender of in writing. For purposes of this Agreement, notices shall be addressed to:

**If to City:**

The City of New Albany  
Attn: Joseph Stefanov  
City Manager  
99 W. Main Street  
New Albany, Ohio 43054  
Fax: 614.855.8583

**If to Township:**

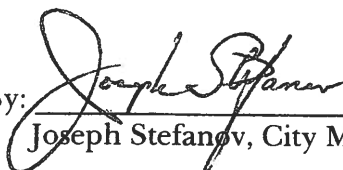
Plain Township Board of Trustees  
Attn: Ben Collins  
Township Administrator  
45 Second Street  
New Albany, Ohio 43054  
Fax: 614.855.2087

Notices shall be deemed received upon actual receipt, unless sent certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused.

- C. Entire Agreement. This Agreement embodies the entire understanding among the parties with respect to the subject matter herein contemplated. Any amendments hereto shall be in writing and shall be executed by both the City and the Township.
- D. Counterparts. This Agreement may be executed in one or more counterparts, each of which, when executed and delivered, shall be deemed an original, and all counterparts shall constitute one and the same instrument.

IN TESTIMONY WHEREOF, the parties have caused duplicate counterparts hereof to be executed by their duly authorized officers as of the date first set forth above.

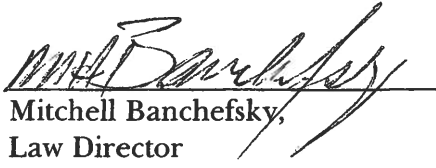
**City of New Albany**

By:   
Joseph Stefanov, City Manager

**Plain Township**

By:   
Ben Collins, Township Administrator

Approved as to Form:

