



Legislation Details (With Text)

File #: 1674-2023 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/30/2023 **In control:** Economic Development Committee

On agenda: 6/26/2023 **Final action:** 6/28/2023

Title: To accept the application (AN23-002) of the Wayne Post Trust for the annexation of certain territory containing 4.64± acres in Blendon Township.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1674-2023 AN23-002 Briefing Sheet, 2. 1674-2023 AN23-002 Legal, 3. 1674-2023 AN23-002 Plat, 4. 1674-2023 AN23-002 Service Statement

Date	Ver.	Action By	Action	Result
6/28/2023	1	CITY CLERK	Attest	
6/27/2023	1	MAYOR	Signed	
6/26/2023	1	COUNCIL PRESIDENT	Signed	
6/26/2023	1	Columbus City Council	Approved	Pass
6/12/2023	1	Columbus City Council	Read for the First Time	

BACKGROUND: This ordinance approves the acceptance of certain territory (AN23-002) by the city of Columbus and authorizes its transfer from Blendon 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 March 22, 2023. Franklin County approved the annexation on April 4, 2023 and the City Clerk received notice on April 17, 2023. 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 Blendon Township. The annexation agreement also requires that territory annexed to the City of Columbus from Blendon 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.

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 (AN23-002) of the Wayne Post Trust for the annexation of certain territory containing 4.64±

acres in Blendon Township.

WHEREAS, a petition for the annexation of certain territory in Blendon Township was filed on behalf of Wayne Post Trust on March 22, 2023; and

WHEREAS, the petition was considered and approved by the Franklin County Board of Commissioners at a hearing on April 4, 2023; and

WHEREAS, on April 17, 2023, 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; now, therefore,

WHEREAS, the annexation agreement between Blendon Township and the City of Columbus requires the City to transfer territory annexed from Blendon 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 Wayne Post Trust in a petition filed with the Franklin County Board of Commissioners on March 22, 2023, and subsequently approved by the Board on April 4, 2023, 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 Blendon, being in Quarter Township 3, Township 2 North, Range 17 West, United States Military Lands, and being parts of Lots 3 & 4 of the Partition and Subdivision of Cyrus P. Denune's Estate as recorded in Plat Book Volume 10, page 309, (all records herein referenced are to the records of Franklin County, Ohio Recorder's office unless otherwise stated) and being all of that Parcel 5 as conveyed to Wayne M. Post, Trustee under the Wayne M. Post Trust Agreement dated the 13th day of September, 2013, his successors and assigns, by the instrument filed as Instrument Number 201310310183529 and being known as Franklin County Auditor's Parcel number 110-000545, and being more particularly described as follows:

BEGINNING for reference at the southwest corner of the said Parcel 5, the northwest corner of that 4.911 acre tract as conveyed to Pingree 2000 Real Estate Holdings, LLC by the instrument filed as Instrument Number 201209070132843 and being known as Franklin County Auditor's Parcel number 010-158422, being the northeast corner of a 0.113 acre right-of-way parcel know as 92-WD as conveyed to State of Ohio by the instrument filed in Deed Book volume 3248, page 132, at the southeast corner of a 0.94 acre right-of-way parcel known as 93-WD as conveyed to State of Ohio by the instrument filed as Deed Book volume 3349, page 168, being on the easterly right-of-way line of Westerville Road (R/W varies - Public), being on the southerly line of the said Lot 3, on the northerly line of Lot 2 of the said Partition and Subdivision of Cyrus P. Denune's Estate, and being at an angle point in the existing corporation line separating Blendon Township to the north and west and City of Columbus to the south and east as shown in Annexation Case

65-96 and City of Columbus Ordinance No. 957-97, and being the TRUE POINT OF BEGINNING of the parcel herein described:

Thence along the said easterly right-of-way line of Westerville Road, the easterly line of the said 93-WD parcel, crossing through the said Lot 3, and along the westerly line of the said Parcel 5, North 28 degrees 15 minutes 54 seconds East for a distance of 59.29 feet to an angle point;

Thence continuing along the last said line, North 59 degrees 59 minutes 33 seconds East for a distance of 124.37 feet to a point on the existing corporation line separating Blendon Township to the south and City of Columbus to the north as

shown in Annexation Case No. 244 and City of Columbus Ordinance No. 1054-67, on the northerly line of the said Lot 3 at an angle point in the said easterly right-of-way line of Westerville Road, at the northeast corner of the said 93-WD parcel, the northwest corner of the said Parcel 5, at the southeast corner of a 1.043 acre right-of-way parcel known as 94-WD as conveyed to State of Ohio by the instrument filed as Deed Book volume 3339, page 696, and at the southwest corner of that 2.0 acre tract as conveyed to David M. Pastorek by the instrument filed as Instrument Number 201509160130070 and being known as Franklin County Auditor's Parcel number 600-187655;

Thence along the existing corporation line, the northerly line of the said Parcel 5, the northerly line of the said Lot 3, and the southerly line of the said 2.0 acre tract, South 86 degrees 06 minutes 37 seconds East for a distance of 85.10 feet to an angle point in the existing corporation boundary where Annexation Case No. 244 meets Annexation Case No. 65-96, at the northeast corner of the said Parcel 5, the northeast corner of the said Lot 3, the northwest corner of the said Lot 4, and a northwest corner of the said 4.911 acre tract;

Thence along the existing corporation line as depicted in Annexation Case No. 65-96, the easterly line of the said Parcel 5, through the said Lot 4, a westerly line of the said 4.911 acre tract, South 04 degrees 07 minutes 07 seconds West for a distance of 122.54 feet to an angle point in the existing corporation line, the southeast corner of the said Parcel 5, and a northwest corner of the said 4.911 acre tract;

Thence continuing along the existing corporation line, along the southerly line of the said Parcel 5, along the southerly line of the said Lot 3, and along a northerly line of the said 4.911 acre tract, North 86 degrees 19 minutes 54 seconds West for a distance of 212.31 feet to the TRUE POINT OF BEGINNING for this description

The above description contains a total area of 0.464 acres (0.000 acres of which are within the present road occupied), being all of Franklin County Auditor's Parcel number 110-000545.

Bearings described herein are based North 28 degrees 15 minutes 54 seconds East for the centerline of right-of-way of Westerville Road as extracted from Franklin County Auditor's GIS data.

This description and exhibit were prepared by Andrew T. Jordan, Registered Professional Surveyor Number 8759, and is based on Franklin County Auditor GIS data and is not to be utilized for the transfer of real property.

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 Blendon Township, which by the order of the Board of County Commissioners of Franklin County, Ohio, on April 4, 2023 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.