

Review of Petition to Annex 73 +/- acres from Sharon Township to the City of Westerville Case #ANX-EXP1-15-14 (Economic Development & Planning)

WHEREAS, an Expedited Type 1 annexation petition was filed by Jackson B. Reynolds, III, on behalf of Samuel K. Bigham Living Revocable Trust and Brian Bigham, with the Franklin County Economic Development and Planning Department on June 20, 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 that was executed on May 7, 2014 and May 20, 2014 respectively under Resolution Nos. 05072014A and 2014-10.

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 Westerville, 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 Westerville, Ohio.

Review of Petition to Annex 73 +/- acres from Sharon Township to the City of Westerville Case #ANX-EXP1-15-14 (Economic Development & Planning)

Prepared by: D. Anthony Hray

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0474-14

July 08, 2014

**REVIEW OF PETITION TO ANNEX 73 +/- ACRES FROM SHARON TOWNSHIP
TO THE CITY OF WESTERVILLE CASE #ANX-EXP1-15-14**

**(Economic Development and
Planning)**

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

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.



Shannon Z Cross, 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
73 +/- ACRES FROM
SHARON TOWNSHIP
TO THE CITY OF WESTERVILLE
BY JACKSON B. REYNOLDS, III

Description:

Attached is a resolution to consider the annexation of 73-acres, more or less, from Sharon Township to the city of Westerville. The petition case number is ANX-EXP1-15-14.

Property Owner Information:

Samuel K. Bigham Living Revocable Trust (8299 Cleveland Avenue)
Brian Bigham (8271 Cleveland Avenue)

Attorney/Agent:

Jackson B. Reynolds, III

Site:

8271 and 8299 Cleveland Avenue (Parcel #252-000003, 252-000004 and 252-001354)

Additional Information:

Approximately 8,251 linear feet of the site is contiguous to the city of Westerville, which constitutes approximately 76 percent of the total site perimeter. Additionally, the area to be annexed includes all of the adjacent right-of-way of Hanawalt Road as indicated on the approved plat.

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 entered into between Sharon Township and the city of Westerville, executed on May 7, 2014 and May 20, 2014 respectively by Resolution Nos. 05072014A and 2014-10.

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

JUN 20 2014

Franklin County Planning Department
Franklin County, Ohio

1

Property Information	
Site Address	8271-8299 Cleveland Avenue, Westerville, OH
Parcel ID(s)	Total Acreage
252-3/4/1354	73±
From Township	To Municipality
Sharon	Westerville

Staff Use Only
Case #
ANX-EXPI
15-14
Journal date (next regular session):
6/19/14 Hester
7/3/14
Date filed:
6/20/14
Fee paid
650.00
Receipt #
1380
<ul style="list-style-type: none">Notifications not requiredService Ord. not requiredPublic hearing not required

Property Owner Information	
Name	Samuel K. Bigham Living Revocable Trust Brian Bigham
Address	8299 Cleveland Avenue
	Westerville, OH 43081
	8755 Hume Lever Rd
	London, OH 43140
Phone #	Fax #
891-1571	882-4291
Email	

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

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
<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

June 20, 2014

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

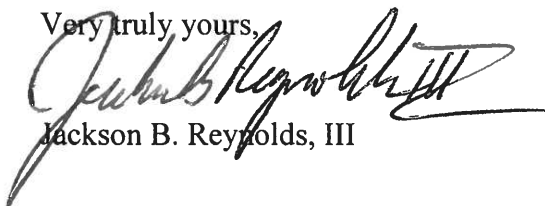
RE: 73± acres Annexation Petition from Sharon Township to the City of Westerville

Dear Commissioners:

I am filing a petition for annexation of 73± acres from Sharon Township to the City of Westerville on behalf of Samuel K. Bigham Living Revocable Trust et al. on June 20, 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.

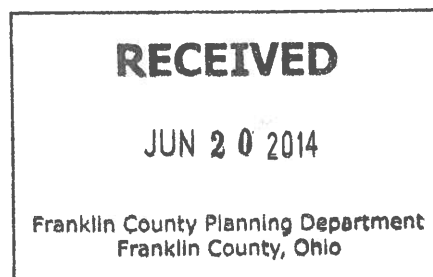
Very truly yours,



Jackson B. Reynolds, III

JBR/nct

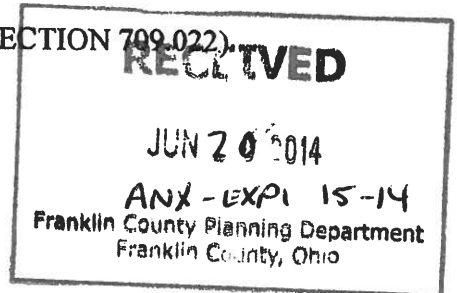
mi-bingham-bcc.ltr (nct)
6/20/14 F:Docs/s&hannex/2014



ANX - EXP 1
15-14

EXPEDITED TYPE I PETITION FOR ANNEXATION (SECTION 709.022)
TO THE CITY OF WESTERVILLE
OF 73± ACRES MORE OR LESS
IN THE TOWNSHIP OF SHARON

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



The undersigned, petitioners in the premises, and being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described, consisting of 73± acres, more or less, in the Township of Sharon which area is contiguous and adjacent to the City of Westerville, do hereby pray that said territory be annexed to the City of Westerville 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.

