

Review of Petition to Annex 5.774 +/- acres from Franklin Township to the City of Columbus Case #ANX-EXP2-28-14 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition, filed by Brent D. Rosenthal on October 28, 2014, and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Expedited Type 2 petition, and having considered all the facts with reference thereto, being fully advised, and

WHEREAS, the Commissioners make the following findings based upon the exhibits and testimony presented at the review of this matter:

1. The petition does meet all the requirements set forth in, and was filed in the manner provided in, section 709.021 of the Revised Code.
2. The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all of the owners of real estate in that territory.
3. The territory proposed for annexation does not exceed five hundred acres.
4. The territory proposed for annexation shares a contiguous boundary with the municipal corporation to which annexation is proposed for a continuous length of at least five percent of the perimeter of the territory proposed for annexation.
5. The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.
6. The municipal corporation to which annexation is proposed has passed ordinance no. 2546-2014 agreeing to provide to the territory proposed for annexation certain services and adopting a statement regarding possible incompatible land uses and zoning buffer. The respective ordinance was passed by the City of Columbus on November 10, 2014.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

Review of Petition to Annex 5.774 +/- acres from Franklin Township to the City of Columbus Case #ANX-EXP2-28-14 (ECONOMIC DEVELOPMENT & PLANNING)

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 Columbus, 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 Columbus, Ohio.

Prepared by: D. Anthony Hray

C: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0859-14

December 02, 2014

**REVIEW OF PETITION TO ANNEX 5.774 +/- ACRES FROM FRANKLIN
TOWNSHIP TO THE CITY OF COLUMBUS CASE #ANX-EXP2-28-14**

**(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.



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

CERTIFIED TRUE COPY

By:  Date: 12/5/14
Franklin County Economic Development
& Planning Department



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
5.774 +/- ACRES FROM
FRANKLIN TOWNSHIP
TO THE CITY OF COLUMBUS

Description:

Attached is a resolution to consider the annexation of 5.774-acres, more or less, from Franklin Township to the city of Columbus. The petition case number is ANX-EXP2-28-14.

Agent/s:

Brent D. Rosenthal

Owner/s:

Richard L. McFarland, Trustee

Site:

1648 Wilson Road and adjacent portions of right-of-way along Wilson and Trabue Roads (142-000014)

Additional Information:

The site's entire perimeter (100 percent) is contiguous to the city of Columbus.

Analysis:

The applicant has met all statutory requirements outlined in Section 709.021 of the Ohio Revised Code. The applicant has provided proof of notification, and timeline and has provided an ordinance from the city of Columbus identifying the services that will be provided once the annexation has been approved and a statement regarding possible incompatible land uses and zoning buffer. The respective ordinance, no. 2546 -2014, was passed by the city of Columbus on November 10, 2014.

Recommendation:

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



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

Economic Development & Planning Department
James Schimmer, Director

MEMO JOURNALIZATION

TO: Shannon Zee Cross, County Clerk
Franklin County Commissioners Office

FROM: D. Anthony Hray, Planner
Franklin County Economic Development & Planning Department

CC: James Schimmer, Director
Jenny Snapp, Assistant Director, Building, Planning and Zoning
Matthew Brown, Planning Administrator
Franklin County Economic Development & Planning Department

RE: Description of Expedited Type 2 annexation case to be
journalized on the **November 4, 2014** General Session Agenda
for a hearing on **December 2, 2014.**

Case #ANX-EXP2-28-14- An Expedited Type 2 annexation petition ANX-EXP2-28-14 was filed in our office on October 28, 2014. The petition is requesting to annex 5.774 +/- acres from Franklin Township to the City of Columbus.

