Resolution to adjust the boundaries of the City of New Albany and the City of Columbus - Case #BC-09-14 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Council of the City of New Albany, Ohio by Ordinance No. O-04-2014; passed March 4, 2014, has petitioned the Franklin County Board of County Commissioners to transfer 0.74 +/- acres within the boundaries of the City of Columbus and make it conform with the municipal boundaries of the City of New Albany; and

WHEREAS, the City of New Albany has asked for the boundary change according to the provisions of Section 709.37 and related sections of the Ohio Revised Code and that the Board of County Commissioners can cause a proper adjustment of rights and liabilities to be made between the City of New Albany and the City of Columbus; and

WHEREAS, the Council of the City of Columbus by Ordinance No. 0097-2014; passed February 3, 2014 has agreed to the boundary change according to the provisions of Section 709.37 and related sections of the Ohio Revised Code; and

WHEREAS, a certified copy of said Ordinances No. O-04-2014 and No. 0097-2014; with the respective proceedings of the City Council of New Albany and City Council of Columbus, were presented to and filed with the Franklin County Economic Development and Planning Department on April 7, 2014.

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

- 1. That it is the opinion and judgment of the Board that the adjustment of the boundary line of the City of New Albany, as petitioned by City Council, is expedient, and will be for the convenience and welfare of the inhabitants of the City of New Albany and that the petition of the City of New Albany is proper and therefore the petition be granted.
- 2. That there are no adjustments of funds, unpaid taxes, claims, indebtedness or other fiscal matters needed to be settled by the Board, as none were requested in the respective resolutions.

Prepared by: D. Anthony Hray

Cc: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0298-14

April 22, 2014

RESOLUTION TO ADJUST THE BOUNDARIES OF THE CITY OF NEW ALBANY AND THE CITY OF COLUMBUS - CASE #BC-09-14

(Economic Development and Planning)

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

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



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

Economic Development & Planning DepartmentJames Schimmer, Director

RESOLUTION SUMMARY

REVIEW OF PETITION TO ADJUST THE BOUNDARIES OF THE CITY OF NEW ALBANY AND THE CITY OF COLUMBUS – BC-09-14

Description:

Attached is a resolution to consider the boundary change of approximately 0.74-acres, more or less, from the city of Columbus to the city of New Albany. The petition case number is BC-09-14.

Applicants:

City of New Albany & City of Columbus

Agent:

Mitchell H. Banchefsky, Frost Brown Todd, LLC

Site:

Two tracts of land, totaling 0.74-acres +/-, located within the public right-of-way of Thompson Road, in the vicinity of Rocky Fork Creek

Analysis:

The applicants <u>have met</u> all statutory requirements outlined in Section 709.37 of the Ohio Revised Code.

Recommendation:

Pending any questions, staff would request your *approval* of this boundary change.



 $\textbf{Commissioner} \ \ \textbf{Marilyn Brown} \cdot \textbf{Commissioner} \ \ \textbf{Paula Brooks} \cdot \textbf{Commissioner} \ \ \textbf{John O'Grady President}$

Economic Development & Planning DepartmentJames 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

Franklin County Economic Development & Planning Department

RE: Description of Boundary Change case to be journalized on the

April 15, 2014 General Session Agenda for a hearing on April

22, 2014.

Case #BC-09-14- A boundary change BC-09-14 was filed in our office on April 7, 2014. The petition is requesting an adjustment of the boundaries between the city of Columbus and the city of New Albany. The city of Columbus is consenting to the transfer of two portions of right-of-way

Site: Two portions of the right-of-way of Thompson Road in the vicinity of Rocky Fork Creek

totaling 0.74 +/- acres to the city of New Albany.