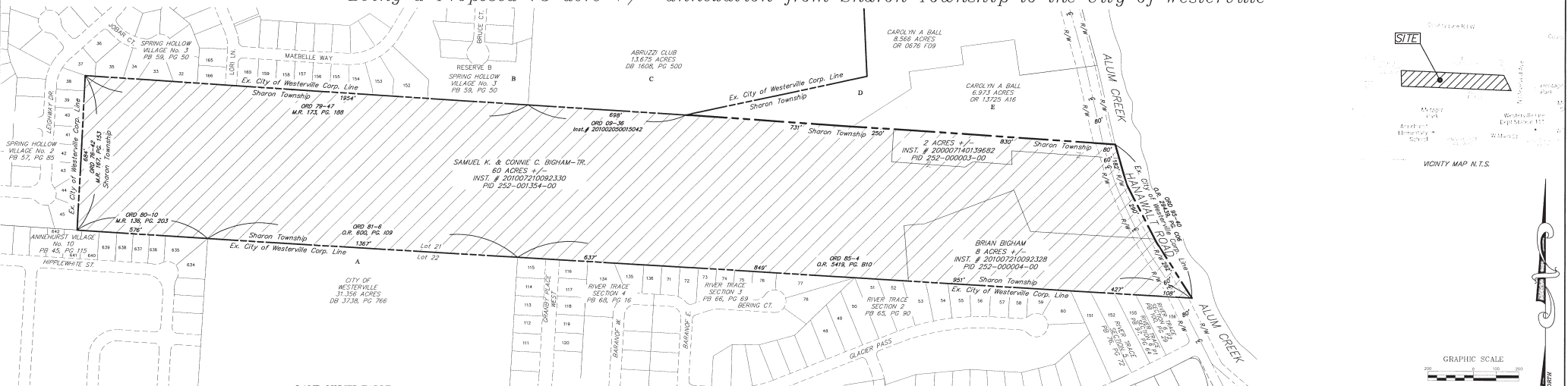
In support of said Petition, your petitioners state that there is/are within the territory so prayed to be annexed (3) OWNER(S) OF REAL ESTATE.

Jackson B. Reynolds, III, whose address is 37 West Broad Street, Suite 460, 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.

<u>NAME</u>	<u>DATE</u>	<u>ADDRESS</u>
The Samuel K. Bigham Living Revocable Trust		
<u>Samuel K. Bigham</u> Samuel K. Bigham, Trustee	<u>5/25/14</u>	<u>8299 Cleveland Ave. N.W.</u>
<u>Connie C. Bigham</u> Connie C. Bigham, Trustee	<u>5/25/14</u>	<u>8299 Cleveland Ave NW</u>
<u>Brian Bigham</u> Brian Bigham	<u>5/25/14</u>	<u>8271 Cleveland Ave NW</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Situate in the Township of Sharon, County of Franklin, State of Ohio, and being part of
 Lot 21, Quarter Township No. 1, Township No. 2, Range 18, USML Lands
 Being a Proposed 73 acre +/- annexation from Sharon Township to the City of Westerville



LAND OWNER TABLE

A	CITY OF WESTERVILLE	31.356 ACRES
B	CITY OF WESTERVILLE	2.808 ACRES
C	ABRUZZI CLUB	13.675 ACRES
D	CAROLYN BALL	8.566 ACRES
E	CAROLYN BALL	6.973 ACRES

RIVER TRACE SECTION 6, PART 2

LOT	OWNER
156	PHILLIP D. & JULIE A. SPIEGEL Inst. 200405190114937

RIVER TRACE SECTION 6, PART 1

LOT	OWNER
155	LOGAN L. & SUSAN E. BELL Inst. 200206270157998

RIVER TRACE SECTION 5

LOT	OWNER
152	RICHARD M. & FRANCES E. GUNTRUM Inst. 199403220095619
151	MICHAEL G. & VERONICA C. HAIRSTON Inst. 200704050059492

RIVER TRACE SECTION 2

LOT	OWNER
60	WILLIAM L. & DIANNA G. NAROTSKI Inst. 201303070038207
59	JOHN D. & RACHELLE L. ROUSE Inst. 200707150153239
58	STEVEN C. & DENA M. BARCLAY Inst. 19960624014400
57	RONALD P. FARKAS Inst. 200709180164373
56	DANIEL D. & CYNTHIA K. RUSSO Inst. 199308240199969
55	FREDERIC C. & DIANA E. SHIRLEY Inst. 199607150155904
54	RAYMOND L. & KATHERINE L. LEONARD TR. Inst. 198710080188526
53	JOHN & EILEEN N. MILES Inst. 201301110006390
52	JAMES G. & SHEILA G. LYONS Inst. 199306160150250
51	MARLYN J. PERRY Inst. 199103230072185

RIVER TRACE SECTION 3

LOT	OWNER
77	RAKESH & RENU RANA Inst. 199812040313599
76	JERMAINE D. COVINGTON Inst. 201303080022810
75	GARY L. & GAYLA J. WHITACRE Inst. 199904090008925
74	THOMAS E. BAXTER TR. Inst. 20110220137697
73	RICHARD D. & DENISE A. RUSSELL Inst. 199210200209763
72	TROY & CONNIE D. SALYERS TR. Inst. 200902100017243
71	DARREN & HEIDI R. THOMPSON Inst. 200507270149834