Site: 1648 Wilson Road and adjacent portions of right-of-way along Wilson and Trabue Roads (142-000014)



Commissioners
Marilyn Brown, President
Paula Brooks
John O'Grady

Economic Development & Planning Department
James Schimrner, Director

Application for
**Annexation
Petition**

Expedited Type 2
Pursuant to ORC §709.023

RECEIVED

OCT 28 2014 2

Franklin County Planning Department
Franklin, Ohio


Property Information	
Site Address 1648 Wilson Road	
Parcel ID(s) 142-000014	Total Acreage 5.744 5.774 +/-
From Township Franklin	To Municipality Columbus

Property Owner Information	
Name Richard L. McFarland, Trustee	
Address 1648 Wilson Road Columbus, Ohio 43204	
Phone # (614) 274-6511	Fax # None
Email winmcfar@yahoo.com	

Attorney/Agent Information	
Name Brent D. Rosenthal	
Address 366 East Broad Street Columbus, Ohio 43215	
Phone # (614) 628-0772	Fax # (614) 221-0216
Email broseenthal@cpmlaw.com	

Staff Use Only
Case # ANX-EXP2 28-14
Hearing date: 12/2/14
Date filed: 10/29/14
Fee paid 250.00
Receipt # 1490
Notifications deadline: 5 days 11/2/14
Svc statement deadline: 20 days 11/17/14

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 checked="" type="checkbox"/> List of adjacent properties

Waiver of Right to Appeal			
<p>WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.</p>			
 Property Owner	October 28, 2014 Date	_____ Property Owner	_____ Date
_____ Property Owner	_____ Date	_____ Property Owner	_____ Date

RECEIVED

SEP 18 2014

J & J Surveying Services, Inc.

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 3B Date 9/18/14

6515 East Livingston Ave.
Suite 12
Reynoldsburg, Oh. 43068

Phone 614-866-9158
Fax 614-866-9132

August 27, 2014

Proposed Annexation of 5.774 acres
FROM: Franklin Township
TO: City of Columbus

Situated in the State of Ohio, County of Franklin, Franklin Township, City of Columbus, and being a part of Virginia Military Survey Number (VMS) 875, and being 5.721 acres out of a tract of land as conveyed to Richard L. McFarland, Trustee, or successor Trustee of the Mildred Mae McFarland Rice Trust Dated May 17, 2010 as recorded in Instrument (Instr.) No. 201005210063113, and being 0.053 acres out of a 1.178 acre tract conveyed to the Franklin County Commissioners in Instr. No. 201209130136271, and being further described as follows:

BEGINNING at the southeast corner of the said 5.721 acre tract, being the northeast corner of a 4.82 acre tract conveyed to the Mary C. Clark Revocable Trust as recorded in Instr. No. 201101260013418 and the northeast corner of the existing corporation line of the City of Columbus as established by Ordinance (Ord.) No. 938-91, recorded in Official Record 16933 A-01, and being a point in the west line of Lot 188 of Scioto Woods Section 3, Plat Book 73, pg. 104 and the west line of the existing corporation line of the City of Columbus as established by Ord. No. 1843-71, recorded in Miscellaneous Record 155, pg. 52;

THENCE in a westerly direction, a distance of approximately 84 feet along a south line of the said 5.721 acre tract, and a north line of the said 4.82 acre tract and the said Ord. No. 938-91, to a point, being a corner of the said 5.721 acre tract, the said 4.82 acre tract, and the said Ord. No. 938-91;

THENCE in a westerly direction, a distance of approximately 100 feet along a south line of the said 5.721 acre tract, and a north line of the said 4.82 acre tract and the said Ord. No. 938-91, to a point, being a corner of the said 5.721 acre tract, the said 4.82 acre tract, and the said Ord. No. 938-91;

THENCE in a westerly direction, a distance of approximately 185 feet along a south line of the said 5.721 acre tract, and a north line of the said 4.82 acre tract and the said Ord. No. 938-91, to a point, being the southwest corner of the said 5.721 acre tract, a point on a north line of the said 4.82 acre tract, and the said Ord. No. 938-91, a southeast corner of the said 1.178 acre tract and a corner of the existing corporation line of the City of Columbus as established by Ord. No. 2112-00, recorded in Instr. No. 200011150231301, and the east line of Wilson Rd. (width varies);