RECEIVED

APR 7 2014

Franklin County Planning Department Franklin County, Ohio



Mitchell H. Banchefsky

Member
614.559.7240 (t)
614.464.1737 (f)

mbanchefsky@fbtlaw.com

April 4, 2014

BC-09-14

Matt Brown Franklin County Commissioners 150 S. Front Street, FSL Suite 10 Columbus, OH 43215

RE: Boundary Adjustment Legislation from City of Columbus and City of New Albany

Dear Mr. Brown,

Please find enclosed the certified ordinances from the City of Columbus and the City of New Albany (collectively, the "Cities") regarding an adjustment of boundaries between these two municipal corporations.

Specifically, the Cities share a common corporate boundary in the vicinity of Thompson Road and Rocky Fork Creek, which places portions of the Thompson Road bridge within each of the Cities. The existing boundary between the Cities in this area may create confusion related to Police and Fire primary response/mutual aid protocols, which could jeopardize the public health, safety, and welfare. Additionally, the current situation could create inefficiencies regarding repair and maintenance.

It is clearly in the best interest of the Cities and the public for the corporate boundary to be adjusted so that the Thompson Road bridge and surrounding right-of-way is within a single jurisdiction. Accordingly, the City of Columbus enacted legislation to transfer the area at issue to the City of New Albany, which enacted legislation to accept said transfer.

Please do not hesitate to contact our office if you have any questions or concerns.

Very truly yours,

Mitchell H. Banchefs

MHB/jp Enclosure



RECEIVED

APR 7 2014

Franklin County Planning Department Franklin County, Ohio

BC-09-14

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-04-2014 copied from the original passed by Council on 03/04/2014 and signed by the Mayor on 03/04/2014

WITNESS my signature, this 4th day of Aril, 2014

Betty J Bosko, CMO



Prepared: 02/11/14 Introduced: 02/18/14 Approved: 3/4/14

ORDINANCE 0-04-2014

TO FACILITATE THE ADJUSTMENT OF THE CORPORATE BOUNDARIES BETWEEN THE CITY OF NEW ALBANY AND THE CITY OF COLUMBUS BY CONSENTING TO THE TRANSFER FROM THE CITY OF COLUMBUS TO THE CITY OF NEW ALBANY TWO REAL ESTATE PARCELS TOTALING APPROXIMATELY 0.74 ACRES LOCATED IN THE VICINITY OF THOMPSON ROAD AND ROCKY FORK CREEK.

WHEREAS, the City of Columbus and the City of New Albany (collectively, the "Parties") adjoin and share a common corporate boundary in the vicinity of Thompson Road and Rocky Fork Creek; and

WHEREAS, Thompson Road and associated right-of-way in the vicinity of Rocky Fork Creek lies partially within Columbus and partially within New Albany; and

WHEREAS, the existing corporate boundary between the New Albany and Columbus may create confusion from the perspective of jurisdictional responsibility related to Police and Fire primary response/mutual aid protocols, which could result in response delays or duplication of efforts that could jeopardize the public health, safety, and welfare; and

WHEREAS, it is in the Parties' best interest that the corporate boundaries be adjusted so that the Thompson Road bridge and surrounding right-of-way is within a single jurisdiction; and

WHEREAS, the New Albany desires to accept a transfer of the subject area from Columbus, which is comprised of two portions of right-of-way; and

WHEREAS, in accordance with Ohio Revised Code Section 709.37, the proposed boundary adjustment does not involve the transfer of territory inhabited by more than five voters.

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

Section 1. That in accordance with Section 709.37 of the Ohio Revised Code, the City of New Albany hereby agrees to adjust its corporate boundaries by accepting property from the City of Columbus as is more fully described in the legal description and accompanying survey plat attached hereto as Exhibit A and Exhibit B, and incorporated herein by reference.

Section 2. That the Clerk of Council is hereby directed to certify this ordinance to the County Commissioners of Franklin County, Ohio, for further proceedings in accordance with the law.

Section 3. That the City of New Albany agrees to accept the transfer of the territory described herein from the City of Columbus upon approval of the petition by the Board of Franklin County Commissioners and to take any necessary steps to record such transfer.

