

Review of Petition to Annex 4.9 +/- acres from Plain Township to the City of New Albany Case #ANX-EXP1-22-14 (Economic Development & Planning)

WHEREAS, an Expedited Type 1 annexation petition was filed by Mitchell H. Banchefsky, on behalf of the City of New Albany, with the Franklin County Economic Development and Planning Department on August 26, 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.

Review of Petition to Annex 4.9 +/- acres from Plain Township to the City of New Albany Case #ANX-EXP1-22-14 (Economic Development & Planning)

Prepared by: D. Anthony Hray

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0626-14

September 09, 2014

REVIEW OF PETITION TO ANNEX 4.9 +/- ACRES FROM PLAIN TOWNSHIP TO THE CITY OF NEW ALBANY CASE #ANX-EXP1-22-14

(Economic Development and
Planning)

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

Voting:

Marilyn Brown, President

Aye

Paula Brooks

Aye

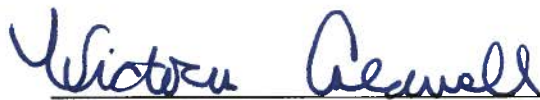
John O'Grady

Aye

Board of County Commissioners
Franklin County, Ohio

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon by the Board of County Commissioners, Franklin County, Ohio on the date noted above.



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
4.9 +/- ACRES FROM
PLAIN TOWNSHIP
TO THE CITY OF NEW ALBANY
BY MITCHELL H. BANCHEFSKY

Description:

Attached is a resolution to consider the annexation of 4.9-acres, more or less, from Plain Township to the city of New Albany. The petition case number is ANX-EXP1-22-14.

Property Owner Information:

City of New Albany

Attorney/Agent:

Mitchell H. Banchefsky
Law Director, City of New Albany

Site:

7420 Walnut Street (Parcel #220-000035)

Additional Information:

Approximately 1,477 lineal feet of the site is adjacent to the city of New Albany, which constitutes approximately 80 percent of the total site boundary.

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

Marilyn Brown, President
Paula Brooks
John O'Grady

Economic Development & Planning Department
James Schimmer, Director

Application for
**Annexation
Petition**

RECEIVED

AUG 26 2014

1

Franklin County Planning Department
Franklin County, Ohio

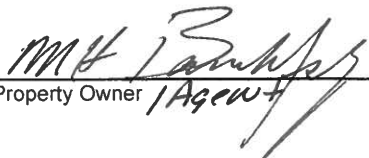
Property Information	
Site Address <u>7420 Walnut Street, New Albany, OH 43054</u>	
Parcel ID(s) <u>220-000035</u>	Total Acreage <u>4.9 acres ±</u>
From Township <u>Plain Township</u>	To Municipality <u>City of New Albany</u>

Staff Use Only	
Case # <u>ANX-EXP1</u> <u>22-14</u>	
Journal date (next regular session): <u>Heard 9/9/14</u>	
Date filed: <u>8/26/14</u>	
Fee paid <u>250.00</u>	
Receipt # <u>1478</u>	
<ul style="list-style-type: none"> Notifications not required Service Ord. not required Public hearing not required 	

Property Owner Information	
Name <u>City of New Albany</u>	
Address <u>99 West Main Street</u> <u>P.O. Box 188</u> <u>New Albany, Ohio 43054</u>	
Phone # <u>614-855-3913</u>	Fax # <u>614-855-8583</u>
Email	

Attorney/Agent Information	
Name <u>Mitchell H. Banchevsky, Esq.</u>	
Address <u>One Columbus, Suite 2300</u> <u>10 West Broad Street</u> <u>Columbus, Ohio 43215</u>	
Phone # <u>614-559-7240</u>	Fax # <u>614-464-1737</u>
Email <u>mbanchevsky@fbtlaw.com</u>	

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/plot of property
<input type="checkbox"/> List of adjacent properties
<input 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.			
	<u>8/25/14</u>	Property Owner	Date
Property Owner	Date	Property Owner	Date
Property Owner	Date	Property Owner	Date

RECEIVED

AUG 26 2014

Franklin County Planning Department
Franklin County, Ohio

CERTIFICATE OF COPY ORIGINAL ON FILE

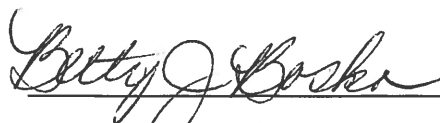
In the City of New Albany, Counties of Franklin and Licking, State of Ohio.