RIVER TRACE SECTION 4

LOT	OWNER
136	DONALD R. & CAMILLE A. HEASLEY Inst. 198906280116990
135	MICHAEL HRABCAK Inst. 200307210223864
134	DAVID & LAURA WARTEL Inst. 200506010105649
116	GERALD L. NIEMAN TR. Inst. 200109010121760
115	RUSSELL A. & SANDRA L. POPP TR. Inst. 201304120086030

ANNEHURST VILLAGE NO.10

LOT	OWNER
635	KATHY J. MINKIN Inst. 200510050209514
636	JAMES A. & SANDRA J. CHIAMPO Inst. 200607270146962
637	PAUL A. & MARILYN K. OINES Inst. 197905030009816
638	THOMAS J. MCSWEEENEY Inst. 197911290034497
639	JAMES P. & SUE A. JABLONSKI Inst. 198403280006184
640	DAVID & PATRICIA J. MARSOLO Inst. 198406010087502
641	CHARLES J. & MARY M. GRIFFITH Inst. 200410260246755

SPRING HOLLOW VILLAGE NO.2

LOT	OWNER
45	ROBERT C. & DIANE M. SINAGRA Inst. 198906280116990
44	JEFFERY W. & PAMELA J. CAIN Inst. 199810300277610
43	CHARLES S. & RUTH ANNE AGIN Inst. 199609040187793
42	DAVID L. & DONNA J. ZIMMERMAN Inst. 200109010121760
41	WILLIAM F. & KIME STOCKSLAGER Inst. 200408100186448
40	MARCELLA MAY & GORDON E. SMITH Inst. 200710101090124
39	JAMES M. II & EMILY A. POTTER Inst. 200708030136684
38	STEVEN D. & ANNE M. GWIN Inst. 200709100158970

SPRING HOLLOW VILLAGE NO.3

LOT	OWNER
37	DOMINIC P. & DAWN E. PALUMBO Inst. 201304010053058
35	MICHAEL D. & LISA M. MASUCCI Inst. 199912300317899
34	RAY E. MCMILLEN Inst. 199105150094595
33	FREDERICK A. JR. & LINDA A. VIEROW Inst. 199704280081027
32	JOSEPH C. & NANCY J. RACHETER Inst. 200706270112346
166	MICHAEL S. MAYHUGH & LISA A. MOWERY Inst. 2012101018974
160	JOHN L. & ELAINE M. BOYER Inst. 199407010168312
159	JEFFERY L. & LAURIE K. GUBERNATH Inst. 200205150122148
158	SANDRA L. MASTERSON Inst. 199706030012920
157	DOUGLAS R. BLEGEN Inst. 2005111500251435
156	GARY W. & DONNA M. SMITH Inst. 198504170080335
155	ANDREW A. & MICHELE E. REZIN Inst. 198404180077316
154	ROBIN E. YOCUM Inst. 200604190073078
153	SHANE G. WEALTI Inst. 201003090027738
152	GARY H. BAAS TR. Inst. 201111150147718

LEGEND

	EXISTING CITY OF WESTERVILLE CORPORATION LINE
	PROPOSED CITY OF WESTERVILLE CORPORATION LINE
	AREA TO BE ANNEXED

Total perimeter of annexation is 10,906' of which 8,291' is contiguous with the City of Westerville by Ordinance Numbers 85-4, 81-6, 1380, 76-42, 79-47, and 09-36, giving 76% perimeter contiguity.

RECEIVED

OCT 0 2013

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

PREPARED BY
 WATCON
 ENGINEERING AND SURVEYING
 83 SHELL AVE.
 COLUMBUS, OH 43230
 ~ PHONE ~ (614) 414-7879

ANNEX. NO. _____ ORD. NO. _____
 PROPOSED ANNEXATION OF 73 +/- ACRES
 TO THE
 CITY OF WESTERVILLE
 SHARON TOWNSHIP, FRANKLIN COUNTY, OHIO
 DATE: _____ SCALE 1" = 200'

Robert W. Martin P.S. 8114 10-4-13 Date

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OCT 04 2013

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 BB Date 10/4/13

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JUN 20 2014

ANX-EXP 15-14
Franklin County Planning Department
Franklin County, Ohio

Description of a 73 acre parcel of land

From: SHARON TOWNSHIP

TO: THE CITY OF WESTERVILLE

Situate in the Township of Sharon, County of Franklin, State of Ohio, and being part of Lot 21, Quarter Township No. 1, Township No. 2, Range 18, USML and being all of a 60.488 Acre Parcel of Land, conveyed to Samuel K. Bigham, Tr. and Connie C. Bigham, Tr. , (1/2 interest) of record in Instrument Number 201007210092330 and Samuel K. Bigham Tr., and Connie C. Bigham, Tr. (1/2 interest) by Instrument Number 200310240341779, all of a 7.732 Acre parcel of land conveyed to Brian Bigham of record in Instrument Number 201007210092328 and all of a 2.280 Acre parcel of land conveyed to Samuel K. Bigham and Connie C. Bigham, Trustees of the Connie C. Bigham Living Trust of record in Instrument Number 200007140139682 all references to records being on file in the Office of the Recorder, Franklin County, Ohio, said 75 acre parcel being more fully described herein;

