

Resolution to adjust the boundaries of Montgomery Township, thereby making them conform to the boundaries of the City of Columbus, Case #BC-23-14 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the council of the city of Columbus, Ohio, by Ordinance No. 0928-2014, passed May 5, 2014 by a majority of its members, has petitioned the Franklin County Board of Commissioners to change the boundaries of Montgomery Township, to make them conform to the boundaries of the city of Columbus, and for such other action as may be proper. The portion of the city of Columbus, Ohio, not now included within the limits of Montgomery Township include that portion of Washington Township, located in Franklin County, annexed to the city of Columbus by Ordinance No. 0928-2014; and,

WHEREAS, the city of Columbus filed the petition with the Franklin County Board of Commissioners on September 25, 2014 and has asked for the boundary change according to the provisions of Section 503.07 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 Columbus and Montgomery Township; and,

WHEREAS, pursuant to Section 503.04 of the Ohio Revised Code, at least 30 days notice of the time of the hearing was provided by advertisement at three places within the territory subject to the proposed township boundary changes; and,

WHEREAS, a certified copy of said Ordinance Number 0928-2014; with the proceedings of the council of the city of Columbus, Ohio was presented to and filed with the Franklin County Economic Development and Planning Department on September 25, 2014; now, therefore,

Resolution to adjust the boundaries of Montgomery Township, thereby making them conform to the boundaries of the City of Columbus, Case #BC-23-14 (ECONOMIC DEVELOPMENT & PLANNING)

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

Section 1 That it is the opinion and judgment of the Board that the extension of the partial conformity of boundaries of the city of Columbus and Montgomery Township as petitioned for in the said petition by City Council, is expedient, and will be for the convenience and welfare of the inhabitants of Washington Township and the city of Columbus.

Section 2 That the petition of the city of Columbus is proper and therefore the petition be granted and the boundary lines of Montgomery Township shall be extended to conform with the bounds of the territory set forth in that petition.

Section 3 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. 0765-14

October 28, 2014

**RESOLUTION TO ADJUST THE BOUNDARIES OF MONTGOMERY TOWNSHIP,
THEREBY MAKING THEM CONFORM TO THE BOUNDARIES OF THE CITY OF
COLUMBUS, CASE #BC-23-14**

**(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

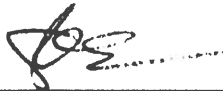
John O'Grady

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: 10.31.14

**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

Resolution to adjust the boundaries of Montgomery Township, thereby making them identical to the boundaries of the City of Columbus. Case #BC-23-14

Description:

Attached is a resolution to consider the boundary change from Washington Township to the city of Columbus. The resolution will allow for the adjustment of the boundaries of Montgomery Township, thereby making them identical to the boundaries of the city of Columbus.

Applicant:

City of Columbus

Site:

5700 & 5730 Hayden Run Road (Parcel #272-000064 and #272-000444),
consisting of 14.7-acres, more or less

Background:

The city of Columbus and Washington Township entered into an annexation agreement on June 1, 2011 (authorized by respective ordinance 0765-2011 and resolution 2011.05.24.003), which stipulates that from the effective date of the annexation agreement (June 1, 2011), the city of Columbus shall only accept annexations for this area filed pursuant to, compliant with, and approved under Section 709.022 of the Ohio Revised Code, commonly referred to as an Expedited Type One annexation. An Expedited Type One annexation was approved by the Franklin County Board of Commissioners for the subject site, case number ANX-EXP1-03-14, on February 11, 2014. The city of Columbus accepted the annexation by ordinance 0928-2014, approved on May 5, 2014. Under the terms of the aforementioned annexation agreement, the boundaries of the site must be conformed so that territory annexed to the city of Columbus from Washington Township is transferred to Montgomery Township. Boundaries for any future annexations in the agreement area must also be conformed.

Therefore, ordinance 0928-2014 authorizes the submission of a petition to the Board of County Commissioners of Franklin County, Ohio, requesting that the boundary lines of Montgomery Township be changed to make them identical with the corporate limits of the city of Columbus for this annexation. The petition has been filed in accordance with Section 503.07 of the Ohio Revised Code. The subject site is also located within the City's Northwest Pay-As-We-Grow (PAWG) area and if developed will be subject to PWAG funding mechanisms applicable to

the area including per-unit contributions, participation in a Community Development Authority and inclusion in a Tax Increment Financing district.

Compulsion to act: The Ohio Revised Code requires the Board to grant this petition.

ORC §503.07 states in part:

The board, on presentation of such petition, with the proceedings of the legislative authority authenticated, at a regular or adjourned session, **shall upon the petition of a city change the boundaries of the township.**

Recommendation:

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



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 Boundary Change case to be journalized on the
September 30, 2014 General Session Agenda for a hearing on
October 28, 2014.

Case #BC-23-14- A boundary change BC-23-14 was filed in our office on September 25, 2014. The petition is requesting to change the boundaries of Montgomery Township to place territory within Washington Township that was previously annexed by the city of Columbus, and to thereby make the boundaries of Montgomery Township identical with the limits of the city of Columbus.