Section 3. This ordinance shall take effect at the earliest period allowed by law.

Passed this Hth day of March, 2014.

ATTEST:

Nancy I. Ferguson, Mayor

Betty J. Bosko, Clerk of Council

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-04-2014 copied from the original passed by Council on 03/04/2014 and signed by the Mayor on 03/04/2014

WITNESS my signature, this 17th, D

day of March 2014

Betty J. Bosko, CM

RECEIVED

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

SEP 282013

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

BOUNDARY ADJUSTMENT FROM CITY OF COLUMBUS TO THE CITY OF NEW ALBANY 0.7 +/- ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus in Section 3, Township 2, Range 16, United States Military District, and being part of a 0.686 acre tract as conveyed to County of Franklin in Deed Volume 3680, Page 480 and a 0.293 acre tract as conveyed to the County of Franklin in Deed Volume 3680, Page 476, (all references being to records of the Recorder's Office, Franklin County, Ohio), and bounded and described as follows:

Beginning at the northeast corner of said 0.293 acre tract, the southeast corner of a 47.074 acre tract as conveyed to New Albany Plain Local Joint Park District in Instrument Number 200310100327429, the southwest corner of a 15.706 acre tract as conveyed to The New Albany Company LLC in Instrument Number 2001009020114200 in the northerly right-of-way line of Thompson Road, and being an angle point in the north line of said 0.686 acre tract on the corporation line between the City of Columbus (Ordinance Number 0247-02) and the City of New Albany (Ordinance Number 59-2001);

Thence southerly with the east line of said 0.293 acre tract, a west line of said 0.686 acre tract and also crossing said 0.686 acre tract with said corporation line between the City of Columbus and the City of New Albany across Thompson Road, South 09° 27' 51" West, 98.0 feet to the southerly right-of-way line of Thompson Road, the south line of said 0.686 acre tract, the north line of a 10.450 acre tract as conveyed to New Albany Care Center Limited Liability Company in Instrument Number 200108020177383, the southerly right-of-way line of Thompson Road, and being an angle point in said corporation line;

Thence westerly with the north line of said 10.450 acre tract, the southerly right-of-way line of Thompson Road, the north line of a 63.042 acre tract as conveyed to Albany Glen, LCC in Instrument Number 201212270199165, and the south line of said 0.686 acre tract, North 69° 18' 49" West, 132.1 feet to an angle point in the south line of said 0.686 acre tract and the north line of said 63.042 acre tract;

Thence continuing westerly with the south line of said 0.686 acre tract, the north line of said 63.042 acre tract, and the southerly right-of-way line of Thompson Road, North 78° 40' 28" West, 72.0 feet to an angle point in said southerly and northerly line;

Thence continuing westerly with the south line of said 0.686 acre tract, the north line of said 63.042 acre tract, and the southerly right-of-way line of Thompson Road, North 74° 02' 09" West, 176.5 feet to an angle point in said north line and being the southwest corner of said 0.686 acre tract:

Thence northerly with the west line of said 0.686 acre tract, the west line of said 0.293 acre tract, an east line of said 63.042 acre tract, and an east line of said 47.074 acre tract across Thompson Road, North 09° 28' 05" East, 40.0 feet to the northwest corner of said 0.293 acre tract and an angle point in the south line of said 47.074 acre tract in the northerly right-of-way line of Thompson Road;

Thence easterly with the north line of said 0.293 acre tract, the south line of said 47.074 acre tract, and the northerly right-of-way line of Thompson Road, South 87° 02' 06" East, 176.5 feet to an angle point in the north line of said 0.293 acre tract, the south line of said 47.074 acre tract, and the northerly right-of-way line of Thompson Road;

Thence continuing with the north line of said 0.293 acre tract, the south line of said 47.074 acre tract, and the northerly right-of-way line of Thompson Road, South 79° 38' 29" East, 129.0 feet to an angle point in the north line of said 0.293 acre tract, the south line of said 47.074 acre tract, and the northerly right-of-way line of Thompson Road;

Thence continuing with the north line of said 0.293 acre tract, the south line of said 47.074 acre tract, and the northerly right-of-way line of Thompson Road, South 74° 12' 46" East, 73.0 feet to the **TRUE POINT OF BEGINNING**, containing approximately 0.7 acres more or less.