Beginning at a point at the northeast corner of Lot 156 of River Trace, Section 6, Part 2 of record in Plat Book 100, Page 29 and also being on the south line of said 7.732 acre parcel;

Thence, West with the north line of said lot 156, the south line of said 7.732 acre parcel, the north line of River Trace, Section 6, Part 1 of record in Plat Book 97, Page 64, the north line of River Trace, Section 5, of record in Plat Book 76, Page 72 and along an existing City of Westerville Corporation Line as established in Ordinance 85-4 (Official Record 5419, Page B10), a distance of 427 feet to point at the northeast corner of River Trace Section 2 of record in Plat Book 65, page 90 and the northwest corner of said River Trace Section 5;

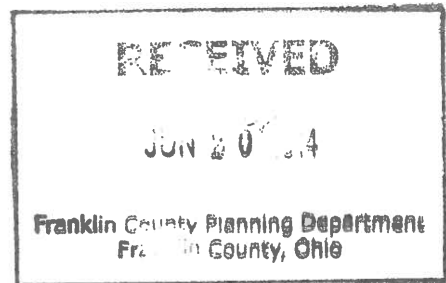
Thence, West with the north line of said River Trace Section 2 and the south line of said 7.732 acre parcel and along an existing City of Westerville Corporation Line as established in Ordinance 85-4 (Official Record 5419, Page B10), a distance of 951 feet to a point at the northwest corner of said River Trace Section 2 and the northeast corner of River Trace Section 3 of record in Plat Book 66, Page 69;

Thence, West and along an existing City of Westerville Corporation Line as established in Ordinance 85-4 (Official Record 5419, Page B10), a distance of 849 feet to a point at the northwest corner of said River Trace Section 3 and the northeast corner of River Trace Section 4 of record in Plat Book 68, Page 16;

Thence, West with the north line of said River Trace Section 4 and along an existing City of Westerville Corporation Line as established in Ordinance 85-4 (Official Record 5419, Page B10), a distance of 637 feet to point at the northwest corner of said River Trace Section 4 and the northeast corner of a 31.356 acre parcel of land conveyed to The City of Westerville of record in Deed book 3738, Page 766;

Thence, West with the north line of said 31.356 acre parcel and along an existing City of Westerville Corporation Line as established in Ordinance 81-6 (Official Record 600, Page I09) a distance of 1367 feet to point at the northwest corner of said 31.356 acre parcel and the northeast corner of Annehurst Village Number 10 of record in Plat Book 45, Page 115;

Thence, West with the north line of said Annehurst Village Number 10 and along an existing City of Westerville Corporation Line as established in Ordinance 80-10 (Miscellaneous



Record 136, Page 203) a distance of 576 feet to a point at the southeast corner of Spring Hollow Village Number 2 of record in Plat Book 57, Page 85;

Thence, North with the east line of said Spring Hollow Village Number 2 and along an existing City of Westerville Corporation Line as established in Ordinance 76-42 (Miscellaneous Record 167, Page 153), a distance of 684 feet to point at the northeast corner of said Spring Hollow Village Number 2 and also being on the south line of lot 37 of Spring Hollow Village Number 3 of record in Plat book 59, Page 50;

Thence, East with the south line of said Spring Hollow Village Number 3 and along an existing City of Westerville Corporation Line as established in Ordinance 79-47 (Miscellaneous Record 173, Page 188), a distance of 1954 feet to point at the southeast corner of said Spring Hollow Village Number 3 and the southwest corner of a 13.675 acre parcel of land conveyed to Abruzzi Club of record in Deed Book 1608, Page 500;

Thence, East with the south line of said 13.675 acre parcel and along an existing City of Westerville Corporation Line as established in Ordinance 09-36 (Instrument Number 201002050015042), a distance of 698 feet to a point at a corner of said 13.675 acre parcel and the southwest corner of a 8.566 acre parcel of land conveyed to Carolyn A Ball of record in Official Record 0676, F09;

Thence, East with the south line of said 8.566 acre parcel, a distance of 731 feet to a point on the southerly line of said 8.566 acre parcel and the southwest corner of a 6.973 acre parcel of land conveyed to Carolyn A Ball of record in Official Record 3725, A16;

Thence, East with the south line said 6.973 acre parcel, and also being the northwest corner of said 2.280 acre parcel a 250 feet to point on the south line of said 6.973 acre parcel and the north line of said 2.280 acre parcel;

Thence, East with the south line of said 6.973 acre parcel and the north line of said 2.280 acre parcel a distance of 830 feet to point;

Thence, East a distance of 80 feet to a point in the center of Alum Creek;

Thence, South with the east line of said 2.280 acre parcel, partly with the east line of said 60.488 acre parcel, with the center of Alum Creek, and along an existing City of Westerville Corporation Line as established in Ordinance 95-40 (Official Record 29439, Page C06) a distance of 182 feet to a point;

Thence, South with the east line of said 60.488 acre parcel, partly with the east line of said 7.732 acre parcel, with the center of Alum Creek, and along an existing City of Westerville Corporation Line as established in Ordinance 95-40 (Official Record 29439, Page C06) a distance of 290 feet to a point;

Thence, South with the east line of said 7.732 acre parcel, with the center of Alum Creek, and along an existing City of Westerville Corporation Line as established in Ordinance 95-40 (Official Record 29439, Page C06) a distance of 292 feet to a point;