RECEIVED

JAN 28 2014

ANX-EXP1-03-14

Franklin County Planning Department
Franklin County, Ohio

ANNEXATION AGREEMENT

This is an Annexation Agreement (the "Agreement") entered into on or as of June 1, 2011 (the "Effective Date") by and between the Council of the City of Columbus, Ohio, the legislative authority of and for the City of Columbus ("Columbus") and the Board of Trustees of Washington Township, Franklin, Delaware and Union Counties, Ohio, the legislative authority of and for Washington Township ("Washington" and, collectively with Columbus, the "Parties" and each a "Party"), pursuant to the provisions of Ohio Revised Code Section 709.192.

WHEREAS, Columbus and Washington are political subdivisions located entirely within the State of Ohio, with Columbus and Washington being contiguous and, in some cases, having overlapping boundaries within areas located within Franklin County, Ohio; and

WHEREAS, prior to the enactment of Ohio's new annexation law (as codified by the 124th General Assembly in Amended Substitute Senate Bill Number 5 in 2001), Columbus would routinely conform the boundaries of property annexed from Washington Township to the City of Columbus under Section 503.07 of the Ohio Revised Code; and

WHEREAS, following the passage of Senate Bill 5, the conformance of boundaries under Section 503.07 of the Ohio Revised Code became somewhat problematic in the absence of an agreement between the affected municipality and township; and

WHEREAS, the Parties, recognizing the benefits in conforming the boundaries of property annexed from Washington to Columbus, entered into an agreement similar to the one set forth herein on January 24, 2005 whereby territory consisting of approximately 304 acres was annexed under "Expedited Procedure No. 1" and the boundaries of that territory were subsequently conformed in order to exclude Washington from the area; and

WHEREAS, prior to the Effective Date of this Agreement and except for the referenced annexation and related agreement mentioned above, property within Washington Township has been annexed to the City of Columbus and Columbus has not conformed its boundaries under and pursuant to Section 503.07 of the Ohio Revised Code in order to exclude Washington Township from such area(s) (with these properties currently being categorized as Taxing Districts 277 and 485) due to changes in Ohio's annexation laws brought about as a result of the passage of Senate Bill 5; and

WHEREAS, Columbus contemplates that future annexations may occur whereby property within Washington Township will be annexed to the City of Columbus; and

WHEREAS, if Columbus was able to conform the boundaries of properties annexed from Washington Township to the City of Columbus under Section 503.07 of the Ohio Revised Code, real estate taxes in these annexed areas would be reduced by approximately 14%, with no change in the current levels of fire and emergency medical services; and

WHEREAS, Columbus and Washington are desirous of having Columbus conform the boundaries of all properties annexed from Washington Township to the City of Columbus, which includes those newly annexed properties which have previously been annexed to the City of Columbus and those properties currently located within the unincorporated area of Washington Township which may be annexed to the City of Columbus in the future; and

WHEREAS, Columbus and Washington 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 is authorized under Section 709.192 of the Ohio Revised Code and other applicable laws and has been approved by the Board of Trustees of Washington Township by Resolution Number 2011.05.24.003 adopted on 5/24, 2011 and by the City Council of the City of Columbus by Ordinance Number 0765-2011 adopted on May 23, 2011.

NOW, THEREFORE, in consideration of the mutual promises contained herein, Columbus and Washington 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 property located within the unincorporated area of Washington Township to the City of Columbus pursuant to the provisions of Ohio Revised Code Sections 709.021 and 709.022. Washington hereby specifically consents to, agrees with, and does not oppose the annexation of any such property, provided such annexation complies with the terms of this Agreement.
2. From and after the Effective Date of this Agreement, annexations of property from Washington Township to the City of Columbus shall only be accepted by Columbus if the annexation petition is filed pursuant to, complies with and is processed and approved under the provisions contained in Sections 709.021 and 709.022 of the Ohio Revised Code, collectively referred to as "Expedited Procedure No. 1," as such provisions exist on the Effective Date of this Agreement. It is the intention and agreement of the Parties to require that any petition seeking to annex property from Washington Township to the City of Columbus be filed pursuant to, comply with and be processed and approved under the provisions of "Expedited Procedure No. 1," and to prohibit Columbus from accepting an annexation petition which fails to comply with this requirement. If the provisions of Expedited Procedure No. 1 are subsequently repealed or are modified in such a way as to adversely impact the purpose and intent of this Agreement, the Parties shall, upon the written request of a Party, meet within thirty (30) days after receipt of such request and revise the affected portion(s) of this Agreement in such a manner so as to accomplish the purpose and intent of this Agreement, with time being of the essence. Until the affected portion(s) of the Agreement

is so revised, Columbus shall refrain from accepting any annexation petition in accordance with the provisions of Section 4, hereof. The purpose and intent of this Agreement is to require that an annexation petition be signed by all owners of real estate within the area proposed to be annexed, and that Columbus timely conform the boundaries of properties annexed to the City of Columbus in order to exclude Washington Township from such area(s).