I, Betty J. Bosko, Clerk of the Council of the City of New Albany within and for said Counties, certify that this is a true and correct copy of Ordinance O-23-2014 copied from the original passed by Council on Aug. 19, 2014, and signed by the Mayor on Aug 19, 2014.

Also including Exhibit "A" Annexation Description; Exhibit "B" 4.9+/- Plat; Exhibit "C" Annexation Agreement; Exhibit "D" Annexation Petition; Plain Township Board of Trustees Resolution # 140521A1; City of New Albany Resolution #R-35-2014;



WITNESS my signature, this 22nd day of August, 2014.


Betty J. Bosko, CMC



Prepared: 07/21/14

Introduced: 08/05/14

Approved: 8/19/2014

Effective:

ORDINANCE-23-2014

AN ORDINANCE PETITIONING THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO FOR ANNEXATION OF APPROXIMATELY 4.9 ACRES OF LAND, LOCATED AT 7420 WALNUT STREET, TO THE CITY OF NEW ALBANY.

WHEREAS, the City of New Albany (the "City") owns the property located at 7420 Walnut Street (the "Property"), which is currently located in Plain Township; and

WHEREAS, the City desires to annex the Property pursuant to Ohio Revised Code §§ 709.021 and 709.022, which is the Expedited Type I Annexation procedure; and

WHEREAS, the Property that is proposed to be annexed is adjacent and contiguous to the City, as further described in the attached Exhibit "A" and depicted in the attached Exhibit "B"; and

WHEREAS, pursuant to O.R.C. §§ 709.021 and 709.022, the City has entered into an annexation agreement with the Township of Plain, said annexation agreement attached as Exhibit "C"; and

WHEREAS, the Expedited Type I Annexation procedure requires all owners to sign the petition to the Franklin County Board of Commissioners pursuant to O.R.C. §§ 709.021 and 709.022; and

WHEREAS, the City is the only property owner within the proposed Property for annexation; and

WHEREAS, the Franklin County Application for an Expedited Type I Annexation petition is attached hereto as Exhibit "D".

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, State of Ohio, of the elected members concurring:

Section 1. Council considers it necessary to annex the subject property to the City of New Albany.

Section 2. The Law Director's Office of the City of Albany is hereby directed to petition the Franklin County Commissioners for annexation of 4.9 acres of land located in Plain Township, Franklin County, Ohio, in accordance with Ohio Revised Code Sections 709.021 through 709.022, and to serve as the City of New Albany's agent in this annexation proceeding.

Section 3. The City Manager is hereby authorized to take any action necessary to further the annexation petition.


Section 4. This ordinance shall be effective upon the earliest date permitted by law.

Passed this 19th day of August, 2014

ATTEST:



Nancy I. Ferguson, Mayor



Betty J. Bosko, Clerk of Council

0127273.0609412 4826-4422-1978vl

4826-4422-1978, v. I

RECEIVED

MAY 07 2014

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

ANNEXATION DESCRIPTION

FROM PLAIN TOWNSHIP TO CITY OF NEW ALBANY

+/- 4.9 ACRES

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

By BB Date 5/6/14

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;

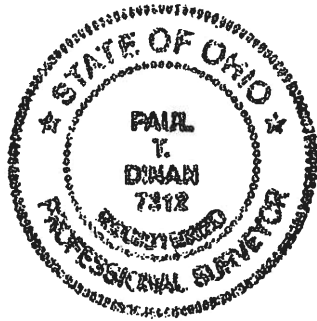
Thence **SOUTHERLY**, along the east line of said 5.000 acre tract, along a west line of said 31.871 acre tract and across part of said 16.365 acre tract, continuing along said City of New Albany corporation line, approximately **611 feet** to the City of New Albany Corporation Line as established by 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

