



Legislation Text

File #: 1062-2022, **Version:** 1

AN21-017

BACKGROUND:

This ordinance approves the acceptance of certain territory (AN21-017) by the city of Columbus and authorizes its transfer from Plain Township to Montgomery Township per an annexation agreement between the City and the Township. The Ohio Revised Code stipulates that to be effective, City acceptance must take place a minimum of 60 days from the receipt by the City Clerk of the approval notice from the county. If City Council does not accept the ordinance within 120 days of its first consideration, the annexation will be considered rejected. This petition was filed with Franklin County on December 29, 2021. Franklin County approved the annexation on January 18, 2022 and the City Clerk received notice on February 22, 2022. No service ordinance was required because this annexation was filed as a Type 1 application as defined by the ORC. 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 Plain Township. The annexation agreement also requires that territory annexed to the City of Columbus from Plain Township be transferred to Montgomery Township. 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 Township 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 Northeast Pay-As-We-Grow (PAWG) area and if developed will be subject to PAWG funding mechanisms applicable to the site.

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.

To accept the application (AN21-017) of Eugene and Myra Carty et al for the annexation of certain territory containing 4.8 acres in Plain Township.

WHEREAS, a petition for the annexation of certain territory in Plain Township was filed on behalf of Eugene and Myra Carty et al on December 29, 2021; and

WHEREAS, the petition was considered and approved by the Franklin County Board of Commissioners at a hearing on January 18, 2022; and

WHEREAS, on February 22, 2022, 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 Plain Township and the City of Columbus requires the City to transfer territory annexed from Plain 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 Eugene and Myra Carty et al in a petition filed with the Franklin County Board of Commissioners on December 29, 2021 and subsequently approved by the Board on January 18, 2022 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 Plain, being part of Section 15, Township 2, Range 16, United States Military Lands and containing 4.8+/- acres of land, more or less, said 4.8+/- acres being all of the remainder of that Original 3 acre tract of land as conveyed to Joshua P. Shremshock and Charmagne P. Shremshock of record in Instrument Number 201602030013391, being all of the remainder of that Original 2.00 acre tract of land conveyed to Eugene T. Carty and Myra L. Carty of record in Official Record 13138111, being part of that 0.134 acre tract of land described as Parcel 7WD and conveyed to the City of Columbus of record in Instrument Number 201304170063417 and being part of that 0.102 acre tract of land described as Parcel 6WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201205070063774, said 4.8+/- acres more particularly described as follows:

Beginning, at the current southeasterly corner of said Original 3 acre tract, being the southwesterly corner of a 0.031 acre tract of land conveyed to the City of Columbus, Ohio of record in Instrument Number 202003310044105, being at the northwesterly corner of a 0.211 acre tract of land described as Parcel 8- WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201206290093332, being the northeasterly corner of a 0.134 acre tract of land described as Parcel 7WD and conveyed to the City of Columbus, Ohio in Instrument Number 201304170063417, being in a westerly City of Columbus Corporation Line (Case No. 17-19, Ord. No. 2900-2019, I.N. 202001240011992) and being in the northerly right-of-way line of Warner Road (R/W-Varies);

Thence S 03° 26' 45" W, along the easterly line of said 0.134 acre tract, along the westerly line of said 0.211 acre tract and along the westerly line of said City of Columbus Corporation Line (17-19, Ord. No. 2900-2019, I.N. 202001240011992), 9.5 feet+/- to a point in a northerly line of a City of Columbus Corporation Line (Case No. 60-03, Ord. No. 0432-2004, I.N. 200407190166446);

Thence N 86° 24' 01" W, across said 0.134 acre tract, across said 0.102 acre tract and along the northerly line of said City of Columbus Corporation Line (Case No. 60-03, Ord. No. 0432-2004, I.N. 200407190166446), 346.4 feet+/- to an angle point in the westerly line of said 0.102 acre tract, to the easterly line of a 0.219 acre tract of land described as Parcel 5WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201203210038383 and being in the easterly line of a City of Columbus Corporation Line (Case No. 04-09, Ord. No. 0838-2009, I.N. 201001270010220);

Thence N 03° 35' 26" E, along the westerly line of said 0.102 acre tract and said Original 2.00 acre tract, along the easterly line of said 0.219 acre tract and an Original 3.106 acre tract conveyed to George and Leanna Hartig of record in Instrument Number 201010270143320 and along the City of Columbus Corporation Line (Case No. 04-09, Ord. No. 0838-2009, I.N. 201001270010220), 560.2 feet+/- to the northwesterly corner of said Original 2.00 acre tract and the northeasterly corner of said Original 3.106 acre tract, being in the southerly line of the "Village at Albany Crossing Section 1, Part 1" of record in Condominium Plat Book 106, Page 61 and being in the southerly line of a City of Columbus Corporation Line (Case No. 47-01, Ord. No. 0062-02, I.N. 200205220127027);

Thence along the common lines of said Original 2.00 acre tract, Original 3 acre tract and said "Village of Albany Crossing Section 1, Part 1" and along said City of Columbus Corporation Line (Case No. 47-01, Ord. No. 0062-02, I.N. 200205220127027), the following three (3) courses;

S 86° 26' 38" E, 141.3 feet+/- to an angle point;

N 03° 01' 54" E, 79.4 feet+/- to an angle point;

S 86° 35' 11" E, 204.3 feet+/- to the northeasterly corner of said Original 3 acre tract and the northwesterly corner of said 8.239 acre tract and being in the westerly line of the City of Columbus Corporation Line (17-19, Ord. No. 2900-2019, I.N. 202001240011992);

Thence S 03° 26' 45" W, along the easterly line of said Original 3 acre tract and said 0.134 acre tract, along the westerly line of said 8.239 acre tract and said 0.211 acre tract and along said City of Columbus Corporation Line (17-19, Ord. No. 2900-2019, I.N. 202001240011992), 631.0 feet+/- to the True Point of Beginning. Containing 4.8+/- acres.

The above description was prepared by Advanced Civil Design Inc. on September 13, 2021 and is based on existing Franklin County Auditor records and Franklin County Recorder's records.

The total length of the annexation perimeter is 1,972± feet, of which 1,972± feet are contiguous with existing City of Columbus

Corporation lines, being 100±% contiguous.

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 Plain Township, which by the order of the Board of County Commissioners of Franklin County, Ohio, on January 18, 2022 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.