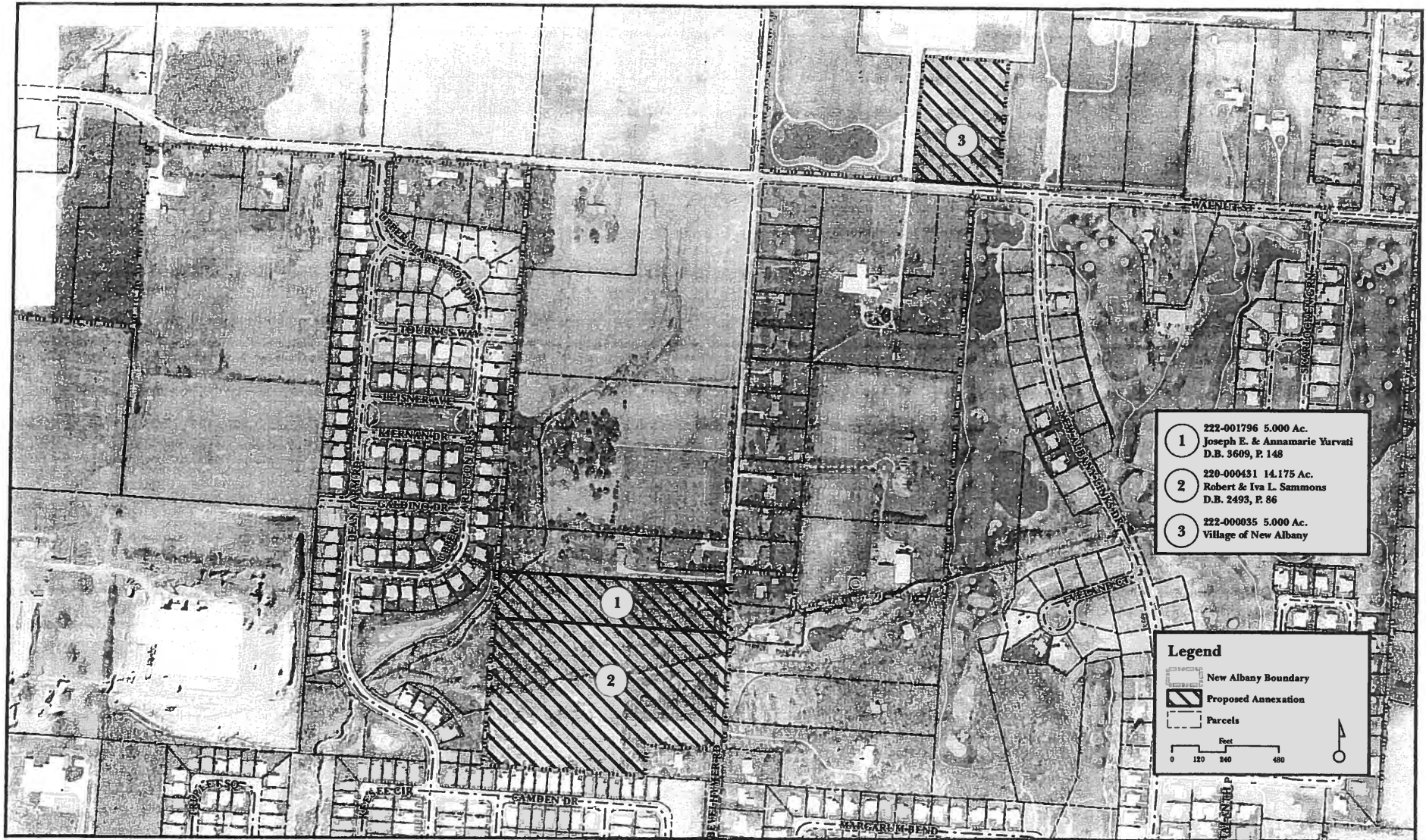
  
Mitchell Banchefsky,  
Law Director

**EXHIBIT A**

**Description of the Annexation Area**



# Annexation Area Exhibit "A"



Department of Public Service

**Exhibit B**

**Bevelhymer Road Parcel Description**



19.1 +/- Acre Annexation

Situated in the State of Ohio, County of Franklin, Township of Plain, being located in Section 9, Township 2, Range 16, in the United States Military Lands, and also being all of the remainder of a 24.875 acre tract in the name of Robert and Iva L. Sammons as described in Deed Book 2493, Page 86 as well as a 5.000 acre tract in the name of Joseph E and Annamarie Yurvati as described in Deed Book 3609, Page 148, all records are to the Franklin County Recorder's Office, Franklin County Ohio:

Beginning for reference in the centerline of Bevelhymer Road at the northeasterly corner of New Albany Links Section 6 as shown of record in Plat Book 97, page 66, also being the southeasterly corner of a 1.000 acre tract in the name of Joseph A. Roach as described in IN 200305220151781;

Thence westerly with the northerly line of said New Albany Links Section 6 a distance of approximately 311 feet to the southwesterly corner of said 1.00 acre tract also being an existing City of New Albany corporation line established by Ordinance Number 31-96, as described in Official Record 34456, Page G14 and the **True Place of Beginning** for the tract of land herein being described;

Thence westerly with said corporation line also being the northerly line of said New Albany Links Section 6 a distance of approximately 718 feet to the southeasterly corner of a Reserve "F" in Upper Clarenton Section 1 as shown of record in Plat Book 108, Page 38;

Thence northerly continuing with said corporation line also being the easterly lines of said Reserve "F", also Reserve "M", Reserve "N", and Reserve "O" of the Re-subdivision of All of Reserve "A", Reserve "C", Reserve "G", Reserve "H", Reserve "I", and Reserve "J" of Upper Clarenton Section 1, as shown of record in Plat Book 115, Page 81 a distance of approximately 869 feet to the southwesterly corner of a 3.700 acre tract in the name of Kevin D. and Abby L. Foust as described in IN 201106230078650;

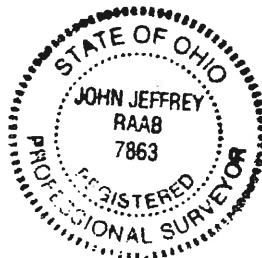
Thence leaving said corporation line with the southerly line of said 3.700 acre tract, a distance of approximately 995 feet to the westerly right of way line of said Bevelhymer Road;

Thence southerly with said right of way line a distance of approximately 734 feet to a point on the northerly line of a 1 acre tract in the name of Joseph A. Roach as described in IN 200305220151781, and in said existing corporate line;

Thence westerly with said corporation line also with the northerly line of said 1.000 acre Roach tract a distance of approximately 283 feet to the northwesterly corner of said Roach tract;

Thence southerly continuing with said corporation line also being the westerly line of said 1.000 acre Roach tract a distance of approximately 140 feet to the **True Place of Beginning** containing approximately 19.1 acres more or less.