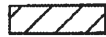
BB Date 5/6/14

Legend

PL Property Line

R/W Right-of-Way

POB Point of Beginning



Annexation Area

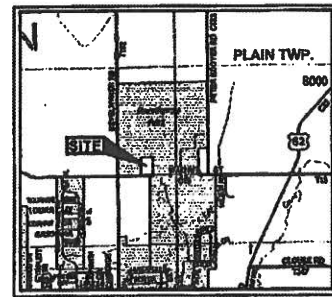
Existing City of New Albany Corporation Line

Proposed City of New Albany Corporation Line

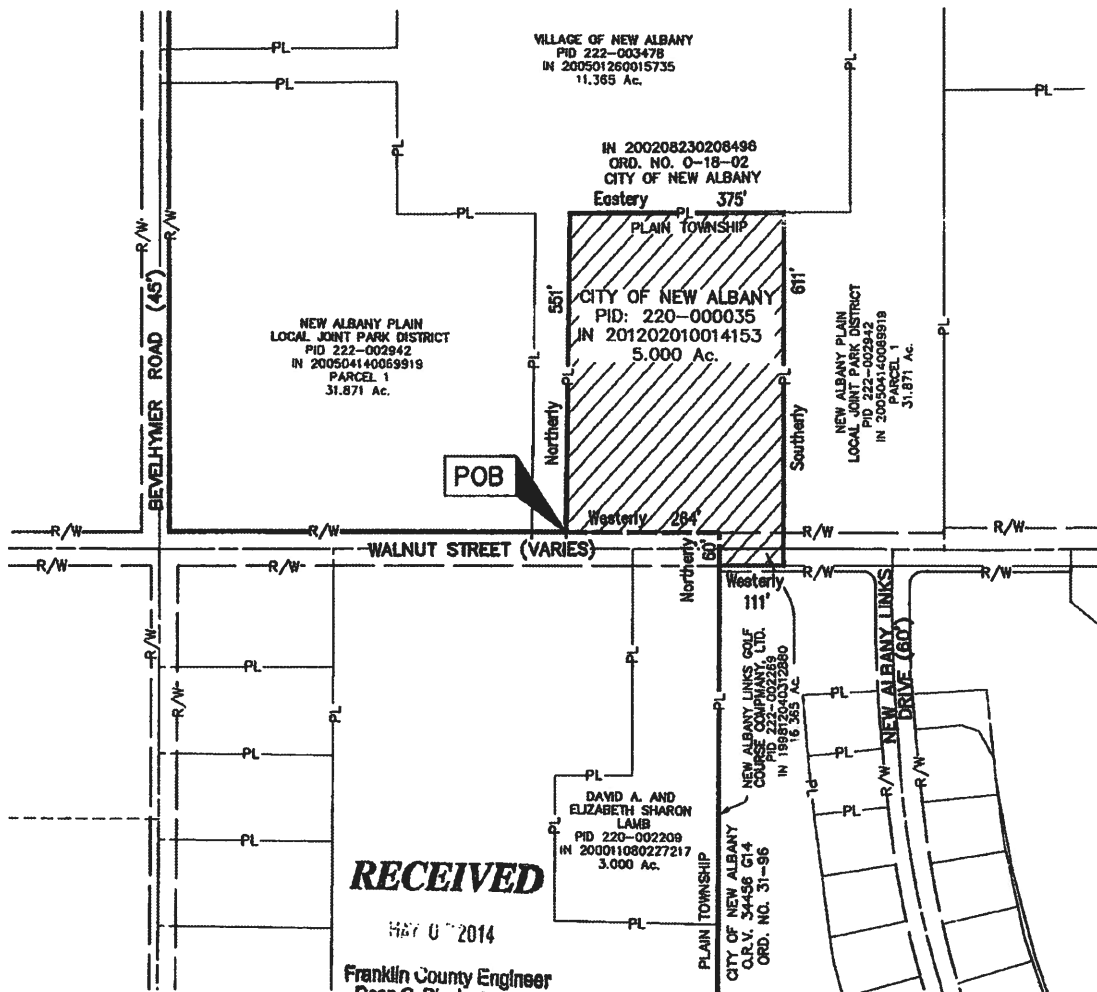
NOTE: Approximately 1477 L.F. of the site is adjacent to the City of New Albany, which constitutes approximately 80% of the total site boundary.