3. In no case shall any real estate owned, whether in whole or in part, by Washington be annexed to the City of Columbus without the written consent of the Board of Trustees of Washington Township. This shall exclude dedicated road rights-of-way and other real estate where Washington's interest consists solely of a right-of-way interest.
4. If an annexation petition is filed and processed seeking to annex to the City of Columbus any real estate located within Washington Township which does not comply with the terms of this Agreement, Columbus shall refrain from any act which would, directly or indirectly, contribute to the success of such petition. This obligation shall include, without limitation, refusing to furnish any City services to the area proposed to be annexed; signing and providing affidavits and furnishing representatives to provide factual testimony in any proceeding in order to oppose the annexation; vigorously resisting, in both administrative and judicial forums, and with the assistance of the City's legal counsel, any action seeking such an annexation; refusing to accept any such annexation; and otherwise undertaking such actions as may be reasonably requested by Washington which would be detrimental to the success of such annexation. Washington agrees not to oppose, directly or indirectly, any annexation petition(s) seeking to annex to the City any real estate located within Washington Township which complies with the provisions of this Agreement. Notwithstanding the foregoing obligation, the Parties agree that Columbus may take any action in response to an annexation petition that is required by law.
5. Columbus shall conform the boundaries of all properties which have previously been or may be annexed to the City of Columbus from Washington Township which have not yet been conformed under and pursuant to Section 503.07 of the Ohio Revised Code in order to exclude Washington Township from such area(s). This provision specifically includes, and requires Columbus to conform the boundaries of, all newly annexed territories which have been annexed from Washington Township to the City of Columbus prior to the Effective Date of this Agreement. For any land within Washington Township which has been annexed to the City of Columbus prior to the Effective Date, Columbus shall conform the boundaries of such annexed lands within four (4) months following the Effective Date of the Agreement. In all other cases, Columbus shall

conform the boundaries of such annexed land within six (6) months following Columbus' acceptance of the annexation petition. Upon the exclusion of Washington Township from any such area, Columbus shall not be required to make any compensation payments to Washington as set forth in Section 709.19 of the Ohio Revised Code, as said Section exists on the Effective Date of this Agreement.

6. This Agreement is not intended to supersede, impact or otherwise affect the Mutual Aid Agreement for the exchange of emergency service currently in place between the Parties. Furthermore, each Party agrees to work cooperatively and in good faith with the other in an effort to maintain their response relationship as it relates to emergency services.
7. In the event the Parties have a dispute as to any of the terms or applicability of this Agreement, the Parties agree to use their best efforts to resolve the dispute through a mutually acceptable mediation process prior to any Party filing a lawsuit in connection with such dispute. Each Party participating in mediation shall pay its own costs of mediation, including its proportionate share of the compensation and administrative expenses required by the mediator and by the mediation services provider selected by the Parties. If a mediator has not been selected by the Parties within sixty (60) days after one of the Parties has requested that a dispute arising under this Agreement be mediated, then any of the Parties may commence a lawsuit or commence such other method of pursuing such remedies as may be available to any of the Parties.
8. A failure to comply with the terms of this Agreement shall constitute a default hereunder. A Party in default shall have ninety (90) days after receiving written notice from another Party of the event of default to cure the default. If the default is not cured within such time period, the defaulting Party is in breach of this Agreement and a non-defaulting Party may sue the defaulting Party for specific performance or injunctive relief under this Agreement or for damages or both and may pursue such other remedies as may be available at law or in equity, all as provided in Section 709.192 of the Ohio Revised Code.
9. 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.
10. In the event that this Agreement, or any of its terms, conditions or provisions, is challenged by any third party in a court of law, the Parties agree to cooperate with one another and to use their best efforts in defending this Agreement with the object of upholding this Agreement.

Each Party shall bear its own costs in any such proceeding challenging this Agreement or any term or provisions thereof.

11. The Parties agree to cooperate with one another and to use their best efforts in the implementation of this Agreement and to sign or cause to be signed, in a timely fashion, all other necessary instruments, legislation, petitions and similar documents, and to take such other actions as are necessary to effectuate the purposes of this Agreement.
12. This Agreement shall inure to the benefit of and shall be binding upon the Parties and their respective successors; subject, however, to the specific provisions hereof. This Agreement shall not inure to the benefit of anyone other than as provided in the immediately preceding sentence. This Agreement is not intended to and does not create rights or benefits of any kind for any persons or entities that are not a Party to this Agreement.
13. In the event that any section or provision of this Agreement, or any covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, or any application thereof, is held to be illegal or invalid for any reason:
 - a. that illegality or invalidity shall not affect the remainder hereof or thereof, any other section or provision hereof, or any other covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, all of which shall be construed and enforced as if the illegal or invalid portion were not contained herein or therein;
 - b. the illegality or invalidity of any application hereof or thereof shall not affect any legal and valid application hereof or thereof;
 - c. each section, provision, covenant, agreement, obligation or action, or part thereof, shall be deemed to be effective, operative, made, assumed, entered into or taken in the manner and to the full extent permitted by law; and,
 - d. in the event of invalidation of any portion of this Agreement, a Party shall, upon the written request of the other Party, meet within thirty (30) days after receipt of such request, and modify the invalidated provision(s) in such a manner so as to accomplish the purpose and intent of this Agreement, with time being of the essence.

14. The Parties agree that just as Section 709.192 of the Ohio Revised Code is to be liberally construed to allow the Parties to enter into an annexation agreement, the Parties further agree that this Agreement shall be liberally construed in order to facilitate the desires of each of the Parties to carry out this Agreement. Each provision of this Agreement shall be construed and interpreted so as to permit maximum advantage to the Parties allowed by Section 709.192 of the Ohio Revised Code.