 5/22/14  
John J. Raab, P.S. 7863 Date






**ADJACENT PROPERTY INDEX**

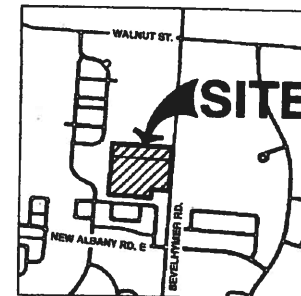
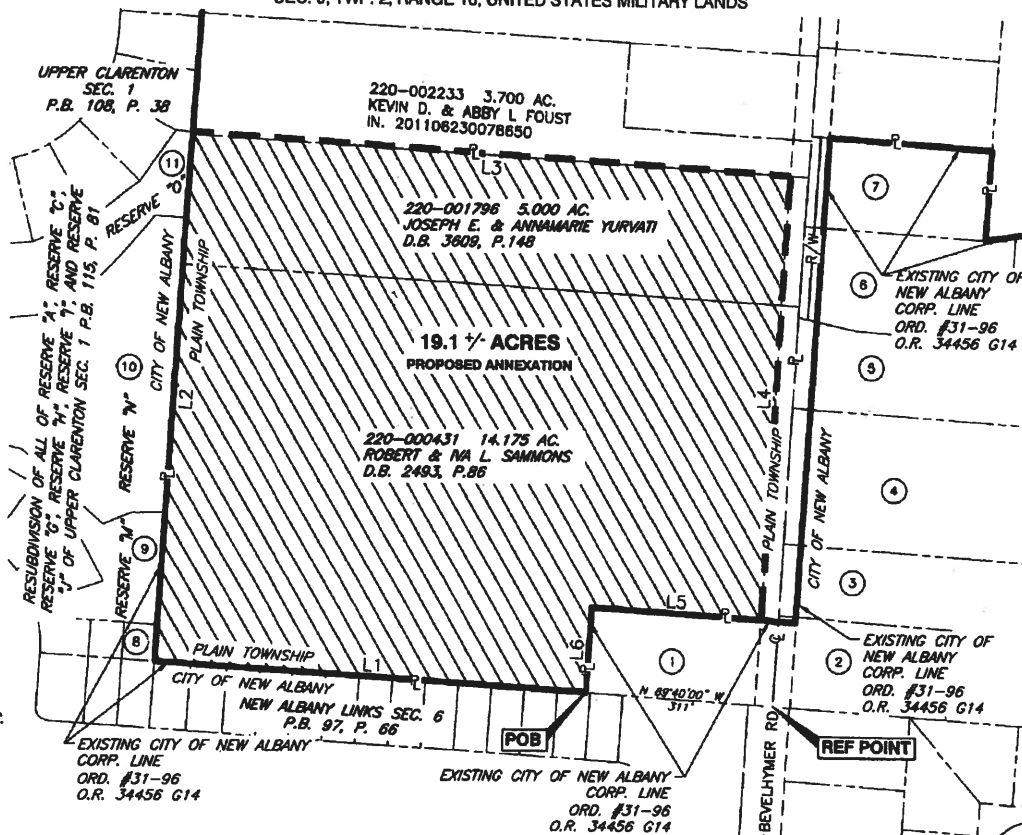
- ① 222-002009 1.000 AC.  
JOSEPH A. ROACH  
IN. 200305220151781
- ② 222-001982 1.000 AC.  
RAYBURN E. & BRENDA L. MURPHY  
D.B. 3417, P. 842
- ③ 222-002014 5.001 AC.  
GEORGE R. & SONORA C. STRIBICK  
IN. 201204130051214
- ④ 222-002015 5.001 AC.  
WILLIAM RUSSELL SCHUBERT, TRUSTEE  
IN. 201011100151293
- ⑤ 222-001995 6.266 AC.  
TOBY J. THUNBERG & SALLY HENRY  
IN. 201312040200146
- ⑥ 222-001966 1.149 AC.  
GARY L. & MARY L. GAMBILL  
D.B. 3625, P. 413
- ⑦ 222-001996 1.019 AC.  
MICHAEL H. DOS SANTOS  
IN. 201310180176783
- ⑧ 222-003898 0.075 AC.  
C. NELSON & GAIL C. MERRELL  
IN. 200604070085598  
RESERVE "T"  
UPPER CLARENTON SEC. 1  
P.B. 108, P. 38
- ⑨ 222-004547 0.851 AC.  
UPPER CLARENTON, HOMEOWNERS ASSOC.  
P.B. 108 P. 39  
IN. 201305240086759
- ⑩ 222-004548 3.260 AC.  
M/I HOMES OF CENTRAL OHIO, LLC.  
P.B. 108, P. 39
- ⑪ 222-004549 2.411 AC.  
UPPER CLARENTON, HOMEOWNERS ASSOC.  
P.B. 108 P. 39  
IN. 201305240086759