0 100 200 400

Scale: 1" = 200'



VICINITY MAP
N.T.S.



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.

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

PLANS PREPARED BY:

E.P. FERRIS
AND
ASSOCIATES
INC.

CONSULTING CIVIL ENGINEERS AND SURVEYORS
680 12ND AVENUE
COLUMBUS, OHIO 43212
(614) 289-2999 (614) 229-2992 Fax



EXHIBIT

B

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.

WITNESSETH:

WHEREAS, the City and the Township share certain boundaries and therefore have a shared interest in the parcels found to the west of Bevelhymér 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



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 (50th) 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:

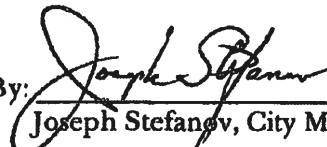
Plain Township Board of Trustees
Attn: Ben Collins
Township Administrator
45 Second Street
New Albany, Ohio 43054
Fax: 614.855.2087

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:

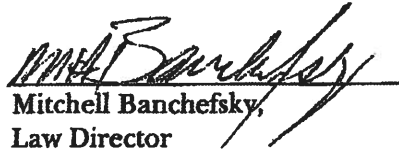

Mitchell Banchefsky,
Law Director

EXHIBIT A

Description of the Annexation Area

Annexation Area Exhibit "A"