15. All notices, demands, requests, consents or approvals given, required or permitted to be given hereunder shall be 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 any addendum to or counterpart of this Agreement, or to such other address as the recipient shall have previously notified the sender of in writing, and shall be deemed received upon actual receipt, unless sent by certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused. For purposes of this Agreement, notices shall be addressed to:

a. Washington at:

Washington Township Board of Trustees
6200 Eiterman Road
Dublin, Ohio 43016
Attention: Denise Franz King, Trustee

With a copy simultaneously sent or delivered to:

Donald F. Brosius
Loveland & Brosius, LLC
50 West Broad Street, Suite 3300
Columbus, Ohio 43215

b. Columbus at:

The City of Columbus, Ohio
Department of Development
50 West Gay Street
Columbus, Ohio 43215
Attention: Director of Development

With a copy simultaneously sent or delivered to:

Josh Cox, Chief Counsel
Columbus City Attorney
90 West Broad Street
Columbus, Ohio 43215

The Parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices, consents, demands, requests or other communications shall be sent.

16. The initial term of this Agreement (the "Initial Term") shall be for a period of ten (10) years, commencing on the Effective Date and shall, upon timely prior written notice, terminate at midnight, May 31, 2021. Unless all legislative authorities of the Parties affirmatively act to terminate this Agreement within one (1) year prior to the expiration of the Initial Term or any subsequent five year term provided for in this Section, this Agreement shall automatically be renewed for an additional period of five (5) years, and this Agreement shall continue to be automatically renewed thereafter for similar five (5) year periods at the end of each renewal period with no limit upon the number of such renewals. The provision herein for automatic extension of this Agreement recognizes that the accrual of benefits to the Parties from this Agreement may take decades and that the Parties' investment in the areas affected and the infrastructure costs along with other possible capital improvements contemplated herein is of permanent usefulness and duration. The "Term" of this Agreement shall include the Initial Term and any extensions thereof pursuant to this Section.
17. This Agreement may be executed in one or more counterparts or duplicate signature pages with the same force and effect as if all required signatures were contained in a single original instrument. Any one or more of such counterparts or duplicate signature pages may be removed from any one or more original copies of this Agreement and annexed to other counterparts or duplicate signature pages to form a completely executed original instrument.
18. This Agreement shall be governed exclusively by and construed in accordance with the laws of the state of Ohio, and in particular, Ohio Revised Code Section 709.192 in effect as of the date of execution of this Agreement by the Parties. In the event that any provision of Ohio Revised Code Section 709.192 is amended or is supplemented by the enactment of one or more new sections of the Revised Code relating to Annexation Agreements, the Parties shall follow the provisions of Ohio Revised Code Section 709.192 existing on the date of execution of this Agreement,

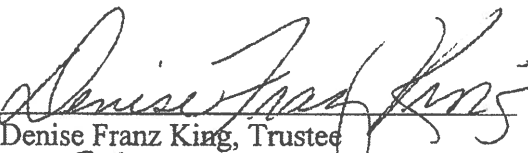
unless the Parties agree to amend this Agreement in accordance with Section 9 of this Agreement.

19. The Parties agree that any financial obligation under this Agreement is subject to the appropriation and authorization of the expenditure by the Columbus City Council and the Washington Township Trustees as may be necessary. These obligations are further subject to the certification of funds for such purpose by the Columbus City Auditor and the Township Fiscal Officer.

IN TESTIMONY WHEREOF, the Parties have caused multiple counterparts hereof to be duly executed on or as of the Effective Date of this Agreement.

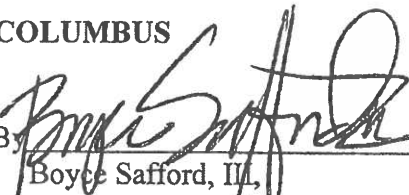
WASHINGTON

By 
Gene Bostic, Trustee

By 
Denise Franz King, Trustee

By 
Chuck Kranstuber, Trustee

COLUMBUS

By 
Boyce Safford, III,
Director of Development

APPROVED AS TO FORM:

Richard C. Puffer Jr. / 5-26-11
City Attorney, City of Columbus by SLH

Steven R. Schoeny
Director



THE CITY OF
COLUMBUS
MICHAEL B. COLEMAN, MAYOR
DEPARTMENT OF
DEVELOPMENT

TO: D. Anthony Hray, Franklin County Economic Development and Planning

Vince Janlin, Franklin County Auditor's Office

From: Jackie Yeoman, Columbus Planning Division

Date: September 24, 2014

Re: Washington Township Boundary Conformance Petition

Office of the Director
50 West Gay Street
Columbus, OH 43215-9040
(614) 645.7795
(614) 645.6295 [FAX]

Code Enforcement Division
757 Carolyn Ave.
Columbus, OH 43224-3218
(614) 645.2202
(614) 645.2462 [FAX]

Economic Development Division
150 South Front Street Suite 220
Columbus, OH 43215-4418
(614) 645.8616
(614) 645.2486 [FAX]

Housing Division
50 West Gay Street
Columbus, OH 43215-9040
(614) 645.7795
(614) 645.6675 [FAX]

Planning Division
50 West Gay Street, 4th Fl.
Columbus, OH 43215-9040
(614) 645.8664
(614) 645.1483 [FAX]

Land Redevelopment Office
50 West Gay Street, 4th Fl.
Columbus, OH 43215-9040
(614) 645.5263
(614) 645.3092 [FAX]

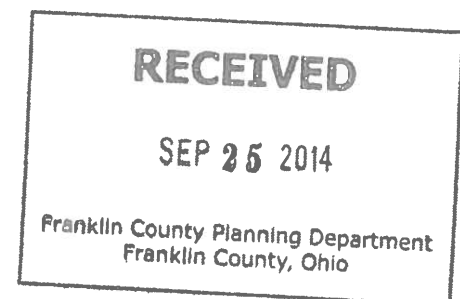
Please find attached a copy of the petition requesting boundary conformance for a site within Washington Township annexed by the City in May 2014. In addition, a copy of the ordinance authorizing the petition and a map depicting the impacted property are also attached. As you are aware, this process was initiated through the provisions of an annexation agreement between Columbus and Washington Township. The agreement requires boundary conformance of this territory.