Subject to all legal rights-of-way and/or easements, if any, of previous record.

This description was prepared by Edward P. Ferris, Registered Surveyor No. 6027, E.P. Ferris & Associates, Inc. on September 24, 2013, from the best available County Records. The information displayed was not derived from an actual field survey. This 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.

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

RECEIVED

EP 262013

y BB Date 9/26/13

OF ONE TORONTO SOCIETA

Franklin County Engineer Pean C. Ringle, P.E., P.S. 0.04 +/- ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, in Section 3, Township 2, Range 16, United States Military Lands, being part of a 0.084 acre tract conveyed to The City of Columbus in Official Record Volume 24824 A01 and part of a 0.686 acre tract conveyed to The County of Franklin in Deed Book 3680, Page 480, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at the southwest corner of said 0.084 acre tract and in the south line of said 0.686 acre tract, also being in the north line of a 10.450 acre tract conveyed to New Albany Care Center LLC in Instrument Number 200108020177383, and also being on the southerly right-of-way line of Thompson Road;

Thence, northerly, across said 0.686 acre tract, approximately 10 feet to the existing City of New Albany Corporation Line as established by Ordinance Number 19-89, recorded in Official Record Volume 13965 D03;

Thence, easterly, across part of said 0.686 acre tract and across said 0.084 acre tract, along said Corporation Line, approximately 179 feet to the east line of said 0.084 acre tract and the west line of a 0.918 acre tract conveyed to Sandra Cannon in Instrument Number 200201180016955;

Thence, southerly, along part of the east line of said 0.084 acre tract and part of the west line of said 0.918 acre tract, approximately 11 feet to the southeast corner of said 0.084 acre tract and the northeast corner of said 10.450 acre tract;

Thence, westerly, along the south line of said 0.084 acre tract and along part of the north line of said 10.450 acre tract, approximately 182 feet to the point of beginning, **containing 0.04 acres**, more or less.

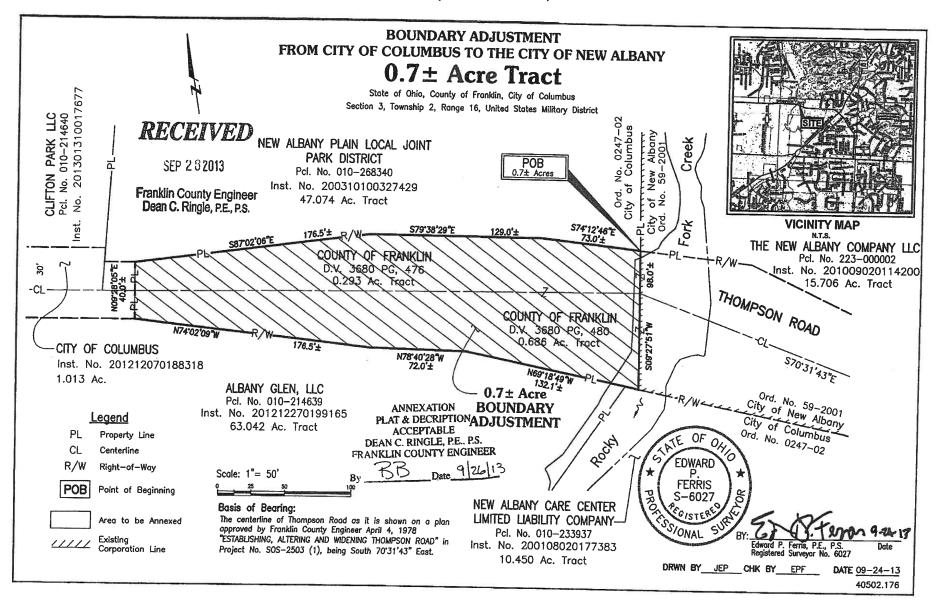
This description was prepared by Paul T. Dinan, Professional Surveyor No. 7312, E.P. Ferris & Associates, Inc. in July 2013, from the best available Franklin County records. This description is not intended to be a boundary survey as defined by the Ohio Administrative Code in Chapter 4733-37.