Thence, West and along an existing City of Westerville Corporation Line as established in Ordinance 85-4 (Official Record 5419, Page B10) a distance of 108 feet to the True Point of Beginning, containing 73 +/- acres of land total (1.039 acres Present Right of Way Occupied), consisting of 7.732 acres (PID 252-000004, 0.418 acres Present Right of Way Occupied) parcel of

land conveyed to Brian Bigham of record in Instrument Number 201007210092328, 2.280 acres (PID 252-000003, 0.088 acres Present Right of Way Occupied) parcel of land conveyed to Samuel K. Bigham, Tr. and Connie C. Bigham, Tr. of record in Instrument Number 200007140139682 and 62.533 acres (PID 252-001354, 0.533 acres Present Right of Way Occupied) parcel of land, conveyed to Samuel K. Bigham, Tr. And Connie C. Bigham, Tr., (1/2 interest) of record in Instrument Number 201007210092330 and Samuel K. Bigham Tr., (1/2 interest) by Instrument Number 200310240341779 subject to all easements and documents of record.

The above description was prepared by Watcon Engineering in July of 2013, from the best available County records. The above description is not valid for the transfer of real property, and is not to be utilized in place of a Boundary Survey as defined by the Ohio Administrative Code in Chapter 4733-37.



Robert W. Martin 10-4-13
Robert W. Martin Date
P.S. 8114

RECEIVED

JUN 20 2014

Franklin County Planning Department
Franklin County, Ohio

RESOLUTION NO. 2014-10

**TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN
ANNEXATION AGREEMENT FOR ANNEXATION OF 73+-
ACRES LOCATED ON HANAWALT ROAD NORTH OF
THE RIVER TRACE SUBDIVISION IN SHARON
TOWNSHIP**

ANX - EXP 1
15-14

WHEREAS, Samuel K. Bigham and Connie C. Bigham, Trustees of the Connie C. Bigham Living Trust and Brian Bigham, ("Owner") presently owns a 73 acre tract in Sharon Township, Franklin County, Ohio (the "Property"), contiguous with the City of Westerville; and

WHEREAS, Owner is in contract to sell the Property to M/I Homes who plans to develop the Property with residences and accordingly needs to connect to Westerville's water , sewer and electric facilities to serve such residences and, accordingly desires to annex the Property into the City of Westerville; and

WHEREAS, the Owner and M/I desire that the Property be annexed to the City as an Expedited Type I annexation pursuant to the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code and, the City desires that upon annexation that the Property be removed from Sharon Township; and

WHEREAS, the Board of Trustees of Sharon Township, Franklin County, Ohio consent to the removal of the Property from Sharon Township upon the City's execution and performance of an Annexation Agreement as is authorized by Section 709.192 of the Ohio Revised Code;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WESTERVILLE, OHIO:

Section 1. That the City Manager be and hereby is authorized and directed to execute and perform an annexation agreement on behalf of the City of Westerville, substantially in the form of the Annexation Agreement as set forth in Exhibit "A" attached to this Resolution and made a part hereof.

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

PASSED: May 20, 2014

Craig P. Treneff
Craig P. Treneff
Chairman of Council

APPROVED: Bruce E. Bailey
Bruce E. Bailey
Director of Law

Rachiel E. Gibson
Rachiel E. Gibson
Administrative Secretary



MARY J. JOHNSTON, MMC
Clerk of Council, City of Westerville

21 South State Street
Westerville, Ohio 43081
t. 614.901.6410
f. 614.901.6401
e. mary.johnston@westerville.org

CERTIFICATE

I, Mary J. Johnston, Clerk of Council for the City of Westerville, Ohio, and in whose custody of Files and Records of said Council are required by the Laws of State of Ohio do hereby certify that the foregoing is a true and correct copy of

RESOLUTION NO. 2014-10, "TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN ANNEXATION AGREEMENT FOR ANNEXATION OF 73+- ACRES LOCATED ON HANAWALT ROAD NORTH OF THE RIVER TRACE SUBDIVISION IN SHARON TOWNSHIP".

was passed by the Westerville City Council on May 20, 2014.



Mary J. Johnston, MMC
Clerk of Council

Date: June 19, 2014

RECEIVED

JUN 20 2014

ANX-EXPI 15-14

Franklin County Planning Department
Franklin County, Ohio

ANNEXATION AGREEMENT

This is an Annexation Agreement (the "Agreement" herein) entered into by and between the City of Westerville, Franklin County, Ohio, an Ohio Municipal Corporation (hereinafter "Westerville") and the Board of Trustees of Sharon Township, Franklin County, Ohio, an Ohio Township (hereinafter "Sharon"), pursuant to the provisions of Ohio Revised Code Section 709.192.

WHEREAS, Westerville is desirous of obtaining the annexation of several parcels of real property totaling approximately 73 acres within Sharon located west of Hanawalt Road and being further described on Exhibit A attached hereto and incorporated herein (known singularly and collectively as the "Annexation Properties" herein), with the Annexation Properties being further shown on the annexation plat attached hereto and incorporated herein as Exhibit B, and

WHEREAS, Westerville is desirous of conforming the boundaries of all the Annexation Properties in order to exclude Sharon from such area and Sharon is willing to allow Westerville to do so, provided that Westerville pays to Sharon, in lieu of taxes and any other payments otherwise due under Ohio Revised Code Section 709.19, the sum of One Hundred Twenty-Five Thousand Dollars (\$125,000.00), and

WHEREAS, Westerville and Sharon have determined that it is in the best interest of their respective residents, citizens and taxpayers to enter into this Agreement upon the terms hereinafter set forth, and

WHEREAS, this Agreement has been approved by the Board of Trustees of Sharon Township by Resolution Number 250728/47 adopted on May 7, 2014 and by the City Council of the City of Westerville by Ordinance Number — adopted on May 20, 2014.