Please let me know if you have any questions or would like additional information.

Thank you.

cc: Matt Rushay, Franklin County Board of Elections

attachments



BC-23-14

**IN THE MATTER OF THE CHANGE
OF BOUNDARIES OF
MONTGOMERY TOWNSHIP**

PETITION

RECEIVED

SEP 25 2014

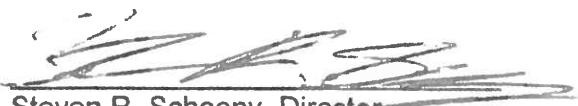
Franklin County Planning Department
Franklin County, Ohio

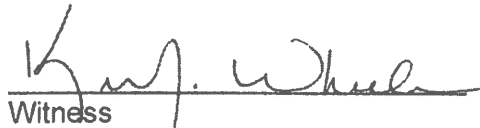
BC-23-19

The City of Columbus, Ohio, a municipal corporation, by Steven R. Schoeny, its Director of Development, respectfully petitions the Board of County Commissioners of Franklin County, Ohio, pursuant to Section 503.07, Ohio Revised Code, for an order changing the boundaries of Montgomery Township to place certain territory within Montgomery Township that has recently been annexed to the City of Columbus, and to thereby make the boundaries of Montgomery Township identical with the limits of the City of Columbus for the territory within Washington Township listed below.

This petition is filed on the authority of City Ordinance 0928-2014 passed May 5, 2014, a certified copy of which is attached. Boundary conformance is permitted for this territory under the provisions of ORC 709.023(H) and is required under the terms of a 2011 annexation agreement between the City of Columbus and Washington Township. For additional reference, a map of the annexation site is attached.

Washington Township Type 1 annexation for which boundary conformance is requested				
City Application #	County Application #	County Approval Date	City Acceptance Ordinance #	City Ordinance Approval Date
AN13-008	ANX_EXP1-03-14	02/11/14	0928-2014	5/5/2014


Steven R. Schoeny, Director
Department of Development
City of Columbus


Witness

9/25/2014
Date

Contact: Jackie Yeoman
Planning Division
Department of Development
City of Columbus
jeYeoman@columbus.gov
(614) 645-0663