Paul T. Dinan P.S. 7312

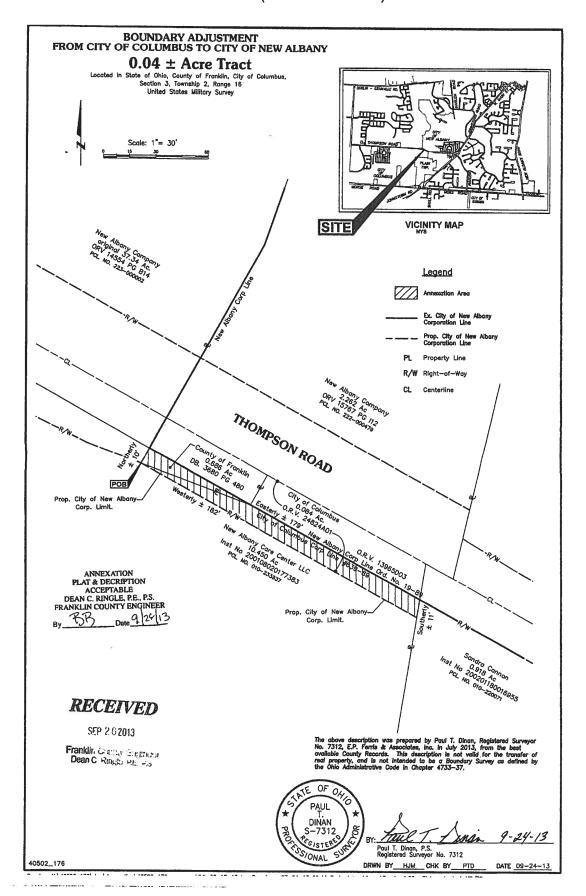
Date

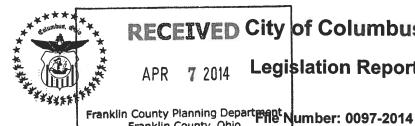
9-24-13

BOUNDARY ADJUSTMENT MAP 1 of 2 BA13-002 – Columbus to New Albany Area 1 (0.7 +/- acres)



BOUNDARY ADJUSTMENT MAP 2 of 2 BA13-002 – Columbus to New Albany Area 1 (0.04 +/- acres)





RECEIVED City of Columbus

APR

Franklin County, Ohio

Legislation Report

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

30-Day

BC-09-14

File ID: 0097-2014

Type: Ordinance

Status: First Reading

Version: 1

*Committee: Development Committee

File Name: Columbus-New Albany Boundary Adjustment

File Created: 01/06/2014

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.:

Kevin Wheeler 645-6057

Floor Action (Clerk's Office Only)

FEB 0 3 2014 PC - TYSON ABSENT

Mayor's A

FEB 0 6 2014

FEB 0 3 2014

Council Action

Mayor

Date

Date Passed/ Adopted

Veto

Date

City Clerk

President of Council

Title: To agree to an adjustment to the City's boundaries by consenting to transfer two portions of right-of-way totaling 0.74 +/- acres, from the City of Columbus to the City of New Albany.

Sponsors:

Indexes:

Attachments: ORD0097-2014 BA13-002 Map 1 of 2 (Columbus and New Albany Boundary Adjustment), ORD0097-2014

BA13-002 Map 2 of 2 (Columbus and New Albany

Boundary Adjustment)

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 0091-20 passed by The Council of The City of Columbus. Ohio 2/3, 20 14, as shown by the records now on file in this office.