THENCE in a northerly direction, a distance of approximately 692 feet, along the west line of the said 5.721 acre tract, and a east line of the said 1.178 acre tract, the said Ord. No. 2112-00, and the said Wilson Rd., and crossing the said 1.178 acre tract, to a point, being a corner of the said Ord. No. 2112-00;

THENCE in a easterly direction, a distance of approximately 352 feet, crossing the said 1.178 acre tract and along a south line of the said Ord. No. 2112-00, to a point, being a corner of the said Ord. No. 2112-00, a point in a east line of the said 1.178 acre tract, and a point in the west line of Lot 197 of the said Scioto Woods Sec. 3 and in the said Ord. No. 1843-71;

THENCE in a southerly direction, a distance of approximately 767 feet, along a east line of the said 1.178 acre tract, the east line of the said 5.721 acre tract, the west line of Lots 197, 196, 195, 194, and 193, Reserve "B", and Lot 188 of the said Scioto Woods Sec. 3, and the west line of the said Ord. No. 1843-71, to the Point of Beginning, containing 5.774 acres, more or less;

This description is based on records in the Franklin County Recorder's Office and from an actual field survey, and was prepared by Raymond J. Wood of J & J Surveying in August of 2013. It 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.

Raymond J. Wood 0/27/14
Raymond J. Wood Date
P.S. 7745



RECEIVED

OCT 28 2014

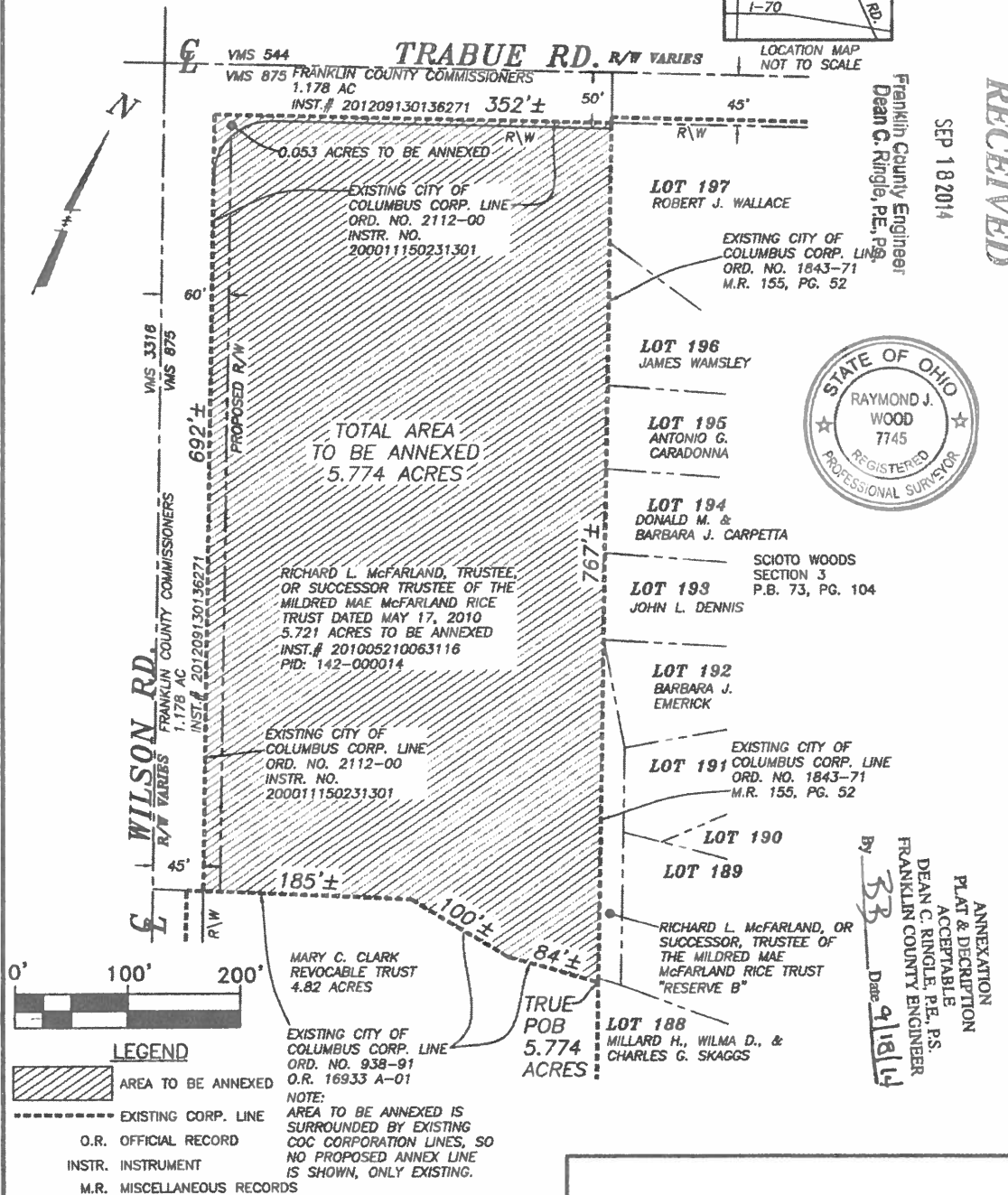
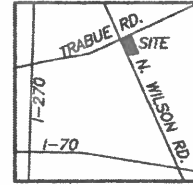
Franklin County Planning Department
Franklin County, OH