**LEGEND**

- EXISTING CORPORATION LINE
- - - PROPOSED CORPORATION LINE
-  AREA TO BE ANNEXED FROM PLAIN TOWNSHIP TO THE CITY OF NEW ALBANY

**PROPOSED ANNEXATION OF 19.1 +/- ACRES TO THE CITY  
OF NEW ALBANY FROM PLAIN TOWNSHIP, FRANKLIN  
COUNTY, OHIO**

STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF PLAIN,  
SEC. 9, TWP. 2, RANGE 16, UNITED STATES MILITARY LANDS



**VICINITY MAP**

APPROX. 1"=2,000'

**CONTIGUITY CALCULATION**

2,009 LINEAL FEET OF PERIMETER IS  
CONTIGUOUS WITH THE EX. CORPORATION  
LINE OF THE CITY OF NEW ALBANY.

A TOTAL OF 3,739 LINEAL FEET OF  
ANNEXED PERIMETER.

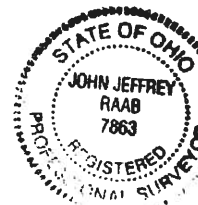
53.7% OF THE PERIMETER OF THE  
ANNEXED AREA IS CONTIGUOUS TO THE  
EX. CITY OF NEW ALBANY CORPORATION  
LINE.

Line Table	
Line #	Length
L1	718' +/-
L2	869' +/-
L3	995' +/-
L4	734' +/-
L5	283' +/-
L6	140' +/-

**PROPERTIES TO BE ANNEXED**

P.I.D.: 220-001796  
5.0 +/- ACRES  
JOSEPH E. & ANNAMARIE YURVATI  
D.B. 3609, P. 148

P.I.D.: 220-000431  
14.2 +/- ACRES  
ROBERT & NA L. SAMMONS  
D.B. 2493, P. 86



THIS ANNEXATION PLAT IS A GENERAL  
DESCRIPTION OF THE LOCATION OF PROPERTY  
TO BE ANNEXED AND IS NOT A BOUNDARY  
SURVEY AS DEFINED IN THE O.A.C. CHAPTER  
4733.37.

*John J. Raab 5/22/14*  
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.  
JOHN J. RAAB  
REGISTERED LAND SURVEYOR NO.: 7863

**Civil & Environmental Consultants, Inc.**  
6740 Orton Place, Suite 100 - Columbus, OH 43240  
614-540-6633 · 888-598-6808  
www.cecinc.com

**PROPOSED ANNEXATION OF 19.1 +/- ACRES  
BEVELHYMER ROAD  
PLAIN TOWNSHIP, OHIO**

**ANNEXATION PLAT**

DRAWN BY: KAO CHECKED BY: JJR APPROVED BY: JAM DRAWING NO.:  
DATE: MARCH 2014 DWG SCALE: 1"=200' PROJECT NO: 132-180 1 OF 1

**Exhibit C**

**Walnut Street Parcel Description**

**RECEIVED**

MAY 07 2014

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

**ANNEXATION DESCRIPTION**

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

**FROM PLAIN TOWNSHIP TO CITY OF NEW ALBANY**

By BB Date 5/6/11

**+/- 4.9 ACRES**

Situate in the State of Ohio, County of Franklin, Township of Plain, in the south half of Lot 3 of the Southeast Quarter of Section 2, Quarter Township 1, Township 2, Range 16, United States Military Lands and being part of the 5.000 acre tract conveyed to City of New Albany in Instrument Number 201202010014153 and part of a 16.365 acre tract conveyed to New Albany Links Golf Course Company LTD. in Instrument Number 199812040312880, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

**BEGINNING** at the intersection of the north line of Walnut Street with the west line of said 5.000 acre tract and the south line of an 11.365 acre tract conveyed to Village of New Albany in Instrument Number 200501260015735 and in the City of New Albany Corporation Line established by Ordinance Number O-18-02 as recorded in Instrument Number 200208230208496;

