

**MODIFICATION OF
ANNEXATION AGREEMENT**

This Modification of Annexation Agreement is made and entered into on _____ by and between the City of Columbus (“Columbus” or “City”), duly authorized by Ordinance No. _____ passed _____, and Perry Township, Franklin, County, Ohio, (“Perry” or “Township” and collectively “the Parties”) duly authorized by Resolution _____ passed _____, and pursuant to the provisions of Ohio Revised Code Sections 709.192 and 709.38.

WHEREAS, the Parties entered into an Annexation Agreement on August 19, 2020 for the purpose of providing clarity regarding future growth areas for both Parties by identifying Perry territory eligible for centralized water and sewer service and resolving issues caused by overlapping parcels that lie within both Perry and Columbus; and

WHEREAS, the Annexation Agreement resolves overlapping parcels through a combination of detachment and boundary conformance and designates certain parcels as eligible for detachment in accordance with the terms of the Annexation Agreement should the owner of such parcel elect to detach; and

WHEREAS, it is necessary to enter into this Modification of Annexation Agreement to include an additional parcel as eligible for detachment; and

WHEREAS, the additional parcel is directly adjacent to a parcel designated by the Agreement as eligible to detach and has no direct road frontage, and the adjacent parcels are currently under common ownership; and

WHEREAS, this Modification of Annexation Agreement will prevent a situation in which one parcel is eligible to detach while an adjacent landlocked parcel is not; and

WHEREAS, it is further necessary to modify Exhibit A of the Annexation Agreement to correctly identify 2845 Snouffer (610-249599) and 2855 Snouffer (610-251315) as exclusively within Columbus and not within Perry Township.

NOW, THEREFORE, in consideration of the mutual promises contained herein, Columbus and Perry agree as follows:

1. Section 1, Designation of Territories, subsection 1, is hereby deleted and replaced with the following:

This agreement shall cover and be applicable to all territory in Franklin County which is located within the Township, including all Township areas located within the City, and including the following properties within the City of Columbus, but not in Perry: parcel 590-129676-00 known as the Baddour-Columbus property, parcels 610-260572, 610-260573, 260-260574 collectively known as the Hadden property; four individual parcels 610-2722014, 610-2722015, 610-2722016, 610-2722017, addressed as 1520-1544

Newcomer Road, and 590-184730, addressed as 3720 W. Henderson Road. The territories included in this agreement are depicted on Attachment A, Perry Township Map.

2. Section 4, Overlap Parcels Detachment and Conform, subsection 4 is hereby deleted and replaced with the following:

NON-PERRY PROPERTIES: The parcels designated as Detachment Option on Attachment A that are not overlap parcels are subject to the time limits for those parcels designated as General Detach on Attachment B. Notwithstanding the forgoing time limitation for detachment set forth above, the Township, in its sole and absolute discretion, may extend the time limit for filing a detachment petition an additional 12 months after the one year limit described above, provided however that such extension shall not apply to parcel 590-184730, addressed as 3720 W. Henderson Road, which shall remain subject to the time limits for those parcels designated as General Detach on Attachment B. In the event the Township exercises this additional 12 months extension, it shall provide written notice to Columbus. These properties are also not subject to conformance as described above. Lastly, notwithstanding anything contained herein, detachment of the Hadden Property will be dependent on the availability of water and/or sewer service, and Columbus agrees to work cooperatively to modify its contract with Del-Co and/or Delaware County to allow water and/or sewer service for these parcels once detached. These properties are: parcels 610-260572, 610-260573, 260-260574 collectively known as the Hadden property; and four individual parcels 610-2722014, 610-2722015, 610-2722016, 610-2722017, addressed as 1520-1544 Newcomer Road.

3. Attachment A is hereby deleted and replaced with Revised Attachment A Perry Township Map, attached hereto.
4. All terms and conditions of the Annexation Agreement executed on August 19, 2020 are incorporated herein and shall remain in full force and effect, except as expressly amended herein.

[SIGNATURE PAGE FOLLOWS]

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

THE CITY OF COLUMBUS

By: _____
Director of Public Utilities

PERRY TOWNSHIP

By: _____
Trustee

By: _____
Trustee

By: _____
Trustee

APPROVED AS TO FORM:

City Attorney
City of Columbus