12-50AN

J & J SURVEYING SERVICES, INC.
 6515 E. LIVINGSTON AVENUE
 REYNOLDSBURG, OHIO 43068
 PH# (614) 866-9158
 FAX# (614) 866-9132
 JJSURVEYING@AMERITECH.NET
 © 2013 J. & J. SURVEYING SERVICES, INC.

SCALE	1" = 100'	REVISIONS	BY	DATE
DATE	8/19/13	NEW SHEET SIZE	RJW	11/22/13
DTH	RJW			
ORD	JWW			
APVD	RJW			

PROPOSED ANNEXATION OF 5.774 ACRES
 FROM FRANKLIN TOWNSHIP
 TO THE CITY OF COLUMBUS



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SEP 18 2014

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



Raymond J. Wood 8/27/14
 RAYMOND J. WOOD P.S. 7745
 6515 E. LIVINGSTON AVE.
 SUITE 12
 REYNOLDSBURG, OH 43068



City of Columbus

Legislation Report

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

File Number: 2546-2014

ORIGINAL

Emergency

File ID: 2546-2014

Type: Ordinance

Status: Consent

Version: 1

*Committee: Development Committee

File Name: Annexation Service AN14-011: 5.774 + Acres,
Franklin Township, Richard L. McFarland, Trustee

File Created: 10/29/2014

Cost: \$0.00

Final Action:

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Jackie Yeoman 645-0663

Floor Action (Clerk's Office Only)

NOV 10 2014 Passed 6-0 MILLS ABSENT

RECEIVED

NOV 13 2014

Franklin County Planning Department
Franklin County, Ohio

ANX-EXPL-23-14

Mayor's Action


NOV 11 2014
Mayor Date

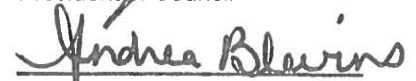
Council Action

NOV 10 2014
Date Passed/ Adopted


President of Council

Veto

Date


City Clerk


Title: To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN14-011) of 5.774 + acres in Franklin Township to the city of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Sponsors:

Indexes:

Attachments: ORD2546-2014 AN14-011 Legal Description,
ORD2546-2014 AN14-011 Map

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 2546-2014 passed by The Council of The City of Columbus, Ohio 11/10, 2014, as shown by the records now on file in this office.