Approval History

Version	Date	Approver	Action	
1	01/06/2014	Steven Schoeny	Approved	
1	01/07/2014	Auditor Reviewer	Approved	
Notes	HJD/mjp			
1	01/07/2014	AUDITOR APPROVER	Approved	
Notes	HJD/bam			
1	01/08/2014	ATTORNEY APPROVER	Approved	
Notes	jsg			

History of Legislative File

Ver. Acting Body: Date: Action: Sent To: Due Date: Return Result: Date:

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

Background: The City of New Albany has proposed a boundary adjustment with Columbus in the vicinity of Thompson Road and Rocky Fork Creek. The adjustment involves two portions of right-of-way currently in Columbus. Transferring these areas to New Albany will consolidate all of the Thompson Road right-of-way in this location (including a bridge over Rocky Fork Creek) within one jurisdiction, facilitating ongoing service and maintenance. This legislation is being filed in response to the provisions of the Ohio Revised Code - section 709.37 regarding municipal boundary adjustments. The process requires that both communities pass legislation approving the transfer, which will then be submitted for finalization by the Franklin County Commissioners.

Fiscal Impact: No direct impact.

Title

To agree to an adjustment to the City's boundaries by consenting to transfer two portions of right-of-way totaling 0.74 +/- acres, from the City of Columbus to the City of New Albany.

Body

WHEREAS, Thompson Road and associated right-of-way in the vicinity of Rocky Fork Creek lies partially within Columbus and partially within New Albany; and

WHEREAS, it is in the best interest of all parties if the Thompson Road right-of-way in this vicinity is located within a single jurisdiction as it will facilitate ongoing service and maintenance; and

WHEREAS, it is the desire of the City of Columbus to transfer the subject area, comprised of two portions of right-of-way, to the City of New Albany which desires to accept said transfer; and

WHEREAS, the proposed transfer does not involve the transfer of territory inhabited by more than five voters; now, therefore,

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

Section 1. That in accordance with Section 709.37 of the Ohio Revised Code, the City of Columbus hereby agrees to transfer to the City of New Albany the land described as follows:

Area 1 (0.7 +/- acres):

Situated in the State of Ohio, County of Franklin, City of Columbus in Section 3, Township 2, Range 16, United States Military District, and being part of a 0.686 acre tract as conveyed to County of Franklin in Deed Volume 3680, Page 480 and a 0.293 acre tract as conveyed to the County of Franklin in Deed Volume 3680, Page 476, (all references being to records of the Recorder's Office, Franklin County, Ohio), and bounded and described as follows:

Beginning at the northeast corner of said 0.293 acre tract, the southeast corner of a 47.074 acre tract as conveyed to New Albany Plain Local Joint Park District in Instrument Number 200310100327429, the southwest corner of a 15.706 acre tract as conveyed to The New Albany Company LLC in Instrument Number 2001009020114200 in the northerly right-of-way line of Thompson Road, and being an angle point in the north line of said 0.686 acre tract on the corporation line between the City of Columbus (Ordinance Number 0247-02) and the City of New Albany (Ordinance Number 59-2001);

Thence southerly with the east line of said 0.293 acre tract, a west line of said 0.686 acre tract and also crossing said 0.686 acre tract with said corporation line between the City of Columbus and the City of New Albany across Thompson Road, South 09° 27' 51" West, 98.0 feet to the southerly right-of-way line of Thompson Road, the south line of said 0.686 acre tract, the north line of a 10.450 acre tract as conveyed to New Albany Care Center Limited Liability Company in Instrument Number 200108020177383, the southerly right-of-way line of Thompson Road, and being an angle point in said corporation line;