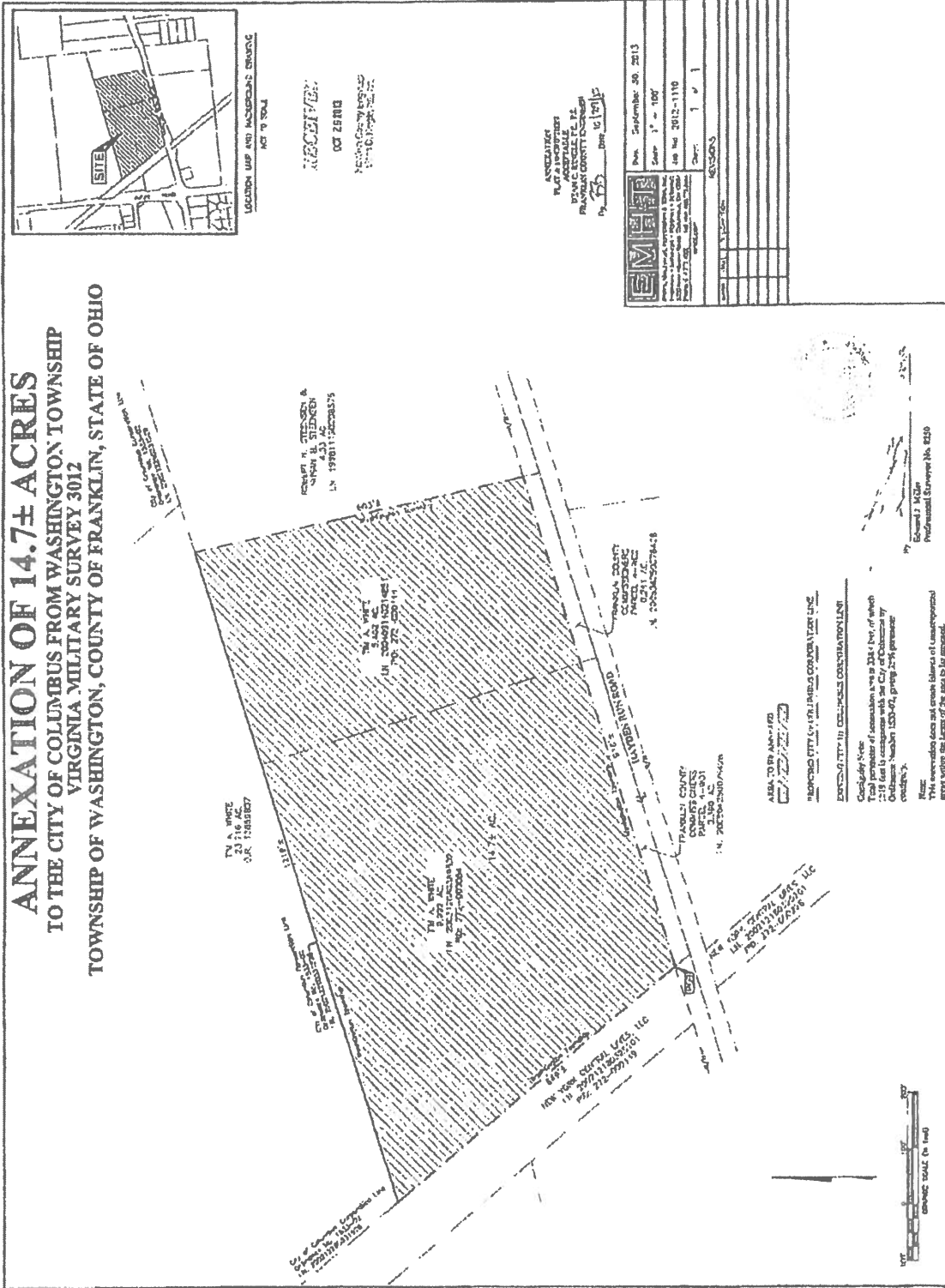
RECEIVED

SEP 25 2014

BC-23-14

Franklin County Planning Department
Franklin County, Ohio

ANNEXATION AN13-008
+ 14.7 Acres in Washington Township
Tim A. White





City of Columbus Legislation Report

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

File Number: 0928-2014

ORIGINAL

30-Day

File ID: 0928-2014

Type: Ordinance

Status: Second Reading

Version: 2

*Committee: Development Committee

File Name: Annexation Acceptance AN13-008: 14.7 Acres,
Washington Township, Tim A. White

File Created: 04/16/2014

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)

MILLS ABSENT

MAY 03 2014 Amended 6-0

MAY 05 2014 P 6-0

RECEIVED

SEP 25 2014

BC-23-14

Franklin County Planning Department
Franklin County, Ohio

Mayor's Action

Council Action

MAY 07 2014

MAY 05 2014

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title:

To accept the application (AN13-008) of Tim A. White for the annexation of certain territory and ~~right-of-way~~ containing 14.7 ± acres in Washington Township and to authorize the submission of a petition to the Board of Commissioners of Franklin County, Ohio, requesting a change in the boundary lines of Montgomery Township so as to make the boundary lines of this annexation identical with the corporate boundaries of the City of Columbus.

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 0928-2014 passed by The Council of The City of Columbus, Ohio 5/5, 2014, as shown by the records now on file in this office.

Sponsors:

Indexes:

Attachments: ORD0928-2014 AN13-008 Service Statement,
ORD0928-2014 AN13-008 Map (5700 5730
Hayden Run Rd)

Seal Andrea Blewins
City Clerk

Approval History

Version	Date	Approver	Action

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	04/28/2014	Read for the First Time				
1	Columbus City Council	05/05/2014					

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

AN13-008

BACKGROUND: This ordinance approves the acceptance of certain territory (AN12-008) by the City and authorizes its transfer from Washington Township to Montgomery Township per an annexation agreement between the City of Columbus and Washington Township. The Ohio Revised Code (ORC) stipulates that for an annexation to be effective, City acceptance must take place a minimum of 60 days (but not more than 180) from the receipt by the City Clerk of the approval notice from the county. Should City Council not take such action within this timeframe, the annexation will not take place. This petition was filed with Franklin County on January 28, 2014. Franklin County approved the annexation on February 11, 2014 and the City Clerk received notice on February 24, 2014. No service ordinance was required because this annexation was filed as a Type 1 application as defined by the Ohio Revised Code. Although not required, a service statement reflecting the City's ability to provide services for this site upon annexation is attached.

The use of a Type 1 annexation application is stipulated in the annexation agreement between the City and Washington Township. The annexation agreement also requires that territory annexed to the City of Columbus from Washington Township be transferred to Montgomery Township. Therefore, this ordinance authorizes the submission of a petition to the Board of County Commissioners of Franklin County, Ohio, requesting that the boundary lines of Montgomery County be changed to make them identical with the corporate limits of the City of Columbus for this annexation. The petition will be filed in accordance with Section 503.07 of the Ohio Revised Code. The subject site is also located within the City's Northwest Pay-As-We-Grow (PAWG) area and if developed will be subject to PWAG funding mechanisms applicable to the area including per-unit contributions, participation in a Community Development Authority and inclusion in a Tax Increment Financing district.

FISCAL IMPACT: Provision of municipal services does represent cost to the City; however, the annexation of land also has the potential to create revenue to the City.

Title

To accept the application (AN13-008) of Tim A. White for the annexation of certain territory ~~and right-of-way~~ containing 14.7 ± acres in Washington Township and to authorize the submission of a petition to the Board of Commissioners of Franklin County, Ohio, requesting a change in the boundary lines of Montgomery

Township so as to make the boundary lines of this annexation identical with the corporate boundaries of the City of Columbus.