Seal 
City Clerk

Approval History

Version	Date	Approver	Action
1	10/29/2014	Steven Schoeny	Approved
1	10/30/2014	ATTORNEY APPROVER	Approved
Notes	wsb		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation**AN14-011**

BACKGROUND: This ordinance is being submitted to set forth the municipal services and zoning conditions the city of Columbus will provide upon annexation of a territory located in Franklin Township. This ordinance is required by the Ohio Revised Code (ORC) as enacted by the General Assembly of the State of Ohio. An annexation petition has been filed with Franklin County for this property. A service ordinance must be passed before the annexation meeting takes place before the Board of County Commissioners of Franklin County. Information regarding municipal services that would be available, should the subject site be annexed, has been compiled and is reflected in this ordinance. If the petition is approved by the County Commissioners, a second City ordinance accepting the annexation will be necessary to complete the process. The time frames specified in the ORC require that this legislation be filed as emergency.

FISCAL IMPACT: The statement of municipal services and zoning conditions for a proposed annexation area has no fiscal impact. While provision of the stated services does represent cost to the City, annexation of land also has the potential to create revenue to the City.

Title

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN14-011) of 5.774 ± acres in Franklin Township to the city of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Body

WHEREAS, a petition for the annexation of certain territory in Franklin Township was duly filed on behalf of Richard L. McFarland, Trustee on October 28, 2014; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on December 2, 2014 and

WHEREAS, the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

WHEREAS, the Ohio Revised Code requires that before said meeting the Municipal Legislative Authority adopt an ordinance stating zoning buffering conditions; and

WHEREAS, the property is located within the boundaries of the adopted Trabue-Roberts Area Plan; and

WHEREAS, upon annexation, properties will have uniform access to City services as they become available; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this ordinance to the Franklin County Board of Commissioners in accordance with the Ohio Revised Code all for the preservation of the public peace, property, health safety and welfare; now, therefore,

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

SECTION 1. That the city of Columbus will provide the following municipal services for 5.774 ± acres in Franklin Township upon the annexation of said area to the city of Columbus:

Public Safety: The city of Columbus, Department of Public Safety will be able to provide the appropriate level of safety related services to the proposed annexation area. Such services will include police and fire protection as well as emergency medical service to the subject property.

While the petitioner for annexation may have proposed future development plans for the property in question, the Department of Public Safety requests that the City exercise its discretion in the coming development planning and review process to ensure any future development will be properly served by the Department of Public Safety. Discussions between the City and the present property owner or any future developers regarding post annexation changes in zoning or other changes to the property should include the Department of Public Safety and the Department of Development to ensure any proposed development of the annexation property may be adequately accommodated. Specific details for safety services are dependent upon the parameters of future development that is ultimately approved by the City.

Sanitation: Single family homes would qualify for city provided 90-gallon front curb or 300-gallon alley refuse service, the method of which to be determined by Division of Refuse Collection management. Any other development would require compliance with Title 13 requirements; Commercial/business uses are required to provide their own refuse collection.

Transportation: Maintenance will be available for any additional right-of-way that may be included in this annexation request. If this annexation contains existing signalized intersections, those intersections and signals are subject to Transportation Division Policy, which appeared in the December 6, 2003 Columbus City Bulletin, and any subsequent updates thereto.

Water: This site will be served by an existing 12-inch water main located in Trabue Road and an existing 12-inch water main located in N. Wilson Road, the connection to which will be made at the owner's expense.

Sewers: All sanitary and storm sewers required shall be constructed privately by the owners and developers at their own cost and expense with no cost to the City.

Sanitary: This site can be served by an existing 10-inch sanitary sewer (RP-6348) situated within an easement abutting the southeast corner of the property. The existing sanitary sewer is accessible to obtain gravity service or to extend a mainline for future development. The existing stream along the southern property line will require development to address the city of Columbus Stormwater Drainage Manual's Stream Corridor Protection Zone Policy. Permission to tap this sewer may be required, which could result in additional fees if the sewer is still privately owned.

Storm: All storm sewers necessary for development/redevelopment of the area shall be designed in accordance with design policy and applicable codes in effect at the time of development.