Thence **NORTHERLY**, along part of the west line of said 5.000 acre tract, along part of the south line of said 11.365 acre tract and along said City of New Albany corporation line, approximately **551 feet** to the northwest corner of said 5.000 acre tract;

Thence **EASTERLY**, along the north line of said 5.000 acre tract, continuing along part of the south line of said 11.365 acre tract and continuing along said City of New Albany corporation line, approximately **375 feet** to the northeast corner of said 5.000 acre tract and in a west line of a 31.871 acre tract conveyed to New Albany Plain Local Joint Park District in Instrument Number 200504140069919, Parcel I;

Thence **SOUTHERLY**, along the east line of said 5.000 acre tract, along a west line of said 31.871 acre tract and across part of said 16.365 acre tract, continuing along said City of New Albany corporation line, approximately **611 feet** to the City of New Albany Corporation Line as established by Ordinance Number 31-96 and recorded in Official Record Volume 34456, Page G14;

Thence **WESTERLY**, along said Corporation Line, approximately **111 feet** to the west line of said 16.365 acre tract and the east line of a 3.000 acre tract conveyed to David A. and Elizabeth Sharon Lamb in Instrument Number 200011080227217;

Thence **NORTHERLY**, along part of the west line of said 16.365 acre, along part of the east line of said 3.000 acre tract and across part of said 5.000 acre tract, approximately **60 feet** to the north line of Walnut Street;

Thence **WESTERLY**, across said 5.000 acre tract and along the north line of Walnut Street, approximately **264 feet** to the **POINT OF BEGINNING, CONTAINING 4.9 ACRES**, more or less.



Paul T. Dinan 5-6-14  
Paul T. Dinan PS 7312 Date

# ANNEXATION PLAT FROM PLAIN TOWNSHIP TO CITY OF NEW ALBANY




## 4.9+/- Acre Tract

Located in State of Ohio, County of Franklin, Township of Plain, in the South half of Lot 3 of the Southeast Quarter of Section 2, Quarter Township 1, Township 2, Range 16, United States Military Lands