Body

WHEREAS, a petition for the annexation of certain territory in Washington Township was filed on behalf of Timothy A. White on January 28, 2014; and

WHEREAS, while a service ordinance is not required for this type of annexation, the City did conduct a review of the proposed annexation to determine what services would be available to the site upon annexation, the results of which are reflected in the attached service statement; and

WHEREAS, the proposed annexation site is located within the City's Northwest Pay-As-We-Grow (PAWG) area and is subject to the provisions of this program; and

WHEREAS, the petition was considered and approved by the Franklin County Board of Commissioners at a hearing on February 11, 2014; and

WHEREAS, on February 24, 2014 the City Clerk received from Franklin County a certified copy of the resolution addressing the petition; and

WHEREAS, sixty days have now elapsed since receipt of the resolution in accordance with the provisions of the Ohio Revised Code; and

WHEREAS, it is in the best interest of the City of Columbus to accept the annexation of the territory addressed by the petition; and

WHEREAS, The annexation agreement between Washington Township and the City of Columbus requires the City to transfer territory annexed from Washington Township to the City of Columbus and to conform the boundaries of Montgomery Township to make them identical with the corporate limits of the City; now, therefore,

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

SECTION 1. That the annexation proposed by Timothy A. White in a petition filed with the Franklin County Board of Commissioners on January 28, 2014 and subsequently approved by the Board on February 11, 2014 is hereby accepted and said territory is hereby annexed to the city of Columbus. Said territory is described as follows:

Situated in the State of Ohio, County of Franklin, Township of Washington, located in Virginia Military Survey Number 3012, being all of that 9.992 acre tract conveyed to Tim A. White by deed of record in Instrument Number 200312080389502 and that 5.402 acre tract conveyed to Tim A. White by deed of record in Instrument Number 200409140214881 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

BEGINNING at the southwesterly corner of said 9.992 acre tract, a northwesterly corner of Right-of-Way Parcel 4-WD1 as conveyed to Franklin County Commissioners by deed of record in Instrument Number 200504250076428, being in the northerly right-of-way line of Hayden Run Road (width varies) and an

easterly line of that 357.520 acre tract conveyed to New York Central Lines, LLC by deed of record in Instrument Number 200212180325201;

thence Northwesterly, with the westerly line of said 9.992 acre tract, with the easterly line of said 357.520 acre tract, an approximate distance of 649 feet to a point at the northwesterly corner of said 9.992 acre tract, the southwesterly corner of that 23.716 acre tract conveyed to Tim A. White by deed of record in Official Record 13859B07 and being in the existing City of Columbus Corporation line as established by Ordinance Number 1533-02, of record in Instrument Number 200212260331528;

thence Northeasterly, with the northerly line of said 9.992 and 5.402 acre tracts and the City of Columbus Corporation line by Ordinance Number 1533-02, by deed of record in Instrument Number 200212260331528, an approximate distance of 1219 feet to a point at the northeasterly corner of said 5.402 acre tract;

thence Southerly, leaving said City of Columbus Corporation line as established by Ordinance Number 1533-02, of record in Instrument Number 200212260331528, with the easterly line of said 5.402 acre tract, an approximate distance of 603 feet to a point at the southeasterly corner of said 5.402 acre tract, the northeasterly corner of Right-of-Way Parcel 4-WD2 as conveyed to Franklin County Commissioners by deed of record in Instrument Number 200504250076428, being in the northerly right-of-way line of Hayden Run Road (width varies); thence Southwesterly, with the southerly line of said 9.992 and 5.402 acre tracts, with the said northerly right-of-way line of Hayden Run Road, an approximate distance of 918 feet to the POINT OF BEGINNING, and containing 14.7 acre of land, more or less.

SECTION 2. That the City Clerk is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof, the City Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the Board of Elections thereof and do such other things as may be required by law.

SECTION 3. That pursuant to the provisions of Section 503.07 of the Ohio Revised Code the Director of the Department of Development be and is hereby authorized and directed on behalf of the City of Columbus to present to the Board of Commissioners of Franklin County, Ohio, a petition requesting such changes in and extensions of the boundary lines of Montgomery Township as may be necessary so that said township may include therein that portion of Washington Township, which by the order of the Board of County Commissioners of Franklin County, Ohio, on February 11, 2014 was approved for annexation to the City of Columbus, so as to make the boundaries of Montgomery Township co-extensive with the corporate limits of the said City of Columbus in accordance with the maps attached to said petition.

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

SERVICE STATEMENT
AN12-008
14.7 ± acres in Washington Township
Timothy A. White

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 refuse collection service. 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.