NOW, THEREFORE, in consideration of the mutual promises contained herein, Westerville and Sharon agree as follows:

1. This Agreement is entered into pursuant to the provisions of Ohio Revised Code Section 709.192 to permit the annexation of the Annexation Properties to Westerville with the consent of all parties pursuant to the provisions of Ohio Revised Code Sections 709.021 and 709.022. Sharon hereby specifically consents to, agrees with, and does not oppose the annexation of the Annexation Properties to Westerville, provided such annexation complies with the terms of this Annexation Agreement.
2. Westerville shall, in cooperation with the Agent for the annexation petitioner, process the annexation of the Annexation Properties under one (1) annexation petition which includes all of the Annexation Properties. The annexation petition shall be filed pursuant to and comply with the provisions of "Expedited Procedure No. 1" as contained in Ohio Revised Code Sections 709.021 and 709.022, as such provisions exist on the effective date of this Agreement.
3. Westerville shall provide Sharon with a copy of the annexation petition for the annexation of the Annexation Properties within five (5) days after such petition is filed with the clerk of the Board of the Franklin County Commissioners. Upon the filing of the petition, the petition shall be diligently processed to accomplish the annexation of the Annexation Properties to Westerville pursuant to this Agreement.
4. Prior to Westerville's application to the County Commissioners to conform the boundaries of the Annexation Properties under Ohio Revised Code Section 503.07, Westerville shall pay, or cause to be paid, to Sharon the sum of One Hundred Twenty-Five Thousand Dollars

(\$125,000.00), which amount shall be in lieu of taxes and any other payment otherwise due Sharon under Ohio Revised Code Section 709.19. The boundaries of the Annexation Properties shall not be conformed until such amount is paid to Sharon.


5. Upon the annexation to and acceptance by Westerville of the Annexation Properties and following the payment to Sharon as specified in Section 4, above, Westerville shall conform the boundaries of all the Annexation Properties in order to exclude Sharon from such area pursuant to Ohio Revised Code Section 503.07. Westerville shall make the required payment to Sharon and conform the boundaries of the Annexation Properties within six (6) months following Westerville's acceptance of the Annexation petition. Upon the exclusion of Sharon from the Annexation Properties, Westerville shall not be required to make any compensation payments to Sharon as set forth in Ohio Revised Code Section 709.19, as said Section exists on the effective date of this Agreement.
6. This Annexation Agreement may only be amended, revised or altered pursuant to an amendment in writing, executed by the parties, and properly promulgated and approved in accordance with their respective legislative authorities.
7. This Annexation Agreement shall not apply to any other annexation other than to the Annexation Properties described in Exhibit A and as shown on Exhibit B.

IN TESTIMONY WHEREOF, the parties have caused multiple counterparts hereof to be duly executed on or as of the 20 day of May, 2014.

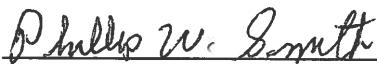
Sharon Township Board of Trustees

City Council for the City of
Westerville, Franklin County, Ohio

By _____
John H. Oberle, Trustee

By 
City Manager

City of Westerville, Ohio

By 
Phillip W. Smith, Trustee


By 
Lori A. Gerald, Trustee

EXHIBIT A

RECEIVED

OCT 10 2013

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 BB Date 10/14/13

Description of a 73 acre parcel of land

From: SHARON TOWNSHIP

TO: THE CITY OF WESTERVILLE

Situate in the Township of Sharon, County of Franklin, State of Ohio, and being part of Lot 21, Quarter Township No. 1, Township No. 2, Range 18, USML and being all of a 60.488 Acre Parcel of Land, conveyed to Samuel K. Bigham, Tr. and Connie C. Bigham, Tr., (1/2 interest) of record in Instrument Number 201007210092330 and Samuel K. Bigham Tr., and Connie C. Bigham, Tr. (1/2 interest) by Instrument Number 200310240341779, all of a 7.732 Acre parcel of land conveyed to Brian Bigham of record in Instrument Number 201007210092328 and all of a 2.280 Acre parcel of land conveyed to Samuel K. Bigham and Connie C. Bigham, Trustees of the Connie C. Bigham Living Trust of record in Instrument Number 200007140139682 all references to records being on file in the Office of the Recorder, Franklin County, Ohio, said 75 acre parcel being more fully described herein;

Beginning at a point at the northeast corner of Lot 156 of River Trace, Section 6, Part 2 of record in Plat Book 100, Page 29 and also being on the south line of said 7.732 acre parcel;

Thence, West with the north line of said lot 156, the south line of said 7.732 acre parcel, the north line of River Trace, Section 6, Part 1 of record in Plat Book 97, Page 64, the north line of River Trace, Section 5, of record in Plat Book 76, Page 72 and along an existing City of Westerville Corporation Line as established in Ordinance 85-4 (Official Record 5419, Page B10), a distance of 427 feet to point at the northeast corner of River Trace Section 2 of record in Plat Book 65, page 90 and the northwest corner of said River Trace Section 5;