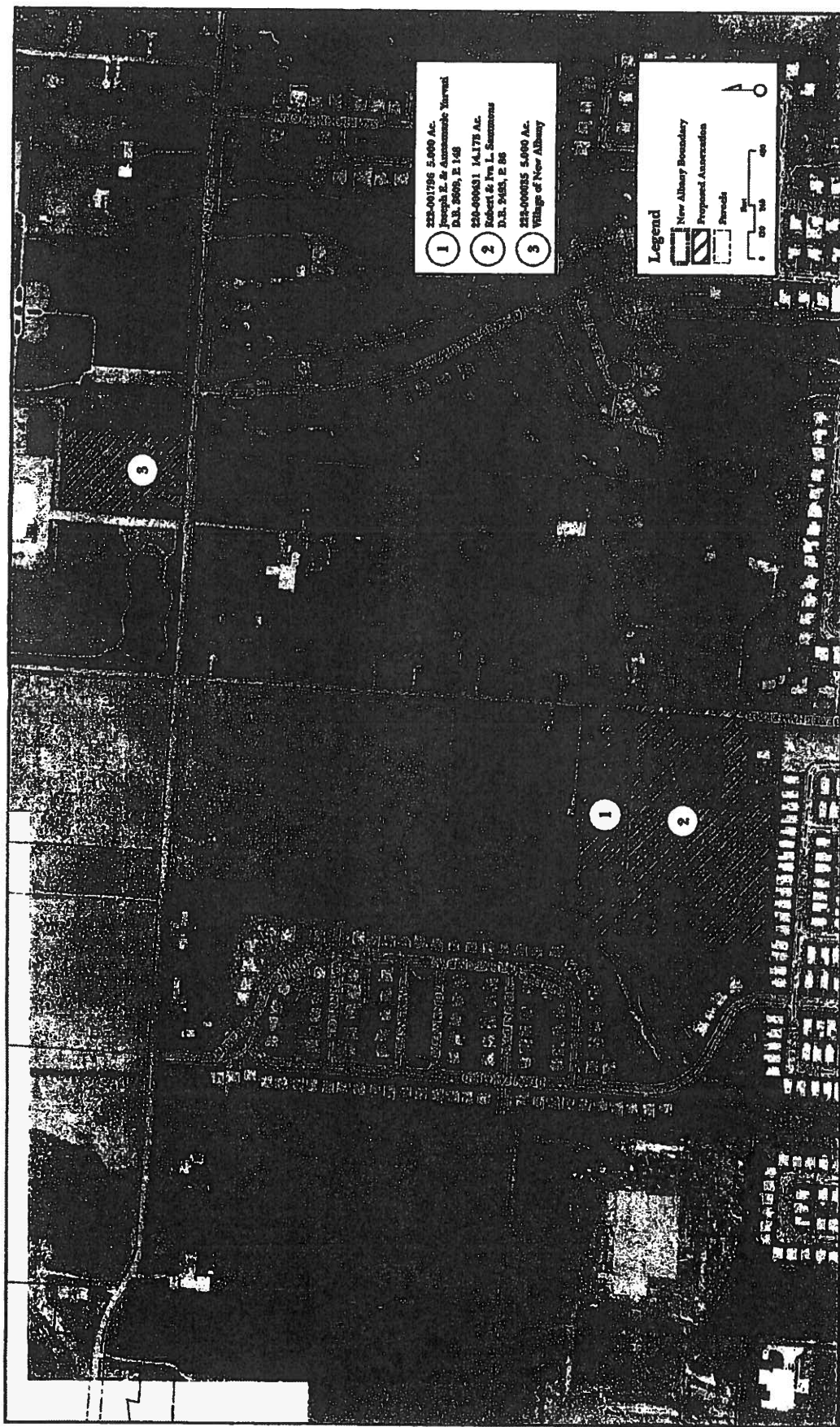


Exhibit B

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 Yurvatl 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 Bevelhymmer 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 Bevelhymmer 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.


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






NORTH
ADJACENT PROPERTY INDEX

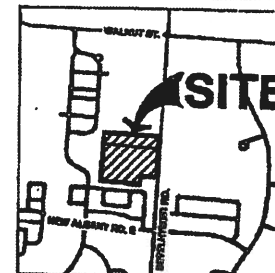
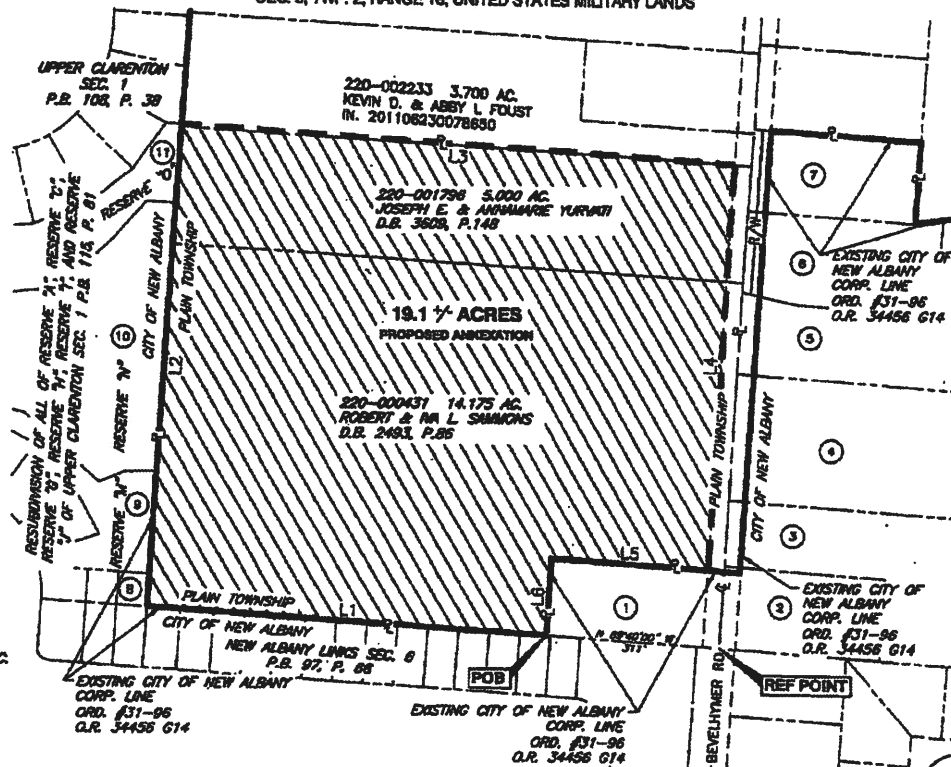
- ① 222-002008 1.000 AC.
JOSEPH A. ROACH
IN. 200305220151781
- ② 222-001982 1.000 AC.
RAYBURN E. & BRENDA L. MURPHY
D.B. 3417, P. 842
- ③ 222-002014 5.001 AC.
GEORGE R. & SCHERRA C. STREIBCK
IN. 201204130051214
- ④ 222-002015 5.001 AC.
WILLIAM RUSSELL SCHUBERT, TRUSTEE
IN. 201011100151283
- ⑤ 222-001995 6.266 AC.
TODD J. THUNDER & SALLY HENRY
IN. 201312040220146
- ⑥ 222-001965 1.149 AC.
GARY L. & MARY L. GAMMILL
D.B. 3625, P. 413
- ⑦ 222-001996 1.019 AC.
MICHAEL H. DOS SANTOS
IN. 201310180176783
- ⑧ 222-003886 0.075 AC.
C. NELSON & GAIL C. MERRELL
IN. 200804070055398
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. 8, TWP. 2, RANGE 16, UNITED STATES MILITARY LANDS