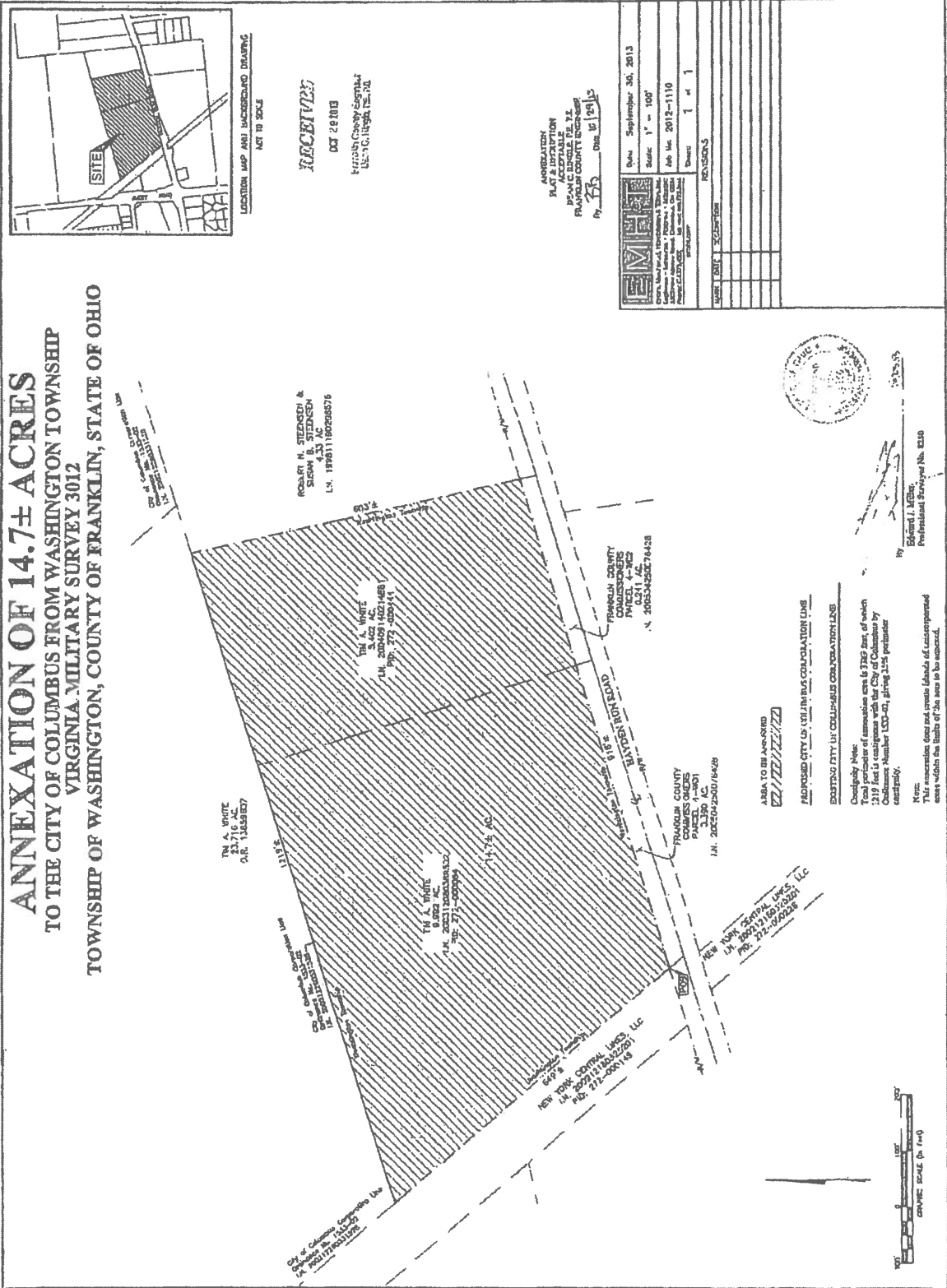
Water: This site will be served by the Division of Water. There currently is not a water main contiguous to the site to provide service and must be extended from the intersection of Wilcox Road and Riggins Road approximately 4200' away to the northeast.

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: Records indicate the properties proposed to be annexed are tributary to a sanitary sub-trunk sewer (manhole 19 CC15568) situated approximately 3,000 feet to the northeast (straight line measurement) on the west side of Wilcox Rd (North of Hayden Run Road). A mainline extension would be required to serve the property and would be engineered and constructed at the private property owner's expense. In addition, our records indicate a defined stream aligned within said properties. Our Stormwater Drainage Manual's Stream Corridor Protection Zone Policy applies.

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.

ANNEXATION OF 14.7± ACRES
TO THE CITY OF COLUMBUS FROM WASHINGTON TOWNSHIP
VIRGINIA MILITARY SURVEY 3012
TOWNSHIP OF WASHINGTON, COUNTY OF FRANKLIN, STATE OF OHIO





City of Columbus

Legislation Report

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

ORIGINAL

File Number: 0928-2014

30-Day

File ID: 0928-2014

Type: Ordinance

Status: First Reading

Version: 1

*Committee: Development Committee

File Name: Annexation Acceptance AN13-008: 14.7 Acres,
Washington Township, Tim A. White

File Created: 04/16/2014

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)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To accept the application (AN13-008) of Tim A. White for the annexation of certain territory and right-of-way containing 14.7 ± acres in Washington Township and to authorize the submission of a petition to the Board of Commissioners of Franklin County, Ohio, requesting a change in the boundary lines of Montgomery Township so as to make the boundary lines of this annexation identical with the corporate boundaries of the City of Columbus.

Sponsors:

Indexes:

Attachments: ORD0928-2014 AN13-008 Service Statement,
ORD0928-2014 AN13-008 Map (5700 5730
Hayden Run Rd)

Approval History

Version	Date	Approver	Action
1	04/16/2014	Steven Schoeny	Approved
1	04/17/2014	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

AN13-008

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Water: This site will be served by the Division of Water. There currently is not a water main contiguous to the site to provide service and must be extended from the intersection of Wilcox Road and Riggins Road approximately 4200' away to the northeast.

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