Thence, West with the north line of said River Trace Section 2 and the south line of said 7.732 acre parcel and along an existing City of Westerville Corporation Line as established in Ordinance 85-4 (Official Record 5419, Page B10), a distance of 951 feet to a point at the northwest corner of said River Trace Section 2 and the northeast corner of River Trace Section 3 of record in Plat Book 66, Page 69;

Thence, West and along an existing City of Westerville Corporation Line as established in Ordinance 85-4 (Official Record 5419, Page B10), a distance of 849 feet to a point at the northwest corner of said River Trace Section 3 and the northeast corner of River Trace Section 4 of record in Plat Book 68, Page 16;

Thence, West with the north line of said River Trace Section 4 and along an existing City of Westerville Corporation Line as established in Ordinance 85-4 (Official Record 5419, Page B10), a distance of 637 feet to point at the northwest corner of said River Trace Section 4 and the northeast corner of a 31.356 acre parcel of land conveyed to The City of Westerville of record in Deed book 3738, Page 766;

Thence, West with the north line of said 31.356 acre parcel and along an existing City of Westerville Corporation Line as established in Ordinance 81-6 (Official Record 600, Page 109) a distance of 1367 feet to point at the northwest corner of said 31.356 acre parcel and the northeast corner of Annehurst Village Number 10 of record in Plat Book 45, Page 115;

Thence, West with the north line of said Annehurst Village Number 10 and along an existing City of Westerville Corporation Line as established in Ordinance 80-10 (Miscellaneous

EXHIBIT A

Record 136, Page 203) a distance of 576 feet to a point at the southeast corner of Spring Hollow Village Number 2 of record in Plat Book 57, Page 85;

Thence, North with the east line of said Spring Hollow Village Number 2 and along an existing City of Westerville Corporation Line as established in Ordinance 76-42 (Miscellaneous Record 167, Page 153), a distance of 684 feet to point at the northeast corner of said Spring Hollow Village Number 2 and also being on the south line of lot 37 of Spring Hollow Village Number 3 of record in Plat book 59, Page 50;

Thence, East with the south line of said Spring Hollow Village Number 3 and along an existing City of Westerville Corporation Line as established in Ordinance 79-47 (Miscellaneous Record 173, Page 188), a distance of 1954 feet to point at the southeast corner of said Spring Hollow Village Number 3 and the southwest corner of a 13.675 acre parcel of land conveyed to Abruzzi Club of record in Deed Book 1608, Page 500;

Thence, East with the south line of said 13.675 acre parcel and along an existing City of Westerville Corporation Line as established in Ordinance 09-36 (Instrument Number 201002050015042), a distance of 698 feet to a point at a corner of said 13.675 acre parcel and the southwest corner of a 8.566 acre parcel of land conveyed to Carolyn A Ball of record in Official Record 0676, F09;

Thence, East with the south line of said 8.566 acre parcel, a distance of 731 feet to a point on the southerly line of said 8.566 acre parcel and the southwest corner of a 6.973 acre parcel of land conveyed to Carolyn A Ball of record in Official Record 3725, A16;

Thence, East with the south line said 6.973 acre parcel, and also being the northwest corner of said 2.280 acre parcel a 250 feet to point on the south line of said 6.973 acre parcel and the north line of said 2.280 acre parcel;

Thence, East with the south line of said 6.973 acre parcel and the north line of said 2.280 acre parcel a distance of 830 feet to point;

Thence, East a distance of 80 feet to a point in the center of Alum Creek;

Thence, South with the east line of said 2.280 acre parcel, partly with the east line of said 60.488 acre parcel, with the center of Alum Creek, and along an existing City of Westerville Corporation Line as established in Ordinance 95-40 (Official Record 29439, Page C06) a distance of 182 feet to a point;

Thence, South with the east line of said 60.488 acre parcel, partly with the east line of said 7.732 acre parcel, with the center of Alum Creek, and along an existing City of Westerville Corporation Line as established in Ordinance 95-40 (Official Record 29439, Page C06) a distance of 290 feet to a point;

Thence, South with the east line of said 7.732 acre parcel, with the center of Alum Creek, and along an existing City of Westerville Corporation Line as established in Ordinance 95-40 (Official Record 29439, Page C06) a distance of 292 feet to a point;

Thence, West and along an existing City of Westerville Corporation Line as established in Ordinance 85-4 (Official Record 5419, Page B10) a distance of 108 feet to the True Point of Beginning, containing 73 +/- acres of land total (1.039 acres Present Right of Way Occupied), consisting of 7.732 acres (PID 252-000004, 0.418 acres Present Right of Way Occupied) parcel of

EXHIBIT A

land conveyed to Brian Bigham of record in Instrument Number 201007210092328, 2.280 acres (PID 252-000003, 0.088 acres Present Right of Way Occupied) parcel of land conveyed to Samuel K. Bigham, Tr. and Connie C. Bigham, Tr. of record in Instrument Number 200007140139682 and 62.533 acres (PID 252-001354, 0.533 acres Present Right of Way Occupied) parcel of land, conveyed to Samuel K. Bigham, Tr. And Connie C. Bigham, Tr., (1/2 interest) of record in Instrument Number 201007210092330 and Samuel K. Bigham Tr., (1/2 interest) by Instrument Number 200310240341779 subject to all easements and documents of record.