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

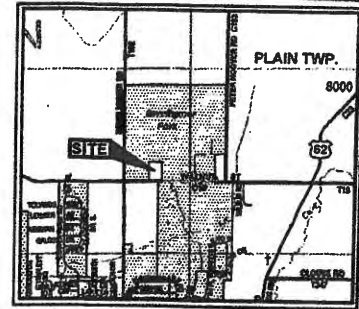
333 Date 5/6/14

### Legend

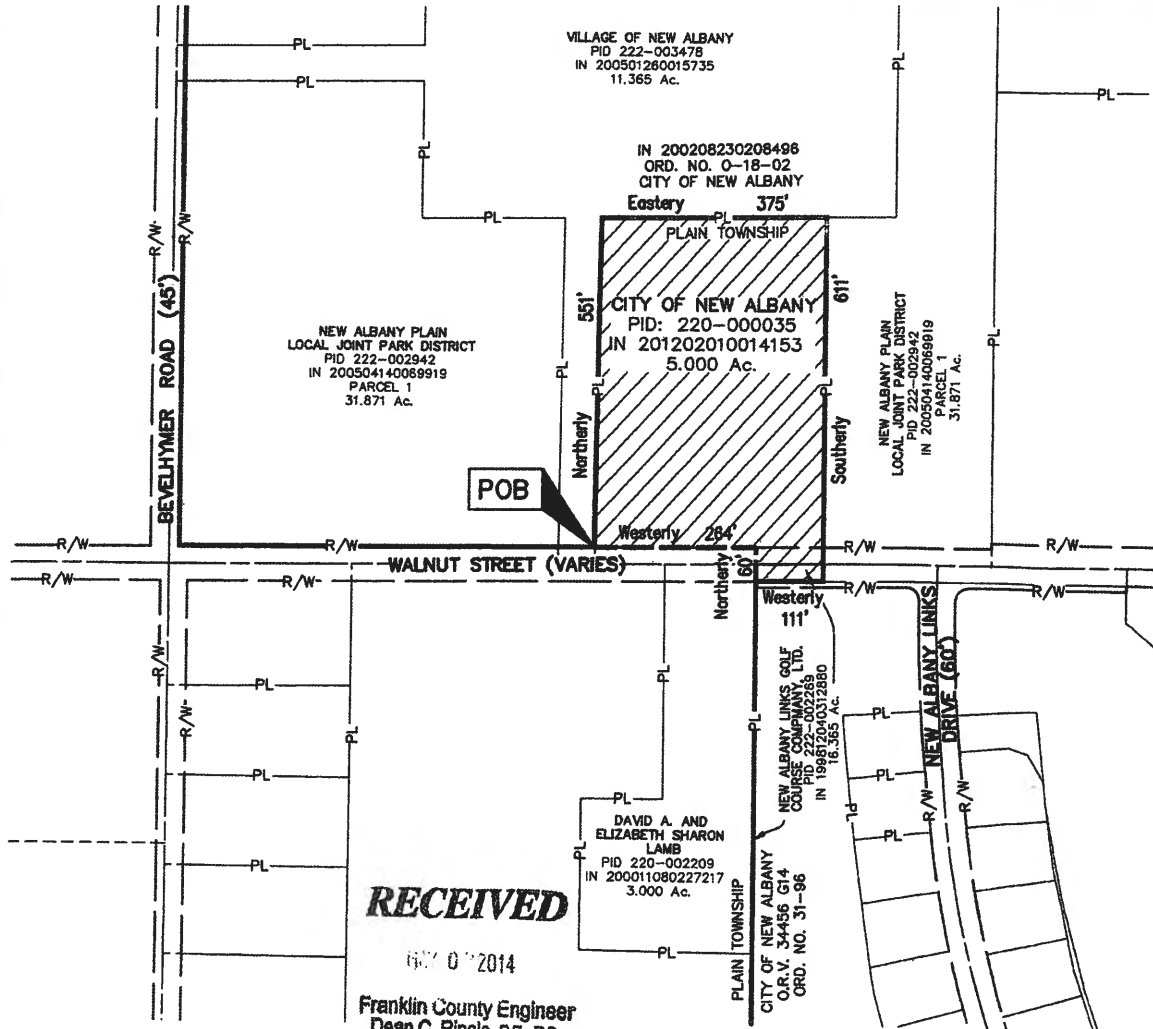
- PL Property Line
- R/W Right-of-Way
- POB** Point of Beginning
-  Annexation Area
-  Existing City of New Albany Corporation Line
-  Proposed City of New Albany Corporation Line

NOTE: Approximately 1477 L.F. of the site is adjacent to the City of New Albany, which constitutes approximately 80% of the total site boundary.

0 100 200 400  
Scale: 1" = 200'



VICINITY MAP  
N.T.S.



BY: *Paul T. Dinan* 5-6-14  
Paul T. Dinan, P.S.  
Registered Surveyor No. 7312

DRWN BY CDM CHK BY PTD DATE 04-16-14

The above plat was prepared by Paul T. Dinan, Registered Surveyor No. 7312, E.P. Ferris & Associates, Inc. in April, 2014, from the best available County Records. This plat is not valid for the transfer of real property, and is not intended to be a Boundary Survey as defined by the Ohio Administrative Code in Chapter 4733-37.

PLANS PREPARED BY:

**E.P. FERRIS**  
AND  
ASSOCIATES  
INC.

CONSULTING CIVIL ENGINEERS AND SURVEYORS  
880 KONG AVENUE  
COLUMBUS, OHIO 43212  
(614) 298-2999 (614) 298-2992 Fax





Prepared: 5/16/2014

Introduced: 5/20/2014

Adopted: 5/20/14

## **RESOLUTION R-35-2014**

### **A RESOLUTION TO APPROVE AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH PLAIN TOWNSHIP**

**WHEREAS,** The City and the Township share certain boundaries and therefore have a shared interest in the general area illustrated in Exhibit A which is attached hereto and incorporated herein by reference (the "Property"); and

**WHEREAS,** the City and the Township desire to maintain a cooperative relationship that will foster economic development on the property and to provide for public infrastructure improvements that will serve the residents and property owners of the City and Township; and

**WHEREAS,** the Ohio Revised Code Sections 709.021 and 709.022 establish provisions for the annexation of property that includes an annexation agreement between the City and the Township; and

**WHEREAS,** in furtherance of this relationship, the City and the Township desire to enter this Agreement to memorialize the terms of their mutual agreement on the procedure under which future annexation(s) of the Property to the City will occur in order to ensure that such annexation(s) are completed in accordance with the procedure that has been historically utilized by the City; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

**Section 1.** Council hereby approves and authorizes the City Manager to enter into an annexation agreement with Plain Township.