Thence westerly with the north line of said 10.450 acre tract, the southerly right-of-way line of Thompson Road, the north line of a 63.042 acre tract as conveyed to Albany Glen, LCC in Instrument Number 201212270199165, and the south line of said 0.686 acre tract, North 69° 18' 49" West, 132.1 feet to an angle point in the south line of said 0.686 acre tract and the north line of said 63.042 acre tract;

Thence continuing westerly with the south line of said 0.686 acre tract, the north line of said 63.042 acre tract, and the southerly right-of-way line of Thompson Road, North 78° 40' 28" West, 72.0 feet to an angle point in said southerly and northerly line;

Thence continuing westerly with the south line of said 0.686 acre tract, the north line of said 63.042 acre tract, and the southerly right-of-way line of Thompson Road, North 74° 02' 09" West, 176.5 feet to an angle point in said north line and being the southwest corner of said 0.686 acre tract;

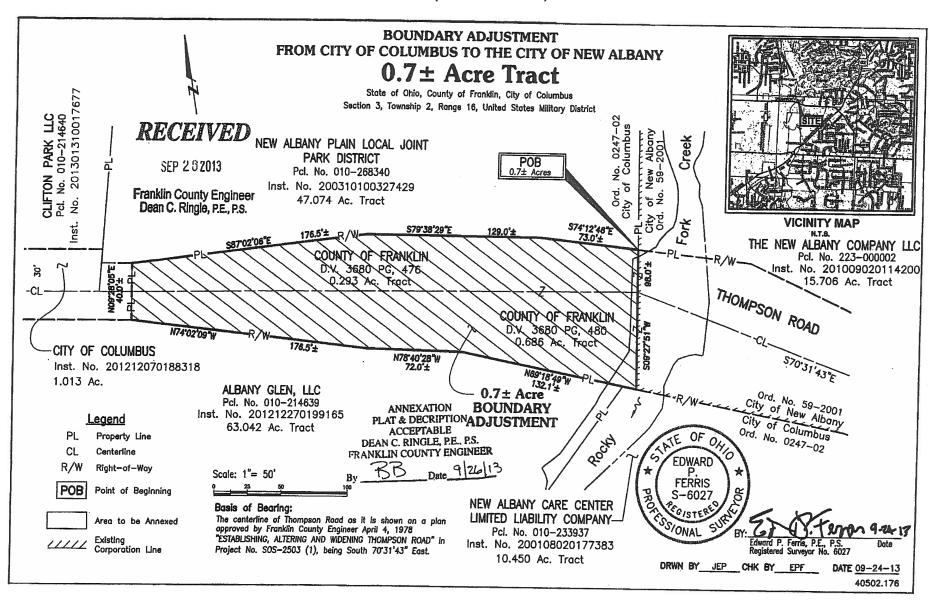
Thence northerly with the west line of said 0.686 acre tract, the west line of said 0.293 acre tract, an east line of said 63.042 acre tract, and an east line of said 47.074 acre tract across Thompson Road, North 09° 28' 05" East, 40.0 feet to the northwest corner of said 0.293 acre tract and an angle point in the south line of said 47.074 acre tract in the northerly right-of-way line of Thompson Road;

Thence easterly with the north line of said 0.293 acre tract, the south line of said 47.074 acre tract, and the northerly right-of-way line of Thompson Road, South 87° 02' 06" East, 176.5 feet to an angle point in the north line of said 0.293 acre tract, the south line of said 47.074 acre tract, and the northerly right-of-way line of Thompson Road;

Section 3. That the City of Columbus agrees to the transfer of the territory described in Section 1 to the City of New Albany upon approval of the petition by the Board of Franklin County Commissioners and take any necessary steps to record such acceptance.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

BOUNDARY ADJUSTMENT MAP 1 of 2 BA13-002 – Columbus to New Albany Area 1 (0.7 +/- acres)



BOUNDARY ADJUSTMENT MAP 2 of 2 BA13-002 – Columbus to New Albany Area 1 (0.04 +/- acres)