The above description was prepared by Watcon Engineering in July of 2013, from the best available County records. The above description is not valid for the transfer of real property, and is not to be utilized in place of a Boundary Survey as defined by the Ohio Administrative Code in Chapter 4733-37.

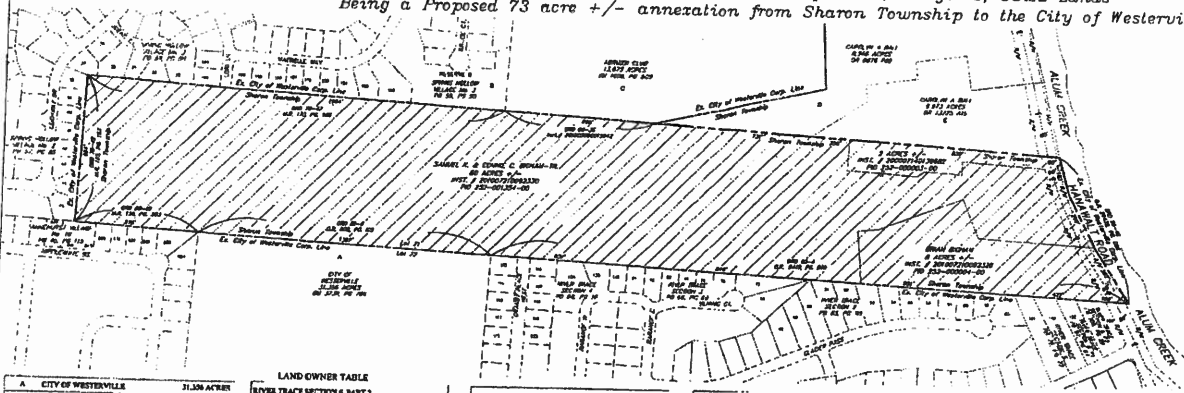


Robert W. Martin 10-4-13
Robert W. Martin Date
P.S. 8114

1B

E

Situate in the Township of Sharon, County of Franklin, State of Ohio, and being part of
Lot 21, Quarter Township No. 1, Township No. 2, Range 18, USML Lands
Being a Proposed 73 acre +/- annexation from Sharon Township to the City of Westerville



A	CITY OF WESTERVILLE	31.306 ACRES
B	CITY OF WESTERVILLE	2.801 ACRES
C	ABRAHAM CLARK	12.470 ACRES
D	CAROLYN BALL	8.184 ACRES
E	CAROLYN BALL	6.971 ACRES

LAND OWNER TABLE

LOT	OWNER
154	MILTON W. & JULIA A. SPURGEON
155	MILTON W. & JULIA A. SPURGEON

RIVER TRAILS SECTION 1, PART 1

LOT	OWNER
156	MILTON W. & JULIA A. SPURGEON
157	MILTON W. & JULIA A. SPURGEON

RIVER TRAILS SECTION 1

LOT	OWNER
158	MILTON W. & JULIA A. SPURGEON
159	MILTON W. & JULIA A. SPURGEON

RIVER TRAILS SECTION 2

LOT	OWNER
160	MILTON W. & JULIA A. SPURGEON
161	MILTON W. & JULIA A. SPURGEON

RIVER TRAILS SECTION 3

LOT	OWNER
162	MILTON W. & JULIA A. SPURGEON
163	MILTON W. & JULIA A. SPURGEON

RIVER TRAILS SECTION 4

LOT	OWNER
164	MILTON W. & JULIA A. SPURGEON
165	MILTON W. & JULIA A. SPURGEON

ADDRESS VILLAGE NO. 10

LOT	OWNER
166	MILTON W. & JULIA A. SPURGEON
167	MILTON W. & JULIA A. SPURGEON

ADDRESS VILLAGE NO. 11

LOT	OWNER
168	MILTON W. & JULIA A. SPURGEON
169	MILTON W. & JULIA A. SPURGEON

ADDRESS VILLAGE NO. 12

LOT	OWNER
170	MILTON W. & JULIA A. SPURGEON
171	MILTON W. & JULIA A. SPURGEON

SPRING HOLLOW VILLAGE NO. 13

LOT	OWNER
172	MILTON W. & JULIA A. SPURGEON
173	MILTON W. & JULIA A. SPURGEON

SPRING HOLLOW VILLAGE NO. 14

LOT	OWNER
174	MILTON W. & JULIA A. SPURGEON
175	MILTON W. & JULIA A. SPURGEON

SPRING HOLLOW VILLAGE NO. 15

LOT	OWNER
176	MILTON W. & JULIA A. SPURGEON
177	MILTON W. & JULIA A. SPURGEON



10-4.13

RECEIVED

10-4.13

PREPARED BY
WATSON
ENGINEERING AND SURVEYING
1000 N. 10TH ST.
COLUMBUS, OH 43260
PHONE - (614) 411-7878

ANNEX. NO. 100
PROPOSED ANNEXATION OF 73 +/- ACRES
TO THE
CITY OF WESTERVILLE
SHARON TOWNSHIP, FRANKLIN COUNTY, OHIO
DATE: 10-4.13