**Section 2.** This Agreement shall cover and be applicable only to the Property which is identified in Exhibit A, attached herein. The area/boundaries of the Property to which this agreement applies shall not be reduced, enlarged, modified, or altered in any way except by written mutual agreement of the parties approved authorizing legislation from both the legislative authority of the Township and the City. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.

**Section 3.** On or after the Effective Date, all or part of the Property shall, upon proper petition(s) to and with the approval of the Franklin County Board of Commissioners and acceptance of the annexation by the City, be annexed to

and accepted by the City under the conditions set forth in the annexation agreement.

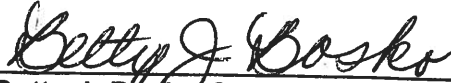
**Section 4.** Pursuant to Article 6.07 of the New Albany Charter, this Resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 20<sup>th</sup> day of May, 2014

ATTEST:



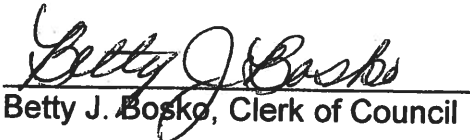
Nancy I. Ferguson  
Mayor



Betty J. Bosko CMC  
Clerk of Council

CERTIFICATE OF COPY

I, Betty J. Bosko, Clerk of Council of the Village of New Albany, Ohio, hereby certify that this document is a true and correct copy of Resolution No. R-35-2014 passed by the Council on May 20<sup>th</sup>, 2014, signed by Mayor Nancy I. Ferguson and will become effective on May 20<sup>th</sup>, 2014.

  
Betty J. Bosko, Clerk of Council

5/22/14  
Date



**PLAIN TOWNSHIP BOARD OF TRUSTEES  
FRANKLIN COUNTY, OHIO**

**RESOLUTION NO. 140521A1**

**RESOLUTION APPROVING AN ANNEXATION AGREEMENT WITH THE CITY OF  
NEW ALBANY AND AUTHORIZING ITS EXECUTION**

**PREAMBLE**

**WHEREAS**, the legislative authority for the City of New Albany has authorized the approval of an Annexation Agreement with the Board of Trustees of Plain Township in the form which is attached hereto as the "Annexation Agreement". The Board and the City of New Albany believe that the Annexation Agreement will improve and advance the welfare of the citizens residing within the territory to which this Annexation Agreement pertains; and

**WHEREAS**, it is in the best interests of the Township and its residents to enter into the Annexation Agreement with the City of New Albany;

**NOW THEREFORE**, upon the motion of Mr. Olmstead, and seconded by Mr. Rybski, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF PLAIN TOWNSHIP, FRANKLIN COUNTY, OHIO, (HEREINAFTER THE "BOARD ") THAT THE FOLLOWING RESOLUTION BE AND IT HEREBY IS ADOPTED:

**Section 1.** Pursuant to Ohio Revised Code Section 709.192, the Board hereby adopts and approves the Annexation Agreement in the form attached hereto as Exhibit 1 and incorporated herein by this reference. The Board hereby authorizes, empowers, and appoints Township Administrator Ben Collins to execute the Annexation Agreement for and on behalf of the Board of Trustees of Plain Township, Franklin County, Ohio, with the approval and adoption of the Annexation Agreement by this Board being evidenced and effective upon the Township Administrator's execution of the Annexation Agreement.

**Section 2.** The Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 3.** This Resolution shall be in full force and effect immediately upon its adoption.

*Adopted this 21<sup>st</sup> day of May, 2014*

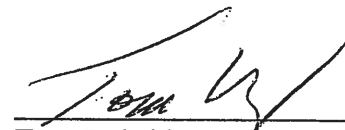
ATTEST:

**PLAIN TOWNSHIP  
BOARD OF TRUSTEES**

  
\_\_\_\_\_  
Bud Zappinelli, Fiscal Officer

  
\_\_\_\_\_  
David Ferguson, Trustee

  
\_\_\_\_\_  
Dave Olmstead, Trustee

  
\_\_\_\_\_  
Tom Rybski, Trustee