VICINITY MAP

APPROX. 1"=1,000'

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.

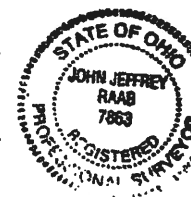
53.7% OF THE PERIMETER OF THE
ANNEXED AREA IS CONTIGUOUS TO THE
EX. CITY OF NEW ALBANY CORPORATION
LINE.

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

PROPERTIES TO BE ANNEXED

P.L.D.: 220-001798
5.0 +/- ACRES
JOSEPH E. & ANNAMARIE YURVAT
D.B. 3628, P. 148

P.L.D.: 220-000431
14.2 +/- ACRES
ROBERT & MA 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
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
JOHN J. RAAB
REGISTERED LAND SURVEYOR NO.: 7863



Civil & Environmental Consultants, Inc.

6740 Odum Place, Suite 100 - Columbus, OH 43240

614-640-0833 • 614-640-0838

www.candec.com

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

ANNEXATION PLAT

DRAWN BY: KAO CHECKED BY: JLR 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



Commissioners
 Marilyn Brown, President
 Paula Brooks
 John O'Grady

Economic Development & Planning Department
 James Schimmer, Director

Application for Annexation Petition

Expedited Type 1
 Consent of all parties

1

Property Information	
Site Address	
Parcel ID(s)	Total Acreage
From Township	To Municipality

Property Owner Information	
Name	
Address	
Phone #	Fax #
Email	

Attorney/Agent Information	
Name	
Address	
Phone #	Fax #
Email	

Staff Use Only
Case #
Journal date (next regular session):
Date filed:
Fee paid
Receipt #
<ul style="list-style-type: none"> Notifications not required Service Ord. not required Public hearing not required

Document Submission
The following documents must accompany this application on letter-sized 8 1/2" x 11" paper:
<input type="checkbox"/> Legal description of property <input type="checkbox"/> Map/plot of property <input type="checkbox"/> List of adjacent properties <input 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
Property Owner	Date	Property Owner	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 21st day of May, 2014

ATTEST:

**PLAIN TOWNSHIP
BOARD OF TRUSTEES**



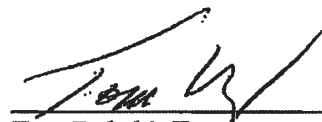
Bud Zappitelli, Fiscal Officer



David Ferguson, Trustee



Dave Olmstead, Trustee



Tom Rybski, Trustee



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 20th day of May, 2014

ATTEST:

Nancy Ferguson
Nancy I. Ferguson
Mayor

Betty J. Bosko
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 20th, 2014, signed by Mayor Nancy I. Ferguson and will become effective on May 20th, 2014.

Betty J. Bosko
Betty J. Bosko, Clerk of Council

5/22/14
Date