SECTION 2. If this 5.774 ± acre site is annexed, and if the city of Columbus permits uses in the annexed territory that the city of Columbus determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Franklin Township, the Columbus City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Franklin Township. For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

**LEGAL DESCRIPTION
ANNEXATION AN14-011
5.774 ± Acres in Franklin Township**

Situated in the State of Ohio, County of Franklin, Franklin Township, City of Columbus, and being a part of Virginia Military Survey Number (VMS) 875, and being 5.721 acres out of a tract of land as conveyed to Richard L. McFarland, Trustee, or successor Trustee of the Mildred Mae McFarland Rice Trust Dated May 17, 2010 as recorded in Instrument (Instr.) No. 201005210063113, and being 0.053 acres out of a 1.178 acre tract conveyed to the Franklin County Commissioners in Instr. No. 201209130136271, and being further described as follows:

BEGINNING at the southeast corner of the said 5.721 acre tract, being the northeast corner of a 4.82 acre tract conveyed to the Mary C. Clark Revocable Trust as recorded in Instr. No. 201101260013418 and the northeast corner of the existing corporation line of the City of Columbus as established by Ordinance (Ord.) No. 938-91, recorded in Official Record 16933 A-01, and being a point in the west line of Lot 188 of Scioto Woods Section 3, Plat Book 73, pg. 104 and the west line of the existing corporation line of the City of Columbus as established by Ord. No. 1843-71, recorded in Miscellaneous Record 155, pg. 52;

THENCE in a westerly direction, a distance of approximately 84 feet along a south line of the said 5.721 acre tract, and a north line of the said 4.82 acre tract and the said Ord. No. 938-91, to a point, being a corner of the said 5.721 acre tract, the said 4.82 acre tract, and the said Ord. No. 938-91;

THENCE in a westerly direction, a distance of approximately 100 feet along a south line of the said 5.721 acre tract, and a north line of the said 4.82 acre tract and the said Ord. No. 938-91, to a point, being a corner of the said 5.721 acre tract, the said 4.82 acre tract, and the said Ord. No. 938-91;

THENCE in a westerly direction, a distance of approximately 185 feet along a south line of the said 5.721 acre tract, and a north line of the said 4.82 acre tract and the said Ord. No. 938-91, to a point, being the southwest corner of the said 5.721 acre tract, a point on a north line of the said 4.82 acre tract, and the said Ord. No. 938-91, a southeast corner of the said 1.178 acre tract and a corner of the existing corporation line of the City of Columbus as established by Ord. No. 2112-00, recorded in Instr. No. 200011150231301, and the east line of Wilson Rd. (width varies);

THENCE in a northerly direction, a distance of approximately 692 feet, along the west line of the said 5.721 acre tract, and a east line of the said 1.178 acre tract, the said Ord. No. 2112-00, and the said Wilson Rd., and crossing the said 1.178 acre tract, to a point, being a corner of the said Ord. No. 2112-00;

THENCE in a easterly direction, a distance of approximately 352 feet, crossing the said 1.178 acre tract and along a south line of the said Ord. No. 2112-00, to a point, being a corner of the said Ord. No. 2112-00, a point in a east line of the said 1.178 acre tract, and a point in the west line of Lot 197 of the said Scioto Woods Sec. 3 and in the said Ord. No. 1843-71;

THENCE in a southerly direction, a distance of approximately 767 feet, along a east line of the said 1.178 acre tract, the east line of the said 5.721 acre tract, the west line of Lots 197, 196, 195, 194, and 193, Reserve "B", and Lot 188 of the said Scioto Woods Sec. 3, and the west line of the said Ord. No. 1843-71, to the Point of Beginning, containing 5.774 acres, more or less;

This description is based on records in the Franklin County Recorder's Office and from an actual field survey, and was prepared by Raymond J. Wood of J & J Surveying in August of 2013. It 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.

ANNEXATION AN14-011

± 5.774 Acres / Franklin Township

Richard L. McFarland, Trustee

(1648 Wilson Road)

